

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2008

PETER PARDON,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D08-1872

[December 24, 2008]

PER CURIAM.

We affirm the order denying appellant's motion for postconviction relief on all issues except his claim that his counsel was ineffective in failing to inform him of the possibility of a life sentence when deciding whether to accept a twenty-year plea offer. On that issue, we reverse and remand for an evidentiary hearing, as the attachments and arguments made by the state do not conclusively show that counsel told appellant that he was subject to a life sentence or that appellant otherwise knew of the maximum sentence at the time the plea was offered. *See Morgan v. State*, 991 So. 2d 835 (Fla. 2008). As to the matters on which we affirm, we conclude that they do not constitute ineffective assistance, they should have been raised on direct appeal, and *Strickland*¹ prejudice has not been shown.

Affirmed in part, reversed in part, and remanded for an evidentiary hearing consistent with this opinion.

WARNER, FARMER and DAMOORGIAN, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Paul L. Backman, Judge; L.T. Case No. 03-15843 CF10A.

¹ *Strickland v. Washington*, 466 U.S. 668 (1984).

John H. Lipinski, Pembroke Pines, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Mitchell A. Egber,
Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.