

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2011

DARRIS KITT,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D09-5202

[March 30, 2011]

PER CURIAM.

We reverse the trial court's order denying postconviction relief as to ground one of appellant's motion, in that in its trial response the state conceded a need for an evidentiary hearing for the proper resolution of appellant's claim that his attorney never advised him of a plea offer. As to the remaining grounds, we affirm.

Reversed and remanded for an evidentiary hearing.

GROSS, C.J., WARNER and DAMOORGIAN, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Stephen A. Rapp, Judge; L.T. Case No. 2007CF001929AXX.

Darris Kitt, South Bay, pro se.

Pamela Jo Bondi, Attorney General, Tallahassee, and James J. Carney, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.