

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

ROGER C. AYERS,)	
)	
Appellant,)	
)	
v.)	Case No. 2D01-2563
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed December 18, 2002.

Appeal from the Circuit Court for Hardee
County; Susan W. Roberts, Judge.

James Marion Moorman, Public
Defender, and Howardene Garrett,
Assistant Public Defender, Bartow, for
Appellant.

Richard E. Doran, Attorney General,
Tallahassee, and Dale E. Tarpley,
Assistant Attorney General, Tampa, for
Appellee.

PER CURIAM.

Roger C. Ayers appeals judgments entered after the trial court denied his
presentence motion to withdraw his pleas of no contest pursuant to Florida Rule of

Criminal Procedure 3.170(f). The State has conceded that it was error under the circumstances of this case for the trial court to deny the motion without appointing conflict-free counsel. See Hope v. State, 682 So. 2d 1173, 1174 (Fla. 4th DCA 1996).

Accordingly, we reverse Mr. Ayers' judgments and sentences and remand with instructions to the trial court to appoint conflict-free counsel for the purpose of an evidentiary hearing on Mr. Ayers' motion to withdraw his plea.

Reversed and remanded.

ALTENBERND, NORTHCUTT, and CASANUEVA, JJ., Concur.