

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

ROBIN BUTLER, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 STATE OF FLORIDA, )  
 )  
 Appellee. )  
 \_\_\_\_\_ )

CASE NO. 2D01-4003

Opinion filed June 19, 2002.

Appeal pursuant to Fla. R. App. P.  
9.141(b)(2) from the Circuit Court  
for Polk County;  
Charles Lee Brown, Judge.

BLUE, Chief Judge.

Robin Butler appeals the summary denial of his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. Butler raised four issues in his motion. We affirm the trial court's denial of all of these issues; however, we disagree with the trial court's analysis of the following issue: Butler alleged that his trial counsel discussed a plea offer with him and gave him affirmative misadvice regarding the consequences of entering the plea. This was not advice that caused him

to reject the plea. Butler chose to go to trial and was convicted by a jury. Since he did not rely on trial counsel's erroneous advice, he has failed to show prejudice. We therefore affirm the trial court's denial of this claim.

Affirmed.

NORTHCUTT and CASANUEVA, JJ., Concur.