

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

PATRICK BOUVIER SCAIFE,	)	
	)	
Appellant,	)	
	)	
v.	)	Case No. 2D01-4817
	)	
STATE OF FLORIDA,	)	
	)	
Appellee.	)	
_____	)	

Opinion filed December 27, 2002.

Appeal from the Circuit Court for Polk  
County; Judith J. Flanders, Judge.

James Marion Moorman, Public  
Defender, and Eric J. Gottlieb, Special  
Assistant Public Defender, Bartow, for  
Appellant.

Richard E. Doran, Attorney General,  
Tallahassee, and Patricia A. McCarthy,  
Assistant Attorney General, Tampa,  
for Appellee.

COVINGTON, Judge.

On this direct appeal, Scaife challenges his judgments and sentences for attempted second-degree murder and battery. Scaife contends that his trial attorney was ineffective and that such ineffectiveness is apparent from the face of the record.

We conclude that the viability of Scaife's ineffective assistance claim is not apparent from the face of the record. We therefore affirm Scaife's judgments and sentences without prejudice to his right to again raise the issue in a properly filed postconviction motion, if appropriate.

Affirmed.

BLUE, C.J., and DAVIS, J., Concur.