

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

ANTHONY KING,)
)
Appellant,)
)
v.)
)
STATE OF FLORIDA,)
)
Appellee.)
)
_____)

Case Nos. 2D05-3636
2D05-3639

CONSOLIDATED

Opinion filed October 25, 2006.

Appeal from the Circuit Court for
Hillsborough County; Denise Pomponio,
Judge.

James Marion Moorman, Public Defender,
and John C. Fisher, Assistant Public
Defender, Bartow, for Appellant.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Susan M. Shanahan, Assistant
Attorney General, Tampa, for Appellee.

SILBERMAN, Judge.

Anthony King challenges the denial of his motions to withdraw plea after sentencing for petit theft (case number 04-CF-22722) and driving while license revoked (habitual offender) (case number 04-CF-22907). Pursuant to Florida Rule of Criminal Procedure 3.170(*l*), King filed a pro se motion to withdraw his plea in each case. A rule

3.170(l) motion to withdraw plea filed by a criminal defendant who is represented by counsel is a nullity, unless the defendant makes an unequivocal request to discharge counsel. Johnson v. State, 932 So. 2d 1169, 1170 (Fla. 2d DCA 2006); Grainger v. State, 906 So. 2d 380, 382 (Fla. 2d DCA 2005); Mourra v. State, 884 So. 2d 316, 321 (Fla. 2d DCA 2004). King made no request to discharge his counsel, and nothing in the record reflects that counsel had been discharged. Thus, the trial court should have treated each motion as a nullity and stricken the motions. Therefore, we reverse the denial of the motions to withdraw plea and remand for the trial court to strike the pro se motions. See Johnson, 932 So. 2d at 1170; Grainger, 906 So. 2d at 383.

Reversed and remanded with directions.

KELLY and WALLACE, JJ., Concur.