

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

CHARLES W. MULLINS,

Appellant,

v.

CASE NO. 1D07-2412

STATE OF FLORIDA,

Appellee.

---

Opinion filed May 27, 2008.

An appeal from the Circuit Court for Bay County.  
Don T. Sirmons, Judge.

Nancy A. Daniels, Public Defender, and M.J. Lord, Assistant Public Defender, for  
Appellant.

Bill McCollum, Attorney General, and Jennifer J. Moore, Assistant Attorney General,  
Tallahassee, for Appellee.

PER CURIAM.

Charles Mullins appeals the denial of his motion to withdraw his plea and motion for trial. Mullins argues the trial court reversibly erred by failing to appoint conflict-free counsel upon Mullins' timely representation that he was misinformed as to his sentence exposure. We reverse.

“This Court has consistently held that, ‘once a defendant indicates his desire to avail himself of the [Florida Rule of Criminal Procedure] 3.170(I) procedure, the trial court must appoint conflict-free counsel to advise and assist the defendant in this regard.’” *Mosley v. State*, 932 So. 2d 1239 (Fla. 1<sup>st</sup> DCA 2006) (citing *Norman v. State*, 897 So. 2d 553, 553 (Fla. 1<sup>st</sup> DCA 2005) (quoting *Lester v. State*, 820 So. 2d 1078, 1078 (Fla. 1<sup>st</sup> DCA 2002)). Because the trial court failed to do so here, its denials of Appellant’s motions are reversed and remanded. Upon remand, conflict-free counsel shall be appointed to assist Appellant in this cause.

REVERSED and REMANDED for proceedings consistent with this opinion.

ALLEN, DAVIS, and HAWKES, JJ., concur.

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