

**SIXTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA**

Case No. 6D2024-2818
Lower Tribunal No. 2019-CF-006071

RYAN EUGENE SEVERE,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

Appeal pursuant to Fla. R. App. P. 9.141(b)(2) from the Circuit Court for Polk County.
Catherine L. Combee, Judge.

April 10, 2026

PER CURIAM.

Ryan Eugene Severe appeals the summary denial of his nine-ground motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. Our review is de novo, and we must accept Severe's factual allegations as true to the extent the record does not refute them. *See Occhicone v. State*, 768 So. 2d 1037, 1041 (Fla. 2000); *Chambers v. State*, 363 So. 3d 1214, 1215 (Fla. 6th DCA 2023). Here, Severe swore his trial counsel acted ineffectively when he counseled Severe not to accept the State of Florida's renewed plea offer after his first trial ended in a

mistrial. Severe contends his trial counsel failed to explain his entrapment defense had no likelihood of success on retrial, and if he had, Severe would have accepted the State's offer. Because the record does not refute this sworn contention, we remand for an evidentiary hearing on the portion of ground one relating to his second trial. *See Fla. R. App. P. 9.141(b)(2)(D)*. We affirm in all other respects.

AFFIRMED in part; REVERSED in part; and REMANDED.

TRAVER, C.J., and KAMOUTSAS and PRATT, JJ., concur.

Ryan Eugene Severe, Milton, pro se.

James Uthmeier, Attorney General, Tallahassee, and Marilyn Frances Muir, Chief Assistant Attorney General, Tampa, for Appellee.

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