

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

ROBERT KEY,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D2024-2536

[November 12, 2025]

Appeal of order denying rule 3.850 motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Judge Caroline C. Shepherd, Judge; L.T. Case No. 502015CF006454.

Hani Demetrious of The Law Office of Robert David Malove, P.A., Fort Lauderdale, for appellant.

James Uthmeier, Attorney General, Tallahassee, and Paul Patti, III, Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

Robert Key appeals from the trial court's order reimposing his 30-year sentence for aggravated battery following this Court's remand in *Key v. State*, 357 So. 3d 1227 (Fla. 4th DCA 2023). In the prior appeal, we determined that Key received ineffective assistance of counsel based on defense counsel's failure to advise Key that he qualified for habitual offender sentencing, resulting in Key rejecting a favorable plea offer. We remanded for the trial court to "determine an appropriate remedy" pursuant to *Lafler v. Cooper*, 566 U.S. 156 (2012). *Key*, 357 So. 3d at 1229.

We find no error in the trial court's decision to reimpose Key's original 30-year sentence instead of accepting the State's reoffer of 15 years. In "lost plea" situations like this, *Lafler* affords a trial court the discretion to accept the offer or leave the original sentence undisturbed. *Lafler*, 566 U.S. at 174; see also *Alexander v. State*, 361 So. 3d 942, 943 (Fla. 5th DCA 2023) (explaining that in "lost plea" cases, the proper remedy is for the State to reoffer the rejected plea, and "the trial court would then be

required to exercise its discretion” to accept the plea or leave the original sentence undisturbed).

We reject Key’s contention that the remedy described in *Lester v. State*, 15 So. 3d 728 (Fla. 4th DCA 2009), applies here, as *Lester* has been superseded by *Lafler*.

Affirmed.

CIKLIN, GERBER and LEVINE, JJ., concur.

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Not final until disposition of timely-filed motion for rehearing.