

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

ALFREDO C. CANSECO,

Appellant,

v.

CASE NO. 1D09-0263

STATE OF FLORIDA,

Appellee.

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Opinion filed July 17, 2009.

An appeal from the Circuit Court for Gadsden County.

Thomas H. Bateman, I I I, Judge.

Michael Ufferman of Michael Ufferman Law Firm, P.A., Tallahassee, for
Appellant.

Bill McCollum, Attorney General, and Giselle Denise Lyles, Assistant Attorney
General, for Appellee.

PER CURIAM.

We affirm but certify the same issue as certified in State v. Freijo, 987 So.
2d 190 (Fla. 3d DCA 2008), as being one of great public importance.

WHETHER A DEFENDANT MAY OBTAIN THE BENEFIT OF A
NEW TWO-YEAR WINDOW PERIOD UNDER STATE V.
GREEN, 944 So. 2d 208 (Fla. 2006), IF THE CLAIMANT
RECEIVED ACTUAL NOTICE OF A DEPORTATION
PROCEEDING MORE THAN TWO YEARS BEFORE THE
MOTION TO WITHDRAW PLEA?

WOLF, WEBSTER, and CLARK, JJ., CONCUR.