

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2014*

**JOSE MARTINEZ FLORES,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D08-3866

[July 16, 2014]

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Andrew L. Siegel, Judge; L.T. Case No. 98-22000 CF10A.

Thomas A. Kennedy of Thomas A. Kennedy, P.A., Vero Beach, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Mitchell A. Egber, Assistant Attorney General, West Palm Beach, for appellee.

Sonya Rudenstine, Gainesville, and Michael Ufferman, Tallahassee, for Amicus Curiae Florida Association of Criminal Defense Lawyers.

Rebecca Sharpless, Coral Gables, Tania Galloni, Miami, and Michael Vastine, Miami Gardens, for Amicus Curiae American Immigration Lawyers Association South Florida Chapter.

**On Remand**

PER CURIAM.

Pursuant to *Flores v. State*, 134 So. 3d 447 (Fla. 2014), this case is remanded to the trial court for further proceedings consistent with the Florida Supreme Court's decisions in *Hernandez v. State*, 124 So. 3d 757 (Fla. 2012) and *Castano v. State*, 119 So. 3d 1208 (Fla. 2012). The trial court shall determine whether appellant has established a legally sufficient basis to withdraw his plea under the circumstances of this case. *See Cano v. State*, 112 So. 3d 646, 647-48 (Fla. 4th DCA 2013).

*Reversed and Remanded.*

DAMOORGIAN, C.J., CIKLIN and TAYLOR, JJ., concur.

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