

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

YUNIOR LEDEA GONZALEZ,)

Appellant,)

v.)

STATE OF FLORIDA,)

Appellee.)
_____)

Case No. 2D11-1824

Opinion filed December 21, 2011.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for Lee
County; Edward J. Volz, Jr., Judge.

LaROSE, Judge.

Yunior Ledea Gonzalez appeals the summary denial of his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850, which the postconviction court dismissed as untimely. We affirm. See Barrios-Cruz v. State, 63 So. 3d 868 (Fla. 2d DCA 2011). As in Barrios-Cruz, 63 So. 3d at 870, we hold that Padilla v. Kentucky, 130 S. Ct. 1473 (2010), does not apply retroactively in postconviction proceedings, and we certify to the Florida Supreme Court the following

question of great public importance pursuant to Florida Rule of Appellate Procedure

9.030(a)(2)(A)(v):

SHOULD THE RULING IN *PADILLA V. KENTUCKY*, 130
S.CT. 1473 (2010), BE APPLIED RETROACTIVELY IN
POSTCONVICTION PROCEEDINGS?

Affirmed.

VILLANTI and MORRIS, JJ. Concur.