

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

PEDRO BORREGO, JR., )

Appellant, )

v. )

STATE OF FLORIDA, )

Appellee. )

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Case No. 2D11-2245

Opinion filed February 10, 2012.

Appeal pursuant to Fla. R. App. P.  
9.141(b)(2) from the Circuit Court for  
Hillsborough County; Susan Sexton, Judge.

Carl J. DiCampli of Lorenzo & Lorenzo,  
P.A., Tampa, for Appellant.

No appearance for Appellee.

PER CURIAM.

Pedro Borrego, Jr., appeals the summary denial of his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. Because the postconviction court correctly determined that his motion was untimely, we affirm. See Barrios-Cruz v. State, 63 So. 3d 868, 873 (Fla. 2d DCA 2011). As in Barrios-Cruz, 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; question certified.

CASANUEVA, LaROSE, and MORRIS, JJ., Concur.