

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

LEANDRO PEREZ,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

Case No. 2D11-2461

Opinion filed January 27, 2012.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for Polk
County; Ernest McClain Jones, Jr., Judge.

Carl J. Dicampoli of Lorenzo and Lorenzo,
P.A., Tampa, for Appellant.

PER CURIAM.

Leandro Perez appeals the summary denial of his motion for
postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850, which
the postconviction court denied. 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, ___ U.S. ___, 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, _____
U.S._____, 130 S. CT. 1473 (2010), BE APPLIED
RETROACTIVELY IN POSTCONVICTION
PROCEEDINGS?

Affirmed.

WALLACE, KHOUZAM, and MORRIS, JJ., Concur.