

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

ANTONIO TORRES,)	
)	
Appellant,)	
)	
v.)	Case No. 2D11-4377
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed May 11, 2012.

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

Frances Martinez of Escobar &
Associates, Tampa, for Appellant.

NORTHCUTT, Judge.

Antonio Torres appeals the summary dismissal of his motion for postconviction relief filed under Florida Rule of Criminal Procedure 3.850. The postconviction court ruled that the motion was untimely, and we agree. See Barrios-Cruz v. State, 63 So. 3d 868 (Fla. 2d DCA 2011). As we did in Barrios-Cruz, we hold that Padilla v. Kentucky, 130 S. Ct. 1473 (2010), does not apply retroactively in

postconviction proceedings, and we certify the following question of great public importance:

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

Affirmed.

SILBERMAN, C.J., and CRENSHAW, J., Concur.