

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JONATHAN HIRDHANI,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

Case No. 2D12-1023

Opinion filed September 5, 2012.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Pinellas County; R. Timothy Peters,
Judge.

Arturo R. Rios of Law Office of Arturo
R. Rios, P.A., St. Petersburg, for
Appellant.

CASANUEVA, Judge.

Jonathan Hirdhani appeals the summary denial of his motion for
postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. Mr.
Hirdhani raised two grounds in his motion, but the postconviction court correctly denied
the motion as untimely.

As we did in Barrios-Cruz v. State, 63 So. 3d 868 (Fla. 2d DCA 2011), we
hold that Padilla v. Kentucky, --- U.S. ---, 130 S. Ct. 1473, 176 L. Ed. 2d 284 (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, --- U.S. ---, 130 S. CT. 1473, 176 L. ED. 2D 284 (2010), BE APPLIED RETROACTIVELY IN POSTCONVICTION PROCEEDINGS?

Affirmed.

ALTENBERND and CRENSHAW, JJ., Concur.