

# Third District Court of Appeal

State of Florida, January Term, A.D., 2011

Opinion filed April 27, 2011.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D08-1922  
Lower Tribunal No. 96-8955

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**Roberto Perez,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An appeal from the Circuit Court for Miami-Dade County, Dava J. Tunis, Judge.

Eduardo Soto and Javier Morales, for appellant.

Pamela Jo Bondi, Attorney General, and Timothy R.M. Thomas, Assistant Attorney General, for appellee.

Before RAMIREZ, C.J., and LAGOA and SALTER, JJ.

PER CURIAM.

Affirmed. See State v. Sinclair, 995 So. 2d 621, 623 (Fla. 3d DCA 2008)

(“In order to establish prejudice as a result of the failure to advise a defendant of

the deportation consequences of a plea, “[t]he burden is on the movant to establish that the plea in the case under attack is the *only* basis for deportation. Only then can the movant show prejudice resulting from the failure to advise of deportation consequences in the case under attack.” (quoting Forrest v. State, 988 So. 2d 38, 40 (Fla. 4th DCA 2008) (emphasis added in original)).