

# Third District Court of Appeal

State of Florida, July Term, A.D. 2008

Opinion filed December 31, 2008.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D08-2757  
Lower Tribunal No. 93-6132

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**Gustavo Venta,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Orlando A. Prescott, Judge.

Gustavo Venta, in proper person.

Bill McCollum, Attorney General, for appellee.

Before GERSTEN, C.J., SHEPHERD, J., and SCHWARTZ, Senior Judge.

PER CURIAM.

Gustavo Venta (“defendant”) appeals from the denial of his motion for postconviction relief under Florida Rule of Criminal Procedure 3.850. We affirm.

Defendant's motion raises several grounds for relief. We agree with the trial court that only one ground was timely raised—that defendant's plea was involuntary because the trial court failed to advise him of the deportation consequences of the plea. Defendant's motion fails to allege that the conviction in this case is the sole basis for his deportation as required under State v. Green, 944 So. 2d 208 (Fla. 2006). See, e.g., Dumenigo v. State, 988 So. 2d 1201 (Fla. 3d DCA 2008); Rodrigues v. State, 980 So. 2d 1203 (Fla. 4th DCA 2008).

Accordingly, we affirm the order under review, but remand for the trial court to give defendant an opportunity to file an amended motion correcting the deficiency, if possible. Spera v. State, 971 So. 2d 754 (Fla. 2007).

Affirmed, and remanded with instructions.