

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

CLAUDIA VERGARA-CASTANO,

Appellant,

v.

Case No. 5D15-691

STATE OF FLORIDA,

Appellee.

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Opinion filed April 1, 2016

3.850 Appeal from the  
Circuit Court for Orange  
County,  
Timothy R. Shea, Judge.

H. Manuel Hernandez, of H. Manuel  
Hernandez, P.A., Longwood, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Kristen L. Davenport,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

Claudia Vergara-Castano is before this court again appealing the lower court's denial of her motion to withdraw her plea. For the reasons stated in *Castano v. State*, 106 So. 3d 28, 29 (Fla. 5th DCA 2013), we reverse and remand with instructions for the lower court to grant Appellant's motion to withdraw her plea and set aside the judgment

and sentence originally entered. On remand, Appellant may either proceed to trial or enter a plea. Appellant and her counsel are reminded that this court previously determined that a conviction of or plea to the offense charged clearly subjects Appellant to the risk of mandatory deportation. 106 So. 3d at 29.

REVERSED AND REMANDED WITH INSTRUCTIONS.

ORFINGER, TORPY and EDWARDS, JJ., concur.