

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

WILFREDO DARIA,

Appellant,

v.

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

CASE NO. 1D12-1142

STATE OF FLORIDA,

Appellee.

Opinion filed July 3, 2012.

An appeal from the Circuit Court for Duval County.
Tyrie W. Boyer, Judge.

Victoria A. Holmberg, Clearwater, for Appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, for Appellee.

PER CURIAM.

AFFIRMED. See Hernandez v. State, 61 So. 3d 1144 (Fla. 3d DCA 2011)
(holding that Padilla v. Kentucky, 130 S.Ct. 1473 (2011), does not apply
retroactively to defendants whose convictions were already final when that case
was decided), rev. granted, 81 So. 3d 414 (Fla. 2012); Barrios-Cruz v. State, 63 So.

3d 868 (Fla. 2d DCA 2011) (same); State v. Shaikh, 65 So. 2d 539 (Fla. 5th DCA 2011) (same).

THOMAS, WETHERELL, and MARSTILLER, JJ., CONCUR.