

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2008

ANTHONY ROSAS a/k/a **ANTHONY GARCIA-ROCHA,**
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D08-3115

[October 1, 2008]

PER CURIAM.

The order denying appellant's postconviction motion is affirmed. Appellant is not prejudiced by the trial court's failure to advise him of deportation consequences before accepting the plea in this case. See *State v. Green*, 944 So. 2d 208 (Fla. 2006). The documents attached to appellant's motion show he is being deported because he illegally entered the country, not because of the conviction in this case. Appellant has not shown that he is subject to removal solely because of the plea in this case. *Forrest v. State*, 33 Fla. L. Weekly D1731 (Fla. 4th DCA July 9, 2008).

Appellant's allegation that, but for the conviction in this case, he might be entitled to an adjustment in his alien status is too speculative to merit relief. A state court is not a proper forum to litigate whether appellant would have received an adjustment in his immigration status. This determination is within the exclusive discretion of federal officials. 8 U.S.C. § 1255 (2000).

Further, appellant has filed a postconviction motion in an unrelated case which alleges that the conviction in that case subjects him to deportation. This refutes his claim of prejudice from this plea. See *State v. Oakley*, 715 So. 2d 956 (Fla. 4th DCA 1998); *Prieto v. State*, 824 So. 2d 924 (Fla. 3d DCA 2002); *Pena v. State*, 837 So. 2d 495 (Fla. 1st DCA 2003).

Affirmed.

WARNER, FARMER and HAZOURI, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Lucy Chernow Brown, Judge; L.T. Case No. 1997CF004125AXX.

Alma C. Defillo and Stephanie Cisneros Barilla, Jacksonville, for appellant.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing.