

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2011

JOSE RODRIGUEZ,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D10-2016

[November 30, 2011]

PER CURIAM.

Affirmed. The January 2010 postconviction motion was untimely. *State v. Green*, 944 So. 2d 208 (Fla. 2006). *Padilla v. Kentucky*, 130 S.Ct. 1473 (2010), does not apply retroactively to this 2004 plea. *Hernandez v. State*, 61 So. 3d 1144 (Fla. 3d DCA 2011).

MAY, C.J., GROSS and LEVINE, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Stephen Rapp, Judge; L.T. Case No. 2004CF005581AXX.

Jose Rodriguez, Miami, pro se.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing.