

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2012

ANTONIO ARELLANO,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D11-1452

[June 20, 2012]

PER CURIAM.

Affirmed. See *Hernandez v. State*, 61 So. 3d 1144 (Fla. 3d DCA 2011) (*Padilla v. Ky.*, ___ U.S. ___, 130 S.Ct. 1473, 176 L.Ed.2d 284 (2010), is not retroactive); *Flores v. State*, 57 So. 3d 218 (Fla. 4th DCA 2010) (immigration warning in Florida Rule of Criminal Procedure 3.172(c)(8) overcomes *Padilla*-based ineffective assistance of counsel claims).

WARNER, POLEN and GROSS, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Nineteenth Judicial Circuit, Okeechobee County; Robert E. Belanger, Judge; L.T. Case Nos. 472006CF000547A and 472006CF000860A.

William A. Santana of Law Offices of William A. Santana, P.A., Winter Garden, for appellant.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing.