

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

MILBURNE LESTRADE,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D11-2027

[August 29, 2012]

PER CURIAM.

We affirm the summary denial of appellant's untimely postconviction motion which attempted to challenge his 1990 plea. Appellant's claim that the trial court failed to advise him about deportation consequences was not brought within the two-year window created by *State v. Green*, 944 So. 2d 208 (Fla. 2006).

Padilla v. Kentucky, 130 S.Ct. 1473 (2010), is not retroactive. *Hernandez v. State*, 61 So. 3d 1144 (Fla. 3d DCA 2011), *rev. granted*, 81 So. 3d 414 (Fla. 2012); *Davis v. State*, 69 So. 3d 315 (Fla. 4th DCA 2011).

Further, appellant appears to have various other felony convictions in unrelated cases which may subject him to removal. He has not shown that the plea in this case alone subjects him to removal. See *Forrest v. State*, 988 So.2d 38, 40 (Fla. 4th DCA 2008); *Buton v. State*, 995 So.2d 1130, 1132 (Fla. 4th DCA 2008).

Affirmed.

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

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; David Haimés, Judge; L.T. Case No. 90-6710 CF10A.

Jonathan S. Friedman of Jonathan S. Friedman, P.A., Fort
Lauderdale, for appellant.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing.