

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2013

IAONNIS GEORGE SIPSIS,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D11-2673

[March 20, 2013]

ON MOTION FOR REHEARING

PER CURIAM.

We previously affirmed the summary denial of this untimely postconviction motion. *Sipsis v. State*, 38 Fla. L. Weekly D81 (Fla. 4th DCA 2012) (citing *Hernandez v. State*, 37 Fla. L. Weekly S730 (Fla. Nov. 21, 2012)). Appellant's motion sought to challenge a 1998 plea based on counsel's alleged deficient performance in failing to advise the defendant about deportation consequences.

Appellant moved for rehearing, and this court granted appellant's motion to stay pending a ruling in *Chaidez v. United States*, No. 11-820, 2013 WL 610201 (U.S. Feb. 20, 2013). In *Chaidez*, the Court ruled that *Padilla v. Kentucky*, 559 U.S. 356 (2010), does not apply retroactively to convictions that became final prior to the decision in *Padilla*. Accordingly, the motion for rehearing is denied.

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

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; John Kastrenakes, Judge; L.T. Case No. 1995CF010033AXX.

Ira Loewy and Maria Shohat of Shohat, Loewy & Shohat, Miami, for

appellant.

No appearance required for appellee.