

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

FRANKLYN GLINTON,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

CASE NO. 2D03-230

Opinion filed July 18, 2003.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Sarasota County; Robert B. Bennett, Jr.,
Judge.

FULMER, Judge.

Franklyn Glinton appeals the summary denial of his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. In his motion, Glinton alleged that his nolo contendere plea to robbery was involuntary because he was not informed of the deportation consequences of the conviction. His claim is facially insufficient because he has not affirmatively alleged nor demonstrated that he is threatened with deportation as a result of the robbery conviction. See Mendez v. State, 805 So. 2d 905 (Fla. 2d DCA 2001); Bellevue v. State, 794 So. 2d 730 (Fla. 3d

DCA 2001). Therefore, we affirm without prejudice to whatever right Ginton may have to file a facially sufficient rule 3.850 motion if he can establish that his robbery conviction has resulted in a threat of deportation. Any such motion filed within sixty days of the issuance of this mandate shall be deemed timely filed and shall not be denied as successive.

Affirmed.

STRINGER and CANADY, JJ., Concur.