

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

MARIANO SANCHEZ,
Appellant,
v.
STATE OF FLORIDA,
Appellee.

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Case No. 2D11-4115

Opinion filed April 25, 2012.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Hendry County; John E. Duryea, Jr., Judge.

Ricardo Corona, Manuel Guarch, and Nina
Tarafa of The Corona Law Firm, Miami, for
Appellant.

PER CURIAM.

Affirmed. See Barrios-Cruz v. State, 63 So. 3d 868 (Fla. 2d DCA 2011).

As in Barrios-Cruz, we hold that Padilla v. Kentucky, 130 S.Ct. 1473 (2010), does not apply retroactively in postconviction proceedings, and we certify to the Florida Supreme Court the following question of great public importance pursuant to Florida Rule of Appellate Procedure 9.030(a)(2)(A)(v):

SHOULD THE RULING IN PADILLA V. KENTUCKY, 130 S.
Ct. 1473 (2010), BE APPLIED RETROACTIVELY IN
POSTCONVICTION PROCEEDINGS?

Affirmed; question certified.

CASANUEVA, KHOUZAM, and BLACK, JJ., Concur.