

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

KIMBERLY TRIANNE BURIAS,)	
)	
Appellant,)	
)	
v.)	Case No. 2D11-703
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed December 9, 2011.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Lee County; Edward J. Volz, Jr.,
Judge.

David J. Mourick, Bonita Springs,
for Appellant.

PER CURIAM.

Kimberly Trianne Burias appeals the summary denial of her motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. We affirm. See Barrios-Cruz v. State, 63 So. 3d 868 (Fla. 2d DCA 2011). As in Barrios-Cruz, 63 So. 3d at 870, 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.

DAVIS, KELLY, and LaROSE, JJ., Concur.