

Supreme Court of Florida

No. SC11-1281

LEDUAN DIAZ,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[November 21, 2012]

PER CURIAM.

In Diaz v. State, 65 So. 3d 1079, 1080 (Fla. 3d DCA 2011), the Third District Court of Appeal affirmed the denial of Leduan Diaz’s postconviction motion, which claimed “ineffective assistance of counsel due to trial counsel’s failure to advise him that accepting a plea would subject him to deportation.” We have jurisdiction. See art. V, § 3(b)(4), Fla. Const.; Jollie v. State, 405 So. 2d 418 (Fla. 1981). Consistent with our ruling in Hernandez v. State, Nos. SC11-941 & SC11-1357 (Fla. Nov. 21, 2012), we approve the Third District’s decision.

It is so ordered.

POLSTON, C.J., and PARIENTE, LEWIS, QUINCE, CANADY, LABARGA and PERRY, JJ., concur.

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

Application for Review of the Decision of the District Court of Appeal - Direct Conflict of Decisions

Third District - Case No. 3D10-2563

(Miami-Dade County)

Magaly Arias of Polo, Goldstein & Miranda, LLP, Miami, Florida; and Benjamin S. Waxman of Robbins, Tunkey, Ross, Amsel, Raben & Waxman, P.A., Miami, Florida,

for Petitioner

Pamela Jo Bondi, Attorney General, Tallahassee, Florida, and Kristen Lynn Davenport, Wesley Harold Heidt, Assistant Attorneys General, Daytona Beach, Florida, Richard L. Polin and Timothy Rhys Morgan Thomas, Assistant Attorneys General, Miami, Florida,

for Respondent