

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D. 2001

FISEPE VAVAL,

**

Appellant,

** CASE NO. 3D01-1729

vs.

** LOWER
TRIBUNAL NO. 94-16155

THE STATE OF FLORIDA,

**

Appellee.

**

Opinion filed August 29, 2001.

An Appeal under Fla. R. App. P. 9.141(b)(2) from the Circuit
Court for Dade County, Maria Espinosa Dennis, Judge.

Fisepe Vaval, in proper person.

Robert A. Butterworth, Attorney General, for appellee.

Before JORGENSON, GODERICH, and SORONDO, JJ.

PER CURIAM.

Defendant appeals from the denial of his motion for
postconviction relief. We affirm. See Saldana v. State, 786 So. 2d
643 (Fla. 3d DCA 2001) ("Advising a defendant that he or she is under

investigation is not the same thing as being threatened with deportation."); see also Kindelan v. State, 786 So. 2d 599 (Fla. 3d DCA 2001); Rodriguez v. State, 26 Fla. L. Weekly D1809 (Fla. 3d DCA July 25, 2001). This affirmance is without prejudice to defendant refiling his 3.850 motion should the investigation lead to the threat of deportation.