

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. 2002

MARY ELLIS,

**

Appellant,

** CASE NO. 3D02-2357

vs.

** LOWER
TRIBUNAL NO. 90-9515

THE STATE OF FLORIDA,

**

Appellee.

**

Opinion filed October 23, 2002.

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

Mary Ellis, in proper person.

Robert A. Butterworth, Attorney General, and Marni A. Bryson,
Assistant Attorney General, for appellee.

Before JORGENSEN, COPE, and GODERICH, JJ.

PER CURIAM.

Defendant appeals the denial of her motion for
postconviction relief. We affirm, as the motion was premature.

See Kindelan v. State, 786 So. 2d 599 (Fla. 3d DCA 2001) (holding that to establish a prima facie basis for vacating a plea, defendant must be threatened with deportation resulting from the plea).

AFFIRMED.