

# **Third District Court of Appeal**

**State of Florida, July Term, A.D. 2013**

Opinion filed December 4, 2013.

Not final until disposition of timely filed motion for rehearing.

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No. 3D13-2682

Lower Tribunal No. 05-17072

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**Francis M. Johnson,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Eric Hendon, Judge.

Francis M. Johnson, in proper person.

Pamela Jo Bondi, Attorney General, for appellee.

Before SALTER, FERNANDEZ and LOGUE, JJ.

PER CURIAM.

Pursuant to the holdings of the United States Supreme Court in Chaidez v. United States, 133 S. Ct. 1103, 1113 (2013), and the Florida Supreme Court in Hernandez v. State, 37 Fla. L. Weekly S730, S732 (Fla. Nov. 21, 2012), the decision in Padilla v. Kentucky, 559 U.S. 356 (2010), does not apply retroactively to cases already final on direct review.

Affirmed.