

# Supreme Court of Florida

CORRECTED OPINION

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No. 70,226

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STATE OF FLORIDA , Petitioner,

vs.

JOSEPH CASSEUS, Respondent.

[October 8, 1987]

EHRlich, J.

We have for review Casseus v. State, 508 So.2d 1251 (Fla. 3d DCA 1987), because of conflict with our recent decision in State v. Ginebra, No. 69,283 (Fla. July 2, 1987). We have jurisdiction, article V, section 3(b)(3), Florida Constitution, and quash the decision below.

Relying on its decision in Ginebra v. State, 498 So.2d 467 (Fla. 3d DCA 1986), the district court below reversed the trial court's summary denial of Casseus' Florida Rule of Criminal Procedure 3.850 motion, finding that Casseus' contentions, that his counsel was ineffective in failing to inform him of the possibility of deportation as a result of his guilty pleas and that his pleas were made involuntary as a result of this lack of information, are valid grounds for collateral relief from those pleas. 508 So.2d at 1251. In State v. Ginebra, we recently quashed the third district's decision in that case, holding that "counsel's failure to advise his client

of the collateral consequence of deportation does not constitute ineffective assistance of counsel." Slip op. at 4.

On the authority of our decision in Ginebra, we quash the decision below and remand for proceedings consistent with this opinion.

It is so ordered.

McDONALD, C.J., and OVERTON, GRIMES and KOGAN, JJ., Concur  
BARKETT, J., Concur in result only  
SHAW, J., Dissents

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. 87-310

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for Petitioner

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for Respondent