

Supreme Court of Florida

No. SC93801

STATE OF FLORIDA,
Petitioner,

vs.

ERA GREGERSEN,
Respondent.

[April 27, 2000]

PER CURIAM.

We have for review Gregersen v. State, 714 So. 2d 1195 (Fla. 4th DCA 1998), which certified conflict with the decision in Peart v. State, 705 So. 2d 1059 (Fla. 3d DCA 1998). We have jurisdiction. See art. V, § 3(b)(3), Fla. Const.

This Court recently held in Peart v. State, 25 Fla. L. Weekly S271 (Fla. Apr. 13, 2000), that a petition for writ of error coram nobis was the proper vehicle for

raising a claim that a noncustodial defendant was not advised of the immigration consequences of a plea. We emphasize that all such claims filed subsequent to our decision in Wood v. State, 750 So. 2d 592 (Fla. 1999), must be filed pursuant to a motion under Florida Rule of Criminal Procedure 3.850. See Peart, 25 Fla. L. Weekly at S273. Gregersen is approved as being consistent with our decision in Peart.

It is so ordered.

SHAW, ANSTEAD, PARIENTE and LEWIS, JJ., concur.
HARDING, C.J., and WELLS and QUINCE, JJ., dissent.

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 - Certified
Direct Conflict of Decisions

Fourth District - Case No. 4D97-1373

(Palm Beach County)

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for Petitioner

Neal R. Lewis, Miami, Florida,

for Respondent