

# Supreme Court of Florida

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No. SC94302

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**SHARI LACKMAN,**  
Respondent.

[April 27, 2000]

PER CURIAM.

We have for review State v. Lackman, 719 So. 2d 964 (Fla. 4th DCA 1998), which certified conflict with Peart v. State, 705 So. 2d 1059 (Fla. 3d DCA 1998).

We have jurisdiction. See art. V, § 3(b)(4), 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. Lackman 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. 4D97-3962

( Broward County)

Harry M. Solomon, Miami, Florida,

for Petitioner

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M. Germanowicz, Assistant Attorney General, West Palm Beach, Florida,

for Respondent