NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

DOMINIC MAIZE, Appellant, v. STATE OF FLORIDA, Appellee.	)	Case No. 2D13-2761

Opinion filed May 6, 2015.

Appeal from the Circuit Court for Manatee County; John F. Lakin, Judge.

Howard L. Dimmig, II, Public Defender, and Maureen E. Surber, Assistant Public Defender, Bartow, for Appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Bilal A. Faruqui, Assistant Attorney General, Tampa, for Appellee.

CASANUEVA, Judge.

Dominic Maize appeals the summary denial of his motion filed pursuant to Florida Rule of Criminal Procedure 3.800(a). Mr. Maize's motion alleged that he received a mandatory sentence of life in prison without the possibility of parole for a first-degree murder that he committed when he was sixteen years old. The motion was denied based on Geter v. State, 115 So. 3d 375 (Fla. 3d DCA 2012), and Gonzalez v.

State, 101 So. 3d 886 (Fla. 1st DCA 2012), which held that Miller v. Alabama, 132 S. Ct. 2455 (2012), did not apply retroactively. The Florida Supreme Court has recently held that the Miller decision applies retroactively to all juvenile offenders whose convictions and sentences were final when Miller was decided. Falcon v. State, 40 Fla. L. Weekly S151, S151 (Fla. Mar. 19, 2015). Accordingly, we reverse the postconviction court's order summarily denying the claim.

We note that the Florida Supreme Court has further held in Horsley v. State, 40 Fla. L. Weekly S155, S155 (Fla. Mar. 19, 2015), that the proper remedy in cases involving juvenile offenders whose sentences are unconstitutional under Miller is to apply chapter 2014–220, Laws of Florida. The court concluded that "applying chapter 2014–220, Laws of Florida, to all juvenile offenders whose sentences are unconstitutional under Miller is the remedy most faithful to the Eighth Amendment principles established by the United States Supreme Court, to the intent of the Florida Legislature, and to the doctrine of separation of powers." Id. at S160. The relevant provisions of chapter 2014–220 have been codified in sections 775.082, 921.1401, and 921.1402, Florida Statutes (2014). Accordingly, we reverse the order denying Mr. Maize's motion and remand for a resentencing proceeding consistent with this new juvenile sentencing legislation. See Horsley, 40 Fla. L. Weekly S155; Falcon, 40 Fla. L. Weekly S151.

Reversed and remanded with directions.

WALLACE and KHOUZAM, JJ., Concur.