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

	IN THE DISTRICT COURT OF APPEAL
	OF FLORIDA
	SECOND DISTRICT
ALEX KENNETH TORRES,)
Appellant,)
V.) Case No. 2D13-527
STATE OF FLORIDA,)
Appellee.))
	J

Opinion filed January 30, 2015.

Appeal from the Circuit Court for Hillsborough County; Kimberly K. Fernandez, Judge.

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

Pamela Jo Bondi, Attorney General, Tallahassee, and Helene S. Parnes, Assistant Attorney General, Tampa, for Appellee.

WALLACE, Judge.

Alex Torres appeals an order vacating the order which granted his motion for postconviction relief and, in turn, denied his motion for postconviction relief with regard to his mandatory life sentence for first-degree murder with a deadly weapon.

Because Mr. Torres received a mandatory sentence of life without parole for a first-

degree murder that he committed when he was seventeen years old, we reverse the postconviction court's order and remand for further proceedings consistent with Miller v. Alabama, 132 S.Ct. 2455 (2012), and Toye v. State, 133 So. 3d 540 (Fla. 2d DCA 2014). See also Taylor v. State, 39 Fla. L. Weekly D2514 (Fla. 2d DCA Dec. 3, 2014); Snipes v. State, 150 So. 3d 1211 (Fla. 2d DCA 2014); Burton v. State, 148 So. 3d 541 (Fla. 2d DCA 2014).

Once again, we certify conflict with <u>Geter v. State</u>, 115 So. 3d 375 (Fla. 3d DCA 2012); <u>Gonzalez v. State</u>, 101 So. 3d 886 (Fla. 1st DCA 2012); and <u>Falcon v. State</u>, 111 So. 3d 973 (Fla. 1st DCA), <u>review granted</u>, 137 So. 3d 1019 (Fla. 2013).

<u>See Burton</u>, 148 So. 3d at 542.

Reversed and remanded; conflict certified.

SLEET and LUCAS, JJ., Concur.