

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

TRAVIS DEVON SWANSON,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D11-1817

Opinion filed August 21, 2012.

An appeal from the Circuit Court for Duval County.
Elizabeth A. Senterfitt, Judge.

Nancy A. Daniels, Public Defender, and Wendy S. Loquasto, Special Assistant
Public Defender of Fox & Loquasto, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, Brooke Poland and Jay Kubica, Assistant
Attorneys General, Tallahassee, for Appellee.

PER CURIAM.

The appellant's conviction for armed robbery with a deadly weapon is affirmed, in accordance with Mitchell v. State, 703 So. 2d 1062 (Fla. 1997), where the Florida Supreme Court answered a certified question and approved Mitchell v.

State, 698 So. 2d 555 (Fla. 2d DCA 1997). The sentence imposed in connection with this offense is also affirmed.

BENTON, C.J. and MAKAR, J., CONCUR, and CLARK, J., concurring specially.

CLARK, J., concurring specially.

I agree with the majority opinion that the sentence in this case must be upheld. I am, however, troubled by the imposition of a 22-year prison sentence for the appellant, a juvenile with no prior criminal or delinquency record, who committed the armed robbery with a BB gun, but did not shoot at or strike the victim.

I am in accord with the concurring opinion in Smith v. State, __ So. 3d __, 2012 WL 2345119 (Fla. 1st DCA June 21, 2012) (Padovano, J., concurring), and the dissenting opinion in Gridine v. State, __ So. 3d __, 2011 WL 6849649 (Fla. 1st DCA 2011) (Wolf, J., dissenting), where my colleagues point out the logic in providing parole opportunities for juveniles sentenced as adults.