

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

RAYMOND M. AUSTIN,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D12-4265

Opinion filed December 17, 2013.

An appeal from the Circuit Court for Duval County.

Kevin A. Blazs, Judge.

Nancy A. Daniels, Public Defender, and A. Victoria Wiggins, Assistant Public Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, and Michael McDermott, Assistant Attorney General, Tallahassee, for Appellee.

PER CURIAM.

The court finds no reversible error on either of the issues raised in this direct appeal of a judgment and sentence for attempted second-degree murder. We note that, based on his own calculations, appellant's mandatory minimum sentence of

imprisonment for forty-five years does not result in a sentence that exceeds this juvenile's life expectancy. Therefore, appellant's sentence is not a de facto life sentence in violation of Graham v. Florida, 560 U.S. 48 (2010). See Adams v. State, 37 Fla. L. Weekly D1865 (Fla. 1st DCA Aug. 8, 2012) (“ . . . a de facto life sentence is one that exceeds the defendant's life expectancy.”); see also Thomas v. State, 78 So. 3d 644, 646 (Fla. 1st DCA 2011) (“As found by the trial court, Appellant would be in his late sixties when he is released from prison if he was required to serve the entirety of his sentence. Thus, Appellant's sentence is not equivalent to life imprisonment without the possibility of parole.”).

AFFIRMED.

LEWIS, C.J., WOLF and MAKAR, JJ., CONCUR.