

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

CHRISTOPHER LEE JONES,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D14-1473

Opinion filed November 13, 2015.

An appeal from an order of the Circuit Court for Duval County.
Tatiana Salvador, Judge.

Nancy A. Daniels, Public Defender, and Glen P. Gifford, Assistant Public
Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, and Virginia Harris, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

As the supreme court has determined that Miller v. Alabama, 132 S.Ct. 2455
(2012), applies retroactively, we affirm the trial court's order on appeal, but
without prejudice to the appellant filing a timely rule 3.850 motion seeking an
individualized resentencing hearing pursuant to Horsley v. State, 160 So. 3d 393

(Fla. 2015), for the sentence imposed for his first-degree murder conviction. See Falcon v. State, 162 So. 3d 954 (Fla. 2015). We note that the trial court has already correctly determined that the appellant is also entitled to be resentenced for the armed robbery conviction. See Lawton v. State, 40 Fla. L. Weekly S195 (Fla. Apr. 9, 2015).

AFFIRMED.

WOLF, WETHERELL, and MARSTILLER, JJ., CONCUR.