

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

BERNY SERRANO,

Appellant,

v.

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

CASE NO. 1D14-5789

STATE OF FLORIDA,

Appellee.

Opinion filed July 27, 2015.

An appeal from an order of the Circuit Court for Levy County.
Mark W. Moseley, Judge.

Berny Serrano, pro se, Appellant.

Pamela Jo Bondi, Attorney General, and Trisha Meggs Pate, Bureau Chief –
Criminal Appeals, 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). See Falcon v. State, 2015 WL 1239365 (Fla. Mar. 19, 2015).

AFFIRMED.

ROWE, SWANSON, and BILBREY, JJ., CONCUR.