

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D18-4783

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ANTHONY JOHN WAGNER,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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On appeal from the Circuit Court for Duval County.  
James Daniel, Judge.

December 23, 2019

PER CURIAM.

On October 14, 2015, Appellant was adjudicated guilty of second-degree murder and armed robbery and was sentenced to thirty years in prison on both counts to run concurrently. He seeks resentencing pursuant to chapter 2014–220, Laws of Florida, because he was a juvenile when he committed the crimes. This Court has held that resentencing is not required where a homicide defendant’s sentence is not a life sentence, a mandatory life sentence or a de facto life sentence. *Davis v. State*, 214 So. 3d 799 (Fla. 1st DCA 2017) (defendant sentenced to total of 35 years for second-degree murder and attempted robbery committed as a juvenile is not required to be resentenced); *contra Katwaroo v. State*, 237 So. 3d 446, 447 (Fla. 5th DCA 2018) (resentencing required for defendant serving 30-year sentence for second-degree

murder committed as a juvenile); *see also Pedroza v. State*, No. SC18-964, 2018 WL 6433136 (Fla. Dec 6, 2018), *accepting review of Pedroza v. State*, 244 So. 3d 1128 (Fla. 4th DCA 2018) (upholding forty-year sentence for a second-degree murder committed when defendant was a juvenile).

AFFIRMED.

WOLF, ROWE, and MAKAR, JJ., concur.

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***Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.***

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Bryan S. Gowdy, Creed & Gowdy, P.A., Jacksonville, for Appellant.

Ashley Moody, Attorney General, and Tabitha Rae Herrera, Assistant Attorney General, Tallahassee, for Appellee.