

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2014

BERENICE JUAREZ,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D11-3724

[May 7, 2014]

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Karen M. Miller, Judge; L.T. Case No. 2010CF002564AXX.

Carey Haughwout, Public Defender, and Tatjana Ostapoff, Assistant Public Defender, West Palm Beach, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Nancy Jack, Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

Appellant appeals her conviction for first-degree murder, and finding no error, we affirm her conviction. Appellant argues that the trial court erred in denying her request to introduce evidence regarding domestic violence committed by her mother's ex-boyfriend, and in allowing the investigating detective to testify why he charged appellant with first-degree murder. We find no abuse of discretion in all of the trial court's rulings, and we affirm appellant's conviction without further discussion.

Appellant also asserts that her resulting sentence of life imprisonment without parole is unconstitutional under *Miller v. Alabama*, 132 S. Ct. 2455, 2464 (2012), in which the Supreme Court of the United States held that "*mandatory* life-without-parole sentences for juveniles violate the Eighth Amendment." (emphasis added). Because appellant was a juvenile at the time of the offense, we agree and reverse her mandatory life sentence and remand for resentencing after consideration of the factors outlined in *Miller*. See *Brighton v. State*, 39 Fla. L. Weekly D810

(Fla. 4th DCA Apr. 16, 2014).

Affirmed in part, reversed in part, and remanded.

MAY, CIKLIN and LEVINE, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.