

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

DARYL LEVON TINDALL,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D12-2324

[April 30, 2014]

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, Okeechobee County; Lawrence Mirman, Judge; L.T. Case No. 2006 CF 900A.

Carey Haughwout, Public Defender, and Peggy Natale, Assistant Public Defender, West Palm Beach, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Laura Fisher, Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

Affirmed. See Guzman v. State, 110 So. 3d 480 (Fla. 4th DCA 2013). We certify conflict with *Thomas v. State*, 78 So. 3d 644 (Fla. 1st DCA 2011), and certify the following questions to the Florida Supreme Court:

1. DOES *GRAHAM V. FLORIDA*, 560 U.S. 48 (2010), APPLY TO LENGTHY TERM-OF-YEARS SENTENCES THAT AMOUNT TO DE FACTO LIFE SENTENCES?
2. IF SO, AT WHAT POINT DOES A TERM-OF-YEARS SENTENCE BECOME A DE FACTO LIFE SENTENCE?

Affirmed; conflict certified; questions certified.

WARNER, MAY and LEVINE, JJ., concur.

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Not final until disposition of timely filed motion for rehearing.