

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

SHAWN A. TYSON, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 STATE OF FLORIDA, )  
 )  
 Appellee. )  
 \_\_\_\_\_ )

Case No. 2D12-2296

Opinion filed September 24, 2014.

Appeal from the Circuit Court for Sarasota  
County; Frederick A. Defuria, Judge.

Howard L. Dimmig, II, Public Defender, and  
Terrence E. Kehoe, Special Assistant Public  
Defender, Bartow, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Cerese Crawford Taylor,  
Assistant Attorney General, Tampa, for  
Appellee.

CASE, JAMES R., Associate Senior Judge.

Shawn A. Tyson appeals his judgments and sentences for two counts of first-degree murder. We affirm his judgments without discussion. However, as the State concedes, we must reverse his sentences of life in prison without the possibility of parole pursuant to the holding in Miller v. Alabama, 132 S. Ct. 2455 (2012), because Mr.

Tyson was sixteen years old when the crimes were committed. In Miller, 132 S. Ct. at 2460-61, the Supreme Court held that a sentencing scheme requiring a mandatory sentence of life in prison without the possibility of parole for juvenile homicide offenders violates the Eighth Amendment's prohibition on cruel and unusual punishment. We must therefore reverse Mr. Tyson's sentence and remand his case for a new sentencing hearing in compliance with Rodriguez-Giudicelli v. State, 39 Fla. L. Weekly D1089 (Fla. 2d DCA May 23, 2014). As this court did in Rodriguez-Giudicelli, we certify the same question of great public importance:

WHETHER THE SUPREME COURT'S DECISION IN MILLER V. ALABAMA, 132 S. Ct. 2455 (2012), WHICH INVALIDATED SECTION 775.082(1)'S MANDATORY IMPOSITION OF LIFE WITHOUT PAROLE SENTENCES FOR JUVENILES CONVICTED OF FIRST-DEGREE MURDER, OPERATES TO REVIVE THE PRIOR SENTENCE OF LIFE WITH PAROLE ELIGIBILITY AFTER 25 YEARS PREVIOUSLY CONTAINED IN THAT STATUTE?

39 Fla. L. Weekly at D1089.

Judgments affirmed, sentences reversed, and question certified.

LaROSE and CRENSHAW, JJ., Concur.