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

IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

SECOND DISTRICT

JUAN D. FIGUEROA,	)
Appellant,	)
V.	) Case No. 2D13-186
STATE OF FLORIDA,	)
Appellee.	)
	)

Opinion filed June 6, 2014.

Appeal pursuant to Fla. R. App. P. 9.141(b)(2) from the Circuit Court for Lee County; Edward J. Volz Jr., Judge.

Juan D. Figueroa, pro se.

## PER CURIAM.

Juan D. Figueroa appeals the order denying his motion to set aside or correct illegal sentence filed under Florida Rules of Criminal Procedure 3.800(a) and 3.850(b)(2). In his motion, Figueroa correctly argued that his mandatory life sentence without parole for first-degree felony murder is illegal under Miller v. Alabama, 132 S. Ct. 2455, 2469 (2012), because he was a minor at the time of the offense. Accordingly, we reverse the postconviction court's order denying Figueroa's motion and remand for further proceedings consistent with Toye v. State, 133 So. 3d 540 (Fla. 2d DCA 2014).

## Reversed and remanded.

KELLY, WALLACE, and CRENSHAW, JJ., Concur.