

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

CHRISTOPHER BURTON,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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Case No. 2D13-2904

Opinion filed August 29, 2014.

Appeal from the Circuit Court for  
Hillsborough County; William Fuente,  
Judge.

Howard L. Dimmig, II, Public Defender, and  
Maureen E. Surber, Assistant Public  
Defender, Bartow, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Wendy Buffington,  
Assistant Attorney General, Tampa, for  
Appellee.

LaROSE, Judge.

Christopher Burton appeals the postconviction court's order denying his  
motion to correct an illegal sentence filed under Florida Rule of Criminal Procedure  
3.800(a). Because Mr. Burton received a mandatory sentence of life without the

possibility of parole for a first-degree murder he committed when he was sixteen years old, we reverse the portion of the postconviction court's order summarily denying his motion and remand the case for further proceedings consistent with Miller v. Alabama, 132 S. Ct. 2455 (2012), and Toye v. State, 133 So. 3d 540 (Fla. 2d DCA 2014). See also Baker v. State, 138 So. 3d 1175 (Fla. 2d DCA 2014); Landrum v. State, 133 So. 3d 601 (Fla. 2d DCA 2014).

Reversed and remanded.

KHOUZAM and BLACK, JJ., Concur.