

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

JUSTIN WIRTH,  
a/k/a JUSTIN DANIEL WIRTH,  
  
          Appellant,

v.

STATE OF FLORIDA,  
  
          Appellee.

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Case No. 2D16-2527

Opinion filed January 26, 2018.

Appeal from the Circuit Court for Lee  
County; Joseph C. Fuller, Jr., Judge.

Howard L. Dimmig, II, Public Defender, and  
Siobhan Helene Shea, Special Assistant  
Public Defender, Bartow, for Appellant.

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

VILLANTI, Judge.

Justin Wirth, a juvenile at the time of sentencing, appeals his judgment  
and sentences imposed for two counts of first-degree premeditated murder and one  
count of robbery with a firearm. We find no reversible error in Wirth's convictions and

affirm them without further comment. However, we agree with Wirth that he was sentenced to life for the robbery count without his sentence providing for a meaningful opportunity to obtain release in contravention of Graham v. Florida, 560 U.S. 48, 75 (2010), and section 921.1402(2)(d), Florida Statutes (2016). The State correctly concedes that, on this one count, Wirth was sentenced incorrectly. Accordingly, we reverse Wirth's sentence for robbery with a firearm and remand for resentencing.

Affirmed in part, reversed in part, and remanded.

SILBERMAN and SALARIO, JJ., Concur.