

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D17-1254

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JOSE A. GONZALEZ,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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On appeal from the Circuit Court for Bay County.  
Hentz McClellan, Judge.

August 24, 2018

PER CURIAM.

Jose A. Gonzalez was 16 years, 10 months old when he committed first degree murder by stabbing a stranger twelve times. Following a jury trial, he was sentenced to life pursuant to the sentencing scheme later invalidated in the wake of *Miller v. Alabama*, 567 U.S. 460 (2012). Gonzalez' sentence was thus vacated, and the cause remanded for resentencing. *Gonzalez v. State*, 177 So. 3d 1266 (Fla. 2015). Following an evidentiary hearing, he again was sentenced to life with the opportunity for early release with a review hearing to be held in accordance with sections 775.082(1)(b)1. and 921.1402(2)(a), Florida Statutes (2016). Gonzalez now challenges that sentence.

We reject Gonzalez’ argument that a jury, rather than a circuit judge, must pass on the factors set forth in section 921.1401(2). *See Copeland v. State*, 240 So. 3d 58 (Fla. 1st DCA 2018); *Beckman v. State*, 230 So. 3d 77 (Fla. 3d DCA 2017). As for the decision of the trial court to impose a life sentence, we find no error in the conclusion that the case at bar presents the “uncommon circumstance” where life imprisonment constitutes an appropriate sentence for a homicide offense committed by a juvenile. *Copeland*, 240 So. 3d at 59. Prior to resentencing, the trial court received evidence and substantial argument regarding the sentencing considerations set forth in section 921.1401(2)(a)-(j). The trial court issued a detailed sentencing order analyzing the statutory factors. No error has been shown.

AFFIRMED.

WOLF, BILBREY, and KELSEY, JJ., concur.

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***Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.***

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Andy Thomas, Public Defender, and Glen P. Gifford, Assistant Public Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, and Kaitlin Weiss, Assistant Attorney General, Tallahassee, for Appellee.