

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

DAVID GARLAND,

Appellant,

v.

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

CASE NO. 1D09-1637

STATE OF FLORIDA,

Appellee.

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Opinion filed July 7, 2010.

An appeal from the Circuit Court for Leon County.  
Mark E. Walker, Judge.

Nancy A. Daniels, Public Defender, and David P. Gauldin, Assistant Public  
Defender, Tallahassee, for Appellant.

Bill McCollum, Attorney General, and Joshua R. Heller, Assistant Attorney  
General, Tallahassee, for Appellee.

WOLF, J.

On the court's own motion, we withdraw our previous opinion dated  
February 5, 2010, and substitute the following in its place.

Appellant raises a number of issues. We affirm as to all issues but  
one: whether appellant's sentence of life in prison for crimes he committed when

he was a juvenile violates constitutional prohibitions against cruel and unusual punishment.

In light of the United States Supreme Court's recent decision in Graham v. Florida, No. 08-7412, 78 U.S.L.W 4387, 22 Fla. L. Weekly Fed. S 328 (U.S. May 17, 2010), we quash his sentence and remand for resentencing and for appointment of conflict-free counsel.

Affirmed in part; reversed in part; and remanded for further proceedings.

HAWKES, C.J., and DAVIS, J., CONCUR.