

Supreme Court of Florida

No. SC93437

PERCY LEE HOLLOWAY,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[March 2, 2000]

PER CURIAM.

We have for review Holloway v. State, 712 So. 2d 439 (Fla. 3d DCA 1998), in which the Third District Court of Appeal affirmed Percy Lee Holloway's violent career criminal sentence based on its prior decision in Higgs v. State, 695 So. 2d 872 (Fla. 3d DCA 1997). In so affirming, the Holloway Court certified conflict with the Second District Court of Appeal's decision in Thompson v. State, 708 So.2d 315 (Fla. 2d DCA 1998). We have jurisdiction. See Art. V, § 3(b)(4), Fla. Const. For the reasons expressed in our decision in State v. Thompson, 25

Fla. L. Weekly S1 (Fla. Dec. 22, 1999), we quash the decision below and remand for resentencing in accordance with the valid laws in effect on September 2, 1996, the date on which Holloway committed the underlying offense in this case.¹

It is so ordered.

HARDING, C.J., and SHAW, ANSTEAD, PARIENTE and LEWIS, JJ., concur.
WELLS, J., dissents.

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

Application for Review of the Decision of the District Court of Appeal - Certified
Direct Conflict of Decisions

Third District - Case No. 3D97-2208

(Dade County)

Bennett H. Brummer, Public Defender, and Maria E. Lauredo, Assistant Public
Defender, Eleventh Judicial Circuit, Miami, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, and Keith S. Kromash, Assistant Attorney
General, Miami, Florida,

for Respondent

¹ We note that Holloway has standing to raise a single subject rule challenge to chapter 95-182, Laws of Florida, even assuming the window period for raising such a challenge closed on October 1, 1996, as determined by the Fourth District Court of Appeal in Salters v. State, 731 So. 2d 826, 826 (Fla. 4th DCA), review granted, No. 95,663 (Fla. Dec. 3, 1999).