

Supreme Court of Florida

No. SC94759

JERRY ENGLISH,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[March 23, 2000]

PER CURIAM.

We have for review English v. State, 721 So. 2d 1250 (Fla. 3d DCA 1998), in which the Third District Court of Appeal affirmed Jerry English'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 English 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. Based on 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 January 15, 1996, which is when English committed the underlying offense for which he was sentenced as a violent career criminal.¹ See Thompson, 25 Fla. L. Weekly at S3 (remanding for resentencing in accordance with the valid laws in effect at the time the defendant committed her offenses).

It is so ordered.

HARDING, C.J., and SHAW, ANSTEAD, PARIENTE, LEWIS and QUINCE, 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. 3D98-2784

(Dade County)

Jerry English, pro se, Milton, Florida,

for Petitioner

¹ We note that English 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).

Robert A. Butterworth, Attorney General, Michael J. Neimand, Bureau Chief,
Assistant Attorney General, and Christine E. Zahralban, Assistant Attorney
General, Fort Lauderdale, Florida,

for Respondent