

# Supreme Court of Florida

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No. SC94785

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**STATE OF FLORIDA,**  
Appellant,

vs.

**HENRY WILLIAMS,**  
Appellee.

[May 18, 2000]

PER CURIAM.

We have for review Williams v. State, 740 So. 2d 3 (Fla. 2d DCA 1999), in which the Second District Court of Appeal followed its prior decision in Thompson v. State, 708 So. 2d 315 (Fla. 2d DCA 1998), in holding that chapter 95-182, Laws of Florida, is unconstitutional as violative of the single subject rule contained in article III, section 6 of the Florida Constitution. We have jurisdiction. See Art. V, § 3(b)(1), Fla. Const. Based on our decision in State v. Thompson, 750 So. 2d 643 (Fla. 1999), in which we held unconstitutional chapter 95-182, Laws of Florida, as violative of the

single subject rule, we affirm the decision below reversing Williams' violent career criminal sentence and remand this cause for resentencing in accordance with the valid laws in effect on November 27, 1996, the date on which Williams committed the underlying offense in this case.<sup>1</sup> See Thompson, 750 So. 2d at 649 (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.

An Appeal from the District Court of Appeal - Statutory or Constitutional Invalidity

Second District - Case No. 2D97-04516

Robert A. Butterworth, Attorney General, Robert J. Krauss, Senior Assistant Attorney General, Chief of Criminal Law, Tampa, and Susan D. Dunlevy, Assistant Attorney

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<sup>1</sup> Based on our decision in Salters v. State, No. SC95663 (Fla. May 11, 2000), we determine that Williams has standing to challenge chapter 95-182, Laws of Florida, on single subject rule grounds. Further, even though Williams failed to raise a single subject rule challenge in the trial court, we find that such challenge may be properly addressed in this case for the first time on appeal. Cf. Heggs v. State, 25 Fla. L. Weekly S137, S138, S140 n. 4 (Fla. Feb. 17, 2000); Nelson v. State, 748 So. 2d 237, 241-42 (Fla. 1999), cert. denied, 120 S. Ct. 950 (2000); State v. Johnson, 616 So. 2d 1, 3-4 (Fla. 1993). Finally, we reverse the decision below to the limited extent that it remanded this cause for resentencing in accordance with the valid laws in effect at the time that Williams was sentenced.

General, Tampa, Florida,

for Appellant

James Marion Moorman, Public Defender, and Richard J. Sanders, Assistant Public  
Defender, Tenth Judicial Circuit, Bartow, Florida,

for Appellee