

Supreme Court of Florida

No. SC95050

CARL CYRUS,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[May 18, 2000]

PER CURIAM.

We have for review Cyrus v. State, 717 So. 2d 619 (Fla. 3d DCA 1998), in which the Third District Court of Appeal held chapter 95-182, Laws of Florida, to be constitutional. In so holding, the Cyrus 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, 750 So. 2d 643 (Fla. 1999), we quash the decision below and remand for resentencing in accordance with the valid laws in effect on

December 9, 1996, the date on which Cyrus committed the underlying offense for which he was sentenced as a violent career criminal.¹ 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.

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

Third District - Case No. 3D97-3460

(Dade County)

¹ Based on our decision in Salters v. State, No. SC95663 (Fla. May 11, 2000), we determine that Cyrus has standing to challenge chapter 95-182, Laws of Florida, on single subject rule grounds. Further, even though Cyrus 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).

Bennett H. Brummer, Public Defender, and Andrew Stanton, Assistant Public Defender,
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for Petitioner

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Christine E. Zahralban, Assistant Attorney General, Miami, Florida,

for Respondent