

# Supreme Court of Florida

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No. SC95101

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**LARRY WALDO,**  
Petitioner,

vs.

**STATE OF FLORIDA,**  
Respondent.

[May 18, 2000]

PER CURIAM.

We have for review Waldo v. State, 728 So. 2d 280 (Fla. 3d DCA 1999), in which the Third District Court of Appeal affirmed Larry Waldo's violent career criminal sentences based on its prior decision in Higgs v. State, 695 So. 2d 872 (Fla. 3d DCA 1997). In so affirming, the Waldo 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), in which we held

unconstitutional chapter 95-182, Laws of Florida, as violative of the single subject rule, we quash the decision below and remand this cause for resentencing in accordance with the valid laws in effect on January 25, 1997, the date on which Waldo committed the underlying offenses 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.

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

Third District - Case No. 3D97-3482

(Dade County)

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<sup>1</sup> Based on our decision in Salters v. State, No. SC95663 (Fla. May 11, 2000), we determine that Waldo has standing to challenge chapter 95-182, Laws of Florida, on single subject rule grounds. Further, even though Waldo 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 Howard K. Blumberg, Assistant Public Defender, Eleventh Judicial Circuit, Miami, Florida,

for Petitioner

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for Respondent