

Supreme Court of Florida

No. SC95216

JOHN JOHN,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[March 23, 2000]

PER CURIAM.

We have for review John v. State, 728 So. 2d 824 (Fla. 3d DCA 1999), in which the Third District Court of Appeal affirmed John John'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 John 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 June 29, 1996, the date on which John committed the underlying offense in this case.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. 3D98-627

(Dade County)

Bennet H. Brummer, Public Defender, and Lisa Walsh, Assistant Public Defender,
Eleventh Judicial Circuit, Miami, Florida,

for Petitioner

¹ We note that John 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 Lara J. Edelstein, Assistant Attorney General,
Fort Lauderdale, Florida,

for Respondent