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CLERK, SUPREME COURT
By _____

In The Supreme Court Of Florida

Seain C. Hull,
Petitioner,

v.

Case No: 95,292

State Of Florida,
Respondent.

On Discretionary Review From
The Fifth District Court Of Appeal

Petitioners Reply Brief On The Merits

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4455 Sam Mitchell Dr.
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Summary of Argument

Jurisdiction in this Case was properly granted as Mr. Hull has not yet began to serve the Sentence of which he is attacking do to the Florida Dept. of Corrections altering his original Judgment to run in reverse, running the two year Sentence behind the fifteen year Sentence instead of in front as originally imposed.

Furthermore Chapter 95-184 does violate the Single Subject rule as the legislature gave no intent to enact two separate and disassociated objects of legislative law in one act.

Argument

The Trial Court did not properly Deny The Petitioner's 3.800 Motion, As Chapter 95-184 does violate the Single Subject Rule.

Petitioner contends that his Sentence should be vacated because the 1995 Sentencing guidelines were enacted in violation of the Single Subject Rule.

First of all petitioner submits that this case should not be dismissed, as review of petitioners claim was properly granted by this Court.

Mr. Hull has not misled the lower tribunal, the DCA, or this Honorable Court about how his Sentence is being served.

Mr Hull received a two year Sentence on July 31st, 1996. Accordingly although the State is correct in how the original Judgment reads in the lower tribunal record. Florida Dept. Of Corrections has altered their Judgment to run the petitioners Sentence in reverse from the original Judgment causing the 15 year Sentence to run first and the two year Sentence to run consecutive to the fifteen year Sentence.

Although Mr. Hull feels that D.O.C. does not have the authority to alter an original Judgment of

Lower Tribunal, Nonetheless this is what has occurred, and therefore this Case is not moot, and is properly before this Honorable Court.

The State Claims that even if Mr. Hull's argument prevailed, all that he would receive is a new lesser Sentence which would expire through Credit for time Served and that he would be in the same situation he is in now.

This argument may sound good but is ultimately untrue.

Since the Florida Dept. of Corrections in their Supreme Judicial authority has taken it upon themselves to alter an original judgment imposed by the Circuit Court, and has modified the original judgment of 2 years followed by a consecutive 15 years, Mr. Hull upon remand would extinguish a sentence which Florida Dept. of Corrections has not allowed Mr. Hull to extinguish or even start serving in its originally imposed form.

Since the Case in question has not yet begun to be served the claim raised of the unconstitutionality of Chapter 95-184 Laws of Florida is in no way moot.

In regards to the Single Subject issue the petitioner will continue to rely on the Second DCA's opinion in Heggs v. State, 718 So.2d 263 (Fla. 2nd DCA 1998), rev. granted 720 So.2d 518 (Fla. 1998), in which the 2nd DCA specifically relied on their opinion in Thompson v. State, 708 So.2d 315 (Fla. 2nd DCA 1998) rev. granted 717 So.2d 538 (Fla. 1998), where the 2nd DCA claimed that section 95-182 violated the Single Subject Rule Art. III, § 6 Fla. Constitution. As well in Heggs supra the 2nd DCA also declared 95-184 in violation of the Single Subject Rule. The Petitioner will continue to rely on the argument presented in his original Brief on The Merits.

Conclusion

Mr. Holl has in no way misled the Court in his facts filed in his Original Brief on the Merits.

Mr. Holl is very aware of the way the Florida Dept. of Corrections has modified his Sentence in order to cause him to remain incarcerated longer than he would have if his Sentence would have been run the way it was intended by the trial Court.

Had F.D.O.C. run the sentence in its original form the State would have been correct in its assumption that Mr. Holl had extinguished his Sentence way before his 3.800 motion was ever filed.

Of course as shown by Mr. Holl's argument which can be verified through F.D.O.C. records, he has not yet begun to even serve the judgment imposed by the trial Court therefore Mr. Holl request that this Honorable Court address the merits of his claim accordingly.

Respectfully Submitted
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a true and correct copy of the foregoing has been furnished by pre-paid U.S. Mail to:

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on this 11th day of October, 1999.

1s/ Sean Hall

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