

Supreme Court of Florida

No. SC96481

LARRY J. ROBINSON,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[May 18, 2000]

PER CURIAM.

We have for review Robinson v. State, 738 So. 2d 1019 (Fla. 1st DCA 1999), in which the First District Court of Appeal affirmed Larry J. Robinson's violent career criminal sentence and 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 for resentencing in accordance with the valid laws in effect on April 10, 1997, the date on which Robinson committed the underlying offense in this case.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

First District - Case No. 1D98-3576

(Bay County)

Nancy A. Daniels, Public Defender, and Robert Friedman, Assistant Public Defender,
Second Judicial Circuit, Tallahassee, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, James W. Rogers, Tallahassee Bureau Chief,
Criminal Appeals, and Charmaine M. Millsaps, Assistant Attorney General, Tallahassee,

¹ Based on our decision in Salters v. State, No. SC95663 (Fla. May 11, 2000), we determine that Robinson has standing to raise a single subject rule challenge to chapter 95-182, Laws of Florida. Moreover, we agree with Robinson's uncontested assertion that he may challenge his violent career criminal sentence despite the fact that such sentence resulted from a negotiated plea agreement. See, e.g., Shelton v. State, 739 So. 2d 1235, 1236-37 (Fla. 4th DCA 1999).

Florida,

for Respondent