IN THE SUPREME COURT OF FLORIDA

CASE NO. 96,899

EUSEBIO LAZARO MEDINA,

Petitioner,

-vs-

THE STATE OF FLORIDA,

Respondent.

ON PETITION FOR DISCRETIONARY REVIEW

BRIEF OF PETITIONER ON THE MERITS

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INTRODUCTION

This is the initial brief on the merits of petitioner/defendant Gary Robbins on conflict jurisdiction from the Third District Court of Appeal.

Citations to the record are abbreviated as follows:

(R.) - Clerk's Record on Appeal

(TR.) - Transcript of Proceedings

(A.) - Appendix with Third District's decision

STATEMENT OF THE CASE AND FACTS

The petitioner/defendant was charged with burglary with assault, four counts of sexual battery, aggravated battery and false imprisonment. (R. 1-8). The offense at issue in this case was committed on December 14, 1996. (R. 1) Mr. Medina was sentenced under the 1995 guidelines and scored a total of 557 points, resulting in a range of 33.06 to 55.1 years. (R. 102-103). 80 of these points were for sexual penetration. (R. 102) 232 of these points were for four level 10 additional offenses (R. 102). The trial court sentenced Mr. Medina to serve 45 years in state prison, followed by 10 years of probation, for the offenses of sexual battery, burglary, and kidnapping. (R. 9, 108). He was also sentenced to serve 15 years in prison for the offense of aggravated battery, to run concurrent with his other sentences (R. 9, 109).

The defendant argued on appeal that this sentence was unconstitutional because he was sentenced pursuant to the 1995 sentencing guidelines which violated the single subject requirement of the Florida Constitution, Article III, section 6. (A.). The Third District Court of Appeal, in *Medina v. State*, 24 Fla. L. Weekly D2193, No. 98-2141 (Fla. 3d DCA Sept. 22, 1999), affirmed and certified the following as a question of great public importance:

> DOES CHAPTER 95-184 VIOLATE ARTICLE III, SECTION 6 OF THE FLORIDA CONSTITUTION?

(A. 1-2).

SUMMARY OF ARGUMENT

Mr. Medina's sentence must be vacated because the 1995 guidelines under which he was sentenced were improperly enacted in violation of the single subject rule, Article III, Section 6 of the Florida Constitution, and are therefore invalid. Chapter 95-184, Florida Laws, which amended the sentencing guidelines also contained provisions on numerous unrelated subjects, including civil remedies for victims of domestic violence, which were designed to accomplish separate and dissociated objects of legislative effort.

Consequently, defendants whose offenses were committed between the date the guidelines took effect on October 1, 1995, and May 24, 1997, when the legislature reenacted the statute, are entitled to relief from sentencing under the 1995 guidelines. Since the defendant in the present case committed the crime on December 16, 1996, he falls within this window period and could be resentenced within the 1994 guidelines. Under the 1994 guidelines, Mr. Medina's sentence would be significantly decreased. The decision of the Third District must be quashed, the defendant's sentence must be reversed, and this case remanded to the trial court for resentencing.

This precise issue is presently pending in this Court in *Heggs v. State*, 718 So. 2d 263 (Fla. 2d DCA), *review granted*, 720 So. 2d 518, No. 98,851 (Fla. 1998), *Hull v. State*, 727 So. 2d 1152 (Fla. 5th DCA), *review granted*, 740 So. 2d 528, No. 95,292 (Fla. 1999), and *Valdes v. State*, 728 So. 2d 1225 (Fla. 3d DCA), *review granted*, 740 So. 2d

529, No. 95,427 (Fla. 1999).

ARGUMENT

CHAPTER 95-184, LAWS OF FLORIDA (1995), WHICH CREATED THE 1995 SENTENCING GUIDELINES VIOLATES ARTICLE III, SECTION 6 OF THE FLORIDA CONSTITUTION AND THE DECISION OF THE THIRD DISTRICT MUST BE QUASHED AND THE DEFENDANT'S SENTENCE REMANDED FOR RESENTENCING.

The underlying offense in this case was committed in December of 1996. (R. 1) The sentence was therefore governed by the 1995 guidelines, which were enacted by the legislature in chapter 95-184, Laws of Florida (1995) and applied to all crimes committed after October 1, 1995. Under the 1995 guidelines, Mr. Medina scored a total of 557 points, 80 of which were for sexual penetration, and 232 of which were for level 10 additional offenses, resulting in a range of 33.06 to 55.1 years. (R. 102-103) The trial court sentenced Mr. Medina to serve 45 years in prison. (R. 393)

The 1995 amendments doubled the points assigned for sexual penetration. Ch. 95-184 § 6, Laws of Fla. The 1995 amendments also increased the points assigned to a level 10 additional offense from 12 points under the 1994 guidelines to 58 points under the new guidelines. *Id.* Under the guidelines previously in effect, Mr. Medina would have received only 40 points for sexual penetration, as opposed to 80, and 48 points for his four level 10 additional offenses, as opposed to 232. Thus, under the previous guidelines, Mr. Medina could have been sentenced to only 13 to 23 years, as opposed to

the 45 year sentence that he received under the 1995 guidelines. § 921.0014(1), Fla. Stat. (1993).

Mr. Medina's sentence must be vacated and the case remanded for resentencing because the 1995 guidelines were improperly enacted in violation of the single subject rule of Article III, Section 6 of the Florida Constitution. In *Heggs v. State,* 718 So. 2d 263 (Fla. 2d DCA), *review granted* 720 So. 2d 518 (Fla. 1998), the Second District Court of Appeal certified the question presented in this petition for immediate resolution. The court stated that it "believe[d] that chapter 95-184 violates the single subject rule because it . . . embraces civil and criminal provisions that are not logically connected." *Id.* The Second District Court of Appeal relied on its own precedent in *Thompson v. State,* 708 So. 2d 315 (Fla. 2d DCA 1998), *review granted,* 717 So. 2d 538 (Fla. 1998), which held that chapter 95-182 similarly violated the single-subject rule by combining such unrelated provisions.

Although Appellant did not raise this issue at trial, the issue is one of fundamental error. *Johnson v. State*, 616 So. 2d 1 (Fla. 1993).

A. The Single Subject Rule

Article III, section 6 of the Florida Constitution provides:

> Every law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title.

This provision serves three purposes:

> (1) to prevent hodge podge or "log rolling" legislation, i.e., putting two unrelated matters in one act; (2) to prevent surprise or fraud by means of provisions in bills of which the titles gave no intimation, and which might therefore be overlooked and carelessly and unintentionally adopted; and (3) to fairly apprise the people of the subjects of legislation that are being considered, in order that they may have opportunity of being heard thereon.

State v. Canova, 94 So. 2d 181, 184 (Fla. 1957).

Although "the subject of a law is that which is expressed in the title, . . . and may be as broad as the Legislature chooses . . . the matters included in the act" must "have a natural or logical connection" to one another. *State v. Lee*, 356 So. 2d 276, 282 (Fla. 1978) (citation and internal quotes omitted). Thus, an enormously broad topic will not necessarily be considered a "single subject" merely because the legislature labels it so. For example, in recent cases, discussed below, topics such as "the criminal justice system," "comprehensive economic development", and "environmental resources" have been held too broad to be considered single subjects. If the law were otherwise, the legislature could evade the purpose of Article III, Section 6 simply by attaching a broad label such as "public health, safety, and welfare" to legislation combining a wide variety of topics.

The rule also requires that, "[w]hen the subject expressed in the title is restricted, only those provisions that are fairly included in such restricted subject and matter properly

connected therewith can legally be incorporated in the body of the act, even though other provisions besides those contained in the act could have been included in one act having a single broader subject expressed in its title." *Ex Parte Knight*, 41 So. 786, 788 (Fla. 1906). Thus, although the title "need [not] embrace every detail of the subject matter . . . , the propositions embraced in the act shall be fairly and naturally germane to that recited in the title." *Boyer v. Black*, 18 So. 2d 880, 887 (Fla. 1944).

"The test for duplicity of subject is whether or not the provisions of the bill are designed to accomplish separate and disassociated objects of legislative effort." *State v. Thompson*, 163 So. 270, 283 (Fla. 1935). The test "requires examining the act to determine if the provisions are fairly and naturally germane to the subject of the act, or are such as are necessary incidents to or tend to make effective or promote the objects and purposes of legislation included in the subject. . . ." *Smith v. Department of Insurance*, 507 So. 2d 1080,1087 (Fla. 1987) (citation and internal quotes omitted). In several recent decisions, Florida courts have made clear that separate subjects cannot be artificially connected by the use of broad labels such as "the criminal justice system" or "crime control." Although the courts have given the legislature somewhat more latitude where comprehensive legislation is required to respond to a perceived crisis, that exception is not applicable here.

In *Bunnell v. State,* 453 So. 2d 808 (Fla. 1984), this Court concluded that chapter

82-150, Laws of Florida, was enacted in violation of the single subject rule. The chapter contained three substantive sections. Section one created a new offense of "obstruction by false information" (codified at section 843.035, Florida Statutes (1982 Supp.)). Sections two and three made several amendments to Sections 23.15-.154, Florida Statutes (1981), concerning the membership of the "Florida Council on Criminal Justice," which, at the time, was an advisory board composed of various officials in the criminal justice system. Two District Courts of Appeal had reached contrary conclusions regarding the constitutionality of chapter 82-150.

The Second District Court of Appeal upheld chapter 82-150, finding that the sections of the statute "have a natural and logical connection to . . . the general subject of . . . the 'Criminal Justice System'" and therefore did not violate the single subject rule. *State v. Bunnell*, 447 So. 2d 228, 230 (Fla. 2d DCA 1983), *quashed* 453 So. 2d 808 (Fla. 1984). The Fifth District Court of Appeal disagreed, holding that "[t]he bill in question in this case is not a comprehensive law or code type of statute." *Williams v. State*, 459 So. 2d 319 (Fla. 5th DCA 1984). It went on to criticize the Second District's rationale for upholding the statute:

> The *Bunnell* court reasoned that although not expressed in the title, it could infer from the provisions of the bill, a general subject, the criminal justice system, which was germane to both sections. Even if that subject was expressed, for example, in a title reading "Bill to Improve Criminal Justice in Florida," we think this is the object and not the subject of the provisions. Further, approving such a general subject for a non-comprehensive law

> would write completely out of the constitution the anti-logrolling provision of article III, section 6. . . . [T]he general objective of the legislative act should not serve as an umbrella subject for different substantive matters.

Id. at 321 (footnote omitted).

Taking jurisdiction in *Bunnell*, this Court agreed with the Fifth District Court of Appeal and concluded that chapter 82-150 was invalid under the single subject rule because "the subject of section 1 has no cogent relationship with the subject of sections 2 and 3 and . . . the object of section 1 is separate and disassociated from the object of sections 2 and 3." 453 So. 2d at 809.

In *Burch v. State*, 558 So. 2d 1 (Fla. 1990), this Court narrowly upheld the validity of chapter 87-243, Laws of Florida against a single subject attack. The majority explained:

> In the preamble to chapter 87-243, the legislature explained the reasons for this legislation:
>
> > WHEREAS, Florida is facing a crisis of dramatic proportions due to a rapidly increasing crime rate, which crisis demands urgent and creative remedial action, and
> >
> > WHEREAS, Florida's crime rate crisis affects, and is affected by, numerous social, educational, economic, demographic, and geographic factors, and
> >
> > WHEREAS, the crime rate crisis through-out the state has ramifications which reach far beyond the confines of the traditional criminal justice system and cause deterioration and disintegration of businesses, schools, communities, and families, and

> WHEREAS, the Joint Executive/Legislative Task Force on Drug Abuse and Prevention strongly recommends legislation to combat Florida's substance abuse and crime problems, and asserts that the crime rate crisis must be the highest priority of every department of government within the state whose functions touch upon the issue, so that a comprehensive battle can be waged against this most insidious enemy, and
>
> WHEREAS, this crucial battle requires a major commitment of resources and a nonpartisan, nonpolitical, cohesive, well-planned approach, and
>
> WHEREAS, it is imperative to utilize a proactive stance in order to provide comprehensive and systematic legislation to address Florida's crime rate crisis, focusing on crime prevention, throughout the social strata of the state, and
>
> WHEREAS, in striving to eliminate the fragmentation, duplication, and poor planning which would doom this fight against crime, it is necessary to coordinate all efforts toward a unified attack on the common enemy, crime . . . .
>
> To accomplish this purpose, chapter 87-243 deals with three basic areas: (1) comprehensive criminal regulations and procedures, (2) money laundering, and (3) safe neighborhoods. Each of these areas bear a logical relationship to the single subject of controlling crime, whether by providing for imprisonment or through taking away the profits of crime and promoting education and safe neighborhoods. The fact that several different statutes are amended does not mean that more than one subject is involved. There is nothing in this act to suggest the presence of log rolling, which is the evil that article III, section 6, is intended to prevent. In fact, it would have been awkward and unreasonable to attempt to enact many of the provisions of this act in separate legislation.

558 So. 2d at 2-3.

The *Burch* majority distinguished *Bunnell*, reasoning that, unlike the legislation

at issue in *Bunnell*, which contained two separate subjects with only a "tenuous" relationship to each other, "chapter 87-243 is a comprehensive law in which all of its parts are directed toward meeting the crisis of increased crime." *Id.* at 3.

Finally, in *State v. Johnson*, 616 So. 2d 1 (Fla. 1993), this Court held that chapter 89-280, Laws of Florida, violated the single subject requirement because it addressed two unrelated subjects: "the habitual offender statute, and . . . the licensing of private investigators and their authority to repossess personal property." 616 So. 2d at 4. Although "[t]he title of the act at issue designates it an act relating to criminal law and procedure," this Court reasoned that "it is difficult to discern a logical or natural connection between career criminal sentencing and repossession of motor vehicles by private investigators." *Id*. (citation and internal quotes omitted). The Court "reject[ed] the State's contention that these two subjects relate to the single subject of controlling crime." *Id*. Rather, this Court found these "two very separate and distinct subjects" had "absolutely no cogent connection" and were not "reasonably related to any crisis the legislature intended to address." *Id*. Justice Grimes, the author of the *Burch* opinion, concurred separately to emphasize that,

> The *Burch* legislation was upheld because it was a comprehensive law in which all of the parts were at least arguably related to its overall objective of crime control. Here, however, chapter 89-280 is directed only to two subjects -- habitual offenders and repossession of motor vehicles and motor boats -- which have no relationship to each other whatsoever.

Id. at 5 (Grimes, J., concurring).

This Court's decisions addressing single-subject challenges to other types of legislation underscore this same distinction between a statute that is truly a comprehensive package of legislation designed to address a perceived crisis, and a hodge-podge of unrelated legislation lumped together under a broad title. Thus, in *State v. Lee*, 356 So. 2d 276 (Fla. 1978), *Chenoweth v. Kemp*, 396 So. 2d 1122 (Fla. 1981) and *Smith v. Department of Insurance*, 507 So. 2d 1080 (Fla. 1987), this Court upheld legislation designed to comprehensively address perceived crises in tort law and the insurance industry.

This Court struck down as invalid, however, attempts to unite disparate pieces of legislation under broad rubrics such as "an act relating to economic development," which contained 120 sections dealing with matters ranging from worker's compensation to international trade. *Martinez v. Scanlan*, 582 So. 2d 1167 (Fla. 1991). This Court also struck down chapter 88-156, Laws of Florida, "an act relating to the construction industry," which also included provisions dealing with pollutant storage tanks. *Alachua County v. Florida Petroleum Marketers*, 589 So. 2d 240 (Fla. 1991).

In *State v. Leavins*, 599 So. 2d 1326 (Fla.1st DCA1992), the court struck down chapter 89-175, Laws of Florida, which was entitled "an act relating to environmental resources . . . ." and consisted of 48 sections, encompassing a range of topics including

regulation of gas and oil exploration and development, littering, oil spills, protection of coastal reefs and fishing areas, dredging, and hunting. 599 So. 2d at 1333-34. The court noted that, although the supreme court had "applied a somewhat relaxed rule in cases where it found that the subjects of an act were reasonably related to an identifiable crisis the legislature intended to address," the legislature in enacting chapter 89-175 "has not ostensibly addressed any crisis, but has attempted to bundle together the various matters encompassed by chapter 89-175 under the rubric 'an act relating to environmental resources.'" *Id*. at 1334. The court held the statute was invalid, because:

> This phrase ["an act relating to environmental resources"] is so broad, and potentially encompasses so many topics, that it lends little support to the State's attempt to fend off a single subject challenge. . . .
>
> * * *
>
> Although each individual subject addressed [in the statute] might be said to bear some relationship to the general topic of environmental resources, such a finding would not, and should not, satisfy the test under Article III, Section 6. If a purpose of the constitutional prohibition [is] to insure, as nearly as possible, that a member of the legislature be able to consider the merit of each subject contained in the act independently of the political influence of the merit of each other topic, the reviewing court must examine each subject in light of the various other matters affected by the act, and not simply compare each isolated subject to the stated topic of the act.

Id. (footnote omitted).

B. Chapter 95-184 Violates the Single Subject Rule

Like the legislation at issue in *Bunnell*, *Johnson, Martinez*, *Alachua County*, and *Leavins, supra,* chapter 95-184 violates the single subject rule because it combines separate and disassociated topics. Chapter 95-184, denominated "an act relating to the justice system" and entitled the "Crime Control Act of 1995," contains 40 sections. Sections 2 through 7, 13, and 14 significantly amend the sentencing guidelines. Section 8 amends the definition of burglary. Sections 9 through 12 amend the definition of theft. Section 15 increases the punishment for certain drug trafficking offenses. Section 16 modifies the possible sentences for life felonies. Sections 17 through 24 amend other specific sentencing statutes: Sections 775.0823, 775.0825, 775.087, 784.07, 775.0845, 775.0875, 874.04, and 794.023. Sections 25 through 27 amend the general sentencing statutes (Sections 921.187, 944.275, and 947.146) to include the changes made by the preceding sections.

Sections 28 through 35 amend several provisions in chapter 960 regarding the imposition and enforcement of civil damage actions by victims of crime. Section 36 creates a new civil cause of action for victims injured by violations of domestic violence injunctions, to be enforced by the court that issued the injunction. Section 37 creates a civil cause of action for domestic violence victims. Section 38 imposes certain new administrative duties on court clerks and sheriffs regarding the filing and enforcement of

domestic violence injunctions.

In *Heggs, supra,* the Second District Court of Appeal relied on its decision in *Thompson v. State,* 708 So. 2d 315 (Fla. 2d DCA 1998), *review granted,* 717 So. 2d 538 (Fla. 1998), and held that chapter 95-184 failed to comply with the single-subject rule. In *Thompson,* the Second District Court of Appeal had found that chapter 95-182 violated the single subject rule because it combined two distinct subjects: "Sections 1 through 7 of chapter 95-182, known as the Gort Act, create and define the violent career criminal sentencing category and provide sentencing procedures and penalties" and "[s]ections 8 through 10 of chapter 95-182 deal with civil aspects of domestic violence." Looking to the legislative history of the chapter, the court found that "sections 8 through 10 of chapter 95-182 began as three bills in the House of Representatives," each of which had originally died in committee. "The substance of these failed bills was" then "engrafted on several Senate bills, including [the] committee substitute for Senate Bill 168 (the Gort Act), and thereby became law." The Second District emphasized that "[i]t is in circumstances such as these that problems with the single subject rule are most likely to occur." *Id.* at 316.

The court also noted that such a joinder of "criminal and civil subjects" had been fatal in *Johnson* and *Bunnell, supra*. The court found that sections 2 through 7 and sections 8 through 10 of chapter 95-182 addressed distinct subjects and were "'designed

to accomplish separate and dissociated objects of legislative effort,'" *id.* (quoting *State v. Thompson*, 120 Fla. 860, 892-93, 163 So. 270, 283 (1935)), rather than "to implement comprehensive legislation to solve a crisis." *Id.* The court concluded: "Harsh sentencing for violent career criminals and providing civil remedies for victims of domestic violence, however laudable, are nonetheless two distinct subjects. The joinder of these two subjects in one act violates article III, section 6, of the Florida Constitution; thus, we hold that chapter 95-182, Laws of Florida, is unconstitutional."

In *Heggs,* the court noted that the "objectionable civil provisions addressing domestic violence injunctions," which had been engrafted on chapter 95-182 after failing to gain passage on their own, were also engrafted on chapter 95-184. The court therefore held:

> Following our own precedent in *Thompson*, we believe that chapter 95-184 violates the single subject rule because it, too, embraces civil and criminal provisions that are not logically connected. The two subjects "are designed to accomplish separate and dissociated objects of legislative effort." 708 So.2d at 317 (quoting *State ex rel. Landis v. Thompson*, 120 Fla. 860, 892-893, 163 So. 270, 283 (1935)). Likewise, as in *Thompson*, here there is no legislative statement of intent to implement comprehensive legislation to solve a crisis. *See Thompson*, 708 So.2d at 315.

718 So.2d at 264.

The petitioner submits that this Court should follow the well reasoned opinion of the Second District Court of Appeal in *Heggs*.

CONCLUSION

Based upon the foregoing, the defendant requests that this Court quash the decision of the Third District and reverse his sentence pursuant to the 1995 sentencing guidelines with directions to remand the case to the lower court for a new sentencing pursuant to the 1994 guidelines.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed to Lara J. Edelstein, Assistant Attorney General, Office of the Attorney General, Criminal Division, 444 Brickell Avenue, Suite 950, Miami, Florida 33131, this 19th day of November, 1999.

By:_____
LISA WALSH
Assistant Public Defender

CERTIFICATE OF FONT

Undersigned counsel certifies that the type used in this brief is 14 point proportionately spaced Times Roman.

_____
LISA WALSH
Assistant Public Defender

Appendix

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

THIRD DISTRICT

JULY TERM, A.D., 1999

EUSEBIO LAZARO MEDINA,

Appellant,

VS.

THE STATE OF FLORIDA,

Appellee.

CASE NO. 98-2141

LOWER TRIBUNAL NO. 96-39915

Opinion filed September 22, 1999.

An Appeal from the Circuit Court for Miami-Dade County, Gill S. Freeman, Judge.

Bennett H. Brummer, Public Defender, and Maria E. Lauredo, Assistant Public Defender, for appellant.

Robert a. Butterworth, Attorney General, and Lara J. Edelstein, Assistant Attorney General (Fort Lauderdale), for appellee.

Before SCHWARTZ, C.J., and COPE, and GERSTEN, JJ.

PER CURIAM.

Eusebio Lazaro Medina ("defendant") appeals from a conviction

and sentence on five counts of sexual battery, burglary, aggravated battery, and kidnaping. The defendant contends: (1) that the trial court erred in denying his motion for a judgment of acquittal on the kidnaping offense; (2) that his burglary conviction must be reversed because the trial court erred in instructing the jury that the commission of a crime within a structure revokes any previous consent to the defendant's presence in the structure, and; (3) that his sentence pursuant to the 7.995 criminal guidelines, set forth in chapter 95-184, must be vacated because the guidelines were enacted in violation of Article III, Section 6 of the Florida Constitution.

The defendant's first contention is clearly covered and negated by Faison v. State, 426 So. 2d 963 (Fla. 1983) (asportation of rape victim from kitchen to bedroom of residence sufficient to support kidnaping conviction), and merits no further comment. With regard to the defendant's second contention, we agree that the court erred in providing the instruction at issue. See Marquez v. State, 721 So. 2d 1206 (Fla. 3d DCA 1998) (mere fact that defendant commits crime within a structure does not require a finding that permission to enter has been withdrawn to support a burglary conviction). The court's error in this regard, however, was harmless. See State v. DiGuilio, 491 So. 2d 1129 (Fla. 1986). The uncontroverted evidence showed that the victim affirmatively withdrew her consent to the defendant's presence within her residence.

Finally, although we do not believe that chapter 95-184 violates the constitution's single-subject requirement, see, Higgs v. State, 695 So. 2d 872 (Fla. 3d DCA 1997)(finding a chapter 95-182 constitutional), we follow Trapp v. State, 24 Fla. L. Weekly D1431 (Fla. 1st DCA June 17, 1999) and Heggs v. State, 718 So. 2d 263 (Fla. 2d DCA), rev. granted, 720 So. 2d 518 (Fla. 1998) in certifying the following question to the Florida Supreme Court as a matter of great public importance:

> DOES CHAPTER 95-184 VIOLATE ARTICLE III, SECTION 6 OF THE FLORIDA CONSTITUTION?

The judgment entered below is affirmed in all respects.

Affirmed.