

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 FROM
THE DISTRICT COURT OF APPEAL OF FLORIDA,
THIRD DISTRICT

SUPPLEMENTAL BRIEF OF RESPONDENT ON THE MERITS

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INTRODUCTION

Respondent, THE STATE OF FLORIDA, adopts the designations set forth in its Answer Brief, filed on or about December 8, 1999.

CERTIFICATE OF TYPE SIZE AND STYLE

This brief is formatted to print in 12 point Courier New type size and style.

STATEMENT OF THE CASE AND FACTS

The State readopts the statement of the case and facts as set forth in its Answer Brief filed on or about December 8, 1999.

QUESTION PRESENTED

THIS COURT'S DECISION IN SALTERS V. STATE,
CASE No. SC95663, May 11, 2000, PRECLUDES ANY
DISCUSSION IN THE INSTANT CASE.

SUMMARY OF THE ARGUMENT

Today's decision in Salters v. State, Case No. SC95663 (May 11, 2000), precludes any discussion regarding the window period or the single subject rule analysis in the instant case, barring the granting of a motion for rehearing.

ARGUMENT

**THIS COURT'S DECISION IN SALTERS V. STATE,
CASE No. SC95663, May 11, 2000, PRECLUDES ANY
DISCUSSION IN THE INSTANT CASE. (Restated)**

The Petitioner has filed a supplemental brief in this case addressing the window period as raised in Heggs v. State, 718 So.2d 263, 264 fn.1 (Fla. 2d DCA), rev. granted, 720 So.2d 518 (Fla. 1998).

This Court today decided in Salters v. State, Case No. SC95663, May 11, 2000, that "the window period for challenging the violent career criminal sentencing provisions created by chapter 95-182, Laws of Florida, opened on October 1, 1995, when chapter 95-182 became effective, and closed on May 24, 1997, when chapter 97-97, Laws of Florida, reenacted the amendments contained in chapter 95-182 as part of the biennial adoption process." Additionally, this Court declined to address Salters' argument that chapter 96-388, Laws of Florida, violates the single subject rule where Salters' offense was committed within the window period. Likewise, in the instant case, the Defendant committed his offense on December 14, 1996 which is within the window period. Thus, this decision precludes any discussion regarding the window period or the single subject rule analysis in the instant case, barring the

granting of a motion for rehearing.¹

CONCLUSION

WHEREFORE, based on the preceding authorities and arguments, Respondent respectfully requests that the Court affirm the decision of the Third District Court of Appeal if this Court should grant a rehearing in Salters.

Respectfully Submitted,
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Brief of Respondent was mailed to LISA WALSH, Assistant Public Defender, 1320 N.W. 14th Street, Miami, Florida 33125 on this

¹ If the State should file a motion for rehearing in Salters, the State in the instant case adopts those arguments and any subsequent decision in Salters.

_____ day of _____, 2000.

LARA J. EDELSTEIN
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