

Supreme Court of Florida

No. SC96899

EUSEBIO LAZARO MEDINA,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[June 1, 2000]

PER CURIAM.

We have for review Medina v. State, 743 So. 2d 116 (Fla. 3d DCA 1999), in which the Third District Court of Appeal affirmed Eusebio Lazaro Medina's convictions and sentences, and certified the following question to this Court as a matter of great public importance:

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

We have jurisdiction. See Art. V, § 3(b)(4), Fla Const. Based on our recent decision

in Heggs v. State, 25 Fla. L. Weekly S137 (Fla. Feb. 17, 2000), in which we held chapter 95-184 to be unconstitutional as violative of article III, section 6 of the Florida Constitution, we answer the certified question in the affirmative. Accordingly, we quash that portion of the decision below that affirmed Medina's sentences. We remand with directions that the sentences be reversed and remanded for resentencing in accordance with the sentencing guidelines in effect before the relevant amendments made in chapter 95-184 became effective.¹

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 Great
Public Importance

Third District - Case No. 3D98-2141

(Miami-Dade County)

¹ Medina committed the underlying offenses in this case on December 14, 1996, and he therefore has standing to challenge chapter 95-184 on single subject rule grounds. See Trapp v. State, No. SC96074 (Fla. June 1, 2000). Further, even though Medina failed to raise a single subject rule challenge in the trial court, we find that such challenge may be properly addressed in this case for the first time on appeal. See Heggs v. State, 25 Fla. L. Weekly S137, S138, S140 n. 4 (Fla. Feb. 17, 2000); cf. Nelson v. State, 748 So. 2d 237, 241-42 (Fla. 1999), cert. denied, 120 S. Ct. 950 (2000); State v. Johnson, 616 So. 2d 1, 3-4 (Fla. 1993).

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

for Petitioner

Robert A. Butterworth, Attorney General, Michael J. Neimand, Bureau Chief-Criminal
Division, Assistant Attorney General, and Lara J. Edelstein, Assistant Attorney General,
Fort Lauderdale, Florida,

for Respondent