

Supreme Court of Florida

No. SC99-102

MICHAEL BROWN,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[April 18, 2002]

PER CURIAM.

We have for review the decision in Brown v. State, 24 Fla. L. Weekly D2753 (Fla. 1st DCA Dec. 8, 1999), in which the First District held that section 775.082(8)(a)2.a., Florida Statutes (1997), which provides for a life sentence for prison releasee reoffenders who commit “a felony punishable by life,” applies both to life felonies and first degree felonies punishable by imprisonment for a term of years not exceeding life. The district court also upheld the constitutionality of section 775.082(8), and certified that issue for our review. We have jurisdiction.

See art. V, § 3(b)(4), Fla. Const.

We upheld the statute's constitutionality in State v. Cotton, 769 So. 2d 345, 349-50 (Fla. 2000). We have also recently approved of the district court's holding in Brown in Knight v. State, 27 Fla. L. Weekly S81 (Fla. Jan. 24, 2002), a case presenting the same issue.

Accordingly, we approve the decision of the district court on the authority of Cotton and Knight.

It is so ordered.

WELLS, C.J., and SHAW, HARDING, ANSTEAD, PARIENTE, LEWIS, and QUINCE, JJ., concur.

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

First District - Case No. 1D99-475

(Duval County)

Nancy A. Daniels, Public Defender, and Richard M. Summa, Assistant Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, James W. Rogers, Bureau Chief, Criminal

Appeals, and Daniel A. David, Assistant Attorney General, Tallahassee, Florida,
for Respondent