

IN THE SUPREME COURT OF FLORIDA

FILED
DEBBIE CAUSSEUX

FEB 04 2000

CLERK, SUPREME COURT

BY *DJ*

BRUCE WILLIAMS,

Petitioner,

v.

Case No. 99-463

STATE OF FLORIDA,

Respondent.

ON PETITION FOR REVIEW FROM
THE SECOND DISTRICT COURT OF APPEAL
STATE OF FLORIDA

JURISDICTIONAL BRIEF OF RESPONDENT

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The size and style of type used in this brief is 12-point Courier New, a font that is not proportionately spaced.

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STATEMENT OF THE CASE AND FACTS

Respondent accepts petitioner's statement of the case and facts as being accurate for the purposes of appellate review.

SUMMARY OF THE ARGUMENT

Respondent acknowledges that this Court has discretionary jurisdiction to review the decision of the Second District Court of Appeal in the instant case pursuant to Fla. R. App. Pro 9.030(a)(2)(A)(I) (1999) because the decision construes the constitutional validity of the Prison Releasee Reoffender Statute.

ARGUMENT

WHETHER THE OPINION OF THE SECOND DISTRICT COURT OF APPEAL EXPRESSLY DECLARES A STATUTE VALID, GIVING THE FLORIDA SUPREME COURT DISCRETIONARY JURISDICTION TO REVIEW THE CASE PURSUANT TO FLA. R. APP. PRO. 3.030(a)(2)(A)(I) (1999)

The respondent acknowledges that the opinion of the Second District Court of Appeal expressly declares the Prison Releasee Reoffender Statute (s. 775.082(8), Fla. Stat. (1997) to be valid and in doing so rejected constitutional attacks on the statute based upon: (1) the single subject rule (2) violation of separation of powers (3) cruel and unusual punishment (4) vagueness (5) due process (6) equal protection and (7) ex post facto. This Court, therefore, has discretionary jurisdiction pursuant to Fla. R. App. Pro 3.030(a)(2)(A)(I) (1999).

Numerous cases are presently pending before this Court regarding the validity of this statute based upon the constitutional grounds raised by the petitioner. This Court has already heard oral arguments regarding these issues in this case on November 3, 1999, in the cases of McKnight v. State, 727 So.2d 314 (Fla. 3d DCA 1999), *rev. granted* 740 So.2d 528, and Cotton v. State, 728 So.2d 251 (Fla. 2d DCA 1998), *rev. granted* 737 So.2d 551 (Fla. 1999).

CONCLUSION


Respondent respectfully requests that this Court grant review in the instant case.

Respectfully submitted,

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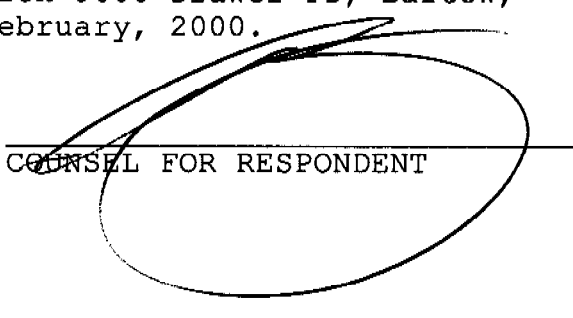


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. mail to William L. Sharwell, Assistant Public Defender, P.O. Box 9000-Drawer PD, Bartow, Florida 33831, this 2nd day of February, 2000.



COUNSEL FOR RESPONDENT