

Supreme Court of Florida

No. SC00-17

STATE OF FLORIDA,
Petitioner,

vs.

EDDY MORALES,
Respondent.

[April 11, 2002]

QUINCE, J.

We have for review the decision of the Fourth District Court of Appeal in State v. Morales, 751 So. 2d 69 (Fla. 4th DCA 1999), which cited to the court's earlier opinion in State v. Huggins, 744 So. 2d 1215 (Fla. 4th DCA 1999), approved, 802 So. 2d 276 (Fla. 2001), and certified conflict with the decision in State v. White, 736 So. 2d 1231 (Fla. 2d DCA 1999). We have jurisdiction. See art. V, § 3(b)(4), Fla. Const.

The State raises one issue, i.e., that the Prison Releasee Reoffender Punishment Act (PRRP) applies to the crime of burglary of an unoccupied

dwelling. We disagree and approve the decision of the Fourth District Court of Appeal in Morales for the reasons set forth in State v. Huggins, 802 So. 2d 276 (Fla. 2001).

It is so ordered.

SHAW, HARDING, and ANSTEAD, JJ., concur.

LEWIS, J., dissents with an opinion, in which WELLS, C.J., concurs.

PARIENTE, J., recused.

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

LEWIS, J., dissenting.

I respectfully dissent for the reasons stated in my dissenting opinion, and for the reasons set forth in the dissenting opinion of Chief Justice Wells, in State v. Huggins, 802 So. 2d 276 (Fla. 2001).

WELLS, C.J., concurs.

Application for Review of the Decision of the District Court of Appeal -
Certified Direct Conflict

Fourth District - Case Nos. 4D99-0008 & 4D99-0009

(Palm Beach County)

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