

Supreme Court of Florida

No. SC00-279

ROBERT F. MEDINA,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[May 30, 2002]

QUINCE, J.

We have for review the decision in Medina v. State, 751 So. 2d 138 (Fla. 2d DCA 2000), which certified conflict with the decision in State v. Huggins, 744 So. 2d 1215 (Fla. 4th DCA 1999), approved, 802 So. 2d 276 (Fla. 2001). We have jurisdiction. See art. V, § 3(b)(4), Fla. Const.

Robert Medina raises two issues before this Court. First, he argues the Prison Releasee Reoffender Punishment Act (PRRP) cannot be applied to the crime of burglary of an unoccupied dwelling. On this issue we vacate the decision of the

Second District and remand for reconsideration upon application of our decision in State v. Huggins, 802 So. 2d 276 (Fla. 2001).

The second issue involves various constitutional challenges to the PRRP.¹ The Second District denied the constitutional challenges and held that all of these issues have been resolved, citing Grant v. State, 745 So. 2d 519 (Fla. 2d DCA 1999), approved in part, quashed in part, 770 So. 2d 655 (Fla. 2000). As to the constitutional challenges, we approve the decision of the Second District based upon our decisions in Grant v. State, 770 So. 2d 655 (Fla. 2000), and State v. Cotton, 769 So. 2d 345 (Fla. 2000).

It is so ordered.

SHAW, HARDING, ANSTEAD, and PARIENTE, JJ., concur.
LEWIS, J., concurs in part and dissents in part with an opinion, in which WELLS, C.J., concurs.

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

LEWIS, J., concurring in part and dissenting in part.

I agree with the majority that the PRRP is constitutional. However, with respect to the question of whether burglary of a dwelling, whether occupied or not,

¹ The various constitutional challenges are: the PRRP violates the single subject rule, violates separation of powers, is cruel and unusual, is void for vagueness, violates due process, violates equal protection, and is overbroad.

qualifies the defendant for prison releasee reoffender sentencing, 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 of Decisions

Second District - Case No. 2D99-1311

(Highlands County)

James Marion Moorman, Public Defender, and William L. Sharwell, Assistant Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, Robert J. Krauss, Senior Assistant Attorney General, Chief of Criminal Law, and Ronald Napolitano, Assistant Attorney General, Tampa, Florida,

for Respondent