

SC00-511

ORIGINAL

IN THE SUPREME COURT OF FLORIDA

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BY Dy

CHRISTOPHER L. LIPPETTE

Petitioner,

v.

CASE NO. 99-00192

STATE OF FLORIDA,

Respondent.

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DISCRETIONARY REVIEW OF A DECISION OF  
THE SECOND DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

RESPONDENT'S BRIEF ON JURISDICTION

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TABLE OF CONTENTS

	<u>PAGE NO,</u>
TABLE OF CITATIONS . . . . .	ii
STATEMENT REGARDING TYPE . . . . .	iii
SUMMARY OF THE ARGUMENT . . . . .	1
ARGUMENT . . . . .	2
 WHETHER THE OPINION OF THE SECOND DISTRICT COURT OF APPEAL EXPRESSLY DECLARES A STATUTE VALID, GIVING THE FLORIDA SUPREME COURT DIS- CRETIONARY JURISDICTION TO REVIEW THE CASE PURSUANT TO FLA, R. APP. P. 9.030(a)(2)(A)(i) (1999) .	
CONCLUSION . . . . .	3
CERTIFICATE OF SERVICE , . . . .	4

TABLE OF CITATIONS

PAGE NO.

CASES

*Cotton v. State*,  
728 So. d 251 (Fla. 2d DCA 1998),  
rev. granted 737 So.2d 551 (Fla. 1999) . . . . . 2

*McKnight v. State*,  
727 So. d 314 (Fla. 3d DCA 1999),  
rev. granted 740 So.2d 528 (Fla. 1999) . . . . . 2

OTHER AUTHORITIES

Fla. R. App. P. 9.030(a) (2) (A) (i) (1999) . . . . . 1-3

Fla. Stat. §775.082(8) (1997) . . . . . 2

STATEMENT REGARDING TYPE

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

SUMMARY OF THE ARGUMENT

Respondent acknowledges the Court has discretionary jurisdiction to review the decision of the Second District Court of Appeal pursuant to Fla. R. App. P. 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. P. 9.030(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, P. 9.030(a) (2) (A) (i) (1999).

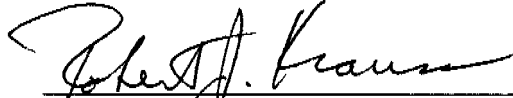
Numerous cases are presently pending before this Court regarding the validity of this statute based upon the constitutional grounds raised by the petitioner. This Court has already heard oral arguments regarding these issues in this case on November 3, 1999, in the cases of McKnight v. State, 727 So.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

CONCLUSION

The Court has discretionary jurisdiction under Fla. R. App. P.  
9.030 (a) (2)(A) (i).

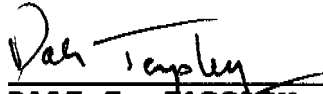
Respectfully submitted,

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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 John C. Fisher, Esq., Assistant Public Defender, Public Defender's Office, Polk County Courthouse, P.O. Box 9000-Drawer PD, Bartow, Florida 33831 on this 10th day of March, 2000.

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