

ORIGINAL

IN THE SUPREME COURT OF FLORIDA

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CLERK, SUPREME COURT

BY Du

CHRISTOPHER L. LIPPETTE

Petitioner,

v.

CASE NO. 99-01561

STATE OF FLORIDA,

Respondent.

_____ /

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

RESPONDENT'S BRIEF ON JURISDICTION

ROBERT A. BUTTERWORTH
ATTORNEY GENERAL

ROBERT J. KRAUSS
SENIOR ASSISTANT ATTORNEY GENERAL
CHIEF OF CRIMINAL LAW, TAMPA
Florida Bar No. 0238538

DALE E. TARPLEY
ASSISTANT ATTORNEY GENERAL
Florida Bar No. 0872921

COUNSEL FOR RESPONDENT

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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).

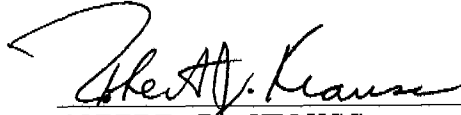
Numerous cases are presently pending before this Court regarding the validity of this statute based upon the constitutional grounds raised by the petitioner. This Court has already heard oral arguments regarding these issues in this case on November 3, 1999, in the cases of *McKnight v. State*, 727 So.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

CONCLUSION

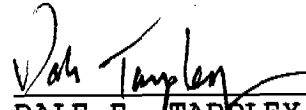
The Court has discretionary jurisdiction under Fla. R. App. P.
9.030 (a) (2) (A) (i).

Respectfully submitted,

**ROBERT A. BUTTERWORTH
ATTORNEY GENERAL**



ROBERT J. KRAUSS
Senior Assistant Attorney General
Chief of Criminal Law, Tampa
Florida Bar No. 0238538
Westwood Center, Suite 700
2002 North Lois Avenue
Tampa, Florida 33607
(813) 873-4739



DALE E. TARPLEY
Assistant Attorney General
Florida Bar No, 0872921
Westwood Center, Suite 700
2002 North Lois Avenue
Tampa, Florida 33607
(813) 873-4739

COUNSEL FOR RESPONDENT

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.

Debi Tanden
OF COUNSEL FOR RESPONDENT