

Supreme Court of Florida

No. SC95765

RONALD CARSON,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[June 1, 2000]

PER CURIAM.

We have for review Carson v. State, 731 So. 2d 157 (Fla. 5th DCA 1999), wherein the Fifth District Court of Appeal cited as controlling authority Maddox v. State, 708 So. 2d 617 (Fla. 5th DCA 1998), which was then pending on review in this Court. We have jurisdiction. See Art. V, § 3(b)(3), Fla. Const.; Jollie v. State, 405 So. 2d 418 (Fla. 1981). Based on our decision in Maddox v. State, Nos. SC92805, SC93000, SC93207, SC93966 (Fla. May 11, 2000), we determine that Carson may properly raise a single subject rule challenge to chapter 95-184, Laws

of Florida, for the first time on appeal. See also Hegg v. State, 25 Fla. L. Weekly S137, S140 n. 4 (Fla. Feb. 17, 2000); cf. Nelson v. State, 748 So. 2d 237, 241-42 (Fla. 1999), cert. denied, 120 S. Ct. 950 (2000); State v. Johnson, 616 So. 2d 1, 3-4 (Fla. 1993). Further, based on our decision in Hegg in which we held chapter 95-184 to be unconstitutional as violative of article III, section 6 of the Florida Constitution, we quash that portion of the district court's decision that affirmed Carson's sentences and remand for resentencing in accordance with the valid laws in effect on February 10, 1996, the date on which Carson committed the underlying offenses in this case.¹

It is so ordered.

HARDING, C.J., and SHAW, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ.,
concur.

WELLS, J., dissents.

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

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

Fifth District - Case No. 5D98-2281

(Orange County)

¹ Carson has standing to challenge chapter 95-184 on single subject rule grounds. See Trapp v. State, No. SC96074 (Fla. June 1, 2000).

James B. Gibson, Pubic Defender, and Nancy Ryan, Assistant Public Defender,
Seventh Judicial Circuit, Daytona Beach, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, and Rebecca R. Wall, Assistant Attorney
General, Daytona Beach, Florida,

for Respondent