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SID J. WHITE
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OCT 6 1992

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

EARL JOHNSON CREWS,
Petitioner,

v.

Case No. 80,458

STATE OF FLORIDA,
Respondent.

_____ /

ON PETITION FOR REVIEW FROM THE SECOND DISTRICT COURT OF APPEAL
STATE OF FLORIDA

JURISDICTIONAL BRIEF OF RESPONDENT

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Argument

<u>ISSUE: WHETHER CONFLICT EXISTS BETWEEN THE INSTANT DECISIONS AND DECISIONS OF THIS COURT OR OTHER DISTRICT COURTS ON THE ISSUE OF WHETHER THE 1989 AMENDMENT TO THE HABITUAL OFFENDER STATUTE IS UNCONSTITUTIONAL AS VIOLATIVE OF THE ONE-SUBJECT RULE.....</u>	1
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TABLE OF CITATIONS

Crews v. State,
No. 91-3212 (Fla. 2d DCA Aug. 19, 1992).....1

Johnson v. State,
589 So.2d 1370 (Fla. 1st DCA 1991)..... 1

McCall v. State,
583 So.2d 411 (Fla. 4th DCA 1991).....1

STATEMENT OF THE CASE AND FACTS

Respondent accepts Petitioner's statement of the case and facts.

SUMMARY OF THE ARGUMENT

This Court need not accept this case for discretionary review inasmuch as the decision of the Second District Court of Appeal is correct.

ARGUMENT

WHETHER CONFLICT EXISTS BETWEEN THE INSTANT DECISION AND A DECISION OF THIS COURT OR OTHER DISTRICT COURTS ON THE ISSUE OF WHETHER THE 1989 AMENDMENT TO THE HABITUAL OFFENDER STATUTE IS UNCONSTITUTIONAL AS VIOLATIVE OF THE ONE-SUBJECT RULE.

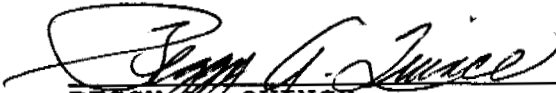
Respondent acknowledges that the Second and Fourth District Courts of Appeal in *Crews v. State*, No. 91-3212 (Fla. 2d DCA Aug. 19, 1992), and *McCall v. State*, 583 So.2d 411 (Fla. 4th DCA 1991), are in conflict with the First District in *Johnson v. State*, 589 So.2d 1370 (Fla. 1st DCA 1991), in holding that the 1989 amendments to the habitual offender statute were not violative of the one-subject rule. However, inasmuch as the Second District has correctly decided this issue, this Court need not accept the instant case for discretionary review.

CONCLUSION

Based on the foregoing facts, argument, and citations of authority, Respondent respectfully requests that this Honorable Court deny review in the instant case.

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 Cynthia J. Dodge, Assistant Public Defender, P.O. Box 9000--Drawer PD, Bartow, Florida 33830 this 14th day of ~~September~~ ^{October}, 1992.



OF COUNSEL FOR RESPONDENT