

Supreme Court of Florida

ORIGINAL

WESTON JACKSON, Petitioner,

vs.

No. 77,070

STATE OF FLORIDA, Respondent.

JEREMIAH JONES, Petitioner,

vs.

No. 77,071

STATE OF FLORIDA, Respondent.

EDWARD NEAL MORRISON, Petitioner,

vs.

No. 77,072

STATE OF FLORIDA, Respondent.

WALTER ZNAJMIECKI, Petitioner,

vs.

No. 77,073

STATE OF FLORIDA, Respondent.

BILLY GRAHAM, Petitioner,

vs.

No. 77,075

STATE OF FLORIDA, Respondent.

[October 10, 1991]

PER CURIAM.

We review the consolidated cases of Jackson v. State, 569 So.2d 527 (Fla. 5th DCA 1990), Jones v. State, 569 So.2d 530 (Fla. 5th DCA 1990), Morrison v. State, 569 So.2d 1373 (Fla. 5th DCA 1990), Znajmiecki v. State, 569 So.2d 531 (Fla. 5th DCA 1990), and Graham v. State, 569 So.2d 530 (Fla. 5th DCA 1990). The basis for our jurisdiction lies in the fact that the Fifth District Court of Appeal rendered a per curiam decision in reliance upon Flowers v. State, 567 So.2d 1055 (Fla. 5th DCA 1990), quashed, No. 76,854 (Fla. Oct. 3, 1991). Art. V, §3(b)(3) of the Florida Constitution; Jollie v. State, 405 So.2d 418 (Fla. 1981). In Flowers, the Fifth District Court certified the following question:

DO FLORIDA'S UNIFORM SENTENCING GUIDELINES
REQUIRE THAT LEGAL CONSTRAINT POINTS BE ASSESSED
FOR EACH OFFENSE COMMITTED WHILE UNDER LEGAL
CONSTRAINT?

Flowers, 567 So.2d at 1055. We answered this question in the negative in Flowers v. State, No. 76,854 (Fla. Oct. 3, 1991). Accordingly, we quash the decisions below and

remand for reconsideration consistent with our opinion in
Flowers.

It is so ordered.

SHAW, C.J. and OVERTON, McDONALD, BARKETT, GRIMES, KOGAN and
HARDING, JJ., concur.

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

Consolidated Applications for Review of the Decisions of the
District Court of Appeal - Direct Conflict of Decisions

Fifth District - Case Nos. 90-211, 90-436, 90-864,
90-746, & 90-521

(Orange, St. Johns & Brevard Counties)

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