

Supreme Court of Florida

ORIGINAL

STATE OF FLORIDA, Petitioner,

vs.

No. 77,417

RONALD WORLEY, Respondent.

STATE OF FLORIDA, Petitioner,

vs.

No. 77,415

THOMAS M. SCOTT, Respondent.

STATE OF FLORIDA, Petitioner,

vs.

No. 77,551

RICKY LEWIS, Respondent.

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[October 10, 1991]

PER CURIAM.

We have for review the consolidated cases of Worley v. State, 573 So.2d 1023 (Fla. 2d DCA 1991), Lewis v. State, 574 So.2d 245 (Fla. 2d DCA 1991), and Scott v. State, 574 So.2d 247 (Fla. 2d DCA 1991), in which the Second District Court of Appeal

directly conflicts with the Fifth District Court of Appeal in Flowers v. State, 567 So.2d 1055 (Fla. 5th DCA 1990). We have jurisdiction pursuant to article V, section 3 (b)(3) of the Florida Constitution.

We recently held in Flowers v. State, No. 76,854 (Fla. Oct. 3, 1991), that legal constraint points are to be assessed once in calculating sentencing scoresheets for offenses committed while on legal constraint. Accordingly, we approve of the decisions below.

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 Cases for Review of the Decisions of the District
Court of Appeal - Direct Conflict of Decisions

Second District - Case Nos. 90-00490, 90-00359, &
90-00369

(Manatee County)

Robert A. Butterworth, Attorney General; and Elaine L. Thompson
and Brenda S. Taylor, Assistant Attorneys General, Tampa,
Florida,

for Petitioner

James Marion Moorman, Public Defender and Megan Olson, Assistant
Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Respondents