

Supreme Court of Florida

ORIGINAL

No. 77,660

ISIAH NAZARETH FIELDS, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[October 10, 1991]

PER CURIAM.

Isiah Nazareth Fields seeks review of Fields v. State, 575 So.2d 1377 (Fla. 5th DCA 1991), which expressly conflicts with Scott v. State, 574 So.2d 247 (Fla. 2d DCA 1991).^{*} The district court in this case allowed legal constraint points to be assessed for each offense committed while the defendant was under legal

^{*} We have jurisdiction pursuant to article V, section 3(b)(3) of the Florida Constitution.

constraint. We recently rejected the use of a multiplier in assessing legal constraint points in Flowers v. State, No. 76,854 (Fla. Oct. 3, 1991).

Accordingly, we quash the opinion below and vacate Fields's sentence. We remand for resentencing with instructions to recalculate Fields's scoresheet 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.

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

Fifth District - Case No. 89-1937

(Seminole County)

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for Petitioner

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