

Supreme Court of Florida

CORRECTED OPINION

ORIGINAL

RALPH RIVERA, Petitioner,

vs.

No. 77,771

STATE OF FLORIDA, Respondent.

BRUCE PATRICK, Petitioner,

vs.

No. 77,784

STATE OF FLORIDA, Respondent.

LESTER DAVIS, Petitioner,

vs.

No. 77,785

STATE OF FLORIDA, Respondent.

MONTGOMERY SCOTT SHIEL, Petitioner,

vs.

No. 77,786

STATE OF FLORIDA, Respondent.

MICHAEL GANTT, Petitioner,

vs.

No. 77,787

STATE OF FLORIDA, Respondent.

DENNIS DUSSAULT, Petitioner,

vs.

No. 77,803

STATE OF FLORIDA, Respondent.

DARREN ISOM, Petitioner,

vs.

No. 77,804

STATE OF FLORIDA, Respondent.

DONALD LEE KELLY, Petitioner,

vs.

No. 77,805

STATE OF FLORIDA, Respondent.

JOHN ARTHUR FICICHY, Petitioner,

vs.

No. 77,806

STATE OF FLORIDA, Respondent.

BOBBY ADAMS, etc., Petitioner,

vs.

No. 77,807

STATE OF FLORIDA, Respondent.

[October 10, 1991]

PER CURIAM.

We have for review the consolidated cases of Rivera v. State, 576 So.2d 1374 (Fla. 5th DCA 1991), Patrick v. State, 576

So.2d 935 (Fla. 5th DCA 1991), Davis v. State, 576 So.2d 741 (Fla. 5th DCA 1991), Shiel v. State, 576 So.2d 931 (Fla. 5th DCA 1991), Gantt v. State, 576 So.2d 932 (Fla. 5th DCA 1991), Dussault v. State, 578 So.2d 430 (Fla. 5th DCA 1991), Isom v. State, 578 So.2d 431 (Fla. 5th DCA 1991), Kelly v. State, 578 So.2d 47 (Fla. 5th DCA 1991), Ficichy v. State, 578 So.2d 45 (Fla. 5th DCA 1991), and Adams v. State, 577 So.2d 963 (Fla. 5th DCA 1991), in which the Fifth District Court of Appeal certified in each case the same question of great public importance which the court certified in Flowers v. State, 567 So.2d 1055, 1055 (Fla. 5th DCA 1990), quashed, No. 76,854 (Fla. Oct. 3, 1991):

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

We have jurisdiction pursuant to article V, section 3(b)(4) of the Florida Constitution. Having answered this question in the negative in Flowers v. State, No. 76,854 (Fla. Oct. 3, 1991), we quash the decisions below and remand these cases to the district court for reconsideration in light of 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 Cases for Review of the Decisions of the District
Court of Appeal - Certified Great Public Importance

Fifth District - Case Nos. 90-1848, 90-1748, 90-1157,
90-1239, 90-1335, 90-1817, 90-1546, 90-1922, 90-1382
& 90-1328

(Brevard, Orange, Seminole Counties)

James B. Gibson, Public Defender and Michael S. Becker, Assistant
Public Defender, Seventh Judicial Circuit, Daytona Beach,
Florida,

for Petitioners

Robert A. Butterworth, Attorney General and David S. Morgan,
Assistant Attorney General, Daytona Beach, Florida,

for Respondent