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SUMMARY OF ARGUMENT

This court recently answered the same certified question in the negative.

ARGUMENT

THIS COURT RECENTLY ANSWERED THE
CERTIFIED QUESTION IN THE NEGATIVE.

The question certified in this case is:

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

Pierce v. State, case no. 90-1018, slip op. (Fla. 5th DCA August 15,
1991).

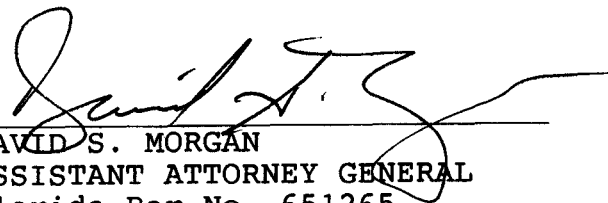
This same question was answered by this court in the negative
recently in *Flowers v. State*, case no. 78,854, slip op. (Fla.
October 3, 1991).

CONCLUSION

This court has already answered the certified question.

Respectfully submitted,

ROBERT A. BUTTERWORTH
ATTORNEY GENERAL

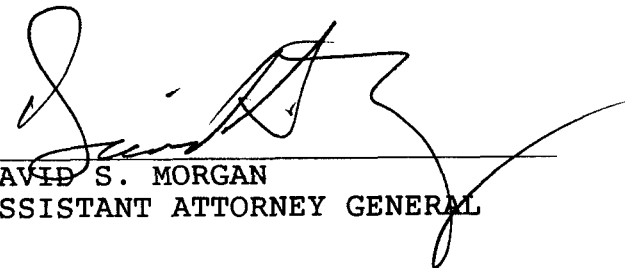


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CERTIFICATE OF SERVICE

I certify that a copy hereof has been furnished to Barbara L. Condon, Assistant Public Defender, 112-A Orange Ave., Daytona Beach, FL 32114, by interoffice delivery on this 10th day of October, 1991.



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