

# Supreme Court of Florida

## ORIGINAL

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No. 78,467

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RANDALL S. PIERCE, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[January 9, 1992]

PER CURIAM.

We have for review Pierce v. State, 583 So.2d 1095, 1095 (Fla. 5th DCA 1991), in which the Fifth District Court of Appeal certified the following question of great public importance:

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. In Flowers v. State, 586 So.2d 1058 (Fla. 1991), we answered this same question in the negative. Accordingly, we quash the decision below and remand this case 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.

Application for Review of the Decision of the District Court of  
Appeal - Certified Great Public Importance

Fifth District - Case No. 90-1018

(Seminole County)

James B. Gibson, Public Defender; and Barbara L. Condon and James  
R. Wulchak, Assistant Public Defenders, Seventh Judicial Circuit,  
Daytona Beach, Florida,

for Petitioner

Robert A. Butterworth, Attorney General and David S. Morgan,  
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for Respondent