

Supreme Court of Florida

ORIGINAL

Nos. 77,068, 77,069 & 77,124

PHILLIP LOVE, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

J.C. GREEN, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

KEVIN HOWARD, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[October 3, 1991]

OVERTON, J.

These consolidated petitions seek review of Love v. State, 569 So. 2d 1374 (Fla. 5th DCA 1990); Green v. State, 570 So. 2d 1014 (Fla. 5th DCA 1990); and Howard v. State, 571 So. 2d 507 (Fla. 5th DCA 1990), in which the Fifth

District affirmed the respective trial courts' assessment of legal constraint points for each offense committed while under legal constraint. In each case, the Fifth District certified the following question as being 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?

Love, 569 So. 2d at 1374; Green, 570 So. 2d at 1015; Howard, 571 So. 2d at 507. We have jurisdiction pursuant to article V, section 3(b)(4), Florida Constitution, and answer the question in the negative in accordance with our decision in Flowers v. State, No. 76,854 (Fla. Oct. 3, 1991), holding that legal constraint points may be assessed only once. We quash the decisions of the district court and remand these cases for recalculation of the legal constraint points.

It is so ordered.

SHAW, C.J. and McDONALD, BARKETT, GRIMES, KOGAN and HARDING, JJ.,
concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF
FILED, DETERMINED.

Three Consolidated Cases for Review of the Decisions of the
District Court of Appeal - Certified Great Public Importance

Fifth District - Case Nos. 90-911, 90-192 & 90-337

(St. Johns and Brevard Counties)

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Florida,

for Petitioners

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for Respondent