Supreme Court of Florida

ORIGINAL

WESTON JACKSON, Petitioner,	
vs.	No. 77,070
STATE OF FLORIDA, Respondent.	
JEREMIAH JONES, Petitioner,	
vs.	No. 77,071
STATE OF FLORIDA, Respondent.	
EDWARD NEAL MORRISON, Petitioner,	
EDWARD NEAL MORRISON, Petitioner, vs.	No. 77,072
	No. 77,072
vs.	No. 77,072
vs.	No. 77,072
vs. STATE OF FLORIDA, Respondent.	No. 77,072
VS. STATE OF FLORIDA, Respondent.	

BILLY GRAHAM, Petitioner,

vs.

No. 77,075

STATE OF FLORIDA, Respondent.

[October 10, 1991]

PER CURIAM.

We review the consolidated cases of <u>Jackson v. State</u>,
569 So.2d 527 (Fla. 5th DCA 1990), <u>Jones v. State</u>, 569 So.2d 530
(Fla. 5th DCA 1990), <u>Morrison v. State</u>, 569 So.2d 1373 (Fla. 5th DCA 1990), <u>Znajmiecki v. State</u>, 569 So.2d 531 (Fla. 5th DCA 1990), and <u>Graham v. State</u>, 569 So.2d 530 (Fla. 5th DCA 1990).
The basis for our jurisdiction lies in the fact that the Fifth District Court of Appeal rendered a per curiam decision in reliance upon <u>Flowers v. State</u>, 567 So.2d 1055 (Fla. 5th DCA 1990), <u>quashed</u>, No. 76,854 (Fla. Oct. 3, 1991). Art. V, §3(b)(3) of the Florida Constitution; <u>Jollie v. State</u>, 405 So.2d 418 (Fla. 1981). In <u>Flowers</u>, the Fifth District Court certified the following question:

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

<u>Flowers</u>, 567 So.2d at 1055. We answered this question in the negative in <u>Flowers v. State</u>, No. 76,854 (Fla. Oct. 3, 1991). Accordingly, we quash the decisions below and

remand 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.

Consolidated Applications for Review of the Decisions of the District Court of Appeal - Direct Conflict of Decisions

Fifth District - Case Nos. 90-211, 90-436, 90-864, 90-746, & 90-521

(Orange, St. Johns & Brevard Counties)

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

for Petitioner

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

for Respondent