

# Supreme Court of Florida

## ORIGINAL

THOMAS C. BANEGAS, Petitioner,

vs.

No. 77,301

STATE OF FLORIDA, Respondent.

-----

MAJED SAL HACK, Petitioner,

vs.

No. 77,641

STATE OF FLORIDA, Respondent.

-----

[October 10, 1991]

PER CURIAM.

We have for review Banegas v. State, 571 So.2d 126, 126 (Fla. 5th DCA 1990), and Hack v. State, 574 So.2d 1231, 1231-1232 (Fla. 5th DCA 1991), in which the Fifth District Court of Appeal certified in each case 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. We recently answered this question in the negative in Flowers v. State, No. 76,854 (Fla. Oct. 3, 1991). Accordingly, we quash the decisions below and remand these cases 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 Cases for Review of the Decisions of the District  
Court of Appeal - Certified Great Public Importance

Fifth District - Case Nos. 90-395 & 90-1012

(Seminole and Orange Counties)

James B. Gibson, Public Defender and Michael S. Becker, Assistant  
Public Defender, Seventh Judicial Circuit, Daytona Beach,  
Florida; and H. Manuel Hernandez, Longwood, Florida,

for Petitioners

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

for Respondent