

Supreme Court of Florida

ORIGINAL

RANDY BOYD, Petitioner,

vs.

No. 77,347

STATE OF FLORIDA, Respondent.

RUSSELL E. DOUGHTY, Petitioner,

vs.

No. 77,883

STATE OF FLORIDA, Respondent.

DARRYL J. HOWARTH, Petitioner,

vs.

No. 77,884

STATE OF FLORIDA, Respondent.

ROY NATVIK, Petitioner,

vs.

No. 77,581

STATE OF FLORIDA, Respondent.

DOUGLAS W. ZOZAK, Petitioner,

vs.

No. 77,587

STATE OF FLORIDA, Respondent.

[November 7, 1991]

PER CURIAM.

We have for review the consolidated cases of Boyd v. State, 572 So.2d 1032, 1032 (Fla. 5th DCA 1991), Doughty v. State, 578 So.2d 65, 65 (Fla. 5th DCA 1991), Howarth v. State, 578 So.2d 66, 66 (Fla. 5th DCA 1991), Natvik v. State, 574 So.2d 1230, 1231 (Fla. 5th DCA 1991), and Zozak v. State, 576 So.2d 312, 312 (Fla. 5th DCA 1990), 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).

We 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 consolidated 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.

Five Consolidated Cases

Applications for Review of the Decisions of the District Court of
Appeal - Certified Great Public Importance

Fifth District - Case Nos. 90-934, 90-1763, 90-491,
90-856 & 90-943

(Orange, Seminole, and Osceola Counties)

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

for Petitioners

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

for Respondent