## Supreme Court of Florida

## CORRECTED OPINION

## **ORIGINAL**

RALPH RIVERA, Petitioner,	
vs.	No. 77,771
CHARL OF ELODIDA Degrandent	·
STATE OF FLORIDA, Respondent.	
BRUCE PATRICK, Petitioner,	
vs.	No. 77,784
	,
STATE OF FLORIDA, Respondent.	
LESTER DAVIS, Petitioner,	
vs.	No. 77,785
STATE OF FLORIDA, Respondent.	
· -	
MONTGOMERY SCOTT SHIEL, Petitioner,	
vs.	No. 77,786
STATE OF FLORIDA, Respondent.	
MICHAEL GANTT, Petitioner,	
vs.	No. 77,787
STATE OF FLORIDA, Respondent.	

DENNIS DUSSAULT, Petitioner, No. 77,803 vs. STATE OF FLORIDA, Respondent. DARREN ISOM, Petitioner, No. 77,804 vs. STATE OF FLORIDA, Respondent. DONALD LEE KELLY, Petitioner, No. 77,805 vs. STATE OF FLORIDA, Respondent. JOHN ARTHUR FICICHY, Petitioner, No. 77,806 vs. STATE OF FLORIDA, Respondent. \_\_\_\_\_\_ BOBBY ADAMS, etc., Petitioner, No. 77,807 vs. STATE OF FLORIDA, Respondent.

[October 10, 1991]

## PER CURIAM.

We have for review the consolidated cases of <u>Rivera v.</u>

<u>State</u>, 576 So.2d 1374 (Fla. 5th DCA 1991), <u>Patrick v. State</u>, 576

So.2d 935 (Fla. 5th DCA 1991), Davis v. State, 576 So.2d 741 (Fla. 5th DCA 1991), Shiel v. State, 576 So.2d 931 (Fla. 5th DCA 1991), Gantt v. State, 576 So.2d 932 (Fla. 5th DCA 1991), Dussault v. State, 578 So.2d 430 (Fla. 5th DCA 1991), Isom v. State, 578 So.2d 431 (Fla. 5th DCA 1991), Kelly v. State, 578 So.2d 47 (Fla. 5th DCA 1991), Ficichy v. State, 578 So.2d 45 (Fla. 5th DCA 1991), and Adams v. State, 577 So.2d 963 (Fla. 5th DCA 1991), in which the Fifth District Court of Appeal certified in each case the same question of great public importance which the court certified in Flowers v. State, 567 So.2d 1055, 1055 (Fla. 5th DCA 1990), quashed, No. 76,854 (Fla. Oct. 3, 1991):

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. Having answered this question in the negative in <u>Flowers v. State</u>, No. 76,854 (Fla. Oct. 3, 1991), we quash the decisions below and remand these cases to the district court for reconsideration in light of 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. 90-1848, 90-1748, 90-1157, 90-1239, 90-1335, 90-1817, 90-1546, 90-1922, 90-1382 & 90-1328

(Brevard, Orange, Seminole 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