

# Supreme Court of Florida

## ORIGINAL

TERRANCE RICKS, Petitioner,

vs.

No. 77,956

STATE OF FLORIDA, Respondent.

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ROBERT REGAN, Petitioner,

vs.

No. 77,782

STATE OF FLORIDA, Respondent.

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JAMES PRESTON, JR., Petitioner,

vs.

NO. 77,781

STATE OF FLORIDA, Respondent.

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[October 10, 1991]

PER CURIAM.

We have for review the consolidated cases of Ricks v. State, 578 So.2d 69, 70 (Fla. 4th DCA 1991), Regan v. State, 576 So.2d 1385, 1385 (Fla. 4th DCA 1991), and Preston v. State, 16

F.L.W. 869, 869 (Fla. 4th DCA Apr. 3, 1991), in which the Fourth 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) of the Florida Constitution. We recently answered this same 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.

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

Fourth District - Case Nos. 90-2031, 90-2277, & 90-1433

(St. Lucie and Martin Counties)

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for Petitioners

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for Respondent