

Supreme Court of Florida

ORIGINAL

No. 77,970

STATE OF FLORIDA, Petitioner,

vs.

LOUIE ANTHONY SELLERS, Respondent.

[October 10, 1991]

PER CURIAM.

We have for review Sellers v. State, 578 So.2d 339 (Fla. 1st DCA 1991), in which the First District Court of Appeal certified direct conflict with Flowers v. State, 567 So.2d 1055 (Fla. 5th DCA 1990), and Walker v. State, 546 So.2d 764 (Fla. 5th

DCA 1989). We have jurisdiction pursuant to article V, section 3(b)(4) of the Florida Constitution.

We recently held in Flowers v. State, No. 76,854 (Fla. Oct. 3, 1991), that legal constraint points are to be assessed once in calculating sentencing scoresheets for offenses committed while on legal constraint. Accordingly, we approve of the decision below.

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.

Application for Review of the Decision of the District Court of
Appeal - Certified Direct Conflict of Decisions

First District - Case No. 90-2367

(Bay County)

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Assistant Attorney General, Tallahassee, Florida,

for Petitioner

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