

# Supreme Court of Florida

## ORIGINAL

JOHNNY O'DELL CLOUD, Petitioner,

vs.

No. 78,154

STATE OF FLORIDA, Respondent.

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ROBERT W. LAWSON, Petitioner,

vs.

No. 78,168

STATE OF FLORIDA, Respondent.

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[November 7, 1991]

PER CURIAM.

We have for review the consolidated cases of Cloud v. State, 579 So.2d 418, 419 (Fla. 5th DCA 1991), and Lawson v. State, 580 So.2d 338, 339 (Fla. 5th DCA 1991), 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) of the Florida Constitution. In Flowers v. State, No. 76,854 (Fla. Oct. 3, 1991), we answered this same question in the negative. Accordingly, we quash the decisions below and remand the 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.

Two Consolidated Cases

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

Fifth District - Case Nos. 90-2532 & 90-2441

(Brevard & 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