

Supreme Court of Florida

ORIGINAL

No. 78,492

ROBERT L. COOK, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[January 9, 1992]

PER CURIAM.

We have for review Cook v. State, 582 So.2d 159, 159 (Fla. 4th DCA 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. In Flowers v. State, 567 So.2d 1055 (Fla. 5th DCA 1990), we answered this same question in the negative. Accordingly, we quash the decision below and remand 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.

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

Fourth District - Case No. 90-2471

(Martin County)

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for Petitioner

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Chief, Assistant Attorney General and Jacqueline Barakat,
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for Respondent