

# Supreme Court of Florida

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No. SC96095

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**TELFA DEAN HALL,**  
Respondent.

[April 6, 2000]

PER CURIAM.

We have for review the decision in Hall v. State, 738 So. 2d 996 (Fla. 5th DCA 1999), which was certified to be in conflict with the opinion in Thompson v. State, 725 So. 2d 1217 (Fla. 2d DCA 1999), on the issue of whether twenty-five sentencing points may be assessed against a defendant who was convicted of possession of a firearm by a convicted felon. The Fifth District held that the additional sentencing points may not be assessed where the felony conviction is specifically predicated upon the possession of a firearm. See Hall, 738 So. 2d at

996. We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

We recently resolved this conflict in Thompson v. State, No. SC95088 (Fla. Apr. 6, 2000), wherein we held that consistent with our opinion in White, twenty-five sentencing points may not be added to a defendant's sentencing guideline score sheet where the use or possession of the firearm is inherent in the commission of the underlying felony. In so holding, we quashed the Second District's decision in Thompson. See Thompson, slip op. at 3-4.

Accordingly, we approve the decision below.

It is so ordered.

HARDING, C.J., and SHAW, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ.,  
concur.

WELLS, J., dissents.

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

Fifth District - Case No. 5D98-1080

(Orange County)

Robert A. Butterworth, Attorney General, and Kellie A. Nielan and David H.  
Foxman, Assistant Attorneys General, Daytona Beach, Florida,

for Petitioner

James B. Gibson, Public Defender, and Janet Brook Goodrich, Assistant Public Defender, Seventh Judicial Circuit, Daytona Beach, Florida,

for Respondent