OCTOBER 1, 1995 RULE 3.991(a) SENTENCING GUIDELINES SCORESHEET

1. DATE OF SENTENCE (M O D Y Y R)	2. PREPARED BY ☐DC ☐SAO	3. COUNTY	4. SENTENCING JUDGE
5. NAME (LAST, FIRST, M.I.)	6. DOB (M O D Y Y R)	7. DC# / 8. OBTS#	9. RACE ☐B ☐W ☐OTH / 10. GENDER ☐M ☐F / 11. ☐PLEA ☐TRIAL

CODES DC USE ONLY

I. **PRIMARY OFFENSE:** If Qualifier, please check ___A___S___C___R (A= Attempt, S= Solicitation, C= Conspiracy, R=Reclassification)

DOCKET#	FELONY DEGREE	F.S. #	OFFENSE LEVEL	OFFENSE DATE (M O D Y Y R)	POINTS

Description:_____

(Level = Pts: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)

Prior capital felony triples primary offense points ☐ I.____

II. **ADDITIONAL OFFENSE(S):** Supplemental page attached ☐

DOCKET#	FEL/MM	F.S. #	OFFENSE LEVEL	QUALIFY A S C R	CNTS		POINTS
						X	=

Description:_____

						X	=

Description:_____

						X	=

Description:_____

(Level = Pts: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

Prior capital felony triples additional offense points ☐ Supplemental page points ____ II.____

III. **VICTIM INJURY:**

		Number		Total			Number		Total
2nd Degree Murder	240	X	=		Slight	4	X	=	
Death	120	X	=		Sex Penetration	80	X	=	
Severe	40	X	=		Sex Contact	40	X	=	
Moderate	18	X	=						

III.____

IV. **PRIOR RECORD:** Supplemental page attached ☐

FEL/MM DEGREE	F.S. #	OFFENSE LEVEL	QUALIFY: A S C R	DESCRIPTION	NUM		POINTS
						X	=
						X	=
						X	=
						X	=
						X	=

(Level = Pts: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

Supplemental page points ____

IV.____

Effective Date: For offenses committed on or after October 1, 1995

Page Subtotal____

Page 1 Subtotal _____

V. Legal Status Violation = 4 Points — V. _____

VI. Community Sanction Violation before the court for sentencing
A) 6 Pts x each such successive violation OR — VI. A.____
B) New Felony Conviction = 12 Pts x each such successive violation — B.____

VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 Points — VII. _____

VIII. Prior Serious Felony = 30 Pts — VIII. _____

Subtotal Sentence Points. _____

IX. Enhancements (only if the primary offense qualifies for enhancement)

Law Enforcement Protection	Drug Trafficking	Grand Theft Motor Vehicle
☐ x 1.5 ☐ x 2.0 ☐ x 2.5	☐ x 1.5	☐ x 1.5

Enhanced Subtotal Sentence Points IX. _____

TOTAL SENTENCE POINTS _____

SENTENCE COMPUTATION

• 40 or less total sentence points mandates a non state prison sanction. Sentence points less than or equal to 40 may be increased by 15 percent. _____ x 1.15 = _____
Total Sentence Points — Increased Sentence Pc

• If total or increased sentence points are greater than 40 or equal to 52, state incarceration is discretionary. A total of more than 52 total or increased sentence points must be a state prison sentence. A life sentence may be imposed at the discretion of the court if total sentence points are 363 or greater. _____ minus 28 = _____
Total/Increased Points — State Prison Montl

• The sentencing court may increase or decrease prison months by up to 25 percent except where total sentence points were originally increased by 15 percent to exceed 40 points. Any state prison sentence must exceed 12 months.

_____ State Prison Months
x .75 = _____ Min. Prison Montl
x 1.25 = _____ Max. Prison Montl

TOTAL SENTENCE IMPOSED

	Years	Months	Days
☐ State Prison ☐ Life	_____	_____	_____
☐ County Jail ☐ Time Served	_____	_____	_____
☐ Community Control	_____	_____	_____
☐ Probation	_____	_____	_____

Has more than one scoreshe been used at sentencing?
_____ Yes _____ No

• Please designate the particular type of sentence where an enhanced or mandatory sentence imposed.

☐ Habitual Felony/Habitual Violent Offender
☐ Violent Career Criminal
☐ Mandatory pursuant to: ☐ §775.087 ☐ §893.13 ☐ §893.135
☐ Guideline Aggravated Departure
☐ Guideline Mitigated Departure

JUDGE'S SIGNATURE

OCTOBER 1, 1995 RULE 3.991(b) SUPPLEMENTAL SENTENCING GUIDELINES SCORESHEET

NAME (LAST, FIRST, M.I.)	DOCKET #	DATE OF SENTENCE M O D Y Y R

II. ADDITIONAL OFFENSE(S)

DOCKET#	FEL/MM	F.S. #	LEVEL	QUALIFY A S C R	CNTS		POINTS
	/	/	/			X	=

Description:

	/	/	/			X	=

Description:

	/	/	/			X	=

Description:

	/	/	/			X	=

Description:

	/	/	/			X	=

Description:

(Level = Pts: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

II.____

IV. PRIOR RECORD: Supplemental page attached

FEL/MM DEGREE	F.S. #	LEVEL	QUALIFY: A S C R	DESCRIPTION	NUM	POINTS(s)	
	/					X	=
	/					X	=
	/					X	=
	/					X	=
	/					X	=
	/					X	=

(Level = Pts: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

IV.____

REASONS FOR DEPARTURE

JUDGE'S SIGNATURE

Effective Date: For offenses committed on or after October 1, 1995

DISTRIBUTION:

White *(Original) / Clerk*
Green */ DC Data*
Pink */ Defense Attorney*
Goldenrod */ DC Offender File*

If reasons cited for departure are not listed below,
please write reasons on the reverse side.

Reasons for Departure — Aggravating Circumstances

[ ] Legitimate, uncoerced, plea bargain.

[ ] Offense was one of violence and was committed in a manner that was especially heinous, atrocious or cruel.

[ ] Offenses arose from separate episodes. Primary offense is at level 4 or higher and the defendant has committed 5 or more offenses within a 180 day period that have resulted in convictions.

[ ] Primary offense is scored at level 3 and the defendant has committed 8 or more offenses within a 180 day period that have resulted in convictions.

[ ] Offense was committed within 6 months of defendant's discharge from a release program or state prison.

[ ] Defendant occupied leadership role in a criminal organization.

[ ] Offense committed by a public official under color of office.

[ ] Defendant knew victim was a law enforcement officer at the time of the offense; the offense was a violent offense; and that status is not an element of the primary offense.

[ ] Offense created substantial risk of death or great bodily harm to many persons or to one or more small children.

[ ] Victim especially vulnerable due to age or physical or mental disability.

[ ] Offense was motivated by prejudice based on race, color, ancestry, ethnicity, religion, sexual orientation, or national origin of the victim.

[ ] Victim suffered extraordinary physical or emotional trauma or permanent physical injury, or was treated with particular cruelty.

[ ] Victim was physically attacked by the defendant in the presence of one or more members of the victim's family.

[ ] Offense resulted in substantial economic hardship to a victim and consisted of an illegal act or acts committed by means of concealment, guile, or fraud to obtain money or property, to avoid payment or loss of money or property, or to obtain business or professional advantage, when two or more of the following circumstances were present:

  [ ] Offense involved multiple victims or multiple incidents per victim;

  [ ] Offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;

  [ ] The defendant used position or status to facilitate the commission of the offense, including positions of trust, confidence, or fiduciary relationship; or

  [ ] The defendant was in the past involved in other conduct similar to that involved in the current offense.

[ ] Offense committed in order to prevent or avoid arrest, to impede or prevent prosecution for the conduct underlying the arrest, or to effect an escape from custody.

[ ] Defendant is not amenable to rehabilitation or supervision, as evidenced by an escalating pattern of criminal conduct as described in s.921.001(8).

[ ] Defendant induced a minor to participate in any of the offenses pending before the court for disposition.

[ ] Primary offense is scored at level 7 or higher and the defendant has been convicted of one or more offense that scored, or would have scored, at an offense 8 or higher.

[ ] Defendant has an extensive unscoreable juvenile record.

[ ] Effective for offenses committed on or after January 1, 1997 — Defendant committed an offense involving sexual contact or sexual penetration and as a direct result of the offense, the victim contracted a sexually transmissable disease.

Reasons for Departure — Mitigating Circumstances

[ ] Legitimate, uncoerced plea bargain.

[ ] Defendant was an accomplice to the offense and was a relatively minor participant in the criminal conduct.

[ ] The capacity of the defendant to appreciate the criminal nature of the conduct or to conform that conduct to the requirement of law was substantially impaired.

[ ] Defendant requires specialized treatment for a mental disorder that is unrelated to substance abuse or addiction, or for a physical disability, and the defendant is amenable to treatment.

[ ] Effective only for offenses committed prior to July 1, 1997 — Defendant requires specialized treatment for addiction and is amenable to treatment.

[ ] The need for payment of restitution to the victim outweighs the need for a prison sentence.

[ ] The victim was an initiator, willing participant, aggressor, or provoker of the incident.

[ ] The defendant acted under extreme duress or under the domination of another person.

[ ] Before the identity of the defendant was determined, the victim was substantially compensated.

[ ] Defendant cooperated with the State to resolve the current offense or any other offense.

[ ] The offense was committed in an unsophisticated manner and was an isolated incident for which the defendant has shown remorse.

[ ] At the time of the offense the defendant was too young to appreciate the consequences of the offense.

[ ] Defendant to be sentenced as a youthful offender.

Committee Note

1996 Amendment. Effective January 1, 1997, the fact that a defendant committed an offense involving sexual contact or sexual penetration and as a direct result of the offense, the victim contracted a sexually transmissible disease, is an aggravating circumstance justifying an upward departure sentence.