

Criminal Justice Subcommittee

Tuesday, January 06, 2015 4:30 PM - 6:30 PM Sumner Hall (404 HOB)

Action Packet

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee 1/6/2015 4:30:00PM

Location: Sumner Hall (404 HOB)

Summary: No Bills Considered

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee 1/6/2015 4:30:00PM

Location: Sumner Hall (404 HOB)

Attendance:

	Present	Absent	Excused
Carlos Trujillo (Chair)	x		
Dennis Baxley	X		
Randolph Bracy	X		
Jay Fant	X		
Gayle Harrell	X		
Dave Kerner	Х		
Chris Latvala	X	10	3
Ray Pilon	X		
Scott Plakon	X		
Sharon Pritchett	X		
Ross Spano	X		
Charles Van Zant	X		7 - 16 - 16 16
Clovis Watson, Jr.	X		
Totals:	13	0	0

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee 1/6/2015 4:30:00PM

Location: Sumner Hall (404 HOB)

Presentation/Workshop/Other Business Appearances:

Sentencing

Hess, Glenn (State Employee) - Information Only Florida Prosecuting Attorneys' Association 421 Magnolia Avenue Panama City FL 32401 Phone: 850-832-5566

Sentencing

Goldstein, Susan (Lobbyist) - Information Only 3158 Inverness Weston FL 33332

Phone: 954-830-6300

Print Date: 1/6/2015 5:43 pm Leagis ® Page 3 of 3

Sentencing Scenarios

- Scenario #1
 - Primary Offense → DUI with serious bodily injury (316.193(3)(c)2., F.S. – ranked in Level 7)
 - No additional offenses
 - Victim injury \rightarrow 1 severe
 - No prior record
 - No other enhancements
- Total sentence points?
- Lowest permissible sentence?
- Maximum sentence?

Rule 3.992(a) Criminal Punishment Code Scoresheet

	7		Dat is available at: http://www	w.ac.sune.ji.us	1	
1. DATE OF SENTENCE	2. PREPARER'S	NAME	3. COUNTY	í.	4. SENTENCING JUI	1
1-6-15			Leov	l	Cunning	nam
5. NAME (LAST, FIRST, MI.L)		6. DOB	8. RACE		10. PRIMARY OFF	
II. To	1			OTHER		PLEA
MORON, JOSE	PH	7. DC#	9. GENDER		!I. PRIMARY DOCK	ET# TRIAL
. PRIMARY OFFENSE: If Qua	ifier please check	A S C		n C=Conspirac	y R=Reclassification)	
FELONY F.S.#	DESCRIPTION					DINTS
DEGREE	20		151 24		EVEL	
3 / 316.193/3Xe)2.				-		
(Level - Points: 1=4, 2=10, 3=16, 4=2		=56, 8=74, 9 = 92, 10=	=116)		i.	56
Prior capital felony triples Primary Offonse	points LJ				16 -	
II. ADDITIONAL OFFENSE(S)	: Supplemental	page attached				
DOCKET# FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	A S C R	POIN	TS TOTAL	
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DESCRIPTION						
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DESCRIPTION (Level - Points: M=0.2, 1=0.7, 2:	-1 2 3=2 A A=3 F	S 5=5 4 6=18 7=28	8=37 0=46 10=58)			
Prior capital felony triples Additional		7,0 0.4,0 10,7-20	, 0-07, 0-40, 10-00)	Supp	lemental page point	s
				1.00	II.	_6
II. VICTIM INJURY:	Number	r Total		Number	Total	
2.1.2 - 3	10 x 20 x	= =====================================	Slight 4: Sex Penetration 80:	-	=	
Severe	10 x	= 40	Sex Contact 40	- Alberta Annual		
Moderate	18 x	_ =			111.	40
V. PRIOR RECORD: Supplement	ental page attache	ed 🗆		25070		
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A constitution of the second and second as a second of the second				Suppleme	ntal page points	
					IV.	٥
					Page 1 Subtotal:	96

Effective Date: For offenses committed under the Criminal Punishment Code effective for offenses committee on or after October 1, 1998 and subsequent revisions.

	DOCKET#
	Page 1 Subtotal:
V. Legal Status violation = 4 Points	ruge i dubioti.
☐ Escape ☐ Fleeing ☐ Failure to appear ☐ Supersedeas bond ☐ Incarceration ☐ Pretrial intervention or ☐ Court imposed or post prison release community supervision resulting in a conviction	diversion program V.
VI. Community Sanction violation before the court for sentencing ☐ Probation ☐ Community Control ☐ Pretrial Intervention or diversion	vi Ø
6 points for any violation other than new felony conviction x each successive violation	ation OR
New felony conviction = 12 points x each successive violation if new offense resu	
before or at same time as sentence for violation of probation OR	
12 points x each successive violation for a violent felony offender of special concern when the violation is not based solely on failure to pay costs, fines, or re	stitution OR
New felony conviction = 24 points x each successive violation for a violent felony special concern if new offense results in a conviction before or at the same time for violation	offender of n of probation
VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 Points	VII
VIII. Prior Serious Felony - 30 Points	VIII. O
Subtota	al Sentence Points 96
IX. Enhancements (only if the primary offense qualifies for enhancement)	
Law Enf. Protect: Drug Trafficker Motor Vehicle Titeft Criminal Gang Oftense Domestic Violence in the Presence of Refeted	Child Adult-on-Minor Sax Offense
(offenses committed on or effect 3/12/07)	(offerses committed on a wiser 10/1/14)
x1.5x2.0x2.5x1.5x1.5x1.5x1.5	x2.0
Enhanced Subtotal Sentence	^_
TOTAL SENTEN	ICE POINTS 46
SENTENCE COMPUTATION	
If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison ser points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to	nction. If the total sentence points are 22
points of less, see Section 775.062(10), Florida Statutes, to determine if the coort must sentence the oriender to	o a non-state prison sanction.
24 Control 2012 (2012) - 12 Control 2012 (2012	
If total sentence points are greater than 44:	111 05
96 minus 28 = 68 x.75 = 51 MOVINS	
total sentence points minus 28 = (8) x.75 = 51 MOVINS lowest permissible priso	n sentence in months
total sentence points or less and court makes findings pursuant to both Florida Statute 948.20 and	n sentence in months
total sentence points minus 28 = (8) x .75 = 51 MOVINS lowest permissible priso	n sentence in months
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Sentencing Scenarios

- Scenario #2
 - Primary Offense → Burglary of dwelling causing \$1,000 in damage (810.02(2)(c), F.S. – Level 8)
 - Additional offenses
 - Possession of burglary tools (810.06, F.S. Level 4)
 - No victim injury
 - Prior record
 - □ Possession of 20+ grams cannabis (893.13(6)(a), F.S. Level 1)
 - □ Grand theft automobile (812.014(2)(c), F.S. Level 4)
 - Criminal gang multiplier
- Total sentence points?
- Lowest permissible sentence?
- Maximum sentence?

Rule 3.992(a) Criminal Punishment Code Scoresheet

The Chimatal Publish	inem Code Scoresneer Freparation Ma	ittal is available at: http://www.i	ac.state.ji.us/j	puwsen cpeminaex.r	um
1. DATE OF SENTENCE	2. PREPARER'S NAME	3. COUNTY		4. SENTENCING JUI	ighan
5. NAME (LAST, FIRST, MLL)	6. DOB	8. RACE		10. PRIMARY OFF	TE 12.
McGee, Carlile	13-24-	9. GENDER	THER	11. PRIMARY DOCK	PLEA
		0 €M □F			TRIAL
I. PRIMARY OFFENSE: H Qualiffi FELONY F.S.#	er, please check A SC _ DESCRIPTION	R (A=Attempt, S=Solicitation,	2 3		OINTS
DEGREE		15 W dama		EVEL	OIICIO
(Level - Points: 1=4, 2=10, 3=16, 4=22	Burglary dwlling , 5=29, J=36, H56, 8=74, 9=92, 10	+115)		8 1	
Prior capital felony triples Primary Offense po				l	74_
	Supplemental page attached				
DEGREE	F.S.# OFFENSE LEVEL	QUALIFY COUNTS A S C R	POIN	- 1	
DESCRIPTION	810.06 / 4		× 3.0	e = 3.6	
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DESCRIPTION (Level - Points: M=0.2, 1=0.7, 2=1	1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=26	8. 8=37. 9=46. 10=58)			
Prior capital felony triples Additional Of			Suppl	emental page point	521
III. VICTIM INJURY:				11.	2.6
2nd Degree Murder 240		Slight 4 x	Number =	Total	
) x	Sex Penetration 80 x Sex Contact 40 x	=		
	3x			III.	0_
IV. PRIOR RECORD: Supplement FEL/MM F.S.# OF	FENSE QUALIFY:	DESCRIPTION	NUM	BER POINTS	TOTAL
DEGREE 83.13(L)(A)	VEL ASCR	on 204 grams ca	mabis	1 x .5	<u>.5</u>
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3 812.014(2)(0) 4	DODD Grand	must auto		× 2.4	2.4
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(Level = Points: M=0.2, 1=0.5, 2=	=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14	4, 6=19, 9=23, 10=29)	Supplemen	ital page points	-
				IV.	2.9
				Page 1 Subtotal:	80.5

Effective Date: For offenses committed under the Criminal Punishment Code effective for offenses committee on or after October 1, 1998 and subsequent revisions.

NAME (LAST, FIRST, MI)					-		
1	4 Delete				Page 1 S	iubtotal: 8	25
 V. Legal Status violation = ☐ Escape ☐ Fleeing ☐ Fa ☐ Court imposed or post pris 	ilure to appear				n or diversion progr	ram v. O)
- Court imposed or poor pin	JOH POICEGO GO	imanity capervio	ion rooming in a oc	THE TOTAL PROPERTY OF THE PROP			
VI. Community Sanction via □ Probation □ Community						vi. C)
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☐ 12 points	xeac	ch successive vio	lation for a violent f	elony offender			
		n the violation is a 24 points x		failure to pay costs, fines, o ive violation for a violent felo			
				or at the same time for viole			
VII. Firearm/Semi-Automatic	c or Machine G	un = 18 or 25 Po	ints			VII. Ô)
VIII. Prior Serious Felony - 3						VIII. C)
				Sub	ototal Sentence Poi	CA	2.5
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x 1.5 _ x 2.0x 2.5	x 1.5	x 1,5	x 1.5	x 1.5	-	_x 2.0	
			Er	nhanced Subtotal Senten	ce Points	IX	
				TOTAL SEN	TENCE POINTS	120	2.75
		SI	ENTENCE CO	MPUTATION			
points or less, see Section Tr	75.082(10), Flo	rida Statutes, to	determine if the cou	urt must sentence the offend	er to a non-state pr	ison sanction.	ts are 22
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