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# **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 was reported out: Tuesday, January 06, 2015 5:43:16PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

1/6/2015 4:30:00PM

**Location:** Sumner Hall (404 HOB)

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Carlos Trujillo (Chair)	X		
Dennis Baxley	X		
Randolph Bracy	X		
Jay Fant	X		
Gayle Harrell	X		
Dave Kerner	X		
Chris Latvala	X		
Ray Pilon	X		
Scott Plakon	X		
Sharon Pritchett	X		
Ross Spano	X		
Charles Van Zant	X		
Clovis Watson, Jr.	X		
<b>Totals:</b>	<b>13</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Tuesday, January 06, 2015 5:43:16PM

# 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

Committee meeting was reported out: Tuesday, January 06, 2015 5:43:16PM

# 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 → 1 severe
  - No prior record
  - No other enhancements
  
- Total sentence points?
- Lowest permissible sentence?
- Maximum sentence?

**Rule 3.992(a) Criminal Punishment Code Scoresheet**

The Criminal Punishment Code Scoresheet Preparation Manual is available at: [http://www.dc.state.fl.us/pub/sen\\_cpcm/index.html](http://www.dc.state.fl.us/pub/sen_cpcm/index.html)

1. DATE OF SENTENCE <b>1-6-15</b>	2. PREPARER'S NAME	3. COUNTY <b>Leon</b>	4. SENTENCING JUDGE <b>Cunningham</b>
5. NAME (LAST, FIRST, M.I.) <b>MORON, JOSEPH</b>	6. DOB	8. RACE <input type="checkbox"/> B <input type="checkbox"/> W <input type="checkbox"/> OTHER	10. PRIMARY OFF DATE
	7. DC #	9. GENDER <input checked="" type="checkbox"/> M <input type="checkbox"/> F	11. PRIMARY DOCKET #
			12. PLEA <input type="checkbox"/> TRIAL <input type="checkbox"/>

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

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
<b>3</b>	<b>316.193(3)(c)2.</b>	<b>DUI w/ serious bodily injury</b>	<b>7</b>	<b>56</b>

(Level - Points: 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

II. ADDITIONAL OFFENSE(S): Supplemental page attached

DOCKET#	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY A S C R	COUNTS	POINTS	TOTAL
				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	x		
DESCRIPTION							
				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	x		
DESCRIPTION							
				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	x		
DESCRIPTION							
				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	x		
DESCRIPTION							

(Level - Points: 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. **0**

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	= <b>40</b>	Sex Contact	40 x	=
Moderate	18 x	=			

III. **40**

IV. PRIOR RECORD: Supplemental page attached

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A S C R	DESCRIPTION	NUMBER	POINTS	TOTAL
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		

(Level = Points: 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. **0**

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.

Distribution:  
White/Original/Clerk  
Green/ DC Data  
Canary/ State Attorney

Pink/Defense Attorney  
Goldenrod/ DC Offender File

NAME (LAST, FIRST, MI)	DOCKET #
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Page 1 Subtotal: 96

V. Legal Status violation = 4 Points

- Escape  Fleeing  Failure to appear  Supersedeas bond  Incarceration  Pretrial intervention or diversion program  
 Court imposed or post prison release community supervision resulting in a conviction V. 0

VI. Community Sanction violation before the court for sentencing

- Probation  Community Control  Pretrial intervention or diversion VI. 0
- 6 points for any violation other than new felony conviction x \_\_\_\_\_ each successive violation OR  
 New felony conviction = 12 points x \_\_\_\_\_ each successive violation if new offense results in conviction 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 restitution OR  
 New felony conviction = 24 points x \_\_\_\_\_ each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation

VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 Points VII. 0

VIII. Prior Serious Felony - 30 Points VIII. 0

Subtotal Sentence Points 96

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

Law Enf. Protec.	Drug Trafficker	Motor Vehicle Theft	Criminal Gang Offense	Domestic Violence in the Presence of Related Child <small>(offenses committed on or after 3/12/07)</small>	Adult-on-Minor Sex Offense <small>(offenses committed on or after 10/3/14)</small>
___ x 1.5 ___	___ x 2.0 ___	___ x 2.5 ___	___ x 1.5 ___	___ x 1.5 ___	___ x 2.0 ___
Enhanced Subtotal Sentence Points					IX. <u>0</u>
<b>TOTAL SENTENCE POINTS</b>					<u>96</u>

### SENTENCE COMPUTATION

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:  
96 total sentence points minus 28 = 68 x .75 = 51 months (4.25 years)  
lowest permissible prison sentence in months

If total sentence points are 60 points or less and court makes findings pursuant to both Florida Statute 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s. 775.082, F.S., unless the lowest permissible sentence under the Code exceeds the statutory maximum. Such sentences may be imposed concurrently or consecutively. If total sentence points are greater than or equal to 363, a life sentence may be imposed.

5  
maximum sentence in years

#### TOTAL SENTENCE IMPOSED

	Years	Months	Days
<input type="checkbox"/> State Prison <input type="checkbox"/> Life	_____	_____	_____
<input type="checkbox"/> County Jail <input type="checkbox"/> Time Served	_____	_____	_____
<input type="checkbox"/> Community Control	_____	_____	_____
<input type="checkbox"/> Probation <input type="checkbox"/> Modified	_____	_____	_____

Please check if sentenced as  habitual offender,  habitual violent offender,  violent career criminal,  prison releasee reoffender, or a  mandatory minimum applies.

Mitigated Departure  Plea Bargain  Prison Diversion Program

Other Reason \_\_\_\_\_

JUDGE'S SIGNATURE	
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Effective Date For offenses committed under the Criminal Punishment Code effective for offenses committed on or after October 1, 1998, and subsequent revisions.

# 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 Criminal Punishment Code Scoresheet Preparation Manual is available at: [http://www.dc.state.fl.us/pub/ven\\_cpcm/index.html](http://www.dc.state.fl.us/pub/ven_cpcm/index.html)

1. DATE OF SENTENCE <b>1-6-15</b>	2. PREPARER'S NAME	3. COUNTY <b>Leon</b>	4. SENTENCING JUDGE <b>Cunningham</b>
5. NAME (LAST, FIRST, M.I.) <b>McGee, Carlile Armstrong</b>	6. DOB <b>3-24-74</b>	8. RACE <input type="checkbox"/> B <input type="checkbox"/> W <input checked="" type="checkbox"/> OTHER	10. PRIMARY OFFENSE DATE
	7. DC #	9. GENDER <input checked="" type="checkbox"/> M <input type="checkbox"/> F	11. PRIMARY DOCKET #
12. PLEA <input type="checkbox"/> TRIAL <input type="checkbox"/>			

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

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
<b>1</b>	<b>810.02(2)(c)</b>	<b>Burglary dwelling / \$1K damage</b>	<b>8</b>	<b>74</b>

(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=115)

Prior capital felony triples Primary Offense points

II. ADDITIONAL OFFENSE(S): Supplemental page attached

DOCKET#	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY A S C R	COUNTS	POINTS	TOTAL
	<b>3</b>	<b>810.06</b>	<b>4</b>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<b>1</b>	<b>3.6</b>	<b>3.6</b>
DESCRIPTION _____							
DESCRIPTION _____							
DESCRIPTION _____							
DESCRIPTION _____							

(Level - Points: 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. **3.6**

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. **0**

IV. PRIOR RECORD: Supplemental page attached

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A S C R	DESCRIPTION	NUMBER	POINTS	TOTAL
<b>3</b>	<b>893.13(6)(a)</b>	<b>1</b>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<b>Possession 20+ grams cannabis</b>	<b>1</b>	<b>.5</b>	<b>.5</b>
<b>3</b>	<b>812.014(2)(c)</b>	<b>4</b>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<b>Grand theft auto</b>	<b>1</b>	<b>2.4</b>	<b>2.4</b>
DESCRIPTION _____							
DESCRIPTION _____							
DESCRIPTION _____							
DESCRIPTION _____							
DESCRIPTION _____							
DESCRIPTION _____							

(Level = Points: 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. **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)	DOCKET #
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Page 1 Subtotal: 80.5

V. Legal Status violation = 4 Points

- Escape  
  Fleeing  
  Failure to appear  
  Supersedeas bond  
  Incarceration  
  Pretrial intervention or diversion program  
 Court imposed or post prison release community supervision resulting in a conviction
- V. 0

VI. Community Sanction violation before the court for sentencing

- Probation  
  Community Control  
  Pretrial Intervention or diversion
- 6 points for any violation other than new felony conviction x \_\_\_\_\_ each successive violation OR  
 New felony conviction = 12 points x \_\_\_\_\_ each successive violation if new offense results in conviction 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 restitution OR  
 New felony conviction = 24 points x \_\_\_\_\_ each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation
- VI. 0

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

VII. 0

VIII. Prior Serious Felony - 30 Points

VIII. 0

Subtotal Sentence Points 80.5

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

- |  |                 |                     |   |   |   |
|--|-----------------|---------------------|---|---|---|
| Law Enf. Protect                       | Drug Trafficker | Motor Vehicle Theft | Criminal Gang Offense                     | Domestic Violence in the Presence of Related Child<br><small>(offenses committed on or after 3/17/07)</small> | Adult-on-Minor Sex Offense<br><small>(offenses committed on or after 10/1/14)</small> |
| ____ x 1.5    ____ x 2.0    ____ x 2.5 | ____ x 1.5      | ____ x 1.5          | <input checked="" type="checkbox"/> x 1.5 | ____ x 1.5  | ____ x 2.0  |

Enhanced Subtotal Sentence Points

IX. 120.75

**TOTAL SENTENCE POINTS** 120.75

**SENTENCE COMPUTATION**

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

$$\frac{120.75}{\text{total sentence points}} \text{ minus } 28 = 92.75 \text{ x } .75 = 69.5625 \text{ (5.79 years)}$$

lowest permissible prison sentence in months

If total sentence points are 60 points or less and court makes findings pursuant to both Florida Statute 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s. 775.082, F.S., unless the lowest permissible sentence under the Code exceeds the statutory maximum. Such sentences may be imposed concurrently or consecutively. If total sentence points are greater than or equal to 363, a life sentence may be imposed.

30

maximum sentence in years

**TOTAL SENTENCE IMPOSED**

	Years	Months	Days
<input type="checkbox"/> State Prison	_____	_____	_____
<input type="checkbox"/> County Jail	_____	_____	_____
<input type="checkbox"/> Community Control	_____	_____	_____
<input type="checkbox"/> Probation <input type="checkbox"/> Modified	_____	_____	_____

Please check if sentenced as  habitual offender,  habitual violent offender,  violent career criminal,  prison releasee reoffender, or a  mandatory minimum applies.

Mitigated Departure     Plea Bargain     Prison Diversion Program

Other Reason \_\_\_\_\_

**JUDGE'S SIGNATURE**