

# **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<br>4/27/2026                 | 2. PREPARER'S NAME<br>BIMONTE | 3. COUNTY<br>HILLSBOROUGH | 4. SENTENCING JUDGE<br>NAZARETIAN    |  |
| 5. NAME (LAST, FIRST, MII.)<br>BURGESS, DAVID A. | 6. DOB<br>10/9/1963           | 8. RACE<br>BLACK          | 10. PRIMARY OFF. DATE<br>4/3/2026    | 12. PLEA <input checked="" type="checkbox"/><br>TRIAL <input type="checkbox"/> |
|  | 7. DC #                       | 9. GENDER<br>MALE         | 11. PRIMARY DOCKET #<br>26-CF-005510 |  |

## **I. PRIMARY OFFENSE:** Qualifier:

| FELONY DEGREE | F.S.#        | DESCRIPTION             | OFFENSE LEVEL | POINTS |
|---------------|--------------|-------------------------|---------------|--------|
| 3             | 893.13(6)(A) | POSS.CONTROL.SUBS/OTHER | 3             | 16     |

(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 ☐

I. 16.0000

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

| DOCKET #    | FEL/MM DEGREE              | F.S.#      | OFFENSE LEVEL | QUALIFY: A/S/C/R | COUNTS | POINTS | TOTAL |
|-------------|----------------------------|------------|---------------|------------------|--------|--------|-------|
|             | 5/MM                       | 893.147(1) | M             |                  | 1      | 0.2    | 0.2   |
| DESCRIPTION | POSS.DRUG PARAPHERNA.-MISD |            |               |                  |        |        |       |
|             | 5/MM                       | 810.08     | M             |                  | 1      | 0.2    | 0.2   |
| DESCRIPTION | TRESPASS-MISD              |            |               |                  |        |        |       |
| 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. 0.4000

## **III. VICTIM INJURY:**

|                               | Number | Total |                 | Number | Total |
|-------------------------------|--------|-------|-----------------|--------|-------|
| 2 <sup>nd</sup> 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              | NUMBER | POINTS | TOTAL    |
|---------------|------------------|---------------|------------------|--------------------------|--------|--------|----------|
| 3             | 893.13(6)(A)     | 3             |                  | POSS.CONTROL.SUBS/OTHER  | 5      | X 1.6  | = 8.0000 |
| 5/MM          | VARIOUS          | M             |                  | VARIOUS                  | 31     | X 0.2  | = 6.2000 |
| 3             | 831.02           | 2             |                  | UTTER FORGED INSTRUMENT  | 3      | X 0.8  | = 2.4000 |
| 3             | 812.014(2)(C)1   | 2             |                  | GRAND THEFT \$750+LT5K   | 9      | X 0.8  | = 7.2000 |
| 3             | 812.014(3)(C)    | 1             |                  | PETIT THEFT/3RD CONVICT  | 3      | X 0.5  | = 1.5000 |
| 3             | 539.001(8)(B)8 A | 1             |                  | FALS INF. TO PWNBRKR<\$3 | 1      | X 0.5  | = 0.5000 |
| 3             | 810.02(4)        | 4             |                  | BURGUNOCCSTRUC/CV OR AT  | 1      | X 2.4  | = 2.4000 |
| 3             | 831.09           | 2             |                  | UTTERING FORGED BILLS    | 1      | X 0.8  | = 0.8000 |
| 3             | 831.02           | 2             |                  | UTTER FORGED INSTRUMENT  | 3      | X 0.8  | = 2.4000 |

(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 38.0

IV. 69.4000

**Page 1 Subtotal:** 85.8000

NAME (LAST, FIRST, MI. I.)  
BURGESS, DAVID A.

DOCKET #  
26-CF-005510

Page 1 Subtotal: 85.8000

**V. LEGAL STATUS VIOLATION= 4 Points**

- ☐ Escape ☐ Fleeing ☐ Failure to Appear ☐ Supersedeas Bond ☐ Incarceration ☐ Pretrial Intervention or Diversion Program  
☐ Court Imposed Post Prison Release Community Supervision Resulting in a Conviction

V. \_\_\_\_\_

**VI. COMMUNITY SANCTION VIOLATION BEFORE THE COURT FOR SENTENCING**

VI. \_\_\_\_\_

- ☐ 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

**VII. FIREARM/SEMI-AUTOMATIC OR MACHINE GUN= 18 or 25 points**

VII. \_\_\_\_\_

**VIII. PRIOR SERIOUS FELONY= 30 points**

VIII. \_\_\_\_\_

Subtotal Sentence Points 85.8000

**IX. ENHANCEMENTS** (only if primary offense qualifies for enhancement)

Specified Justice System Personnel

☐ x 1.5 ☐ x 2.0 ☐ x 2.5

Aggravated Animal Cruelty

☐ x 1.25

Drug Trafficker

☐ x 1.5

Motor Vehicle Theft

☐ x 1.5

Criminal Gang Offense

☐ x 1.5

Domestic Violence in the Presence of Related Child

☐ x 1.5

Adult-on-Minor Sex Offense

☐ x 2.0

Fleeing/Aggravated Fleeing

☐ x 1.5

Enhanced Subtotal Sentence Points IX.

**TOTAL SENTENCE POINTS 85.8000**

**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:

$\frac{85.8000}{\text{total sentence points}} \text{ minus } 28 = \frac{57.8000}{\text{Lowest permissible prison sentence in months}} \times .75 = \frac{43.350000}{\text{Lowest permissible prison sentence in months}}$

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

The maximum sentence for each individual felony offense is the statutory maximum as provided in s. 775.082, F.S., unless the lowest permissible sentence listed above exceeds the statutory maximum for that offense. If the lowest permissible sentence exceeds the statutory maximum for an individual felony offense, the lowest permissible sentence replaces the statutory maximum and must be imposed for that offense. See *State v. Gabriel*, 314 So. 3d 1243 (Fla.2021). Sentences for multiple felony offenses may be imposed concurrently or consecutively. If total sentence points are greater than or equal to 363, a life sentence may be imposed.

Primary offense:

POSS.CONTROL.SUBS/OTHER

5 years

Additional offense:

POSS.DRUG PARAPHERNA.-MISD

Maximum sentence in years  
years

Additional offense:

TRESPASS-MISD

Maximum sentence in years  
years

Additional offense:

Description

Maximum sentence in years

Total maximum sentence in years for all counts above if consecutive sentence imposed:

Maximum sentence in years  
5 years

**TOTAL SENTENCE IMPOSED**

|   | Years | Months | Days |
|---|-------|--------|------|
| <input type="checkbox"/> State Prison           |       |        |      |
| <input type="checkbox"/> County Jail            |       |        | 1    |
| <input type="checkbox"/> Community Control      |       |        |      |
| <input type="checkbox"/> Probation              |       |        |      |
| <input type="checkbox"/> Life                   |       |        |      |
| <input checked="" type="checkbox"/> Time Served |       |        |      |
| <input type="checkbox"/> Modified               |       |        |      |

Please check if sentenced as ☐ Habitual Offender, ☐ Habitual Violent Offender, ☐ Violent Career Offender, ☐ Prison Release Reoffender,

or a ☐ Mandatory Minimum Applies.

☐ Mitigated Departure ☒ Plea Bargain ☐ Prison Diversion Program

Other Reason 26-CF-005510-A 5/5/2026 10:44:58 AM

*Nick Nazaretian*

**JUDGE'S SIGNATURE** 26-CF-005510-A 5/5/2026 10:44:58 AM  
Judge Nick Nazaretian

**Rule 3.992(b) Supplemental Criminal Punishment Code Scoresheet**

|  |                                 |                                      |
|--|---------------------------------|--------------------------------------|
| <b>NAME (LAST, FIRST, MI. I.)</b><br>BURGESS, DAVID A. | <b>DOCKET #</b><br>26-CF-005510 | <b>DATE OF SENTENCE</b><br>4/27/2026 |
|--|---------------------------------|--------------------------------------|

**II. ADDITIONAL OFFENSE(S):**

| DOCKET #    | FEL/MM DEGREE | F.S.# | OFFENSE LEVEL | QUALIFY: A/S/C/R | COUNTS | POINTS | TOTAL |
|-------------|---------------|-------|---------------|------------------|--------|--------|-------|
| DESCRIPTION |               |       |               |                  |        |        |       |
| 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)

**II.** \_\_\_\_\_

**IV. PRIOR RECORD:**

| FEL/MM DEGREE | F.S.#         | OFFENSE LEVEL | QUALIFY: A/S/C/R | DESCRIPTION             | NUMBER | POINTS | TOTAL     |
|---------------|---------------|---------------|------------------|-------------------------|--------|--------|-----------|
| 3             | 843.01        | 5             |                  | RESISTING OFFICER W/VIO | 4      | X 3.6  | = 14.4000 |
| 3             | 817.563(1)    | 4             |                  | SELL SUBST.INSTEAD DRUG | 1      | X 2.4  | = 2.4000  |
| 1             | 893.13(1)(F)1 | 5             |                  | SELL/ETC/COC/ETC 1K FT. | 2      | X 3.6  | = 7.2000  |
| 2             | 810.02(3)(A)  | 7             |                  | BURGL OCCUPIED DWELLING | 1      | X 14   | = 14.0000 |
|               |               |               |                  |                         |        | X      | =         |
|               |               |               |                  |                         |        | 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)

**IV.** 38.0000

**Reasons for Departure – Mitigating Circumstances**  
(reasons may be checked here or written on the scoresheet)

- ☒ Legitimate, uncoerced plea bargain.
- ☐ The 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 requirements of law was substantially impaired.
- ☐ The 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.
- ☐ 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.
- ☐ The 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.
- ☐ The defendant is to be sentenced as a youthful offender.
- ☐ The defendant is amenable to the services of a post adjudicatory treatment-based drug court program and is otherwise qualified to participate in the program.
- ☐ The defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.
- ☐ Other Reason(s): \_\_\_\_\_

Pursuant to 921.0026(3) the defendant's substance abuse or addiction does not justify a downward departure from the lowest permissible sentence, except for the provisions of s. 921.0026(2)(m).