

RULE 3.992(c), CRIMINAL PUNISHMENT CODE RESHEET

1. DATE OF SENTENCE <u>10/27/05</u>	2. PREPARER'S NAME <input type="checkbox"/> DC <input checked="" type="checkbox"/> SAO	3. COUNTY <u>Hills</u>	4. SENTENCING JUDGE <u>Perry</u>
5. NAME (LAST, FIRST, M.I.) <u>Mitchell, Dallas R</u>	6. DOB <u>7/27/61</u>	8. RACE <input type="checkbox"/> B <input checked="" type="checkbox"/> W <input type="checkbox"/> OTHER	10. PRIMARY OFF. DATE <u>9/2-3/05</u>
	7. DC #	9. GENDER <input checked="" type="checkbox"/> M <input type="checkbox"/> F	11. PRIMARY DOCKET # <u>05-18413</u>
		12. PLEA <input checked="" 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
<u>1</u>	<u>810.02</u>	<u>Armed Burg Dwel</u>	<u>8</u>	

(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 ☐

74

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

DOCKET#	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY A S C R	COUNTS	POINTS	TOTAL
<u>05-18413</u>	<u>3</u>	<u>812.014 205</u>	<u>4</u>	<u>0000</u>	<u>1</u>	<u>3.6</u>	<u>3.6</u>
Description <u>GT F/A</u>							
<u>05-18413</u>	<u>2</u>	<u>790.23/775.4</u>	<u>5</u>	<u>0000</u>	<u>1</u>	<u>5.4</u>	<u>5.4</u>
Description <u>Fel Rob F/A</u>							
<u>05-18412</u>	<u>2</u>	<u>810.02 3</u>	<u>7</u>	<u>0000</u>	<u>1</u>	<u>2.8</u>	<u>2.8</u>
Description <u>Burg Dwel</u>							

(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 5.8

42.8

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	NUMBER	POINTS	TOTAL
<u>1</u>	<u>810.02</u>	<u>7</u>	<u>0000</u>	<u>Armed Burg Struc</u>	<u>1</u>	<u>14</u>	<u>14</u>
<u>1</u>	<u>812.014 2A</u>	<u>7</u>	<u>0000</u>	<u>GT 1st</u>	<u>1</u>	<u>14</u>	<u>14</u>
<u>M</u>	<u>Vas</u>	<u>M</u>	<u>0000</u>	<u>Vas</u>	<u>III</u>	<u>.2</u>	<u>.6</u>
<u>3</u>	<u>810.02</u>	<u>4</u>	<u>0000</u>	<u>Burg Struc</u>	<u>1</u>	<u>2.4</u>	<u>2.4</u>
<u>3</u>	<u>812.014</u>	<u>4</u>	<u>0000</u>	<u>Theft Test. Instrum</u>	<u>1</u>	<u>2.4</u>	<u>2.4</u>
<u>3</u>	<u>812.014</u>	<u>2</u>	<u>0000</u>	<u>GT 3rd</u>	<u>1</u>	<u>.8</u>	<u>.8</u>

(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 _____

DISTRIBUTION:

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

Pink / Defense Attorney
Goldenrod / DC Offender File

Page 1 Subtotal:

IV. 34.2
151

V. Legal Status violation = 4 Points

V. _____

VI. Community Sanction violation before the court for sentencing
 6 points x each successive violation OR
 New felony conviction = 12 points x each successive violation

VI. _____

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

VII. _____

VIII. Prior Serious Felony = 30 Points

VIII. _____

Subtotal Sentence Points _____

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

Law Enforcement Protection	Drug Trafficking	Grand Theft Motor Vehicle	Street Gang	Domestic Violence (offenses committed on or after 10-1-97)
____ x 1.5 ____ x 2.0 ____ x 2.5	____ x 1.5	____ x 1.5	____ x 1.5	____ x 1.5

Enhanced Subtotal Sentence Points IX. _____

TOTAL SENTENCE POINTS 151

SENTENCE COMPUTATION

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction.

If total sentence points are greater than 44:

$$\frac{151}{\text{total sentence points}} \text{ minus } 28 = 123 \text{ x } .75 = 92.25$$

lowest permissible prison sentence in months

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.

 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		_____	_____	_____

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

Other Reason _____

JUDGE'S SIGNATURE

3.992(b) CRIMINAL PUNISHMENT CODE SUPPLEMENTAL SCORESHEET

NAME (LAST, FIRST, M.I.) Mitchell, Dallas	DOCKET # 05-18413	DATE OF SENTENCE 10/25/05
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FILED

II. ADDITIONAL OFFENSE(S):

OCT 27 2005

DOCKET#	FEL/MM DEGREE	F.S. #	OFFENSE LEVEL	QUALIFY A S C R	COUNTS	POINTS	TOTAL
05-17361	3	790.01	5	□□□□	1	X 5.4	= 5.4
Description CCF							
05-17361	M	893.147	M	□□□□	1	X 12	= 12
Description PDP							
05-17361	M	893.136b	M	□□□□	1	X 12	= 12
Description Poss Cann C20							
				□□□□		X	=
Description							
				□□□□		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)

II. 5.8

IV. PRIOR RECORD

FEL/MM DEGREE	F.S. #	OFFENSE LEVEL	QUALIFY A S C R	DESCRIPTION	NUMBER	POINTS	TOTAL
			□□□□			X	=
			□□□□			X	=
			□□□□			X	=
			□□□□			X	=
			□□□□			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. _____

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.

Pursuant to 921.0026(3) the defendant's substance abuse or addiction does not justify a downward departure from the lowest permissible sentence.