

**RULE 3.992(C) CRIMINAL PUNISHMENT CODE RESHEET**

1. DATE OF SENTENCE <u>3/10/05</u>	2. PREPARER'S NAME <input type="checkbox"/> DC <input checked="" type="checkbox"/> SAO <u>Roffe</u>	3. COUNTY <u>Hills</u>	4. SENTENCING JUDGE <u>Ferguson</u>
5. NAME (LAST, FIRST, MI.I.) <u>Justin Don - Torres, Carlos</u>	6. DOB <u>11/25/85</u>	8. RACE <input type="checkbox"/> B <input checked="" type="checkbox"/> W <input type="checkbox"/> OTHER	10. PRIMARY OFF. DATE <u>8/3/04</u>
	7. DC #	9. GENDER <input checked="" type="checkbox"/> M <input type="checkbox"/> F	11. PRIMARY DOCKET # <u>04-14575</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>FL</u>	<u>893/775</u>	<u>Armed Tr. (locus) (28-205)</u>	<u>9</u>	<u>92</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

FOR 1 & 2005

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

DOCKET#	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY A S C R	COUNTS	POINTS	TOTAL
<u>0414575</u>	<u>FL</u>	<u>794</u>	<u>6</u>	<u>□□□□</u>	<u>1</u> X	<u>18</u>	<u>= 18</u>
		<u>Agg. Assault on a Person</u>					
	<u>FL</u>	<u>843</u>	<u>5</u>	<u>□□□□</u>	<u>1</u> X	<u>54</u>	<u>= 54</u>
		<u>Resist Arrest w/ Violence</u>					
<u>04-14575</u>	<u>FL</u>	<u>893</u>	<u>5</u>	<u>□□□□</u>	<u>3</u> X	<u>54</u>	<u>= 162</u>
		<u>Dist of Loc</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 204

II. 60

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
____/____	____/____	____/____	□□□□	____/____	____ 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)

Supplemental page points \_\_\_\_\_

**DISTRIBUTION:**

White / Original / Clerk  
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Canary / State Attorney

Pink / Defense Attorney  
Goldenrod / DC Offender File

Page 1 Subtotal:

IV. 152



**3.992(b) CRIMINAL PUNISHMENT CODE SUPPLEMENTAL SCORESHEET**

NAME (LAST, FIRST, M.I.) <i>Jones</i>	DOCKET # <i>04-1457-FILED</i>	DATE OF SENTENCE <i>3/10/05</i>
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**II. ADDITIONAL OFFENSE(S):**

DOCKET#	FEL/MM DEGREE	F.S. #	OFFENSE LEVEL	QUALIFY A S C R	COUNTS	POINTS	TOTAL
<i>1</i>	<i>F3</i>	<i>833</i>	<i>3</i>	<i>□□□□</i>	<i>3</i>	<i>21</i>	<i>21</i>
Description <i>Pos of Coc</i>							
<i>03-1115</i>	<i>F2</i>	<i>760</i>	<i>6</i>	<i>□□□□</i>	<i>1</i>	<i>18</i>	<i>18</i>
Description <i>Shooting into a building (unp)</i>							
_____	_____	_____	_____	<i>□□□□</i>	_____	X _____	= _____
Description _____							
_____	_____	_____	_____	<i>□□□□</i>	_____	X _____	= _____
Description _____							
_____	_____	_____	_____	<i>□□□□</i>	_____	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)

*11.204*

**IV. PRIOR RECORD**

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