

Rule 3.992(a) Criminal Punishment Code Scoresheet

The Criminal Punishment Code Scoresheet Preparation Manual is available at: <https://www.fdc.myflorida.com/statistics-and-publications>

| | | | | |
|--|------------------------------|---------------------------|--|---|
| 1. DATE OF SENTENCE 07/01/2026 | 2. PREPARER'S NAME BAXTER | 3. COUNTY HILLSBOROUGH | 4. SENTENCING JUDGE NAZARETIAN | |
| 5. NAME (LAST, FIRST, MII.) SMITH JR, MARCUS L. | 6. DOB 06/14/1987 | 8. RACE BLACK | 10. PRIMARY OFF. DATE 03/20/2017 | 12. PLEA <input checked="" type="checkbox"/> TRIAL <input type="checkbox"/> |
| | 7. DC # | 9. GENDER MALE | 11. PRIMARY DOCKET # 2017-CF-004232 | |

I. PRIMARY OFFENSE: Qualifier:

| FELONY DEGREE | F.S.# | DESCRIPTION | OFFENSE LEVEL | POINTS |
|---------------|------------|--|---------------|--------|
| 1 | 784.045(1) | AGGRAVATED BATTERY GREAT BODILY HARM AND DEADLY WEAPON | 8 | 74 |

(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 doubles Primary Offense points

I. 74.0000

II. ADDITIONAL OFFENSE(S): Supplemental page attached

| DOCKET # | FEL/MM DEGREE | F.S.# | OFFENSE LEVEL | QUALIFY: A/S/C/R | COUNTS | POINTS | TOTAL |
|----------------|-------------------|-----------|---------------|------------------|--------|--------|-------|
| 2026-CF-002950 | 3 | 784.03(2) | 1 | | 1 | 0.7 | 0.7 |
| DESCRIPTION | 2+ SIMPLE BATTERY | | | | | | |
| 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 doubles Additional Offense points

Supplemental page points

II. 0.7000

III. VICTIM INJURY:

| | Number | Total | | Number | Total |
|-------------------------------|--------|-------|-----------------|--------|-------|
| 2 nd 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. 0.0000

IV. PRIOR RECORD: Supplemental page attached

| FEL/MM DEGREE | F.S.# | OFFENSE LEVEL | QUALIFY: A/S/C/R | DESCRIPTION | NUMBER | POINTS | TOTAL |
|---------------|---------------|---------------|------------------|-------------------------|--------|--------|-----------|
| 5/MM | VARIOUS | M | | VARIOUS | 11 | X 0.2 | = 2.2000 |
| 2 | 893.13(1)(A)1 | 5 | | COCAINE-SALE/MANUF/DELI | 1 | X 3.6 | = 3.6000 |
| 3 | 893.13(6)(A) | 3 | | COCAINE - POSSESSION | 3 | X 1.6 | = 4.8000 |
| 1 PBL | 810.02(2)(A) | 8 | | BURGLARY ASSAULT ANY PE | 1 | X 19 | = 19.0000 |
| 2 | 790.19 | 6 | | SHOOT/THROW MISSILE-BLD | 1 | X 9 | = 9.0000 |
| 3 | 784.021(1)(A) | 6 | | AGG ASSLT-W/WPN NO INTE | 1 | X 9 | = 9.0000 |
| 3 | 784.03(2) | 1 | | 2+ SIMPLE BATTERY | 1 | X 0.5 | = 0.5000 |
| | | | | | 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

IV. 0.0000

Page 1 Subtotal: 74.7000

NAME (LAST, FIRST, MI. I.)
SMITH JR, MARCUS L.

DOCKET #
2017-CF-004232

Page 1 Subtotal: 74.7000

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. 0.0000

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 _____ each successive violation OR
- New felony conviction = 12 points _____ each successive violation if new offense results in conviction before or at same time as sentence for violation of probation OR
- 12 points _____ 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 1 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. 24.0000

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

VII. 0.0000

VIII. Prior Serious Felony = 30 points

VIII. 0.0000

Subtotal Sentence Points 98.7000

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

| | | | | | |
|---|---|---|---|---|--|
| Law Enf. Protect. <input type="checkbox"/> x 1.5 <input type="checkbox"/> x 2.0 <input type="checkbox"/> x 2.5 | Drug Trafficker <input type="checkbox"/> x 1.5 | Motor Vehicle Theft <input type="checkbox"/> x 1.5 | Criminal Gang Offense <input type="checkbox"/> x 1.5 | Domestic Violence in the Presence of Related Child (offenses committed on or after 03-12-07) <input type="checkbox"/> x 1.5 | Adult-on-Minor Sex Offense (offenses committed on or after 10-1-14) <input type="checkbox"/> x 2.0 |
|---|---|---|---|---|--|

Enhanced Subtotal Sentence Points

IX.

TOTAL SENTENCE POINTS

98.7000

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:

$$\frac{98.7000}{\text{total sentence points}} \text{ minus } 28 = \frac{70.7000}{\text{total sentence points}} \times .75 = \frac{53.0250}{\text{Lowest permissible prison sentence in months}}$$

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 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 the total sentence points are greater than or equal to 363, a life sentence may be imposed.

35 years
maximum sentence in years

TOTAL SENTENCE IMPOSED

| | Years | Months | Days |
|--|-------|--------|------|
| <input checked="" type="checkbox"/> State Prison | | 36 | |
| <input type="checkbox"/> County Jail | | | |
| <input type="checkbox"/> Community Control | | | |
| <input type="checkbox"/> Probation <input type="checkbox"/> Modified | | | |
| <input type="checkbox"/> Life | | | |
| <input type="checkbox"/> Time Served | | | |

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-002950-A 7/2/2026 10:38:42 AM

JUDGE'S SIGNATURE: *Nick Nazaretian*

26-CF-002950-A | 7/2/2026 10:38:42 AM
Judge Nick Nazaretian

Rule 3.992(b) Supplemental Criminal Punishment Code Scoresheet

| | | |
|--|-----------------------------------|---------------------------------------|
| NAME (LAST, FIRST, MI. I.) SMITH JR, MARCUS L. | DOCKET # 2017-CF-004232 | DATE OF SENTENCE 07/01/2026 |
|--|-----------------------------------|---------------------------------------|

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 |
|---------------|-------|---------------|------------------|-------------|--------|--------|-------|
| | | | | | 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.
- 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.

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).