

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 07/08/2026	2. PREPARER'S NAME P. MURPHY	3. COUNTY HILLSBOROUGH	4. SENTENCING JUDGE TWINE THOMAS	
5. NAME (LAST, FIRST, MII.) WHITAKER, DAVID J.	6. DOB 07/14/1985	8. RACE BLACK	10. PRIMARY OFF. DATE 10/07/2025	12. PLEA <input checked="" type="checkbox"/> TRIAL <input type="checkbox"/>
	7. DC #	9. GENDER MALE	11. PRIMARY DOCKET # 25-CF-017743	

I. PRIMARY OFFENSE: Qualifier:

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
3	784.08(2)(c)	BATTERY UPON PERSON 65/OLDER	4	22

(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. 22.0000

II. ADDITIONAL OFFENSE(S): Supplemental page attached

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
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 doubles Additional Offense points

Supplemental page points _____
II. _____

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	1 = 18			

III. 18.0000

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	6	X 0.2	= 1.2000
3	893.13(6)(A)	3		POSS.CONTROL.SUBS/OTHER	4	X 1.6	= 6.4000
3	893.13(6)(A)	1		POSS.MARIJUANA OVR 20 G	1	X 0.5	= 0.5000
					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 _____
IV. 8.1000
Page 1 Subtotal: 48.1000

NAME (LAST, FIRST, MI. I.) WHITAKER, DAVID J.	DOCKET # 25-CF-017743
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Page 1 Subtotal: 48.1000

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

- 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. _____

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

VII. _____

VIII. PRIOR SERIOUS FELONY = 30 points

VIII. _____

Subtotal Sentence Points 48.1000

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

Specified Justice System Personnel <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
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Enhanced Subtotal Sentence Points **IX.** _____

TOTAL SENTENCE POINTS 48.1000

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:

$$\frac{48.1000}{\text{total sentence points}} \text{ minus } 28 = \frac{20.1000}{\text{total sentence points}} \times .75 = \frac{15.0750}{\text{Lowest permissible prison sentence in months}}$$

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:	<u>BATTERY UPON PERSON 65/OLDER</u>	<u>5</u>
	Description	Maximum sentence in years
Additional offense:	_____	_____
	Description	Maximum sentence in years
Additional offense:	_____	_____
	Description	Maximum sentence in years
Additional offense:	_____	_____
	Description	Maximum sentence in years
Total maximum sentence in years for all counts above if consecutive sentence imposed:		<u>5 years</u>

TOTAL SENTENCE IMPOSED

<input type="checkbox"/> State Prison	<input type="checkbox"/> Life	Years	Months	Days
<input type="checkbox"/> County Jail	<input checked="" type="checkbox"/> Time Served	_____	_____	<u>67</u>
<input type="checkbox"/> Community Control		_____	_____	_____


Probation 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 _____

25-CF-017743-A 7/8/2026 2:53:49 PM

JUDGE'S SIGNATURE	/s/ The Honc  25-CF-017743-A 7/8/2026 2:53:49 PM Judge Barbara Twine Thomas	07/08/2026
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Rule 3.992(b) Supplemental Criminal Punishment Code Scoresheet

NAME (LAST, FIRST, MI. I.) WHITAKER, DAVID J.	DOCKET # 25-CF-017743	DATE OF SENTENCE 07/08/2026
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II. ADDITIONAL OFFENSE(S):

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

(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).