

RULE 3.99

CRIMINAL PUNISHMENT CODE

JRESHEET

1. DATE OF SENTENCE <u>2/19/08</u>	2. PREPARER'S NAME ☐ DC ☒ SAO <u>Hildebrandt</u>	3. COUNTY <u>Hills</u>	4. SENTENCING JUDGE <u>Perry</u>
5. NAME (LAST, FIRST, M.I.) <u>Guter, Antonio</u>	6. DOB <u>5/14/85</u>	8. RACE ☐ B ☐ W ☐ OTHER	10. PRIMARY OFF. DATE <u>11/25/2002</u>
	7. DC #	9. GENDER ☐ M ☐ F	11. PRIMARY DOCKET # <u>03-CF-15579</u>
			12. PLEA ☒ TRIAL ☐

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>3</u>	<u>812.014</u>	<u>GT MV</u>	<u>4</u>	<u>22</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 ☐

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

DOCKET#	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY A S C R	COUNTS	POINTS	TOTAL
<u>03-CF-15433</u>	<u>3</u>	<u>816.02</u>	<u>4</u>	☐ ☐ ☐ ☐	<u>7</u>	<u>3.6</u>	<u>25.2</u>
DESCRIPTION <u>Burg Conveyance</u>							
<u>03-CF-15433</u>	<u>3</u>	<u>812.014</u>	<u>2</u>	☐ ☐ ☐ ☐	<u>3</u>	<u>2.4</u>	<u>7.2</u>
DESCRIPTION <u>GT 3rd deg.</u>							
<u>03-CF-15433</u>	<u>M</u>	<u>812.014</u>	<u>M</u>	☐ ☐ ☐ ☐	<u>2</u>	<u>.2</u>	<u>.4</u>
DESCRIPTION <u>Pot. Theft</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 3.2
II. 58

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	=			

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		=
			☐ ☐ ☐ ☐		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. 58

Page 1 Subtotal: 58

3.992(b) CRIMINAL PUNISHMENT CODE SUPPLEMENTAL SCORESHEET

NAME (LAST, FIRST, M.I.)	DOCKET #	DATE OF SENTENCE
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II. ADDITIONAL OFFENSE(S):

DOCKET#	FEL/MM DEGREE	F.S. #	OFFENSE LEVEL	QUALIFY A S C R	COUNTS	POINTS	TOTAL
03-15579							
03-15433	M	806.13	M	□□□□	3	x .2 =	.6
Description Criminal Mischief							
05-CF-00579	3	893	3	□□□□	1	x 2.4 =	2.4
Description Possession of Cocaine							
05-CF-000579	M	843.02	M	□□□□	1	x 0.2 =	0.2
Description ROWOV							
				□□□□		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. 3.2

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)

FILED

IV. _____

Reasons for Departure – Mitigating Circumstances

(reasons may be checked here or written on the scoresheet)

FEB 19 '08

- ☐ 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.

Clerk of the Circuit Court

V. Legal Status violation = 4 Points

V. 4

VI. Community Sanction violation before the court for sentencing

VI. 6

- ☐ 6 points x each successive violation OR
☐ New felony conviction = 12 points x each successive violation OR
☐ 12 points x each successive violation for a violent felony offender of special concern OR
☐ New felony conviction = 24 points x each successive violation for a violent felony offender of special concern

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

VII. _____

VIII. Prior Serious Felony - 30 Points

VIII. _____

Subtotal Sentence Points 68

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

68

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:

68 total sentence points minus 28 = 40 x .75 = 30
 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.

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 maximum sentence
 in years

Clerk of the Circuit Court

TOTAL SENTENCE IMPOSED

- ☐ State Prison ☐ Life
☐ County Jail ☒ Time Served
☐ Community Control
☐ Probation

Years	Months	Days
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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