

RULE 3.992(CRIMINAL PUNISHMENT CODE) RESHEET

1. DATE OF SENTENCE 1-28-04	2. PREPARER'S NAME ☐ DC ☒ SAO VALKENBURG	3. COUNTY Hills	4. SENTENCING JUDGE BARBAS
5. NAME (LAST, FIRST, M.I.) GATOR, Antonio	6. DOB 5-14-85	8. RACE ☒ B ☐ W ☐ OTHER	10. PRIMARY OFF. DATE 11-25-02
	7. DC #	9. GENDER ☒ M ☐ F	11. PRIMARY DOCKET # 03-15579
		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
3F	812.014	GT MV	4	4

(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 ☐

I. 22

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

DOCKET#	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY A S C R	COUNTS	POINTS	TOTAL
03-15433	3F	810.02	4	☐ ☐ ☐ ☐	7	3.6	25.2
Description Bug Conveyance							
03-15433	3F	812.014	2	☐ ☐ ☐ ☐	3	2.4	7.2
Description GT 3°							
03-15433	M	812.014	M	☐ ☐ ☐ ☐	2	.2	.4
Description PT							

(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 **6**
II. 33.4

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. _____

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
 Green / DC Data
 Canary / State Attorney

Pink / Defense Attorney
Goldenrod / DC Offender File

Page 1 Subtotal: **55.4**

3.992(b) CRIMINAL PUNISHMENT CODE SUPPLEMENTAL SCORESHEET

NAME (LAST, FIRST, M.I.) GATOR, Antonio	DOCKET # 03-15579	DATE OF SENTENCE BARBAS
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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	JAIP 2004	3	X .2	= .6
Description Crim MISL.							
				RICHARD AKE, CLERK		X	=
				□□□□		X	=
				□□□□		X	=
				□□□□		X	=

(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. 1.6

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 .

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- V. Legal Status violation = 4 Points V. _____
- VI. Community Sanction violation before the court for sentencing VI. _____
 6 points x each successive violation OR
 New felony conviction = 12 points x each successive violation
- VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 Points VII. _____
- VIII. Prior Serious Felony = 30 Points VIII. _____

Subtotal Sentence Points 55.4

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

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

TOTAL SENTENCE POINTS 55.4

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:

$$\frac{55.4}{\text{total sentence points}} \text{ minus } 28 = 27.4 \times .75 = \frac{20.55}{\text{lowest permissible prison sentence in months}}$$

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

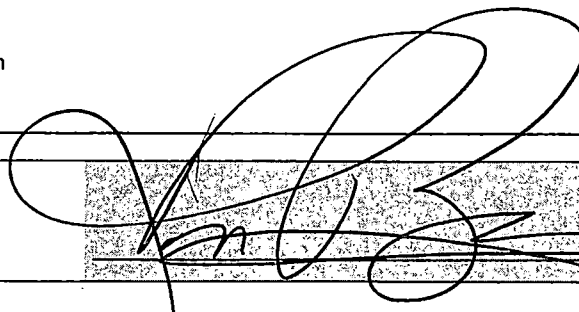
	Years	Months	Days
☐ State Prison	_____	_____	_____
☐ Life	_____	_____	_____
☐ County Jail	_____	_____	_____
☐ Time Served	_____	_____	_____
☒ Community Control	<u>1</u>	_____	_____
☒ Probation	<u>3</u>	_____	_____

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



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