

**Rule 3.992(a) Criminal Punishment Code Scoresheet**

The Criminal Punishment Code Scoresheet Preparation Manual is available at: [http://www.dc.state.fl.us/pub/sen\\_cpcm/index.html](http://www.dc.state.fl.us/pub/sen_cpcm/index.html)

1. DATE OF SENTENCE	2. PREPARER'S NAME CLARK	3. COUNTY FLAGLER	4. SENTENCING JUDGE PERKINS	
5. NAME (LAST, FIRST, MLI.) DEOLIVIRA, BRANDIN M.	6. DOB 1/29/1991	8. RACE WHITE	10. PRIMARY OFF. DATE 10/1/2018	12. PLEA <input checked="" type="checkbox"/> TRIAL <input type="checkbox"/>
	7. DC #	9. GENDER MALE	11. PRIMARY DOCKET # 19-00005CFFA	

**I. PRIMARY OFFENSE:** Qualifier: \_\_\_\_\_

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
2	794.05(1)	ADLT SEX W/16-17 YR OLD	6	36

(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.** 36

**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 <sup>nd</sup> Degree Murder	240 X	=	Slight	4 X	=
Death	120 X	=	Sex Penetration	80 X 1	= 80
Severe	40 X	=	Sex Contact	40 X	=
Moderate	18 X	=			

**III.** 80

**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	=	
					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.** \_\_\_\_\_  
**Page 1 Subtotal:** 116

Effective Date: For offenses committed under the Criminal Punishment Code effective for offenses committed on or after October 1, 1998, and subsequent revisions.

**V. Legal Status** Violation = 4 Points V. \_\_\_\_\_  
 Escape  Fleeing  Failure to Appear  Supersedeas bond  Incarceration  Pretrial intervention or diversion program  
 Court imposed post prison release community supervision resulting in a conviction

**VI. Community Sanction** Violation before the court for sentencing VI. \_\_\_\_\_  
 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

**VII. Firearm/Semi-Automatic or Machine Gun** = 18 or 25 points VII. \_\_\_\_\_  
**VIII. Prior Serious Felony** = 30 points VIII. \_\_\_\_\_

**Subtotal Sentence Points** 116

**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
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Enhanced Subtotal Sentence Points **IX.** \_\_\_\_\_  
**TOTAL SENTENCE POINTS** 116

**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:  

$$\frac{116}{\text{total sentence points}} \text{ minus } 28 = \frac{88}{\text{}} \times .75 = \frac{66.00}{\text{Lowest permissible prison sentence in months}}$$

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.  

$$\frac{15}{\text{maximum sentence in years}}$$

**TOTAL SENTENCE IMPOSED**

	Years	Months	Days
<input type="checkbox"/> State Prison	_____	_____	_____
<input checked="" type="checkbox"/> County Jail	_____	_____	<u>180</u>
<input type="checkbox"/> Community Control	_____	_____	_____
<input type="checkbox"/> Probation <input type="checkbox"/> 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 \_\_\_\_\_

<b>JUDGE'S SIGNATURE</b>	<p style="font-size: small; margin: 0;">e-Signed 2/6/2021 1:06 PM 2019 CF 000005</p>
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**Rule 3.992(b) Supplemental Criminal Punishment Code Scoresheet**

<b>NAME (LAST, FIRST, MI. I.)</b> DEOLIVIRA, BRANDIN M.	<b>DOCKET #</b> 19-00005CFFA	<b>DATE OF SENTENCE</b>
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**X. 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 the 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).