

# 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 <b>11/12/2025</b>	2. PREPARER'S NAME <b>MEGARO, DANIEL DOMENICK</b>	3. COUNTY <b>VOLUSIA</b>	4. SENTENCING JUDGE <b>MCNEILLY, A. KATHLEEN</b>
5. NAME (LAST, FIRST, M.I.) <b>JORGE RIVERA</b>	6. DOB <b>9/20/1978</b>	8. RACE <input type="checkbox"/> B <input checked="" type="checkbox"/> H <input type="checkbox"/> OTHER	10. PRIMARY OFF. DATE <b>11/19/2024</b>
	7. DC #	9. GENDER <input checked="" type="checkbox"/> M <input checked="" type="checkbox"/> F	11. PRIMARY DOCKET # <b>2024 108218CFDL</b>
			12. PLEA <input checked="" type="checkbox"/> TRIAL <input type="checkbox"/>

**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>1</u>	<u>812.13 2B</u>	<u>ROBBERY WITH A WEAPON</u>	<u>8</u>	<b>I. <u>74.00</u></b>

(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				COUNTS	POINTS	TOTAL
				A	S	C	R			
	<u>3</u>	<u>784.081 (2)(C)</u>	<u>4</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>1</u>	<u>X</u>	<u>3.6</u> = <u>3.6</u>
Description	<u>BATTERY ON A SCHOOL BOARD EMPLOYEE</u>									
	<u>3</u>	<u>784.07 2B</u>	<u>4</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>1</u>	<u>X</u>	<u>3.6</u> = <u>3.6</u>
Description	<u>BATTERY ON LAW ENFORCEMENT OFFICER</u>									
	<u>3</u>	<u>843.01</u>	<u>5</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>1</u>	<u>X</u>	<u>5.4</u> = <u>5.4</u>
Description	<u>RESISTING AN OFFICER WITH VIOLENCE</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 1.40

**II. 14.00**

**III. VICTIM INJURY:**

	Number	Total		Number	Total
2nd Degree Murder	240 X	= 0	Slight	4 X	= 4
Death	120 X	= 0	Sex Penetration	80 X	= 0
Severe	40 X	= 0	Sex Contact	40 X	= 0
Moderate	18 X	= 0			

**FILED**  
IN OPEN COURT

NOV 12 2025

**III. 4.00**

**IV. PRIOR RECORD:** Supplemental page attached

FEL/MM DEG	F.S.#	OFF. LEVE L	QUALIFY				DESCRIPTION	CT.	POINTS	TOTAL
			A	S	C	R				
<u>1</u>	<u>790.15 1</u>	<u>M</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>DISCHARGING A FIREARM IN PUBLIC- too old to score</u>	<u>1</u>	<u>X</u>	<u>0.2</u> = <u>0</u>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				= 0
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				= 0
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				= 0
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				= 0
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				= 0

(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

0.00

**IV. 0.00**

**Page 1 Subtotal: 92.00**

NAME (LAST, FIRST, MI) <b>JORGE RIVERA</b>	DOCKET # <b>2024 108218CFDL</b>
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Page 1 Subtotal: 92.00

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

VI. Community Sanction violation before the court for sentencing VI. 0.00  
 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 sametime 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 92.00

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

Law Enf. Protect.	Drug Trafficker	Motor Vehicle Theft	Criminal Gang Offense	Domestic Violence in the Presence of Related Child <small>(offenses committed on or after 3/12/07)</small>	Adult-on-Minor Sex Offense <small>(offenses committed on or after 10/1/14)</small>
<u>          </u> x 1.5	<u>          </u> x 2.0	<u>          </u> x 2.5	<u>          </u> x 1.5	<u>          </u> x 1.5	<u>          </u> x 2.0

Enhancement Subtotal Sentence Points IX. 0.00  
**TOTAL SENTENCE POINTS 92.00**

**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:  
92.00 total sentence points minus 28 = 64 x .75 = 48.000 lowest permissible prison sentence in months

If total sentence points are 60 points or less 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            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.

50.164  
maximum sentence in years

<input type="checkbox"/> State Prison	<input type="checkbox"/> Life	Years	Months	Days
<input type="checkbox"/> County Jail	<input type="checkbox"/> Time Served	_____	_____	_____
<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 criminal,  prison release reoffender, or a  mandatory minimum applies.  
 Mitigated Departure    Plea Bargain    Prison Diversion Program  
 Other Reason \_\_\_\_\_

**JUDGE'S SIGNATURE**

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

## RULE 3.992(b) CRIMINAL PUNISHMENT CODE SUPPLEMENTAL SCORESHEET

NAME (LAST, FIRST, M.I.) <b>JORGE RIVERA</b>	DOCKET# <b>2024 108218CFDL</b>	DATE OF SENTENCE <b>11/12/2025</b>
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**II. ADDITIONAL OFFENSE(S):**

DOCKET#	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY				COUNTS	POINTS	TOTAL
				A	S	C	R			
/	3	812.014 2C	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 X	1.2	= 1.2
Description	GRAND THEFT									
/	2	877.13 1A	M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 X	0.2	= 0.2
Description	DISRUPTING A SCHOOL FUNCTION									
/				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X		= 0
Description										
/				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X		= 0
Description										
/				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X		= 0
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. 1.40**

**IV. PRIOR RECORD:**

FEL/MM DEG	F.S.#	OFF. LEVE L	QUALIFY				DESCRIPTION	CT.	POINTS	TOTAL
			A	S	C	R				
/			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	/	X	= 0	
/			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	/	X	= 0	
/			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	/	X	= 0	
/			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	/	X	= 0	
/			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	/	X	= 0	
/			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	/	X	= 0	

(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. 0.00**

**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.

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