

**RULE 3.992(a) CRIMINAL PUNISHMENT CODE SCORESHEET**

1 DATE OF SENTENCE <b>4/24/2024</b>	2 PREPARER'S NAME King, Brooke A.	3 COUNTY Alachua	4 SENTENCING JUDGE Pena, Phillip A.	
5 NAME (LAST, FIRST, M.I.) Gomez, Henry	6 DOB 09/22/1998	8 RACE WHITE	10 PRIMARY OFF DATE 05/10/2023	12 PLEA <input checked="" type="checkbox"/> GUILTY
	7 DC#	9 GENDER Male	11 PRIMARY DOCKET # 012023CF001652A	TRIAL <input type="checkbox"/>

**I. PRIMARY OFFENSE:** If Qualifier, please check  A  S  C  R (A=Attempt, S=Solicitation, C=Conspiracy, R=Reclassification)

FELONY F.S.# DEGREE	DESCRIPTION	OFFENSE LEVEL	POINTS
3 810.145(2)	VIDEO VOYEURISM	1	1

(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. 4.00

**II. ADDITIONAL OFFENSE(S):**

Supplemental page attached

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY A/S/C/R	COUNTS	POINTS	TOTAL
012023CF001652A	3	810.145(2)	1	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	1 X	0.70	0.70
DESCRIPTION: VIDEO VOYEURISM							
DESCRIPTION: _____				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	X		0.00
DESCRIPTION: _____				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	X		0.00
DESCRIPTION: _____				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	X		0.00
DESCRIPTION: _____				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	X		0.00

**FILED IN OPEN COURT**  
*April 24 2024*  
**DC**

(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)

Supplemental page points 0.00

Prior capital felony triples Additional Offense points  II. 0.70

**III. VICTIM INJURY:**

**TOSHIA WHITEHURST**

	Number	Total		Number	Total
2nd Degree murder	240 X 0	= 0.00	Slight	4 X 0	= 0.00
Death	120 X 0	= 0.00	Sex Penetration	80 X 0	= 0.00
Severe	40 X 0	= 0.00	Sex Contact	40 X 0	= 0.00
Moderate	18 X 0	= 0.00			

III. 0.00

**IV. PRIOR RECORD:**

Supplemental page attached

FEL/MM DEGREE	F.S.#	OFFENSE I FVFI	QUALIFY A/S/C/R	DESCRIPTION:	COUNTS	POINTS	TOTAL
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		0.00
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		0.00
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		0.00
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		0.00
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		0.00
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		0.00
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		0.00
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		0.00

(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

Case#: 2023 CF 001652 A



0007103410  
Dkt: 55AX-X

Page 1 Subtotal: 4.70

**4**

<b>NAME (LAST, FIRST, M.I.)</b> Gomez, Henry	<b>DOCKET #</b> 012023CF001652A	<b>DATE OF SENTENCE</b> <u>4/24/2024</u>
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Page 1 Subtotal: 4.70

**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. 0.00

**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 0 each successive violation OR  
 New felony conviction = 12 points x 0 each successive violation if new offense results in conviction before or at same time a sentence for violation of probation OR  
 12 points x 0 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 0 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. 0.00

**VIII. Prior Serious Felony = 30 Points**

VIII. 0.00

**Subtotal Sentence Points**

4.70

**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 (offenses committed on or after 3/12/07) | Adult-on-Minor Sex Offense (offenses committed on or after 10/1/14) |
| <input type="checkbox"/> x 1.5 <input type="checkbox"/> x 2.0 <input type="checkbox"/> x 2.5 | <input type="checkbox"/> x 1.5 | <input type="checkbox"/> x 1.5 | <input type="checkbox"/> x 1.5 | <input type="checkbox"/> x 1.5  | <input type="checkbox"/> x 2.0                                      |

**Enhancement Subtotal Sentence Points**

IX. 0.00

**TOTAL SENTENCE POINTS**

4.70

**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:  

$$\frac{0.000}{\text{total sentence points}} \text{ minus } 28 = \frac{0.000}{\text{lowest permissible prison sentence in months}} \times .75 = \frac{0.000}{\text{lowest permissible prison sentence in months}}$$

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 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. 3rd 1243(Fla.2021). Sentences for multiple felony offenses may be imposed concurrently or consecutively. If total sentence points

	Description	Maximum sentence in years
Primary offense:	<u>VIDEO VOYEURISM</u>	<u>5.000</u>
Additional offense:	<u>VIDEO VOYEURISM</u>	<u>5.000</u>
Total maximum sentence in years for all counts above if consecutive sentences imposed		<u>10.000</u>
		<u>Maximum sentence in years</u>

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TOTAL SENTENCE IMPOSED


<input type="checkbox"/> State Prison	<input type="checkbox"/> Life	Years	Months	Days
<input checked="" type="checkbox"/> County Jail	<input type="checkbox"/> Time Served	_____	_____	60
<input checked="" type="checkbox"/> Community Control	<input type="checkbox"/> Modified	_____	6	_____
<input checked="" type="checkbox"/> Probation		_____	42	_____

Please check if sentenced as  habitual offender,  habitual violent offender,  violent career offender,  prison release reoffende  
or a  mandatory minimum applies.

Mitigated Departure  Plea Bargain  Prison Diversion Program

**Phillip A. Pena**

Other Reason \_\_\_\_\_

JUDGE'S SIGNATURE	
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**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.