

SUPREME COURT OF FLORIDA

FLORIDA RULES OF CRIMINAL PROCEDURE
re SENTENCING GUIDELINES
(rules 3.701 and 3.988)

FILED

CASE NO.

73,227

SID J. WHITE

OCT 24 1988

PETITION

CLERK, SUPREME COURT

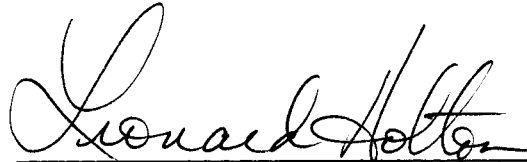
By [Signature]

The SENTENCING GUIDELINES COMMISSION ~~petitioners~~ this Court to revise Florida Rules of Criminal Procedure 3.701(c) and 3.988(d) to conform to previously enacted statutes and would allege:

1. The 1988 Florida Legislature created certain new felony offenses and assigned them the following section numbers:
 - §381.441(4), Fla. Stat. (1988)
 - §403.413(5)(c), Fla. Stat. (1988)
 - §787.03(1), Fla. Stat. (1988)
2. The SENTENCING GUIDELINES COMMISSION recommends that §381.441(4), Fla. Stat. (1988) be listed as an offense that can be scored as a primary offense in the form appearing at Florida Rules of Criminal Procedure 3.988(d); and that §403.413(5)(c), Fla. Stat. (1988) and §787.03(1), Fla. Stat. (1988) be scored in the form located at Florida Rule of Criminal Procedure 3.988(i).
3. The form appearing at Florida Rules of Criminal Procedure 3.988(i) is identified as the All Other Felony Offenses Category and does not contain statutory citations to identify felony offenses that can be scored as primary offenses at conviction within that category and it will not be necessary to amend that form to allow for the two newly created felony offenses to be scored therein as primary offenses.
4. The form appearing at Florida Rule of Criminal Procedure 3.988(d) does list statutory citations to identify felony offenses that can be scored as primary offenses and it is recommended that §381.441(4) be added to the list at the top of the form and be added to Florida Rules of Criminal Procedure 3.701(c) with the existing citations for offense category four.

5. The Florida Legislature in 1987 provided the Supreme Court with the authority to revise statewide sentencing guidelines where the Supreme Court certifies that the revisions are necessary to conform the guidelines to previously adopted statutory revisions. Chapter 87-110, §2, Laws of Florida.
6. The SENTENCING GUIDELINES COMMISSION has no other recommendations for revision to the sentencing guidelines as they exist now other than to place the above listed statutes into the categories recommended in paragraph 2 of this petition.

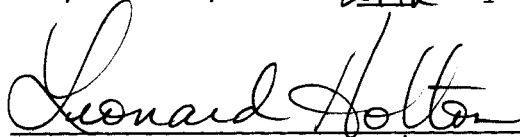
WHEREFORE, the SENTENCING GUIDELINES COMMISSION petitions this Court to make the revisions as recommended herein.



LEONARD HOLTON, Esquire
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Certificate of Service

I certify that a copy of this Petition has been provided by regular United States mail to The Florida Bar, Tallahassee, Florida, 32301-8226, and to the Office of the Attorney General, The Capitol, Tallahassee, Florida, 32301, this 24th day of October, 1988.



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