

Sentences

The sentence you might be offered is based on what the State Attorney thinks you could get if you go to trial and you are found guilty of the crime. Two people who are charged with the same crime might be offered different plea agreements. Two people convicted of the same crime might get different sentences.

What gets someone a longer sentence?

People with the same charge can get different sentences. Some things can result in you facing more time for an offense than somebody else who is facing the same charges. These things are what happened during or around the time of the crime, and what you've done in the past.

What you did before the crime. You can get a longer sentence if you ever did these things before the crime:

1. Before this crime, you were convicted of or took a plea bargain for some other crime. This can be when you were a juvenile, or in some other state, or the judge ordered "adjudication withheld."
2. You once violated probation for another crime.
3. You once escaped from jail or prison.
4. You were a gang member when the crime happened.

What happened during the crime. You can get a longer sentence if these things happened during the crime:

1. At some point during the crime, you had a gun.
2. At some point during the crime, you or another defendant threatened somebody with something else that could have been used as a weapon, like a knife or a bottle or a brick.
3. The crime involved selling or giving away drugs, even if another defendant did it and not you.
4. Somebody was hurt or killed during the crime, even if it was not something done on purpose, like somebody had a heart attack, or somebody fell off a chair and broke an arm. You can also get a longer sentence if another defendant and not you hurt or killed someone.
5. Somebody was sexually assaulted during the crime, even if you didn't do it. This can be another person raping or touching somebody.
6. A child was present during the crime, even if the child was not hurt or robbed.

What you did after you were arrested. You can get a longer sentence if you were arrested for the crime, released from jail, and then did something:

1. You did not go to court when you were supposed to.
2. You were arrested for something else while you were free.
3. The judge or the probation officer told you not to do something, like go in a liquor store, and you did it anyway.

What gets someone a shorter sentence?

Things that happened around the time of the crime and what you've done in the past can mean less time for a crime than somebody else who has the same charges.

1. You take a plea bargain.
2. You were an accomplice to a crime but you had only a small role in it.
3. You were mentally ill at the time of the crime but you can get better if you have treatment.
4. The victim in the crime started the trouble.
5. Somebody else made you do the crime.
6. Before the police arrested you, you tried to make it up to the victim.
7. You help the police solve this or other crimes.
8. You have never done anything like this before.
9. You accept responsibility for what happened and you show you're sorry.

What are Sentencing Guidelines?

Florida law says judges have to use “Sentencing Guidelines” (“guidelines sentence” means the same thing) or have a good reason to go “outside” the guidelines. A sentence outside the guidelines can be longer or shorter than the guidelines sentence.

Sentencing Guidelines tell a judge the longest sentence and shortest sentences allowed for somebody who is convicted of a certain crime. Guidelines don’t say exactly what sentence to give. Before passing a sentence after trial or plea bargain, the judge is supposed to consider the things in this brochure that can get you a shorter sentence and the things that can get you a longer sentence.

The sentencing guidelines tell the judge, your lawyer, and the State Attorney the longest and shortest sentences allowed for each conviction and each defendant. The longest and shortest sentences are based on five things:

1. **Primary offense at conviction.** This is the most serious charge a defendant faces. Being convicted of armed robbery is more serious than being convicted of petite theft. If a defendant is convicted of more than one count of the same charge, each count adds to the sentence.
2. **Additional offenses at conviction.** This means how many other charges the defendant is convicted of doing and how serious each charge is. If somebody convicted of armed robbery is also convicted of one charge of petite theft and three charges of forgery, the guidelines would give additional time for the petite theft and forgery convictions.

3. **Prior Record.** The guidelines say that somebody who has been convicted of crimes in the past should get a longer sentence than somebody who has never been convicted before. These include crimes in other states, crimes in other countries, and crimes in their juvenile record. The more convictions and the more serious convictions there are in the past, the longer the sentence.
4. **Legal status at time of offense.** The guidelines say that somebody convicted of a crime get a harsher sentence if they:
 - had escaped from jail, prison, or a police officer before the crime,
 - ran away or drove away from a police officer to keep from being caught,
 - didn’t show up for a hearing,
 - violated probation while waiting for trial,
 - were in jail or prison when the offense happened,
 - were in a pretrial diversion program when the offense happened, or
 - were on probation or community control when the offense happened.
5. **Victim injury.** If somebody gets hurt during an offense, the guidelines say the sentence will be harsher. The more people get hurt and the worse they get hurt, the worse the sentence.

Guidelines maximum sentences

Here are some of the maximum penalties for someone found guilty of a crime.

Remember that defendants can get longer or shorter sentences for **what they did before the crime, what happened during the crime, and what they did after being arrested.**

Possible maximum punishments with prison time:

CAPITAL FELONY: Penalties include death or life in prison.

LIFE FELONY: The maximum sentence is life in prison.

1st DEGREE FELONY: Maximum is 30 years in prison.

2nd DEGREE FELONY: Maximum is 15 years in prison.

3RD DEGREE FELONY: Maximum is 5 years in prison.

Don’t forget that things like use of a firearm or rape of a child can add **mandatory** time to your sentence from 1 year to life in prison.

Possible punishments without prison time:

- Probation
- Community Service
- Community Control
- County Jail Confinement (1 year or less)
- Time Served
- House arrest
- Work release

If found not guilty: No punishment.