

SECOND JUDICIAL CIRCUIT

ARREST NOTICE TO APPEAR/PROBABLE CAUSE AFFIDAVIT  SHORT OFFENSE REPORT

Arrest  Adult Date and Time Occurred: 01/27/02 1:15am SPN# 147269 ORIS# 3701025040 Coy # 318 AF  
 Notice To Appear  Juvenile  
 Location of Incident: 2349 N. MONTGOMERY Business Name/Apt. Complex: VILLAGREENS Patrol Zone: 29/272 Agency Report Number: 02-2696

Defendant's Name: Last, First, Middle: SUSAN WISNE LUCILA DOB: 07/24/77 Skin: MED Sex: F Race: W Ht: 506 Wt: 112 Hair: RED Eyes: BRO  
 Alias/Moniker: \_\_\_\_\_ Driver's License/ID#/State: 3200-632-77-766-0 SSN: 454-41-3643

Local Address (Street, City): 3226 E. PARK AVE #10301 Zip Code: 32301 Telephone: 904-7764 W: 922-4137 Place of Birth: HOUSTON, TX

Permanent Address (Street, City, State, Zip Code): SAME AS ABOVE Telephone: SAME

Scars, Tattoos, Unique Physical Features: \_\_\_\_\_ Occupation/Employer/School: IN AM T S M W L E

Codefendant's Name (Last, First, Middle): \_\_\_\_\_ DOB: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_ In Custody Yes ( ) No ( ) Felony ( ) Misd. ( )

Codefendant's Name (Last, First, Middle): \_\_\_\_\_ DOB: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_ In Custody Yes ( ) No ( ) Felony ( ) Misd. ( )

Charge Description #1: Falsely Make/Alter Prescription <sup>1st</sup> Off. Case #: \_\_\_\_\_ Counts: 1  Felony  Misdemeanor  Warrant  Capias  Ordinance  Pick-Up Order Statute/Ordinance #: 89330(3) 719

Charge Description #2: \_\_\_\_\_ Case #: \_\_\_\_\_ Counts: \_\_\_\_\_  Felony  Misdemeanor  Warrant  Capias  Ordinance  Pick-Up Order Statute/Ordinance #: \_\_\_\_\_

Charge Description #3: \_\_\_\_\_ Case #: \_\_\_\_\_ Counts: \_\_\_\_\_  Felony  Misdemeanor  Warrant  Capias  Ordinance  Pick-Up Order Statute/Ordinance #: \_\_\_\_\_

Charge Description #4: \_\_\_\_\_ Case #: \_\_\_\_\_ Counts: \_\_\_\_\_  Felony  Misdemeanor  Warrant  Capias  Ordinance  Pick-Up Order Statute/Ordinance #: \_\_\_\_\_

Vehicle Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ Style: \_\_\_\_\_ Color: \_\_\_\_\_ License Tag: \_\_\_\_\_ State: \_\_\_\_\_

Parent/Legal Custodian/Other Name: \_\_\_\_\_ Address, City, State, Zip: \_\_\_\_\_ Phone: H: \_\_\_\_\_ W: \_\_\_\_\_

Race/Sex: \_\_\_\_\_ DOB: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Driver's License/ID#/State: \_\_\_\_\_ SSN: \_\_\_\_\_ Occupation/Employer/School: \_\_\_\_\_

Released To: \_\_\_\_\_ Relationship: \_\_\_\_\_ Child's Attitude: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

MANDATORY COURT APPEARANCE

I UNDERSTAND THAT FAILURE TO COMPLY WITH THIS NOTICE TO APPEAR WILL CONSTITUTE A SEPARATE OFFENSE.

Location: \_\_\_\_\_ Address: \_\_\_\_\_ Courtroom #: \_\_\_\_\_ Date and Time: \_\_\_\_\_

Signature of Defendant/Juvenile: \_\_\_\_\_ Signature of Parent/Legal Custodian: \_\_\_\_\_

Printed Name/ID#: RAB RABCOM 557 Agency Name/#: TALLAHASSEE P.D./FL0370-500

# SECOND JUDICIAL CIRCUIT ARREST NOTICE TO APPEAR/PROBABLE CAUSE AFFIDAVIT SHORT OFFENSE REPORT

Page 2 of 4

Defendant Name

BUSH, NOBLE LUCILA

Race  V Sex  F

DOB 07/24/77

Agency Report Number 02-3696

Charge #	Name of <input type="checkbox"/> Victim <input type="checkbox"/> Witness	Address	Home Phone
1	<u>SPONSOR OF FL</u>		
	Race Sex Birth Date	City, State, Zip Code	Business Phone
Charge #	Name of <input type="checkbox"/> Victim <input type="checkbox"/> Witness	Address	Home Phone
	Race Sex Birth Date	City, State, Zip Code	Business Phone
Charge #	Name of <input type="checkbox"/> Victim <input type="checkbox"/> Witness	Address	Home Phone
	Race Sex Birth Date	City, State, Zip Code	Business Phone

The undersigned certifies and swears that he/she had just and reasonable grounds to believe, and does believe that the above named Defendant on the 29<sup>th</sup> day of JAN, 2002, at approximately 1:15 (am/pm), at 2349 N. MONROE ST. did commit the following violation of law:

I RESPONDED TO 2349 N. MONROE ST. (HAWAIIANUS) IN REFERENCE TO A PERSON WAITING IN THE DRIVE-THRU FOR A PRESCRIPTION THAT THE PHARMALIST OF XITE (CARLOS M. ZIMMERMAN, B/M, DOB 01/17/73) SAID WAS FRAUDULENT. I MET WITH ZIMMERMAN, WHO PLAYED VOICE RECORDED PHONE-IN PRESCRIPTION MESSAGES (2 MINS) FROM A FEMALE CLAIMING TO BE DR. NOEL SCIDMORE. ZIMMERMAN STATED THAT ACCORDING TO HIS RECORDS, DR. SCIDMORE IS A WHITE MALE AND IS NOT CURRENTLY RECEIVING MEDICINE ANY LONGER. ZIMMERMAN STATED THAT HE BELIEVED THAT IT WAS EXTREMELY SUSPICIOUS, AND THAT THE FEMALE ON THE PHONE MAY BE ATTEMPTING TO MAKE A FALSE PRESCRIPTION.

FROM THE TWO VOICE RECORDED MESSAGES, WHICH ZIMMERMAN PLAYED FOR ME, I COULD HEAR THE FEMALE'S VOICE. THE VOICE WAS VERY SHAKY, AND SEEMED TO STUMBLE THROUGH THE PRESCRIPTION MESSAGES. THE VOICE CLEARLY STATED A TELEPHONE CONTROL NUMBER OF 656-7764, ALSO CODE 830, SHOWING THE PHARMALIST NEED TO CALL FOR MORE INFORMATION.

I INTERVIEWED THE DEFENDANT ROSE-MILONDA, WHO STATED THAT SHE HAD HAD ANXIETY ATTACKS THIS EVENING, APPROXIMATELY AN HOUR PRIOR TO CONTACT WITH HER. THE PRISONER TRANSPORT OFFICER/ID#

Signature: [Signature] Printed Name/ID# ROB BISHOP #576 Agency Name/ID# Tallahassee P.D./FL0370300

Sworn to and subscribed before me this 29<sup>th</sup> day of JANUARY, 2002. Certifying Officer: [Signature] Arrest Date: \_\_\_\_\_ Time a.m. ( ) p.m. ( )

Amount of Bond \_\_\_\_\_ Aggravating Factors \_\_\_\_\_ Bond Out (Month/Day/Year) \_\_\_\_\_ Date (a.m.) By: \_\_\_\_\_

COPIES TO:

See Supplemental Reports  See Property Reports

SECOND JUDICIAL CIRCUIT  
ARREST/NOTICE TO APPEAR/PROBABLE CAUSE AFFIDAVIT  
SHORT OFFENSE REPORT

Page 4 of 4

Defendant Name

Race Sex DOB Agency Report Number

Charge # Name of Victim Witness Address Home Phone

Race Sex Birth Date City, State, Zip Code Business Phone

Charge # Name of Victim Witness Address Home Phone

Race Sex Birth Date City, State, Zip Code Business Phone

Charge # Name of Victim Witness Address Home Phone

Race Sex Birth Date City, State, Zip Code Business Phone

The undersigned certifies and swears that he/she had just and reasonable grounds to believe, and does believe that the above named Defendant on the 29th day of JAN. 2002, at approximately 1:15 pm, at 2349 N. MONROE ST.

did commit the following violation of law:  
A FRAUD OF HERB THAT MOBS A FRAUDULENT PRESCRIPTION FOR HERB, TO WHICH SHE RESPONDED "I DON'T WANT TO GO. MY ALIENS IN TROUBLE".

A COPY OF THE RECORDED MESSAGES WAS OBTAINED FROM THE URGENTEN'S PHARMACY VOICE MAIL SYSTEM BY SER. M. DEAN (7221), AND IMPROVED AS EVIDENCE. A HANDWRITTEN NOTE WITH DEFENDANT'S MEDICAL INSURANCE POLICY #5, THAT WAS SUBMITTED BY DEFENDANT TO THE PHARMACIST AT URGENTEN'S WAS ALSO IMPROVED AS EVIDENCE.

DURING INTERVIEW WITH THE DEFENDANT, I NOTICED A SPEAKING SIMILARITY TO THE VOICE ON THE RECORDED MESSAGES. DEFENDANT DISPLAYED A SIMILAR SHAKY SPEECH PATTERN AS ON THE RECORDED MESSAGES. DEFENDANT WAS INITIALLY VERY UPSET WHEN PLACED UNDER ARREST BUT CALMED CONSIDERABLY DURING TRANSPORT TO THE LEON COUNTY JAIL.

Table with 3 columns: Quantity, Description, Value

Prisoner Transport Officer/ID#  
Affiant Signature  
Printed Name/ID#  
Agency Name/#

Sworn to and subscribed before me this 29th day of JANUARY, 2002  
Detention Facility  
Arrest Date  
Time a.m. ( ) p.m. ( )

Amount of Bond \$1000  
Booking Officer  
Aggravating Factors  
Bond Out (Month/Day/Year) Time (a.m.) (p.m.)

Jan 29 2002 11:18AM P3

FAX NO.

FROM

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. A controlled substance named or described in s. 893.03(5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Except as provided in this chapter, it is unlawful to purchase in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any mixture containing any such substance. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who delivers, without consideration, not more than 20 grams of cannabis, as defined in this chapter, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For the purposes of this paragraph, "cannabis" does not include the resin extracted from the plants of the genus *Cannabis* or any compound manufacture, salt, derivative, mixture, or preparation of such resin.

(4) Except as authorized by this chapter, it is unlawful for any person 18 years of age or older to deliver any controlled substance to a person under the age of 18 years, or to use or hire a person under the age of 18 years as an agent or employee in the sale or delivery of such a substance, or to use such person to assist in avoiding detection or apprehension for a violation of this chapter. Any person who violates this provision with respect to:

(a) A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Imposition of sentence may not be suspended or deferred, nor shall the person so convicted be placed on probation.

(5) It is unlawful for any person to bring into this state any controlled substance unless the possession of such controlled substance is authorized by this chapter or unless such person is licensed to do so by the appropriate federal agency. Any person who violates this provision with respect to:

(a) A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A controlled substance named or described in s. 893.03(5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6)(a) It is unlawful for any person to be in actual or constructive possession of a controlled substance unless such controlled substance was lawfully obtained from a practitioner or pursuant to a valid prescription or order of a practitioner while acting in the course of his or her professional practice or to be in actual or constructive possession of a controlled substance except as otherwise authorized by this chapter. Any person who violates this provision commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the offense is the possession of not more than 20 grams of cannabis, as defined in this chapter, the person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For the purposes of this subsection, "cannabis" does not include the resin extracted from the plants of the genus *Cannabis*, or any compound manufacture, salt, derivative, mixture, or preparation of such resin.

(c) Except as provided in this chapter, it is unlawful to possess in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any mixture containing any such substance. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) Notwithstanding any provision to the contrary of the laws of this state relating to arrest, a law enforcement officer may arrest without warrant any person who the officer has probable cause to believe is violating the provisions of this chapter relating to possession of cannabis.

(7)(a) It is unlawful for any person:

1. To distribute or dispense a controlled substance in violation of this chapter.

2. To refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under this chapter.

3. To refuse an entry into any premises for any inspection or to refuse to allow any inspection authorized by this chapter.

4. To distribute a controlled substance named or described in s. 893.03(1) or (2) except pursuant to an order form as required by s. 893.06.

5. To keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place which is resorted to by persons using controlled substances in violation of this chapter for the purpose of using these substances, or which is used for keeping or selling them in violation of this chapter.

6. To use or attempt to use this chapter to reveal, in this chapter hearing for

7. To obtain from whom a substance that the person is a prescriber or a prescriber's use of such substance.

8. To obtain from whom a name or address of a practitioner that a practitioner is required to possess a prescription for

9. To obtain from whom a presentation of a substance

10. To obtain from whom a receipt for a substance

11. To obtain from whom a report or information under this chapter

(b) Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) The possession of a controlled substance in violation of this chapter is a violation of the applicable provisions of the following sections of the Florida Business and Professions Code:

(a) Pharmacy

(b) Practice of Medicine

(c) Person's Duty of Good Faith and Fair Dealing

(d) Hostile Act

6. To use to his or her own personal advantage, or to reveal, any information obtained in enforcement of this chapter except in a prosecution or administrative hearing for a violation of this chapter.

7. To withhold information from a practitioner from whom the person seeks to obtain a controlled substance or a prescription for a controlled substance that the person has received a controlled substance or a prescription for a controlled substance of like therapeutic use from another practitioner within the last 30 days.

8. To possess a prescription form which has not been completed and signed by the practitioner whose name appears printed thereon, unless the person is that practitioner, is an agent or employee of that practitioner, is a pharmacist, or is a supplier of prescription forms who is authorized by that practitioner to possess those forms.

9. To acquire or obtain, or attempt to acquire or obtain, possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge.

10. To affix any false or forged label to a package or receptacle containing a controlled substance.

11. To furnish false or fraudulent material information in, or omit any material information from, any report or other document required to be kept or filed under this chapter or any record required to be kept by this chapter.

(b) Any person who violates the provisions of subparagraphs (a)1.-8. commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; except that, upon a second or subsequent violation, the person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who violates the provisions of subparagraphs (a)9.-11. commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) The provisions of subsections (1)-(7) are not applicable to the delivery to, or actual or constructive possession for medical or scientific use or purpose only of controlled substances by, persons included in any of the following classes, or the agents or employees of such persons, for use in the usual course of their business or profession or in the performance of their official duties:

(a) Pharmacists.

(b) Practitioners.

(c) Persons who procure controlled substances in good faith and in the course of professional practice only, by or under the supervision of pharmacists or practitioners employed by them, or for the purpose of lawful research, teaching, or testing, and not for resale.

(d) Hospitals that procure controlled substances for lawful administration by practitioners, but only for use by or in the particular hospital.

(e) Officers or employees of state, federal, or local governments acting in their official capacity only, or informers acting under their jurisdiction.

(f) Common carriers.

(g) Manufacturers, wholesalers, and distributors.

(h) Law enforcement officers for bona fide law enforcement purposes in the course of an active criminal investigation.

(9) Notwithstanding any provision of the sentencing guidelines or the Criminal Punishment Code to the contrary, on or after October 1, 1993, any defendant who:

(a) Violates subparagraph (1)(a)1., subparagraph (1)(c)2., subparagraph (1)(d)2., subparagraph (2)(a)1., or paragraph (5)(a); and

(b) Has not previously been convicted, regardless of whether adjudication was withheld, of any felony, other than a violation of subparagraph (1)(a)1., subparagraph (1)(c)2., subparagraph (1)(d)2., subparagraph (2)(a)1., or paragraph (5)(a),

may be required by the court to successfully complete a term of probation pursuant to the terms and conditions set forth in s. 948.034(1), in lieu of serving a term of imprisonment.

(10) Notwithstanding any provision of the sentencing guidelines or the Criminal Punishment Code to the contrary, on or after January 1, 1994, any defendant who:

(a) Violates subparagraph (1)(a)2., subparagraph (2)(a)2., paragraph (5)(b), or paragraph (6)(a); and

(b) Has not previously been convicted, regardless of whether adjudication was withheld, of any felony, other than a violation of subparagraph (1)(a)2., subparagraph (2)(a)2., paragraph (5)(b), or paragraph (6)(a),

may be required by the court to successfully complete a term of probation pursuant to the terms and conditions set forth in s. 948.034(2), in lieu of serving a term of imprisonment. *Amended by Laws 1996, c. 96-360, § 2, eff. Oct. 1, 1996; Laws 1997, c. 97-1, § 2, eff. March 20, 1997; Laws 1997, c. 97-43, § 1, eff. Oct. 1, 1997; Laws 1997, c. 97-102, § 1827, eff. July 1, 1997; Laws 1997, c. 97-194, § 22, eff. Oct. 1, 1998; Laws 1997, c. 97-264, § 106, eff. July 1, 1997; Laws 1997, c. 97-269, § 1, eff. Oct. 1, 1997; Laws 1997, c. 97-271, § 47, eff. July 1, 1997; Laws 1998, c. 98-22, § 1, eff. Oct. 1, 1998; Laws 1999, c. 99-154, § 1, eff. June 29, 1999; Laws 1999, c. 99-186, § 14, eff. July 1, 1999; Laws 2000, c. 2000-320, § 3, eff. Oct. 1, 2000.*

#### Historical and Statutory Notes

#### Derivation:

Laws 1993, c. 93-406, §§ 22, 23.  
Laws 1993, c. 93-194, § 1.  
Laws 1993, c. 93-92, § 2.  
Laws 1993, c. 93-59, § 1.  
Laws 1990, c. 90-111, §§ 1, 6.  
Laws 1989, c. 89-524, § 1.  
Laws 1989, c. 89-281, § 4.  
Laws 1988, c. 88-381, § 2.  
Laws 1987, c. 87-243, § 4.

§ 775.081

FLORIDA STATUTES

A misdemeanor is of the particular degree designated by statute. Any crime declared by statute to be a misdemeanor without specification of degree is of the second degree.

(3) This section is supplemental to, and is not to be construed to alter, the law of this state establishing and governing criminal offenses that are divided into degrees by virtue of distinctive elements comprising such offenses, regardless of whether such law is established by constitutional provision, statute, court rule, or court decision.

Historical and Statutory Notes

Derivation:

- Laws 1972, c. 72-724, § 1.
Laws 1971, c. 71-136, § 2.

775.082. Penalties; applicability of sentencing structures; mandatory minimum sentences for certain reoffenders previously released from prison

(1) A person who has been convicted of a capital felony shall be punished by death if the proceeding held to determine sentence according to the procedure set forth in s. 921.141 results in findings by the court that such person shall be punished by death, otherwise such person shall be punished by life imprisonment and shall be ineligible for parole.

(2) In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment as provided in subsection (1). No sentence of death shall be reduced as a result of a determination that a method of execution is held to be unconstitutional under the State Constitution or the Constitution of the United States.

(3) A person who has been convicted of any other designated felony may be punished as follows:

(a)1. For a life felony committed prior to October 1, 1983, by a term of imprisonment for life or for a term of years not less than 30.

2. For a life felony committed on or after October 1, 1983, by a term of imprisonment for life or by a term of imprisonment not exceeding 40 years.

3. For a life felony committed on or after July 1, 1995, by a term of imprisonment for life or by imprisonment for a term of years not exceeding life imprisonment.

(b) For a felony of the first degree, by a term of imprisonment not exceeding 30 years or, when specifically provided by statute, by imprisonment for a term of years not exceeding life imprisonment.

(c) For a felony of the second degree, by a term of imprisonment not exceeding 15 years.

(d) For a felony of the third degree, by a term of imprisonment not exceeding 5 years.

(4) A person who has been convicted of a designated misdemeanor may be sentenced as follows:

(a) For a misdemeanor of the first degree, by a definite term of imprisonment not exceeding 1 year;

(b) For a misdemeanor of the second degree, by a definite term of imprisonment not exceeding 60 days.

(5) Any person who has been convicted of a non-criminal violation may not be sentenced to a term of imprisonment nor to any other punishment more severe than a fine, forfeiture, or other civil penalty, except as provided in chapter 316 or by ordinance of any city or county.

(6) Nothing in this section shall be construed to alter the operation of any statute of this state authorizing a trial court, in its discretion, to impose a sentence of imprisonment for an indeterminate period within minimum and maximum limits as provided by law, except as provided in subsection (1).

(7) This section does not deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty. Such a judgment or order may be included in the sentence.

(8)(a) The sentencing guidelines that were effective October 1, 1983, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after October 1, 1983, and before January 1, 1994, and to all felonies, except capital felonies and life felonies, committed before October 1, 1983, when the defendant affirmatively selects to be sentenced pursuant to such provisions.

(b) The 1994 sentencing guidelines, that were effective January 1, 1994, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after January 1, 1994, and before October 1, 1995.

(c) The 1995 sentencing guidelines that were effective October 1, 1995, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after October 1, 1995, and before October 1, 1998.

(d) The Criminal Punishment Code applies to all felonies, except capital felonies, committed on or after October 1, 1998. Any revision to the Criminal Punishment Code applies to sentencing for all felonies, except capital felonies, committed on or after the effective date of the revision.

(e) Felonies, except capital felonies, with continuing dates of enterprise shall be sentenced under the sentencing guidelines or the Criminal Punishment Code in effect on the beginning date of the criminal activity.

(9)(a) 1. "Prison releasee reoffender" means any defendant who commits, or attempts to commit:

- a. Treason;
b. Murder;
c. Manslaughter;
d. Sexual battery;
e. Carjacking;
f. Home-invasion robbery;

- g. Rob
h. Arsc
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