

Supplement 1

EXAMPLE EXERCISES

SECTION I

EXAMPLE FELONY EXERCISES

*Each exercise presents a brief hypothetical case (offense and prior criminal record). A list of questions follow. The answers to the questions and additional commentary are shown following the felony example exercises. Assume that all crimes were committed on or after **December 1, 2011**.*

EXAMPLE #1

OFFENSE: Assault with a deadly weapon with intent to kill inflicting serious injury

G.S. No.: 14-32

F/M: Felony

Class: C

PRIOR RECORD: No prior record.

QUESTIONS

1. *What is the offender's prior record level?*
2. *What is the longest minimum sentence which can be imposed from the presumptive range?*
3. *What is the longest possible maximum sentence which can be imposed, assuming the court finds aggravating factors which outweigh mitigating factors?*
4. *Can the active sentence be suspended?*

EXAMPLE #2

OFFENSE: Obtaining property by false pretenses (value less than \$100,000)

G.S. No.: 14-100

F/M: Felony

Class: H

PRIOR RECORD

Prior Offense: Driving while license suspended

Conviction Date: 1999

F/M: Misdemeanor

Current Class: 1

Prior Offense: Embezzlement (value less than \$100,000)

Conviction Date: 2004

F/M: Felony

Current Class: H

Prior Offense: Larceny (value more than \$1,000)

Conviction Date: 2006

F/M: Felony

Current Class: H

Prior Offense: Larceny (value more than \$1,000)

Conviction Date: 2009

F/M: Felony

Current Class: H

The defendant was on probation when he committed the current offense.

(Assume the offender is not charged as an habitual felon and is not ordered into the Advanced Supervised Release program.)

QUESTIONS

1. *What is the offender's prior record level?*
2. *What is the shortest minimum sentence the court could impose from the mitigated range?*
3. *What is the shortest amount of time this offender (in question #2) must serve in prison if the sentence is activated?*
4. *What is the longest possible maximum sentence that the court could impose from the aggravated range?*
5. *Could this offender be sentenced to a community punishment?*

EXAMPLE #3

OFFENSE: Second degree kidnapping

G.S. No.: 14-39

F/M: Felony

Class: E

OFFENSE: Possession with intent to sell a Controlled Substance (cocaine)

G.S. No.: 90-95

F/M: Felony

Class: H

PRIOR RECORD

Prior Offense: First-degree rape (in Pennsylvania)

Conviction Date: 1990

F/M: Felony

Current Class: *

Prior Offense: Sale of a Controlled Substance

Conviction Date: 2003

F/M: Felony

Current Class: H

Prior Offense: Assault inflicting serious injury

Conviction Date: 2005

F/M: Misdemeanor

Current Class: A1

Prior Offense: Assault inflicting serious injury

Conviction Date: 2005

F/M: Misdemeanor

Current Class: A1

The offender was convicted of the assaults inflicting serious injury at the same session of court in 2005.

*(Assume that the prosecution proves that the first-degree rape conviction is substantially similar to first-degree rape in North Carolina.)

QUESTIONS

1. *What is the offender's prior record level?*
2. *What is the longest minimum sentence which could be imposed (from the presumptive ranges) if the sentences were consolidated?*
3. *What is the longest total minimum sentence which could be imposed (assume presumptive range) if the sentences were run consecutively?*
4. *Assuming consecutive sentences, must the judge activate both sentences?*

EXAMPLE #4

OFFENSE: First-degree rape

G.S. No.: 14-27.2

F/M: Felony

Class: B1

PRIOR RECORD

Prior Offense: Assault with a deadly weapon

Conviction Date: 1991

F/M: Misdemeanor

Current Class: A1

Prior Offense: Second-degree rape

Conviction Date: 1992

F/M: Felony

Current Class: C

Prior Offense: Assault with a deadly weapon inflicting serious injury

Conviction Date: 2002

F/M: Felony

Current Class: E

Prior Offense: Second-degree burglary

Conviction Date: 2006

F/M: Felony

Current Class: G

Prior Offense: Larceny (value more than \$1,000)

Conviction Date: 2006

F/M: Felony

Current Class: H

The offender was convicted of both the burglary and the larceny during the same week of court. (Assume the offender was not charged as an habitual felon or as a violent habitual felon.)

QUESTIONS

1. *What is the offender's prior record level?*
2. *What is the longest aggravated minimum sentence the offender can receive?*
3. *What is the shortest maximum sentence that can be imposed, assuming the minimum sentence is selected from the mitigated range?*
4. *Can the sentence ever be suspended?*
5. *How much time, if any, will this offender be on post-release supervision when released from prison (assuming a life sentence is not imposed)?*

EXAMPLE #5

OFFENSE: Possession of marijuana – 2 ounces G.S. No.: 90-95 F/M: Felony Class: I

PRIOR RECORD

Prior Offense: Worthless check (value more than \$2,000) Conviction Date: 2005 F/M: Felony Current Class: I
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Prior Offense: Larceny (value not more than \$1,000) Conviction Date: 2006 F/M: Misdemeanor Current Class: 1

Prior Offense: Possession of marijuana – more than 1.5 ounces Conviction Date: 2008 F/M: Felony Current Class: I

QUESTIONS

1. *How many prior record points does the offender receive?*
2. *Can the judge impose an active sentence in this case?*
3. *Can the judge suspend the sentence and impose unsupervised probation?*
4. *In this case, could the court impose a term of supervised probation longer than 36 months?*
5. *What is the shortest minimum sentence which may be activated if the offender is revoked for violating the conditions of probation by committing a new crime (assume the court initially sentenced the offender to a minimum term of 6 months from the presumptive range)?*

EXAMPLE #1: ANSWERS AND COMMENTARY

1. *What is the offender's prior record level?*

Answer: Prior Record Level I

Commentary: The offender has no prior convictions and therefore receives no prior record points. This places the offender in Prior Record Level I.

2. *What is the longest minimum sentence which can be imposed from the presumptive range?*

Answer: 73 months

Commentary: For a Class C offense and a Prior Record Level I, the minimum sentence within the presumptive range is 58 to 73 months.

3. *What is the longest possible maximum sentence which can be imposed, assuming the court finds aggravating factors which outweigh mitigating factors?*

Answer: 123 months

Commentary: For a Class C offense and Prior Record Level I, the aggravated range is 73 to 92 months. The longest possible minimum sentence is 92 months, and from **Figure B**, the longest possible corresponding maximum sentence is 123 months. To impose a sentence from the aggravated range, the jury must find that aggravating factors exist and the court must find that the aggravating factors outweigh any mitigating factors.

4. *Can the active sentence be suspended?*

Answer: No, unless the court finds extraordinary mitigation.

Commentary: The prescribed disposition for a Class C offense and Prior Record Level I is active punishment ("A"). The only exception is if the court finds extraordinary mitigation. If it finds extraordinary mitigation, the court may suspend the sentence and impose an intermediate punishment. Extraordinary mitigation can be used only in Offense Classes B2, C, and D and cannot be used if the prior record score is five points or more.

EXAMPLE #2: ANSWERS AND COMMENTARY

1. *What is the offender's prior record level?*

Answer: Prior Record Level III

Commentary: The offender receives a total of seven prior record points and falls into Prior Record Level III: two points for each of the prior Class H convictions and one for being on probation at the time of arrest. The offender receives no points for the prior misdemeanor conviction because misdemeanor traffic offenses do not count (except for impaired driving and death by vehicle).

2. *What is the shortest minimum sentence the court could impose from the mitigated range?*

Answer: 6 months

Commentary: For a Class H offense and a Prior Record Level III, the mitigated range is 6 to 8 months. To impose a sentence from the mitigated range, the court must find mitigating factors which outweigh any aggravating factors.

3. *What is the shortest amount of time this offender (in question #2) must serve in prison if the sentence is activated?*

Answer: 6 months

Commentary: Since the shortest possible minimum sentence is six months, the shortest amount of time which must be served is six months. The offender must serve the entire minimum sentence. There is no parole.

4. *What is the longest possible maximum sentence that the court could impose from the aggravated range?*

Answer: 24 months

Commentary: The aggravated range for a Class H offense and Prior Record Level III is 10 to 12 months. The longest possible minimum sentence is 12 months, and from **Figure B** (for Class F through I felonies), the longest possible corresponding maximum sentence is 24 months.

5. *Could this offender be sentenced to a community punishment?*

Answer: No

Commentary: The court, in its discretion, may either impose an active punishment ("A") or an intermediate punishment ("I"). However, the court is not authorized to impose a community punishment ("C").

EXAMPLE #3: ANSWERS AND COMMENTARY

1. *What is the offender's prior record level?*

Answer: Prior Record Level IV

Commentary: The offender receives a total of 12 prior record points and falls into Prior Record Level IV. The offender receives nine points for the Class B1 felony, two points for the Class H felony, and one point for the Class A1 misdemeanors. Only one of the two prior assault convictions count, since the convictions occurred on the same day of court. If the prosecutor did not prove that the out-of-state conviction for rape was substantially similar to a first-degree rape in North Carolina (or another felony), then that conviction would be treated as a Class I felony and would receive two points.

2. *What is the longest minimum sentence which could be imposed (from the presumptive ranges) if the sentences were consolidated?*

Answer: 38 months

Commentary: When consolidating offenses, refer to the sentence disposition and sentence range for the conviction with the highest offense class (in this case the Class E felony). For the Class E felony with a Prior Record Level IV, the presumptive sentence range is from 30 to 38 months. Therefore, the longest presumptive minimum sentence which can be imposed is 38 months, assuming both offenses are consolidated.

3. *What is the longest total minimum sentence which could be impose (assume presumptive ranges) if the sentences were run consecutively?*

Answer: 49 months

Commentary: For consecutive sentences, the court separately determines the disposition and minimum sentence for each offense. For the Class E felony with a Prior Record Level IV, the presumptive range is from 30 to 38 months. For the Class H felony with a Prior Record Level IV, the presumptive range is from 9 to 11 months. Running these sentences consecutively results in a combined longest total minimum sentence of 49 months (38 months on the Class E offense plus 11 months on the Class H offense).

4. *Assuming consecutive sentences, must the judge activate both sentences?*

Answer: No

Commentary: The disposition prescribed for the Class E felony is "A", and the sentence must be activated. The disposition prescribed for the Class H felony is "I/A", and the court has discretion to either activate the sentence or suspend the sentence and impose an intermediate punishment "I".

EXAMPLE #4: ANSWERS AND COMMENTARY

1. *What is the offender's prior record level?*

Answer: Prior Record Level V

Commentary: The offender receives a total of 15 prior record points and falls into Prior Record Level V. The offender receives one point for the Class A1 misdemeanor, six points for the Class C felony, four points for the Class E felony, and four points for the Class G felony. The offender does not receive any points for the Class H felony, since the conviction occurred during the same week of court as the Class G felony (in such cases, only the most serious conviction counts).

2. *What is the longest aggravated minimum sentence the offender can receive?*

Answer: Life imprisonment without parole

Commentary: For a Class B1 offense with a Prior Record Level V, the aggravated range prescribes a sentence of life without parole. Because this is the offender's third conviction for a Class E or higher felony, the offender is potentially eligible to be charged and sentenced as a violent habitual felon. If the offender were found to be a violent habitual felon, a sentence of life imprisonment without parole would have to be imposed.

3. *What is the shortest maximum sentence that can be imposed, assuming the minimum sentence is selected from the mitigated range?*

Answer: 363 months

Commentary: The mitigated range for a Class B1 felony with Prior Record Level V is from 252 to 336 months. Assuming a minimum sentence of 252 months is imposed, the maximum sentence is automatically set by G.S. 15A-1340.17(f) to be 363 months.

4. *Can the sentence ever be suspended?*

Answer: No

Commentary: The disposition prescribed for Class B1 felonies is "A", and the sentence must be activated. A finding of extraordinary mitigation is not authorized for Class B1 offenses or for Prior Record Level V.

5. *How much time, if any, will this offender be on post-release supervision when released from prison (assuming a life sentence is not imposed)?*

Answer: Five years

Commentary: All offenders convicted of Class B1, B2, C, D, or E felonies automatically receive twelve months of post-release supervision following their release from prison, unless the offense was a sex offense, in which case the offender receives five years of post-release supervision.

EXAMPLE #5: ANSWERS AND COMMENTARY

1. *How many prior record points does the offender receive?*

Answer: 6 points

Commentary: The offender receives a total of six prior record points and falls into Prior Record Level III. The offender receives two points for each of the prior Class I felonies, one point for the prior Class 1 misdemeanor, and one point enhancement because all of the elements of the current conviction are included in a prior conviction (possession of marijuana).

2. *Can the judge impose an active sentence in this case?*

Answer: No

Commentary: Only an intermediate punishment is authorized for a Class I offense and Prior Record Level III.

3. *Can the judge suspend the sentence and impose unsupervised probation?*

Answer: No

Commentary: An intermediate punishment must include a period of supervised probation.

4. *In this case, could the court impose a term of supervised probation longer than 36 months?*

Answer: Yes, if the court finds such a length is necessary.

Commentary: When sentencing a felon to an intermediate punishment, the recommended length of probation is no less than 18 months and no more than 36 months. However, the court may impose a different term if the court finds that a longer or shorter term is necessary. In no case, however, can the court initially impose a term of probation longer than five years.

5. *What is the shortest minimum sentence which may be activated if the offender is revoked for violating the conditions of probation by committing a new crime (assume the court initially sentenced the offender to a minimum term of 6 months from the presumptive range)?*

Answer: 5 months

Commentary: When activating a sentence upon a revocation of probation, the minimum term must be equal to the suspended term or to a lesser term from within the original sentence range used by the court. The original presumptive range for this Class I felony and Prior Record Level III was 5 to 6 months. Upon revocation, the court cannot impose a new minimum sentence more than 6 months (the original term) or less than 5 months (the low end of the original sentence range used by the court).

SECTION II

EXAMPLE MISDEMEANOR EXERCISES

Each exercise presents a brief hypothetical case (misdemeanor class and prior criminal record). A list of questions follow. The answers to the questions and additional commentary are shown following the misdemeanor example exercises. Assume that all crimes were committed on or after December 1, 2011.

EXAMPLE #1

OFFENSE: Carrying a concealed weapon		
G.S. No.: 14-269	F/M: Misdemeanor	Class: 2
PRIOR RECORD		
Prior Offense: Illegally parking in a handicapped parking space		
Conviction Date: 2009	F/M: Infraction	Current Class: -
Prior Offense: Failure to stop at stop sign		
Conviction Date: 2009	F/M: Infraction	Current Class: -

QUESTIONS

1. *What is the offender's prior conviction level?*
2. *Can an active sentence be imposed?*
3. *Can an intermediate punishment be imposed?*
4. *If probation was revoked, what is the longest active sentence which the offender could be required to serve (assume the suspended sentence was 30 days)?*
5. *What is the maximum time the offender could serve in jail if the court found the offender in violation of probation and held the offender in contempt of court?*

EXAMPLE #2

OFFENSE: Assault on a female

G.S. No.: 14-33

F/M: Misdemeanor

Class: A1

PRIOR RECORD

Prior Offense: Larceny (value of \$1,000 or less)

Conviction Date: 2003

F/M: Misdemeanor

Current Class: 1

Prior Offense: Larceny (value of \$1,000 or less)

Conviction Date: 2003

F/M: Misdemeanor

Current Class: 1

Prior Offense: Worthless check (value of \$2,000 or less)

Conviction Date: 2003

F/M: Misdemeanor

Current Class: 2

Prior Offense: Sale of a Controlled Substance

Conviction Date: 2005

F/M: Felony

Current Class: H

Prior Offense: Larceny (value more than \$1,000)

Conviction Date: 2007

F/M: Felony

Current Class: H

The offender was convicted of the three prior misdemeanor convictions during the same session of court.

QUESTIONS

1. *What is the offender's prior conviction level?*
2. *What is the longest active sentence length which can be imposed?*
3. *Could the court suspend the sentence and impose an intermediate punishment?*
4. *Could the court suspend the sentence and impose a community punishment?*

EXAMPLE #3

OFFENSE: Larceny (value of \$1,000 or less)

G.S. No.: 14-72 **F/M:** Misdemeanor **Class:** 1

OFFENSE: Injuring/damaging personal property (value of \$200 or less)

G.S. No.: 14-160 **F/M:** Misdemeanor **Class:** 2

PRIOR RECORD

Prior Offense: Burglary (in Oklahoma)

Conviction Date: 1995 **F/M:** Felony **Current Class:** ?

Prior Offense: Larceny (value of \$1,000 or less)

Conviction Date: 2000 **F/M:** Misdemeanor **Current Class:** 1

Prior Offense: Larceny (value of \$1,000 or less)

Conviction Date: 2002 **F/M:** Misdemeanor **Current Class:** 1

Prior Offense: Larceny (value of \$1,000 or less)

Conviction Date: 2007 **F/M:** Misdemeanor **Current Class:** 1

Prior Offense: Larceny (value of \$1,000 or less)

Conviction Date: 2008 **F/M:** Misdemeanor **Current Class:** 1

QUESTIONS

1. *What is the offender's prior conviction level?*
2. *Could an active sentence be imposed?*
3. *What is the longest active sentence length which can be imposed if the sentences are consolidated?*
4. *What is the longest active sentence length which can be imposed if the sentences are run consecutively?*
5. *Could the court suspend the sentence, impose a community punishment and impose five years of supervised probation?*

EXAMPLE #4

OFFENSE: Sale of cigarettes to minors (3 counts)

G.S. No.: 14-313

F/M: Misdemeanor

Class: 2

PRIOR RECORD: No prior record.

QUESTIONS

1. *What is the offender's prior conviction level?*
2. *Could an active sentence be imposed?*
3. *What is the longest suspended sentence which can be imposed if the sentences are consolidated?*
4. *What is the longest suspended sentence which can be imposed if the sentences are run consecutively?*

EXAMPLE #5

OFFENSE: Theft of cable television service (2 counts)		
G.S. No.: 14-118.5	F/M: Misdemeanor	Class: 3
PRIOR RECORD		
Prior Offense: Impaired driving		
Conviction Date: 1997	F/M: Misdemeanor	Current Class: -
Prior Offense: Impaired driving		
Conviction Date: 1998	F/M: Misdemeanor	Current Class: -
Prior Offense: Worthless check (value more than \$2,000)		
Conviction Date: 2004	F/M: Felony	Current Class: I
Prior Offense: Impaired driving		
Conviction Date: 2007	F/M: Misdemeanor	Current Class: -
Prior Offense: Worthless check (value more than \$2,000)		
Conviction Date: 2008	F/M: Felony	Current Class: I

QUESTIONS

1. *What is the offender's prior conviction level?*
2. *What is the longest suspended sentence which can be imposed if the sentences are consolidated?*
3. *Can the court impose consecutive sentences for these offenses?*
4. *If the offender is sentenced to special probation (as part of an intermediate punishment), what is the longest period of confinement which may be imposed?*

EXAMPLE #1: ANSWERS AND COMMENTARY

1. *What is the offender's prior conviction level?*

Answer: Level I

Commentary: Prior infractions do not count in determining the prior conviction level; therefore, this offender has no prior convictions and falls into Prior Conviction Level I.

2. *Can an active sentence be imposed?*

Answer: No. However, if the offender has spent time in confinement awaiting trial, the judge may impose an active punishment.

Commentary: The only authorized disposition is a community punishment "C". An active punishment could be imposed only if the offender spent time in confinement awaiting trial and the sentence is equal to or less than that time.

3. *Can an intermediate punishment be imposed?*

Answer: No

Commentary: The only authorized disposition is a community punishment "C".

4. *If probation was revoked, what is the longest active sentence which the offender could be required to serve (assume the suspended sentence was 30 days)?*

Answer: 30 days

Commentary: The suspended sentence was 30 days. Therefore, upon revocation of probation, the longest active sentence which could be imposed is 30 days.

5. *What is the maximum time the offender could serve in jail if the court found the offender in violation of probation and held the offender in contempt of court?*

Answer: 30 days

Commentary: The court may hold the offender in contempt of court for willfully failing to comply with a condition of probation and may confine the offender for up to 30 days.

EXAMPLE #2: ANSWERS AND COMMENTARY

1. *What is the offender's prior conviction level?*

Answer: Level II

Commentary: The offender has three prior convictions and falls into Prior Conviction Level II. Since the three misdemeanor convictions occurred during the same session of court, they count only as one prior conviction.

2. *What is the longest active sentence length which can be imposed?*

Answer: 75 days

Commentary: Since the disposition includes an "A", an active sentence can be imposed. Since the sentence range is from 1 to 75 days, the longest sentence length which can be imposed is 75 days.

3. *Could the court suspend the sentence and impose an intermediate punishment?*

Answer: Yes

Commentary: An intermediate punishment "I" is authorized for this misdemeanor class and this prior conviction level.

4. *Could the court suspend the sentence and impose a community punishment?*

Answer: Yes

Commentary: A community punishment "C" is authorized for this misdemeanor class and this prior conviction level.

EXAMPLE #3: ANSWERS AND COMMENTARY

1. *What is the offender's prior conviction level?*

Answer: Prior Record Level III

Commentary: The out-of-state conviction counts if the court finds that it is proved by a preponderance of the evidence. Since the offender has four additional in-state prior convictions, the offender falls in Prior Conviction Level III.

2. *Could an active sentence be imposed?*

Answer: Yes

Commentary: An active sentence is authorized for all misdemeanor classes if the offender falls into Prior Conviction Level III.

3. *What is the longest active sentence length which can be imposed if the sentences are consolidated?*

Answer: 120 days

Commentary: When consolidating offenses, the sentence must be consistent with the disposition and sentence range prescribed for the class and prior conviction level of the most serious misdemeanor conviction (that carrying the highest misdemeanor class). The most serious offense is the Class 1 misdemeanor larceny and the sentence range is from 1 to 120 days. Therefore, assuming the sentences are consolidated, the longest active sentence which can be imposed is 120 days.

4. *What is the longest active sentence length which can be imposed if the sentences are run consecutively?*

Answer: 180 days

Commentary: When running sentences consecutively, the sentence is determined separately for each conviction. For the Class 1 misdemeanor, the sentence range is from 1 to 120 days; for the Class 2 misdemeanor, the sentence range is from 1 to 60 days. Therefore, assuming the sentences are run consecutively, the longest active sentence which can be imposed is 180 days (120 days for the Class 1 misdemeanor and 60 days for the Class 2 misdemeanor).

5. *Could the court suspend the sentence, impose a community punishment and impose five years of supervised probation?*

Answer: Yes, providing the court finds that a probation term greater than 18 months is necessary.

Commentary: A community disposition is always an authorized sentence from misdemeanors. Statutes specify that if a community punishment is imposed, the term of probation should not be less than 6 months nor greater than 18 months. However, a longer or shorter term can be imposed if the court finds that such a term is necessary.

EXAMPLE #4: ANSWERS AND COMMENTARY

1. *What is the offender's prior conviction level?*

Answer: Level I

Commentary: The offender has no prior convictions and falls into Prior Conviction Level I.

2. *Could an active sentence be imposed?*

Answer: No. However, if the offender has spent time in confinement awaiting trial, the judge may impose an active punishment.

Commentary: The only authorized disposition is a community punishment "C". An active punishment could be imposed only if the offender spent time in confinement awaiting trial and the sentence is equal to or less than that time.

3. *What is the longest suspended sentence which can be imposed if the sentences are consolidated?*

Answer: 30 days

Commentary: When consolidating offenses, the sentence must be consistent with the disposition and sentence range prescribed for the class and prior conviction level of the most serious misdemeanor conviction (that carrying the highest misdemeanor class). All three convictions are Class 2 misdemeanors, and the sentence range is from 1 to 30 days. Therefore, assuming the sentences are consolidated, the longest suspended sentence which can be imposed is 30 days.

4. *What is the longest suspended sentence which can be imposed if the sentences are run consecutively?*

Answer: 60 days

Commentary: When running sentences consecutively, the sentence is determined separately for each conviction. For each of the three misdemeanors, the sentence range is from 1 to 30 days. However, if sentences are imposed consecutively, the cumulative length of imprisonment cannot exceed twice that authorized for the class and prior conviction level of the most serious conviction (two times 30 days). Therefore, the longest suspended sentence would be 60 days. The third misdemeanor conviction would have to be consolidated with the other convictions or run concurrently.

EXAMPLE #5: ANSWERS AND COMMENTARY

1. *What is the offender's prior conviction level?*

Answer: Level III

Commentary: The offender has five prior convictions and falls into Prior Conviction Level III.

2. *What is the longest suspended sentence which can be imposed if the sentences are consolidated?*

Answer: 20 days

Commentary: When consolidating offenses, the sentence must be consistent with the disposition and sentence range prescribed for the class and prior conviction level of the most serious misdemeanor conviction (that carrying the highest misdemeanor class). Both convictions are for Class 3 misdemeanors, and the sentence range is from 1 to 20 days. Therefore, the longest active sentence which can be imposed is 20 days, assuming the sentences are consolidated.

3. *Can the court impose consecutive sentences for these offenses?*

Answer: No

Commentary: Consecutive sentences are not authorized if the only convictions are for Class 3 misdemeanors. Therefore, the longest active sentence which can be imposed is 20 days. The second misdemeanor conviction would have to be consolidated or run concurrently.

4. *If the offender is sentenced to special probation (as part of an intermediate punishment), what is the longest period of confinement which may be imposed?*

Answer: 5 days

Commentary: The confinement portion of special probation cannot exceed one-fourth the period of imprisonment which the court imposes. Since 20 days is the longest authorized active sentence, the period of confinement for special probation cannot exceed 5 days.