

North Carolina
Sentencing and Policy Advisory Commission



**Structured Sentencing Statistical Report
for Felonies and Misdemeanors**

**Fiscal Year 2000/01
(July 1, 2000 - June 30, 2001)**

April 2002

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North Carolina Sentencing and Policy Advisory Commission

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INTRODUCTION

INTRODUCTION

This report provides detailed information about felony and misdemeanor convictions under Structured Sentencing during Fiscal Year 2000/01 (July 1, 2000 through June 30, 2001). The report only includes cases where an offender was convicted and sentenced for a crime which was committed on or after October 1, 1994 -- the effective date of Structured Sentencing. The report presents information on the number of felony and misdemeanor convictions, the distribution of felony and misdemeanor convictions within their respective punishment grids, and the types of punishments imposed, as well as data about several other issues. Information for felony convictions is presented in *Section I*, while information for misdemeanor convictions is presented in *Section II*. Information regarding the substance and application of the sentencing laws under Structured Sentencing is provided in the North Carolina Sentencing and Policy Advisory Commission's *Structured Sentencing Training and Reference Manual*.

REPORTING OF CONVICTIONS AND SENTENCES

The information presented in this statistical summary is based on data entered into the Administrative Office of the Courts' (AOC's) Criminal Information System by the court clerk following the imposition of the sentence. The report covers all North Carolina counties.

The unit of analysis for this report is convictions disposed of in a *sentencing episode*.

Definition of a Sentencing Episode:

A sentencing episode is identified from court records as the sentence(s) imposed for the most serious conviction on a given day of court. While a sentencing episode involves one offender, in our reporting time frame an offender may be represented by more than one sentencing episode (meaning that within the fiscal year the number of offenders will be the same as or less than the number of sentencing episodes reported). For the sake of simplicity, throughout the report the unit of analysis is referred to as "convictions."

The Sentencing Commission's processing of court data was developed with the implementation of Structured Sentencing. Since Structured Sentencing has been in place for more than five years, the Commission decided to re-examine the data process based on a more detailed knowledge of Structured Sentencing and how it is applied by judges, prosecutors, defense attorneys, and other court officials across North Carolina. The changes to the data process that were implemented allow the Commission to recover more cases from the AOC's Criminal Information System. These changes, in addition to improvements made by the AOC (such as CourtFlow), will increase the accuracy of information reported. The Sentencing Commission will continue to work with the AOC

to improve the information available on Structured Sentencing convictions and sentences.

SUMMARY OF FINDINGS

FELONY AND MISDEMEANOR CONVICTIONS
IN FISCAL YEAR 2000/01

SUMMARY OF FINDINGS FISCAL YEAR 2000/01 CONVICTIONS

Felony Convictions

- During Fiscal Year 2000/01, sentences for 27,533 felony convictions were imposed under Structured Sentencing. (Note: This number excludes sentences imposed for drug trafficking and violent habitual felon convictions, which are subject to mandatory penalties.)
- The greatest number of convictions fell into Offense Class H with Prior Record Level II.
- The majority of felony convictions (62%) were for offenders with Prior Record Levels I and II. Five percent of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).
- Eighty-six percent of all offenders were male; 43% of all offenders were under the age of 26; and 58% of all offenders were Black.
- Thirty-five percent of felony convictions resulted in an Active punishment, 43% resulted in an Intermediate punishment, and 22% resulted in a Community punishment.
- Of the four crime types, property offenses accounted for the largest group of felony convictions (37%), followed closely by non-trafficking drug offenses (34%). Person offenses represented 18% of convictions and other felonies accounted for 11% of convictions.
- Seventy-one percent of all Active sentences fell within the presumptive range; 22% fell within the mitigated range; and 7% fell within the aggravated range.
- Of those cases where a specific intermediate sanction was reported in the database, the greatest number of sanctions was imposed for Class H offenses (n=5,578). Intensive Supervision Probation was the most frequently imposed sanction.
- Other information of interest includes: 17 death sentences and 68 life without parole sentences were imposed; there were 564 convictions for drug trafficking offenses; performance of community service was ordered for 12% of all convictions; and payment of restitution was ordered for almost 30% of all convictions.

Misdemeanor Convictions

- During Fiscal Year 2000/01, sentences for 166,618 misdemeanor convictions were imposed under Structured Sentencing. (This number excludes Driving While Impaired convictions, cases disposed of by magistrates, Class 2 and Class 3 criminal traffic offenses, and Class 3 local ordinance offenses.)
- Almost 10% of misdemeanor convictions fell into Offense Class A1, 54% fell into Offense Class 1, almost 20% fell into Offense Class 2, and the remainder fell into Offense Class 3.
- Forty-five percent of misdemeanor convictions fell into Prior Conviction Level I (0 points), 41% fell into Prior Conviction Level II (1-4 points), and the remainder fell into Prior Conviction Level III (5 or more points).
- The greatest number of misdemeanor convictions fell into Offense Class 1 with Prior Conviction Level II.
- Seventy-eight percent of all misdemeanor offenders were male; 41% were under the age of 26; and 47% were Black.
- Fifteen percent of misdemeanor convictions resulted in an Active punishment, 2% resulted in an Intermediate punishment, and 83% resulted in a Community punishment.
- Public order offenses accounted for the majority of misdemeanor convictions (47%), while misdemeanor person offenses accounted for the lowest proportion (13%). Convictions for person and property offenses were most likely to result in an Active punishment (16%). Person offenses resulted in the longest average sentences.
- Where a specific intermediate sanction was indicated in the AOC database, Special Probation was the most frequently invoked punishment. Offenders convicted of a Class 1 offense with Prior Conviction Level III most frequently received Special Probation.
- Of all misdemeanor offenders who received a Community punishment, 49% received unsupervised probation; 29% received supervised probation; and 13% were ordered to perform community service, pay restitution and/or a fine as their most serious punishment. The remainder had no sanction specified.
- Ten percent of all misdemeanor offenders were ordered to perform community service and 16% were ordered to pay restitution. On average, offenders were ordered to perform 36 hours of community service. The mean amount of restitution ordered was \$708. The median amount of restitution ordered was \$184.

SECTION I

**FELONY CONVICTIONS
IN FISCAL YEAR 2000/01**

I. FELONY CONVICTIONS IN FY 2000/01

A. Definition of the Unit of Analysis

The unit of analysis for this report is convictions disposed of in a *sentencing episode*.

Definition of a Sentencing Episode:

A *sentencing episode* is identified from court records as the sentence(s) imposed for the *most serious conviction* on a given day of court. While a sentencing episode involves one offender, in our reporting time frame an offender may be represented by more than one sentencing episode (meaning that within the fiscal year the number of offenders will be the same as or less than the number of sentencing episodes reported). For the sake of simplicity, throughout the report the unit of analysis is referred to as “convictions.”

B. Felony Convictions

This section contains information on felony convictions and sentences imposed under Structured Sentencing during Fiscal Year 2000/01. Overall, sentences for 27,533 felony convictions were imposed. (This number excludes sentences imposed for drug trafficking and violent habitual felon convictions, which are subject to mandatory penalties. Information regarding convictions for these offenses is summarized in *Section VII: Special Issues*.) For many of the tables, information on 3,244 convictions (or 12%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table. Efforts are ongoing to understand the nature of the data discrepancies and to resolve reporting problems.

C. Distribution of Convictions within the Felony Structured Sentencing Grid

Table 1 shows the distribution of felony convictions within the Structured Sentencing Grid. Overall, the greatest number of convictions fell into Offense Class H (n=9,826 or 41%) and into Prior Record Level II (n=8,402 or 35%). Relative to other grid cells, the greatest number of convictions fell into Offense Class H with Prior Record Level II (n=2,999 or 12%). Sentences imposed for Offense Classes A-E accounted for 13% of felony convictions during FY 2000/01. Sixty-nine percent of sentences imposed were for Class H and I felony convictions.

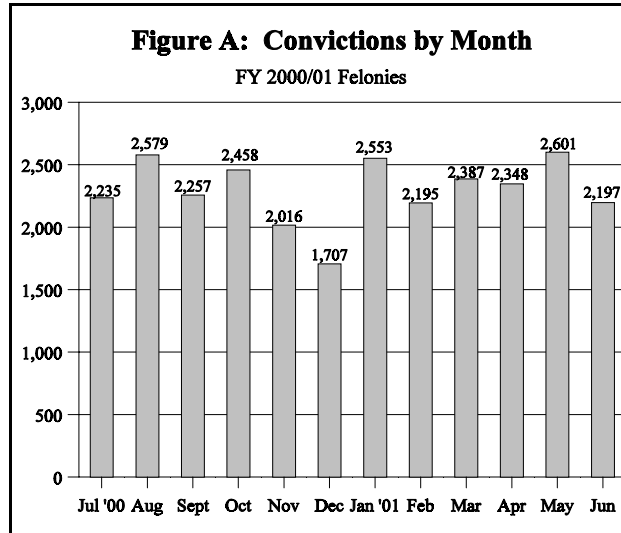
**Table 1: Distribution of Convictions within the Felony Structured Sentencing Grid
FY 2000/01 Felonies**

Offense Class	Prior Record Level						Total
	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
A	53 (0.2%)	15 (0.1%)	13 (0.0%)	2 (0.0%)	0 (0.0%)	0 (0.0%)	83 (0.3%)
B1	50 (0.2%)	43 (0.2%)	15 (0.1%)	14 (0.1%)	1 (0.0%)	2 (0.0%)	125 (0.6%)
B2	86 (0.4%)	97 (0.4%)	53 (0.2%)	23 (0.1%)	6 (0.0%)	5 (0.0%)	270 (1.1%)
C	80 (0.3%)	167 (0.7%)	213 (0.9%)	235 (1.0%)	99 (0.4%)	65 (0.2%)	859 (3.5%)
D	221 (0.9%)	225 (0.9%)	151 (0.6%)	95 (0.4%)	20 (0.1%)	20 (0.1%)	732 (3.0%)
E	376 (1.6%)	442 (1.8%)	127 (0.5%)	75 (0.3%)	11 (0.1%)	10 (0.0%)	1,041 (4.3%)
F	566 (2.3%)	566 (2.3%)	366 (1.5%)	151 (0.6%)	24 (0.1%)	25 (0.1%)	1,698 (6.9%)
G	541 (2.2%)	944 (3.9%)	687 (2.8%)	455 (1.9%)	79 (0.3%)	60 (0.3%)	2,766 (11.4%)
H	2,659 (11.0%)	2,999 (12.3%)	2,142 (8.8%)	1,482 (6.1%)	338 (1.4%)	206 (0.9%)	9,826 (40.5%)
I	1,854 (7.6%)	2,904 (12.0%)	1,037 (4.3%)	767 (3.1%)	187 (0.8%)	140 (0.6%)	6,889 (28.4%)
TOTAL	6,486 (26.7%)	8,402 (34.6%)	4,804 (19.7%)	3,299 (13.6%)	765 (3.2%)	533 (2.2%)	24,289 (100%)

Note: Of the 27,533 felony convictions in FY 2000/01, 3,244 convictions were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation).

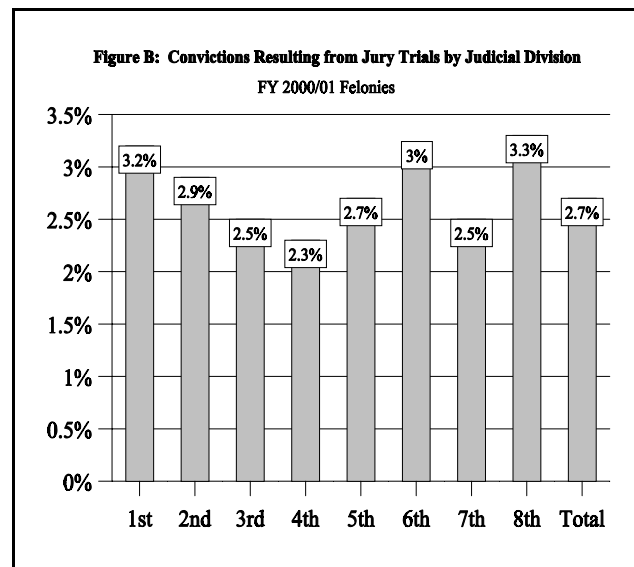
D. Convictions by Month of Sentencing

Figure A shows the total number of felony convictions by month of sentencing during Fiscal Year 2000/01 (N=27,533). Convictions peaked in August and May and were lowest in November and December.



E. Convictions by Judicial Division, District, and County

Table 2 displays the total number of convictions by judicial division, judicial district, and county. (See Appendix A for a map of judicial divisions and districts.) The distribution of convictions by judicial division ranged from a low of 7% in the eighth judicial division to a high of 19% in the fifth judicial division. This table also indicates whether the conviction resulted from a guilty plea or jury trial. Overall, 2.7% of all convictions statewide resulted from jury trials (see Figure B). The percentage of jury trials varied slightly by judicial division with a low of 2.3% in the fourth division and a high of 3.3% in the eighth division.



**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition
FY 2000/01 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
<i>First Judicial Division</i>		2,483	83	2,566
District 1	Camden	6	0	6
	Chowan	28	4	32
	Currituck	24	0	24
	Dare	91	5	96
	Gates	15	0	15
	Pasquotank	157	9	166
	Perquimans	18	0	18
	Total	339	18	357
District 2	Beaufort	191	8	199
	Hyde	16	1	17
	Martin	75	4	79
	Tyrrell	10	1	11
	Washington	37	2	39
	Total	329	16	345
District 3A	Pitt	572	10	582
Total	572	10	582	
District 6A	Halifax	161	11	172
Total	161	11	172	
District 6B	Bertie	72	2	74
	Hertford	100	5	105
	Northampton	52	1	53
	Total	224	8	232
District 7A	Nash	349	2	351
Total	349	2	351	
District 7B,C	Edgecombe	168	11	179
	Wilson	341	7	348
	Total	509	18	527
<i>Second Judicial Division</i>		3,176	95	3,271
District 3B	Carteret	191	6	197
	Craven	272	8	280
	Pamlico	65	0	65
	Total	528	14	542

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2000/01 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 4A	Duplin	212	5	217
	Jones	24	0	24
	Sampson	201	5	206
	Total	437	10	447
District 4B	Onslow	340	12	352
	Total	340	12	352
District 5	New Hanover	827	11	838
	Pender	124	7	131
	Total	951	18	969
District 8A	Greene	123	2	125
	Lenoir	318	21	339
	Total	441	23	464
District 8B	Wayne	479	18	497
	Total	479	18	497
Third Judicial Division		4,541	118	4,659
District 9	Franklin	249	2	251
	Granville	182	1	183
	Vance	284	1	285
	Warren	79	0	79
	Total	794	4	798
District 9A	Caswell	94	3	97
	Person	202	6	208
	Total	296	9	305
District 10	Wake	1,745	43	1,788
	Total	1,745	43	1,788
District 14	Durham	640	41	681
	Total	640	41	681
District 15A	Alamance	757	15	772
	Total	757	15	772
District 15B	Chatham	100	2	102
	Orange	209	4	213
	Total	309	6	315

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2000/01 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
<i>Fourth Judicial Division</i>		3,122	74	3,196
District 11A	Harnett	291	5	296
	Lee	225	5	230
	Total	516	10	526
District 11B	Johnston	354	7	361
	Total	354	7	361
District 12	Cumberland	1,074	25	1,099
	Total	1,074	25	1,099
District 13	Bladen	117	4	121
	Brunswick	160	5	165
	Columbus	193	3	196
	Total	470	12	482
District 16A	Hoke	131	1	132
	Scotland	167	2	169
	Total	298	3	301
District 16B	Robeson	410	17	427
	Total	410	17	427
<i>Fifth Judicial Division</i>		5,106	139	5,245
District 17A	Rockingham	399	14	413
	Total	399	14	413
District 17B	Stokes	146	4	150
	Surry	196	3	199
	Total	342	7	349
District 18	Guilford	2,009	46	2,055
	Total	2,009	46	2,055
District 19B	Montgomery	83	3	86
	Moore	248	6	254
	Randolph	174	13	187
	Total	505	22	527
District 21	Forsyth	1,473	41	1,514
	Total	1,473	41	1,514

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2000/01 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 23	Alleghany	15	0	15
	Ashe	40	0	40
	Wilkes	227	6	233
	Yadkin	96	3	99
	Total	378	9	387
<i>Sixth Judicial Division</i>		2,534	77	2,611
District 19A	Cabarrus	414	20	434
	Total	414	20	434
District 19C	Rowan	514	12	526
	Total	514	12	526
District 20A	Anson	80	4	84
	Richmond	270	5	275
	Total	350	9	359
District 20B	Stanly	127	2	129
	Union	297	7	304
	Total	424	9	433
District 22	Alexander	67	2	69
	Davidson	340	13	353
	Davie	55	1	56
	Iredell	370	11	381
	Total	832	27	859
<i>Seventh Judicial Division</i>		4,070	106	4,176
District 25A	Burke	158	0	158
	Caldwell	164	6	170
	Total	322	6	328
District 25B	Catawba	296	5	301
	Total	296	5	301
District 26	Mecklenburg	2,329	47	2,376
	Total	2,329	47	2,376
District 27A	Gaston	700	31	731
	Total	700	31	731

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2000/01 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 27B	Cleveland	281	8	289
	Lincoln	142	9	151
	Total	423	17	440
<i>Eighth Judicial Division</i>		<i>1,750</i>	<i>59</i>	<i>1,809</i>
District 24	Avery	17	0	17
	Madison	49	2	51
	Mitchell	44	0	44
	Watauga	63	4	67
	Yancey	27	0	27
	Total	200	6	206
District 28	Buncombe	626	14	640
	Total	626	14	640
District 29	Henderson	259	13	272
	McDowell	124	2	126
	Polk	26	0	26
	Rutherford	167	7	174
	Transylvania	43	1	44
	Total	619	23	642
District 30A	Cherokee	37	2	39
	Clay	24	0	24
	Graham	24	1	25
	Macon	65	2	67
	Swain	18	3	21
	Total	168	8	176
District 30B	Haywood	88	6	94
	Jackson	49	2	51
	Total	137	8	145
<i>STATE TOTAL</i>		<i>26,782</i>	<i>751</i>	<i>27,533</i>

F. Felony Pleas in District Court

In 1996 the General Assembly amended the law to allow District Court judges to accept pleas for Class H and I felonies. This amendment applies to offenses committed on or after December 1, 1996. In Fiscal Year 2000/01, 1,788 Class H (or 16% of Class H convictions) and 1,227 Class I (or 16% of Class I convictions) felony pleas were accepted in District Court for a total of 3,015 pleas (16% of all Class H and I felony convictions).

II. CHARACTERISTICS OF OFFENDERS

This section provides a breakdown of convictions by offenders' gender, race, and age. Of the 27,533 felony convictions, 86% were for males (see *Figure C*).

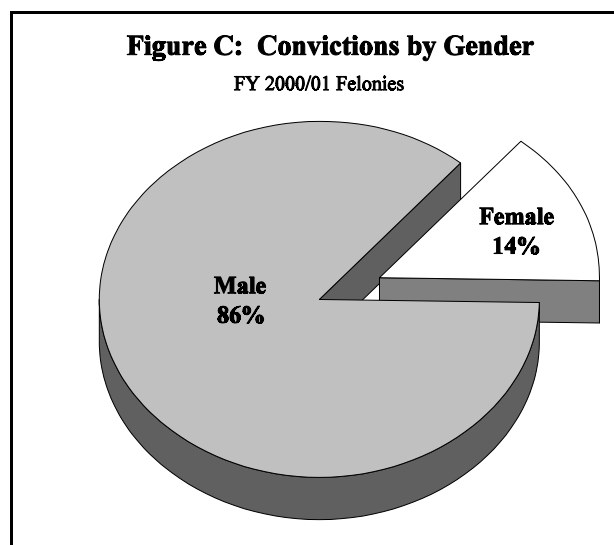
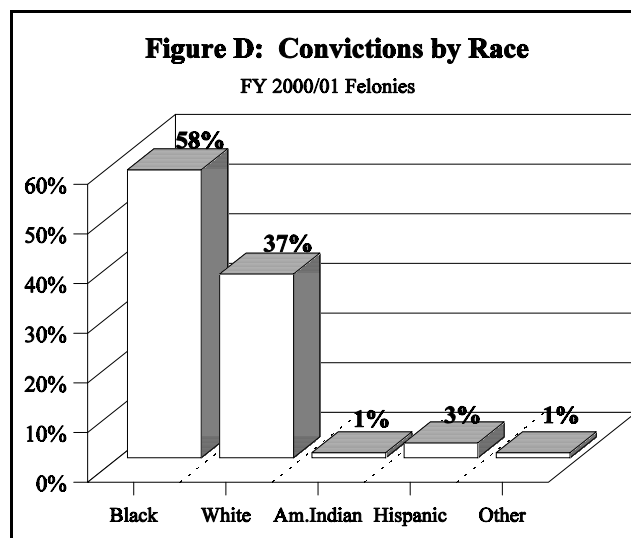
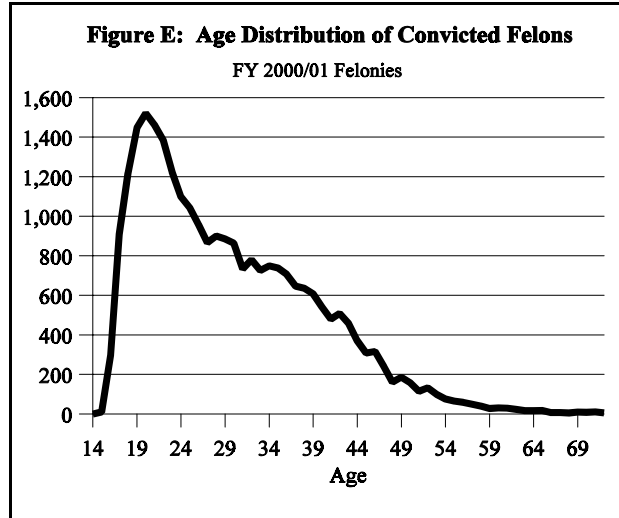


Figure D shows that 58% of all felony offenders were Black, 37% were White, and a small percentage were American Indian (1%), Hispanic (3%), or Other (1%).



Twenty percent of felony convictions were for offenders under the age of 21, 23% were 21-25 years of age, 13% were 26-29 years of age, 27% were 30-39 years of age, 13% were 40-49 years of age, and 4% were 50 years of age or older. *Figure E* illustrates that the volume of offenders peaks in the late teens and early twenties, and then generally declines as age increases. *Table 3* provides a summary of convictions by gender, race, and age of offenders.



**Table 3: Convictions by Gender, Race, and Age
FY 2000/01 Felonies**

Gender and Race		Age						Total
		<21	21-25	26-29	30-39	40-49	>49	
Male	White	1,766	1,708	971	2,108	1,133	414	8,100
	Black	3,006	3,433	1,877	3,514	1,707	463	14,000
	Hispanic	127	217	112	130	28	7	621
	Amer. Indian	54	90	33	72	28	11	288
	Other	62	50	23	41	15	1	192
	Subtotal	5,015	5,498	3,016	5,865	2,911	896	23,201
Female	White	194	313	285	667	313	68	1,840
	Black	177	368	282	618	325	63	1,833
	Hispanic	5	12	10	7	7	0	41
	Amer. Indian	10	13	12	22	8	6	71
	Other	5	8	5	7	5	3	33
	Subtotal	391	714	594	1,321	658	140	3,818
TOTAL		5,406	6,212	3,610	7,186	3,569	1,036	27,019

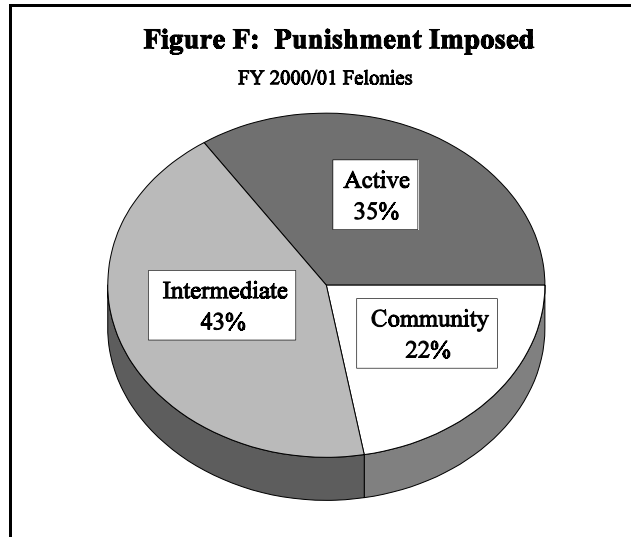
Note: Of the 27,533 felony convictions in FY 2000/01, 514 convictions with missing values for offenders' age were excluded from this table.

III. PUNISHMENT IMPOSED FOR FELONIES

This section details the type of sentence imposed (Active, Intermediate, or Community) for convictions during Fiscal Year 2000/01. The tables in this section also show the average minimum and maximum sentences for convictions for which an Active punishment was imposed. *The reader should note that this information is based on the most serious sentence an offender received.*¹

A. Overall Punishment

An Active punishment was imposed for 35% of felony convictions, an Intermediate punishment was imposed for 43% of felony convictions, and a Community punishment was imposed for 22% of felony convictions (see *Figure F*).



B. Punishment Imposed by Offense Class and Prior Record Level

Figure G shows the percentage of convictions by offense class. The majority of felony convictions were for Class H and Class I offenses. (See *Appendix B* for sample offenses for each offense class.) As shown in *Figure H*, the majority of felony convictions (62%) were for offenders with Prior Record Levels I and II, indicating little or no prior criminal record. Five percent of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).

¹ Convictions that did not fit within the sentencing grid were excluded from this section (n=3,244 or 12%). These convictions did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation).

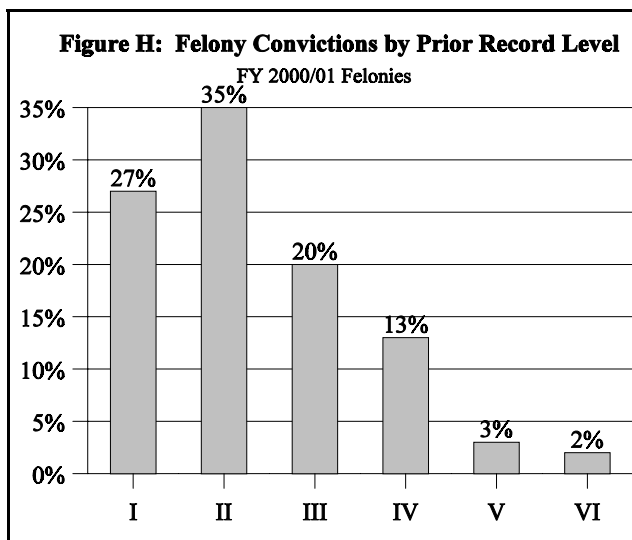
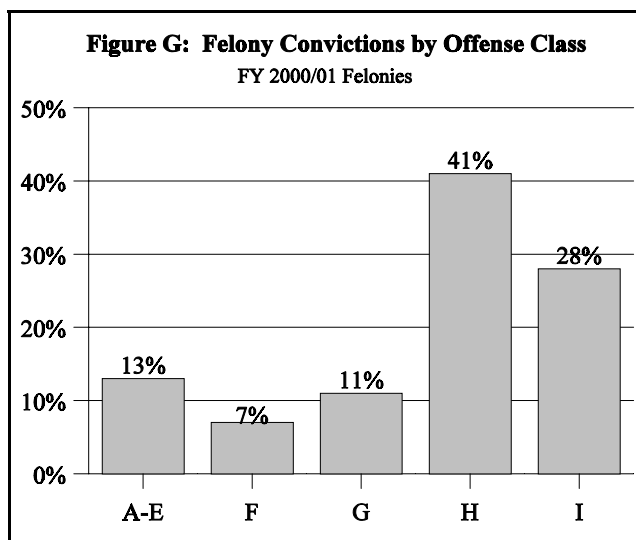


Table 4 presents felony convictions and sentences imposed within the context of the felony sentencing grid (see also Table 1). The table also includes the average minimum and maximum sentences for convictions for which an Active sentence was imposed.² The majority of convictions fell within Offense Class H with Prior Record Level II (n=2,999 or 12%), followed closely by convictions within Offense Class I with Prior Record Level II (n=2,904 or 12%). Relative to the other grid cells in which an Active sentence can be imposed, convictions for a Class H offense with Prior Record Level I were least likely to have an Active sentence imposed (8%).

The data presented in Table 4 indicate that the percentage of offenders receiving an Active sentence increases as the offense class increases. As shown in the vertical “Total” column in Table 4, the average minimum and maximum sentences imposed increase as offense class increases. The average minimum sentence for all convictions resulting in an Active punishment (n=8,418) was 35 months. The lowest average minimum sentence was imposed for Class I convictions (7 months). Excluding life and death sentences, the highest average minimum sentence was imposed for Class B1 convictions (250 months).

Convictions for offenders falling into Prior Record Levels I, II, and VI resulted in the highest average minimum sentences (46 months, 36 months, and 42 months respectively). The higher minimum sentences for the lower prior record levels can be attributed to the fact that the majority of offenders eligible for an Active sentence in these prior record levels are those convicted in the more serious offense classes (i.e., Class B1 through E felonies).

For information on punishment imposed by judicial division, see Appendix C.

² Sentences resulting in life without parole or death were excluded from the calculation of the average minimum and maximum sentences.

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level
FY 2000/01 Felonies**

Offense Class	Prior Record Level						Total
	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
A	A A = 53 (100%) (n=53) Life/Death	A A = 15 (100%) (n=15) Life/Death	A A = 13 (100%) (n=13) Life/Death	A A = 2 (100%) (n=2) Life/Death	A A = 0 (0%) (n=0) Life/Death	A A = 0 (0%) (n=0) Life/Death	A A = 83 (100%) (n=83) Life/Death
B1	A A = 50 (100%) (n=50) 200 min 249 max	A A = 43 (100%) (n=43) 254 min 313 max	A A = 15 (100%) (n=15) 309 min 379 max	A A = 14 (100%) (n=14) 320 min 394 max	A A = 1 (100%) (n=1) 350 min 429 max	A A = 2 (100%) (n=2) 432 min 528 max	A A = 125 (100%) (n=125) 250 min 309 max
B2	A A = 86 (100%) (n=86) 140 min 177 max	A A = 97 (100%) (n=97) 180 min 226 max	A A = 53 (100%) (n=53) 201 min 250 max	A A = 23 (100%) (n=23) 229 min 285 max	A A = 6 (100%) (n=6) 225 min 280 max	A A = 5 (100%) (n=5) 304 min 374 max	A A = 270 (100%) (n=270) 179 min 224 max
C	A A = 80 (100%) (n=80) 64 min 86 max	A A = 167 (100%) (n=167) 77 min 102 max	A A = 213 (100%) (n=213) 88 min 115 max	A A = 235 (100%) (n=235) 98 min 127 max	A A = 99 (100%) (n=99) 113 min 145 max	A A = 65 (100%) (n=65) 128 min 163 max	A A = 859 (100%) (n=859) 93 min 120 max
D	A A = 221 (100%) (n=221) 50 min 70 max	A A = 225 (100%) (n=225) 62 min 84 max	A A = 151 (100%) (n=151) 82 min 109 max	A A = 95 (100%) (n=95) 103 min 133 max	A A = 20 (100%) (n=20) 107 min 138 max	A A = 20 (100%) (n=20) 127 min 162 max	A A = 732 (100%) (n=732) 71 min 95 max
E	I/A I = 275 (73%) A = 101 (27%) (n=376) 23 min 37 max	I/A I = 264 (60%) A = 178 (40%) (n=442) 26 min 40 max	A A = 127 (100%) (n=127) 29 min 44 max	A A = 75 (100%) (n=75) 42 min 60 max	A A = 11 (100%) (n=11) 43 min 62 max	A A = 10 (100%) (n=10) 51 min 71 max	I/A I = 539 (52%) A = 502 (48%) (n=1,041) 29 min 44 max
F	I/A I = 397 (70%) A = 169 (30%) (n=566) 15 min 18 max	I/A I = 331 (59%) A = 235 (41%) (n=566) 16 min 20 max	I/A I = 194 (53%) A = 172 (47%) (n=366) 18 min 22 max	A A = 151 (100%) (n=151) 22 min 26 max	A A = 24 (100%) (n=24) 28 min 34 max	A A = 25 (100%) (n=25) 32 min 39 max	I/A I = 922 (54%) A = 776 (46%) (n=1,698) 18 min 22 max

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level (continued)
FY 2000/01 Felonies**

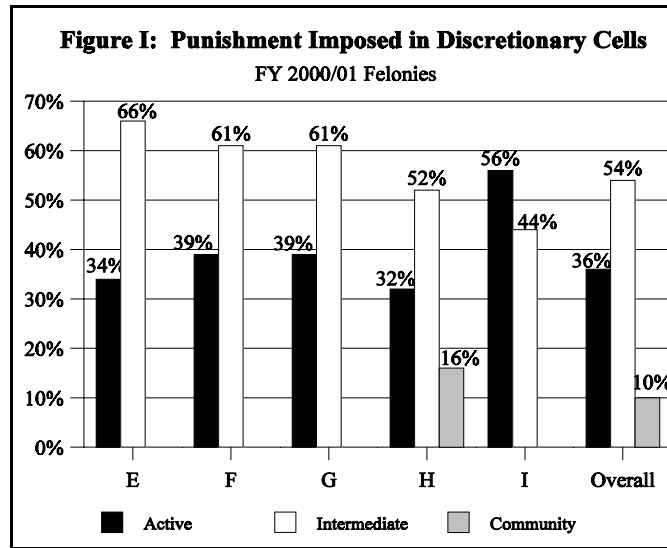
Offense Class	Prior Record Level						Total
	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
G	I/A I = 433 (80%) A = 108 (20%) (n=541) 12 min 15 max	I/A I = 664 (70%) A = 280 (30%) (n=944) 13 min 16 max	I/A I = 340 (49%) A = 347 (51%) (n=687) 14 min 17 max	I/A I = 167 (37%) A = 2881 (63%) (n=455) 18 min 22 max	A A = 79 (100%) (n=79) 19 min 23 max	A A = 60 (100%) (n=60) 26 min 32 max	I/A I = 1,604 (58%) A = 1,162 (42%) (n=2,766) 15 min 19 max
H	C/I/A C = 1,573 (59%) I = 875 (33%) A = 211 (8%) (n=2,659) 6 min 7 max	I/A I = 2,228 (74%) A = 771 (26%) (n=2,999) 7 min 9 max	I/A I = 1,176 (55%) A = 966 (45%) (n=2,142) 9 min 11 max	I/A I = 589 (40%) A = 893 (60%) (n=1,482) 10 min 12 max	I/A I = 91 (27%) A = 247 (73%) (n=338) 13 min 16 max	A A = 206 (100%) (n=206) 18 min 22 max	C/I/A C = 1,573 (16%) I = 4,959 (51%) A = 3,294 (33%) (n=9,826) 9 min 12 max
I	C C = 1,854 (100%) (n=1,854) N/A	C/I C = 1,868 (64%) I = 1,036 (36%) (n=2,904) N/A	I I = 1,037 (100%) (n=1,037) N/A	I/A I = 383 (50%) A = 384 (50%) (n=767) 7 min 9 max	I/A I = 54 (29%) A = 133 (71%) (n=187) 8 min 10 max	I/A I = 42 (30%) A = 98 (70%) (n=140) 9 min 11 max	C/I/A C = 3,722 (54%) I = 2,552 (37%) A = 615 (9%) (n=6,889) 7 min 9 max
TOTAL	C/I/A C = 3,427 (53%) I = 1,980 (30%) A = 1,079 (17%) (n=6,486) 44 min 58 max	C/I/A C = 1,868 (22%) I = 4,523 (54%) A = 2,011 (24%) (n=8,402) 36 min 47 max	I/A I = 2,747 (57%) A = 2,057 (43%) (n=4,804) 33 min 42 max	I/A I = 1,139 (35%) A = 2,160 (65%) (n=3,299) 30 min 39 max	I/A I = 145 (19%) A = 620 (81%) (n=765) 35 min 45 max	I/A I = 42 (8%) A = 491 (92%) (n=533) 42 min 53 max	C/I/A C = 5,295 (22%) I = 10,576 (43%) A = 8,418 (35%) (n=24,289) 35 min 45 max

Note: Of the 27,533 felony convictions in FY 2000/01, 3,244 convictions were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Sentences resulting in life without parole or death were excluded from the calculation of the average minimum and maximum sentences.

C. Punishment Imposed in Discretionary Cells

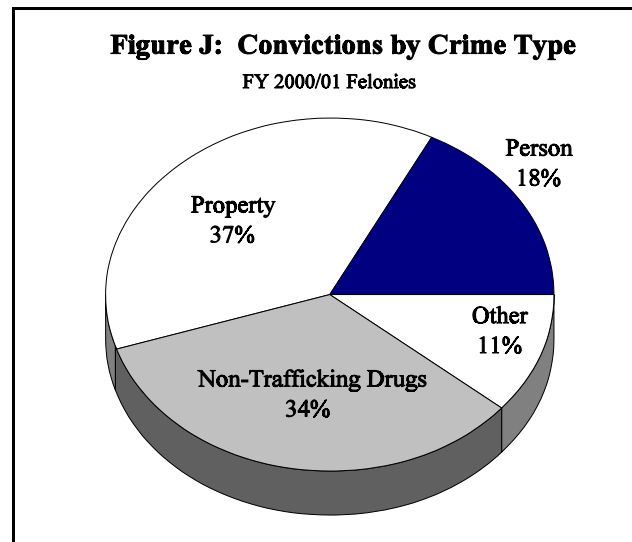
As shown in *Table 4*, where the judge had the option of imposing either an Active or community-based punishment (*i.e.*, either an Intermediate or Community punishment), an Intermediate punishment was most likely to be imposed for convictions falling within Offense Class G with Prior Record Level I (80%), while an Active sentence was most likely to be imposed for convictions falling within Offense Class H with Prior Record Level V (73%).

Figure I summarizes sentences imposed by offense class for these discretionary cells.



D. Punishment Imposed by Crime Type

During Fiscal Year 2000/01, property offenses accounted for 37% of convictions, followed closely by convictions for non-trafficking drug offenses (34%). (See Figure J.) For additional data on convictions by crime type, see Appendix D.



The type of punishment imposed by crime type is shown in Table 5. Relative to other crime types, convictions for person offenses were most likely to result in the imposition of an Active punishment (61%), while convictions for non-trafficking drug offenses were least likely to result in the imposition of an Active punishment (20%). Of the four crime types, property and non-trafficking drug convictions had the highest percentage of Intermediate punishment sentences (47% and 46% respectively) and non-trafficking drug convictions had the highest percentage of Community punishment sentences

(34%).

Table 5 also displays the average minimum and maximum sentence lengths for convictions in which an Active punishment was imposed. The longest average Active sentences were imposed for person convictions.

**Table 5: Convictions and Sentences by Crime Type
FY 2000/01 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	2,709	61	1,647	37	76	2	67	86	4,432
Property	2,614	29	4,159	47	2,115	24	12	15	8,888
Non-Trafficking Drug	1,625	20	3,776	46	2,854	34	11	13	8,255
Other Felony	1,470	54	994	37	250	9	48	62	2,714
TOTAL	8,418	35	10,576	43	5,295	22	35	45	24,289

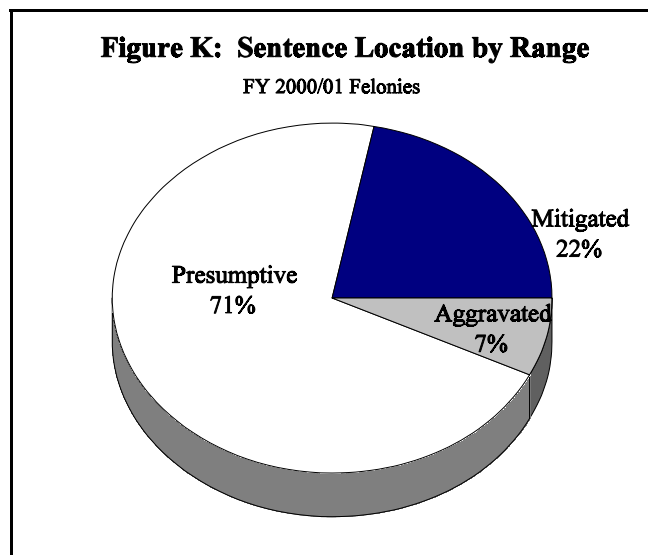
Note: Of the 27,533 felony convictions in FY 2000/01, 3,244 convictions were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation).

IV. SENTENCE LOCATION IN THE SENTENCING RANGES

This section presents information regarding the location of sentences imposed in the sentencing ranges and *deals only with convictions for which an Active sentence was imposed (n=8,335)*. Class A convictions, which are subject to mandatory life or death sentences, are excluded from this section (n=83), as are Class B1 convictions that fall in the aggravated range of Prior Record Levels V and VI with a sentence of life without parole (n=0).

A. Sentence Location

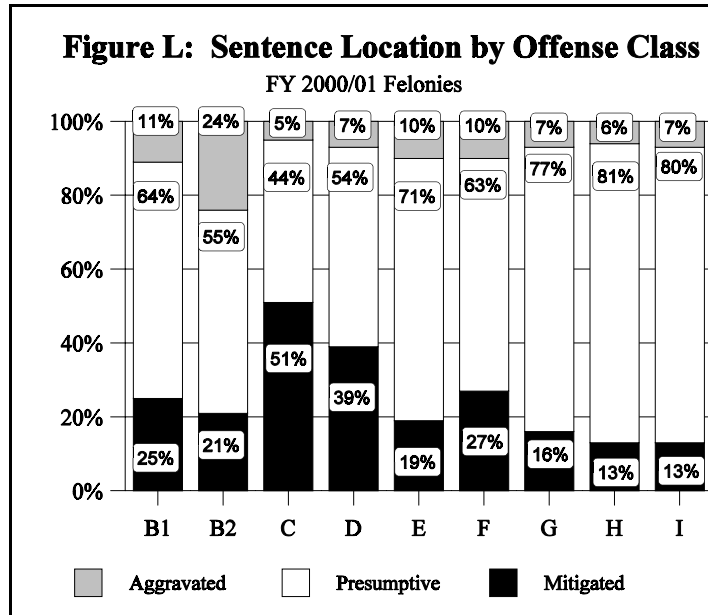
Figure K shows that 71% of all Active sentences fell within the presumptive range; 22% fell within the mitigated range; and 7%



fell within the aggravated range.

B. Sentence Location by Offense Class and Prior Record Level

Figure L displays the percentage of convictions falling within the aggravated, presumptive, and mitigated ranges by offense class for Active sentences.



For information regarding sentence location by offense class and prior record level, see *Table 6*. Convictions for Class H and Class I offenses had the highest percentage of Active sentences in the presumptive range (81% and 80% respectively), while convictions for Class C offenses had the lowest percentage of Active sentences in the presumptive range (44%). Convictions falling into Prior Record Level I had the highest percentage of Active sentences both in the mitigated range (26%) and in the aggravated range (11%).

**Table 6: Sentence Location by Offense Class and Prior Record Level
(Active Sentences Only)
FY 2000/01 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
B1	Mitigated	19 (38%)	9 (21%)	0 (0%)	3 (21%)	0 (0%)	0 (0%)	31 (25%)
	Presumptive	28 (56%)	27 (63%)	12 (80%)	10 (72%)	1 (100%)	2 (100%)	80 (64%)
	Aggravated	3 (6%)	7 (16%)	3 (20%)	1 (7%)	0 (0%)	0 (0%)	14 (11%)
	Subtotal	50	43	15	14	1	2	125
B2	Mitigated	22 (26%)	19 (20%)	9 (17%)	4 (17%)	2 (33%)	1 (20%)	57 (21%)
	Presumptive	45 (52%)	47 (48%)	34 (64%)	14 (61%)	4 (67%)	3 (60%)	147 (55%)
	Aggravated	19 (22%)	31 (32%)	10 (19%)	5 (22%)	0 (0%)	1 (20%)	66 (24%)
	Subtotal	86	97	53	23	6	5	270
C	Mitigated	19 (24%)	82 (49%)	119 (56%)	129 (55%)	54 (55%)	36 (55%)	439 (51%)
	Presumptive	52 (65%)	74 (44%)	83 (39%)	102 (43%)	44 (44%)	26 (40%)	381 (44%)
	Aggravated	9 (11%)	11 (7%)	11 (5%)	4 (2%)	1 (1%)	3 (5%)	39 (5%)
	Subtotal	80	167	213	235	99	65	859
D	Mitigated	100 (45%)	87 (39%)	64 (42%)	22 (23%)	8 (40%)	3 (15%)	284 (39%)
	Presumptive	110 (50%)	124 (55%)	78 (52%)	59 (62%)	11 (55%)	15 (75%)	397 (54%)
	Aggravated	11 (5%)	14 (6%)	9 (6%)	14 (15%)	1 (5%)	2 (10%)	51 (7%)
	Subtotal	221	225	151	95	20	20	732

Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
(Active Sentences Only)
FY 2000/01 Felonies

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
E	Mitigated	18 (18%)	32 (18%)	30 (24%)	11 (15%)	3 (27%)	2 (20%)	96 (19%)
	Presumptive	68 (67%)	130 (73%)	88 (69%)	56 (75%)	8 (73%)	8 (80%)	358 (71%)
	Aggravated	15 (15%)	16 (9%)	9 (7%)	8 (10%)	0 (0%)	0 (0%)	48 (10%)
	Subtotal	101	178	127	75	11	10	502
F	Mitigated	42 (25%)	67 (29%)	44 (26%)	40 (27%)	6 (25%)	8 (32%)	207 (27%)
	Presumptive	105 (62%)	141 (60%)	117 (68%)	94 (62%)	17 (71%)	17 (68%)	491 (63%)
	Aggravated	22 (13%)	27 (11%)	11 (6%)	17 (11%)	1 (4%)	0 (0%)	78 (10%)
	Subtotal	169	235	172	151	24	25	776
G	Mitigated	18 (17%)	53 (19%)	68 (20%)	29 (10%)	11 (14%)	4 (7%)	183 (16%)
	Presumptive	78 (72%)	210 (75%)	264 (76%)	237 (82%)	61 (77%)	50 (83%)	900 (77%)
	Aggravated	12 (11%)	17 (6%)	15 (4%)	22 (8%)	7 (9%)	6 (10%)	79 (7%)
	Subtotal	108	280	347	288	79	60	1,162
H	Mitigated	34 (16%)	86 (11%)	131 (13%)	108 (12%)	30 (12%)	33 (16%)	422 (13%)
	Presumptive	156 (74%)	608 (79%)	799 (83%)	745 (83%)	205 (83%)	155 (75%)	2,668 (81%)
	Aggravated	21 (10%)	77 (10%)	36 (4%)	40 (5%)	12 (5%)	18 (9%)	204 (6%)
	Subtotal	211	771	966	893	247	206	3,294

**Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
(Active Sentences Only)
FY 2000/01 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
I	Mitigated	N/A	N/A	N/A	53 (14%)	16 (12%)	11 (11%)	80 (13%)
	Presumptive	N/A	N/A	N/A	310 (81%)	109 (82%)	74 (76%)	493 (80%)
	Aggravated	N/A	N/A	N/A	21 (5%)	8 (6%)	13 (13%)	42 (7%)
	Subtotal	N/A	N/A	N/A	384	133	98	615
TOTAL	Mitigated	272 (26%)	435 (22%)	465 (23%)	399 (19%)	130 (21%)	98 (20%)	1,799 (22%)
	Presumptive	642 (63%)	1,361 (68%)	1,475 (72%)	1,627 (75%)	460 (74%)	350 (71%)	5,915 (71%)
	Aggravated	112 (11%)	200 (10%)	104 (5%)	132 (6%)	30 (5%)	43 (9%)	621 (7%)
	Subtotal	1,026	1,966	2,044	2,158	620	491	8,335

Note: Convictions that did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. In addition, eighty-three convictions requiring a mandatory life or death sentence were excluded from this table.

C. Sentence Location by Crime Type

The sentence location for selected crime types is contained in *Table 7*. Of the four crime types, convictions for person offenses accounted for the highest percentage of aggravated sentences (11%). Convictions in the category of other felony offenses accounted for the lowest percentage of presumptive sentences (55%), the highest percentage of mitigated sentences (42%), and the lowest percentage of aggravated sentences (3%) relative to the other crime types. For additional information regarding convictions by crime type, see *Appendix D*.

**Table 7: Sentence Location by Crime Type
(Active Sentences Only)
FY 2000/01 Felonies**

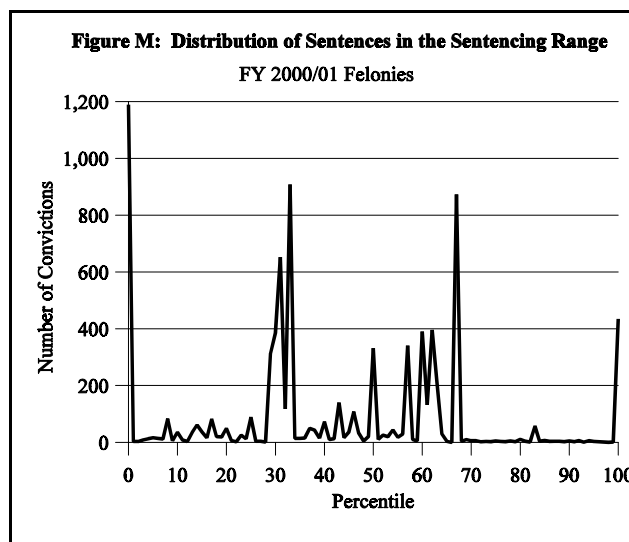
Crime Type	Sentencing Range						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
Person	594	23	1,727	66	305	11	2,626
Property	345	13	2,110	81	159	6	2,614
Non-Trafficking Drug	249	15	1,272	78	104	7	1,625
Other Felony	611	42	806	55	53	3	1,470
TOTAL	1,799	22	5,915	71	621	7	8,335

Note: Convictions that did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. In addition, eighty-three convictions requiring a mandatory life or death sentence were excluded from this table.

D. Length of Active Sentence Relative to the Sentencing Range

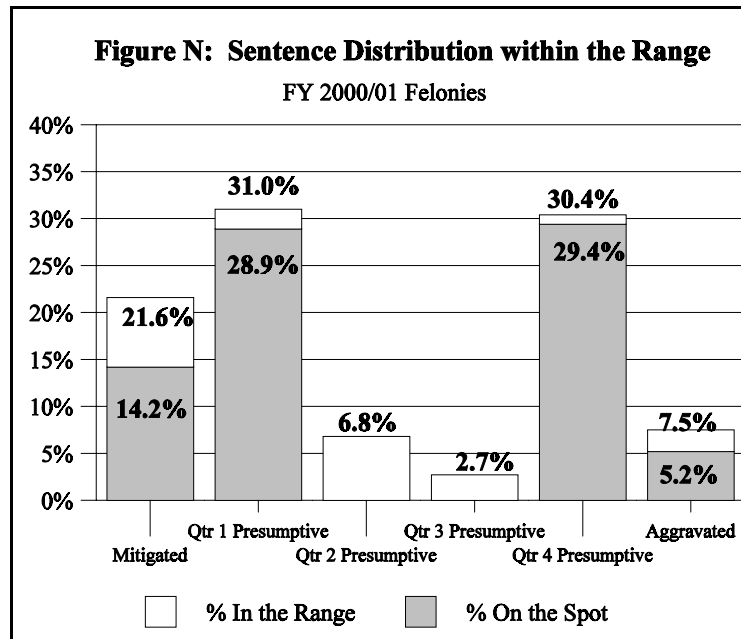
Viewing the entire sentencing range as a continuum from the lowest possible sentence imposed in the mitigated range to the highest possible sentence imposed in the aggravated range, on average the 8,335 Active sentences imposed (excluding the 83 convictions with mandatory life or death sentences) fell near the midpoint of the range (at the 41st percentile above the minimum). Close examination of the actual location of each Active sentence within its respective range revealed that the majority of offenders were sentenced within the first or fourth quarter of the presumptive portion of the range (31.0% and 30.4% of all cases, respectively) (see *Figure M* and *Table 8*).

Further analysis indicates that over three-quarters (77.8%) of all Active sentences were located on one of only *four* specific spots of their respective ranges (*i.e.*, the lowest spot of



the mitigated range, the lowest spot of the presumptive range, the highest spot of the presumptive range, and the highest spot of the aggravated range). As shown in *Table 8* and *Figure N*, 14.2% of Active sentences fell on the lowest point of the mitigated range; 28.9% fell on the lowest point of the presumptive range; 29.4% fell on the highest point of the presumptive range; and 5.2% fell on the highest point of the aggravated range.

A similar pattern is evident by crime type, especially for property and drug offenses, with 85.2% and 85.4% of all Active sentences, respectively, located on four specific spots of the range. This pattern is less apparent for person offenses, with only 67.4% of all sentences on the four spots, and with a considerably higher rate of sentences outside the presumptive range.



Note: Percentages may not add to 100% due to rounding.

**Table 8: Sentencing Range by Crime Type
FY 2000/01 Felonies**

Offense Type	Location in the Range						% on the Four Spots
	% Mitigated Range (Min. Spot)	Presumptive Range				% Aggravated Range (Max. Spot)	
		% First Quarter (Min. Spot)	% Second Quarter	% Third Quarter	% Fourth Quarter (Max. Spot)		
Person	22.6 (12.8)	27.0 (22.2)	7.0	5.1	26.6 (24.1)	11.6 (8.2)	67.4
Property	13.2 (9.4)	33.2 (32.9)	7.9	0.8	38.8 (38.7)	6.1 (4.2)	85.2
Non-Traff. Drugs	15.3 (11.4)	38.1 (37.5)	6.3	1.8	32.1 (31.9)	6.4 (4.5)	85.4
Other Felonies	41.6 (28.4)	26.4 (24.1)	5.2	2.9	20.3 (19.5)	3.6 (2.6)	74.6
TOTAL	21.6 (14.2)	31.0 (28.9)	6.8	2.7	30.4 (29.4)	7.5 (5.2)	77.8

Note: Percentages may not add to 100% due to rounding.

V. INTERMEDIATE PUNISHMENTS

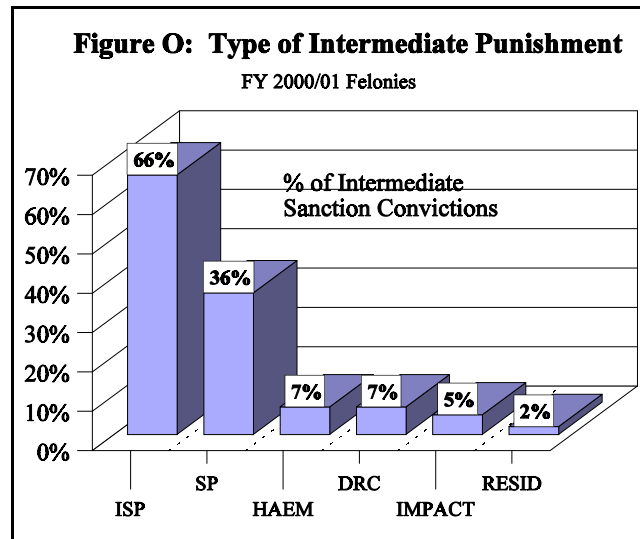
This section summarizes the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed.* Under Structured Sentencing, all offenders who receive an Intermediate punishment must receive a term of supervised probation plus at least one additional sanction. The specific intermediate sanctions are Intensive Supervision Probation (ISP), Special Probation (SP), House Arrest with Electronic Monitoring (HAEM), Intensive Motivational Program of Alternative Correctional Treatment (IMPACT), Day Reporting Center (DRC), and Residential Treatment Facility (RESID). See *Appendix E* for a brief description of each type of intermediate sanction, and *Appendix F* for additional information on Special Probation.

During Fiscal Year 2000/01, Intermediate punishments were imposed for 10,576 convictions, with an average supervised probation sentence length of 34 months. The specific type(s) of intermediate sanction(s) imposed was reported in the AOC database for 9,757 convictions -- a reporting rate of 92%.³ As a result, these figures may not fully reflect offender participation in these programs. In addition, these sanctions are not equally available across the state.

It is possible that a single conviction could result in the imposition of more than one intermediate sanction. *Consequently, the following tables reflect the total number of intermediate sanctions imposed rather than the total number of offenders receiving an intermediate sanction.*

A. Intermediate Punishments Imposed

Figure O illustrates the percentage of convictions for which specific intermediate sanctions were imposed. The figure indicates that Intensive Supervision accounted for the highest percentage of convictions for which a specific intermediate sanction was reported (66%). Assignment to a Residential Treatment Facility accounted for the smallest percentage of convictions for which a specific intermediate sanction was reported (2%).



Note: The percentages in this figure do not add to 100%.

B. Intermediate Punishments by

³ It is not clear why the specific types of intermediate sanctions are not always reported. In some cases, a sanction may not have been specified in court. In other instances the information may not have been entered into the appropriate data field in the AOC's Criminal Information System. The reporting rate for intermediate sanctions has improved since the implementation of CourtFlow in superior court by the Administrative Office of the Courts. Recently, the AOC added edits to the Criminal Information System that should improve the reporting rate for intermediate sanctions.

Offense Class and Prior Record Level

Table 9 shows the frequency of Intermediate punishments by offense class and prior record level. Of those convictions for which specific intermediate sanctions were reported, the greatest number was imposed for Class H felonies (n=5,578). For Class H, Intensive Supervision Probation was the most frequently invoked sanction (n=2,997). Overall, the most frequently invoked sanction was Intensive Supervision Probation (n=6,409), followed by Special Probation (n=3,511).

**Table 9: Type of Intermediate Punishment by Offense Class and Prior Record Level
FY 2000/01 Felonies**

Offense Class	Prior Record Level	Type of Intermediate Punishment						Total
		Special Probation	IMPACT	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
E	I	116	26	4	10	146	26	328
	II	119	6	4	13	164	14	320
	Subtotal	235	32	8	23	310	40	648
F	I	143	19	3	14	230	37	446
	II	128	19	3	11	199	35	395
	III	98	1	3	6	97	12	217
	Subtotal	369	39	9	31	526	84	1,058
G	I	147	46	4	35	271	33	536
	II	249	38	8	68	407	39	809
	III	132	7	4	32	212	27	414
	IV	66	0	12	13	107	9	207
	Subtotal	594	91	28	148	997	108	1,966
H	I	232	81	8	90	494	59	964
	II	673	97	26	153	1,374	151	2,474
	III	417	33	26	72	728	70	1,346
	IV	235	6	27	38	347	37	690
	V	42	0	4	0	54	4	104
	Subtotal	1,599	217	91	353	2,997	321	5,578

**Table 9: Type of Intermediate Punishment by Offense Class and Prior Record Level (continued)
FY 2000/01 Felonies**

Offense Class	Prior Record Level	Type of Intermediate Punishment						Total
		Special Probation	IMPACT	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
I	II	249	43	16	69	641	82	1,100
	III	291	22	7	77	655	69	1,121
	IV	142	0	11	26	233	20	432
	V	17	0	0	2	29	3	51
	VI	15	0	5	2	21	2	45
	Subtotal	714	65	39	176	1,579	176	2,749
TOTAL	3,511	444	175	731	6,409	729	11,999	

Note: Convictions that did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table.

C. Intermediate Punishments by Crime Type

Table 10 shows the frequency of Intermediate punishments by crime type. Of those convictions for which a specific intermediate sanction was reported, the largest number was for property offenses (n=4,661), followed closely by non-trafficking drug offenses (n=4,259).

**Table 10: Type of Intermediate Punishment by Crime Type
FY 2000/01 Felonies**

Crime Type	Type of Intermediate Punishment						Total
	Special Probation	IMPACT	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
Person	687	82	27	72	930	130	1,928
Property	1,327	197	92	299	2,482	264	4,661
Non-Trafficking Drug	1,108	131	42	292	2,421	265	4,259
Other Felony	389	34	14	68	576	70	1,151
TOTAL	3,511	444	175	731	6,409	729	11,999

Crime Type	Type of Intermediate Punishment						Total
	Special Probation	IMPACT	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	

Note: Convictions that did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table.

VI. COMMUNITY PUNISHMENTS

This section includes only those convictions for which a Community punishment was imposed. During Fiscal Year 2000/01, there were 5,295 convictions for which a Community punishment was imposed. The specific type(s) of Community punishment(s) imposed was reported in the AOC database for 5,218 convictions.⁴ Of these 5,218 convictions, 4,990 were for supervised probation; 203 were for unsupervised probation; and 25 were for restitution, fines, and/or community service only. For more information about community service and restitution, refer to Appendix G.

A. Community Punishments by Offense Class

Table 11 shows the type of Community punishment imposed -- either Supervised Probation, Unsupervised Probation, Restitution/Fine/Community Service, or Sanction Not Specified -- by offense class, as well as information regarding the average length of probation sentences. Class I felony offenses accounted for the largest number of convictions for which a Community punishment was imposed (n=3,722). Convictions for Class H felonies resulted in the longest average probation sentences for Community punishments (30 months). Overall, convictions for which a Community punishment was imposed resulted in an average probation sentence of 28 months.

**Table 11: Type of Community Punishment by Offense Class
FY 2000/01 Felonies**

Offense Class	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
H	1,511 <i>30 months</i>	35 <i>27 months</i>	4 <i>N/A</i>	23 <i>N/A</i>	1,573 <i>30 months</i>
I	3,479 <i>27 months</i>	168 <i>20 months</i>	21 <i>N/A</i>	54 <i>N/A</i>	3,722 <i>27 months</i>
TOTAL	4,990 <i>28 months</i>	203 <i>21 months</i>	25 <i>N/A</i>	77 <i>N/A</i>	5,295 <i>28 months</i>

Note: Convictions that did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table.

⁴It is not clear why a specific Community Punishment was not reported for 10% of the convictions in which a Community punishment was imposed. In some cases, the court may not have specified a sanction. In other instances, the court may have imposed a sanction for which there is no specific data field in the Administrative Office of the Courts' Criminal Information System (e.g., outpatient drug/alcohol treatment or referral to TASC).

B. Community Punishments by Crime Type

Information regarding the type of Community punishment imposed by crime type is provided in *Table 12*. The table also includes the average length of probation sentences. Non-trafficking drug offenses represented the largest offense category for which a Community punishment was imposed (n=2,854). Convictions for property offenses resulting in a Community punishment had the longest average probation sentences (30 months).

**Table 12: Type of Community Punishment by Crime Type
FY 2000/01 Felonies**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
Person	69 <i>29 months</i>	5 <i>24 months</i>	0 <i>N/A</i>	2 <i>N/A</i>	76 <i>29 months</i>
Property	2,030 <i>31 months</i>	54 <i>21 months</i>	7 <i>N/A</i>	24 <i>N/A</i>	2,115 <i>30 months</i>
Non-Trafficking Drug	2,668 <i>26 months</i>	128 <i>20 months</i>	18 <i>N/A</i>	40 <i>N/A</i>	2,854 <i>25 months</i>
Other Felony	223 <i>28 months</i>	16 <i>28 months</i>	0 <i>N/A</i>	11 <i>N/A</i>	250 <i>28 months</i>
TOTAL	4,990 <i>28 months</i>	203 <i>21 months</i>	25 <i>N/A</i>	77 <i>N/A</i>	5,295 <i>28 months</i>

Note: Convictions that did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table.

VII. SPECIAL ISSUES

This section reviews other issues of interest, including habitual felon status, firearm enhancement, death and life sentences, and drug trafficking convictions.

A. Habitual Felons

An habitual felon is an offender with at least three prior felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a felony offense and who has been found by the jury to be an habitual felon. An habitual felon is sentenced

as a Class C felon. (N.C. Gen. Stat. §§ 14-7.1 to -7.6) *Table 13* shows the breakdown by offense class and crime type of the most serious conviction associated with habitual felon convictions. There were 647 habitual felon convictions during Fiscal Year 2000/01.⁵ Almost one-half (48% or n=310) of habitual felons had a conviction for a Class H offense as their underlying conviction. Felony Breaking and/or Entering was the most frequently occurring most serious crime associated with habitual felon convictions (n=110).

**Table 13: Most Serious Crime Associated with Habitual Felon Convictions
by Offense Class and Offense
FY 2000/01 Felonies**

Offense Class	Offense	Total
Class B1	1 st Degree Rape	1
	Rape/Sex Offense Person 13-15	2
	Subtotal	3
Class B2	Attempted Murder	1
	Other Homicide Offense	1
	Other Sexual Assault Offense	1
	Subtotal	3
Class C	1 st Degree Kidnapping	3
	2 nd Degree Rape	2
	2 nd Degree Sexual Offense	2
	AWDWIKISI	3
	Other Assault Offense	1
	Other Larceny Offense	2
	Obt. Prop. False Pret. >= \$100K	1
	Other Drug Offense	6
	Habitual Felon*	18
	Other Offense	1
	Subtotal	39
Class D	Voluntary Manslaughter	2
	Attempt 2 nd Degree Rape	2
	Attempt 2 nd Degree Sex Offense	2
	Att. Robbery - Dangerous Weapon	1
	Robbery - Dangerous Weapon	16
	Other Robbery Offense	1
	1 st Degree Burglary	12

Offense Class	Offense	Total
Class E	2 nd Degree Kidnapping	1
	AWDW Intent to Kill	1
	AWDW Serious Injury	4
	Assault LEO/PO/Other w/ Firearm	1
	Attempt 1 st Degree Burglary	1
	Possess C.S.w/in 300 FT of School	1
	Trafficking in Opium or Heroin	1
	Discharge Weapon - Occ. Property	1
Subtotal	11	
Class F	Involuntary Manslaughter	1
	Felonious Restraint	1
	Indecent Liberties with Child	3
	Fail to Register as Sex Offender	2
	Other Robbery Offense	1
	Assault Inflict Serious Injury	1
	AWDW - Government Official	11
	Extortion	1
	Possess Weapon Mass Destruction	1
	Habitual Impaired Driving	5
	Subtotal	27
	Class G	Common Law Robbery
2 nd Degree Arson		2
Other Arson Offense		1
2 nd Degree Burglary		6
Sell Cocaine		35

⁵In FY 2000/01 an improvement was made in the way the Sentencing Commission reports the number of habitual felon convictions. The improvement in reporting allows the Commission to identify a larger number of habitual felon convictions.

	Other Offense	1
	Subtotal	37

	Sell Schedule I Controlled Subst.	3
	Sell Schedule II Controlled Subst.	4

**Table 13: Most Serious Crime Associated with Habitual Felon Convictions
by Offense Class and Offense (continued)
FY 2000/01 Felonies**

Offense Class	Offense	Total
Class G (cont.)	Conspire Sell Cocaine	1
	Trafficking in Cocaine	3
	Other Drug Offense	11
	Possession of Firearm by Felon	14
	Other Offense	2
	Subtotal	103
Class H	Attempted Common Law Robbery	1
	Habitual Misdemeanor Assault	8
	Other Assault Offense	1
	Breaking and/or Entering	110
	Other Burglary Offense	1
	Felony Larceny	29
	Larceny of a Firearm	2
	Larceny from the Person	5
	Receiving Stolen Goods	1
	Possession of Stolen Goods	18
	Larceny after Break/Enter	6
	Larceny of Motor Vehicle	10
	Other Larceny Offense	1
	Obtain Property by False Pretenses	17
	Financial Identity Fraud	2
	Other Fraud	1
	Embezzlement	2
	Possess C.S. Prison/Jail Premises	3
	Sell Marijuana	2
	Deliver Cocaine	1
	Conspire Deliver Cocaine	1
	PWIMSD Schedule I Contr. Subst.	3
	PWIMSD Schedule II C. S.	1
	PWISD Cocaine	42
PWIMSD Cocaine	9	
Other Drug Offense	4	

Offense Class	Offense	Total
Class H (cont.)	Other Public Order	1
	Possess Stolen Automobile	12
	Hit/Run Personal Injury	1
	Flee/Elude Arrest W/ Moto Veh.	15
	Subtotal	310
	Class I	Break/Enter Motor Vehicle	27
Break Coin/Currency Machine		2
Break/Enter Trailer/Aircraft		1
Other Larceny Offense		2
Forgery of Instrument		13
Uttering Forged Instrument		3
Uttering Forged Endorsement		1
Forgery of Endorsement		1
Obtain Contr. Subst. by Fraud		2
Felony Worthless Check		1
Other Fraud		2
Sell or Deliver Schedule VI C.S.		1
PWIMSD Schedule VI C. S.		2
PWICSD Counterfeit Contr. Subst.		2
Possess Schedule I Contr. Subst.		3
Possess Schedule II Contr. Subst.		15
Felony Poss. of Schedule VI C. S.		1
PWISD Marijuana		2
Felony Possession of Cocaine		23
Possess Heroin		2
Other Drug Offense		2
Maintain Place Contr. Substance		4
Other Offense		1
Subtotal	113	
Class I Misd.	Misdemeanor Larceny	1
	Subtotal	1
TOTAL		647

* Of the 647 habitual felon convictions, the most serious associated conviction could not be determined for 18 convictions. These 18 convictions are represented in the table as Class C habitual felon convictions.

B. Firearm Enhancement

The firearm enhancement requires the judge to increase an offender's active sentence by sixty months if the offender is convicted of a Class A, B1, B2, C, D, or E felony and the jury finds that he or she used, displayed, or threatened to use or display a firearm during the commission of the felony. The firearm enhancement cannot be applied if the firearm is used to prove an element of the offense, nor can it be applied to non-active sentences. (N.C. Gen. Stat. § 15A-1340.16A) The firearm enhancement was not applied to any convictions during Fiscal Year 2000/01.

C. Death and Life without Parole Sentences and Violent Habitual Felon Convictions

Offenders convicted of first degree murder may receive either a death sentence or life without parole. The sentence of life without parole is also required for offenders found to be violent habitual felons, certain offenders convicted of second or subsequent Class B1 felonies, and offenders convicted of first-degree rape or sexual assault who are sentenced from the aggravated range in Prior Record Levels V and VI. During Fiscal Year 2000/01, 17 death sentences and 68 life without parole sentences were imposed.

A violent habitual felon is an offender with at least two prior Class A, B1, B2, C, D, or E felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a Class A, B1, B2, C, D, or E felony offense and who has been found by the jury to be a violent habitual felon. A violent habitual felon is sentenced to life without parole. (N.C. Gen. Stat. §§ 14-7.7 to -7.12) Of the 68 life without parole sentences imposed during Fiscal Year 2000/01, one was imposed for a violent habitual felon conviction. The most serious offense associated with this violent habitual felon conviction was assault with a deadly weapon with intent to kill inflicting serious injury.

D. Drug Trafficking Convictions

As shown in *Table 14*, there were 564 convictions for drug trafficking offenses.⁶ Trafficking Cocaine (Offense Class G) was the most frequently occurring drug trafficking offense (n=227).

⁶ In FY 1999/00 a change was made in the way the Sentencing Commission reports the number of drug trafficking convictions and the sentences imposed for these convictions. The reporting change allows the Commission to capture a larger number of drug trafficking convictions by examining the sentences imposed for convictions with the AOC offense code for "Dangerous Drugs – Free Text" (*i.e.*, offense code 3599). Convictions with sentences that meet the criteria for drug trafficking sentences are counted as such and are represented in the "Other Trafficking" category. These convictions would have previously been counted as non-trafficking drug convictions.

**Table 14: Drug Trafficking Convictions
FY 2000/01 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
C	Traffic Methamphetamine	1	100.0	.	.	.	.	225.0	279.0	1
	Consp. Traffic Methamph.	1	100.0	.	.	.	.	225.0	279.0	1
	Traffic Heroin	2	100.0	.	.	.	.	197.0	245.5	2
	Other Trafficking	1	100.0	.	.	.	.	225.0	279.0	1
	Subtotal	5	100.0	.	.	.	.	213.8	265.6	5
D	Traffic LSD	1	50.0	1	50.0	.	.	175.0	219.0	2
	Traffic MDA/MDMA	1	100.0	.	.	.	.	51.0	71.0	1
	Consp. Traffic MDA/MDMA	.	.	.	.	1	100.0	.	.	1
	Traffic Cocaine	11	84.6	1	7.7	1	7.7	133.5	169.5	13
	Consp. Traffic Cocaine	5	71.4	2	28.6	.	.	100.6	128.0	7
	Other Trafficking	5	100.0	.	.	.	.	175.0	219.0	5
	Subtotal	23	79.3	4	13.8	2	6.9	133.6	169.1	29
E	Other Trafficking	4	100.0	.	.	.	.	90.0	117.0	4
	Subtotal	4	100.0	.	.	.	.	90.0	117.0	4
F	Traffic Methamphetamine	1	100.0	.	.	.	.	70.0	84.0	1
	Traffic MDA/MDMA	6	100.0	.	.	.	.	48.3	58.3	6
	Traffic Marijuana	1	100.0	.	.	.	.	25.0	30.0	1
	Traffic Cocaine	32	91.4	2	5.7	1	2.9	60.2	74.3	35
	Traffic Heroin	5	100.0	.	.	.	.	70.0	84.0	5
	Consp. Traffic Cocaine	2	66.7	1	33.3	.	.	45.0	54.0	3
	Consp. Traffic Heroin	1	100.0	.	.	.	.	70.0	84.0	1
	Other Trafficking	14	93.3	1	6.7	.	.	70.0	84.0	15
	Subtotal	62	92.5	4	6.0	1	1.5	61.3	74.5	67
G	Traffic Methamphetamine	1	33.3	.	.	2	66.7	35.0	42.0	3
	Traffic LSD	9	81.8	2	18.2	.	.	32.1	38.6	11
	Consp. Traffic LSD	1	100.0	.	.	.	.	35.0	42.0	1
	Traffic MDA/MDMA	8	44.4	6	33.3	4	22.2	29.4	36.5	18
	Consp. Traffic MDA/MDMA	2	50.0	1	25.0	1	25.0	14.0	17.0	4
	Traffic Marijuana	14	87.5	.	.	2	12.5	31.9	39.0	16

**Table 14: Drug Trafficking Convictions (continued)
FY 2000/01 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
G (cont.)	Traffic Cocaine	182	80.2	29	12.8	16	7.0	32.2	38.9	227
	Traffic Heroin	1	50.0	1	50.0	.	.	70.0	84.0	2
	Consp. Traffic Marijuana	2	66.7	1	33.3	.	.	30.0	36.0	3
	Consp. Traffic Cocaine	16	76.2	4	19.0	1	4.8	31.2	37.5	21
	Other Trafficking	67	82.7	11	13.6	3	3.7	35.0	42.0	81
	Subtotal	303	78.3	55	14.2	29	7.5	32.7	39.4	387
H	Traffic Marijuana	37	77.1	8	16.7	3	6.3	24.3	29.2	48
	Traffic Cocaine	1	50.0	1	50.0	.	.	35.0	42.0	2
	Consp. Traffic Marijuana	6	60.0	1	10.0	3	30.0	18.0	21.7	10
	Consp. Traffic Cocaine	.	.	.	.	1	100.0	.	.	1
	Other Trafficking	6	75.0	2	25.0	.	.	25.0	30.0	8
	Subtotal	50	72.5	12	17.4	7	10.1	23.9	28.7	69
I	Traffic Marijuana	.	.	.	.	1	100.0	.	.	1
	Traffic Cocaine	1	100.0	.	.	.	.	24.0	29.0	1
	Consp. Traffic Cocaine	.	.	1	100.0	.	.	.	.	1
	Subtotal	1	33.3	1	33.3	1	33.3	24.0	29.0	3
TOTAL		448	79.4	76	13.5	40	7.1	43.4	52.9	564

Note: This table reflects all drug trafficking convictions regardless of whether the offense classes are correct or whether the sentences are consistent with the minimum and maximum sentences set forth in N.C. Gen. Stat. §90-95(h). For example, according to statute, an offender can only be convicted of trafficking cocaine in Classes D, F, and G; however, in the table, there is a Class I conviction for trafficking cocaine. Non-active sentences and shorter than mandatory Active sentences may reflect the use of the substantial assistance provision.

SECTION II

**MISDEMEANOR CONVICTIONS
IN FISCAL YEAR 2000/01**

I. MISDEMEANOR CONVICTIONS IN FY 2000/01

A. Definition of the Unit of Analysis

The unit of analysis for this report is convictions disposed of in a *sentencing episode*.

Definition of a Sentencing Episode:

A *sentencing episode* is identified from court records as the sentence(s) imposed for the *most serious conviction* on a given day of court. While a sentencing episode involves one offender, in our reporting time frame an offender may be represented by more than one sentencing episode (meaning that within the fiscal year the number of offenders will be the same as or less than the number of sentencing episodes reported). For the sake of simplicity, throughout the report the unit of analysis is referred to as “convictions.”

B. Misdemeanor Convictions

This section contains detailed information about misdemeanor convictions and sentences imposed under Structured Sentencing during Fiscal Year 2000/01 (July 1, 2000 through June 30, 2001). Overall, sentences for 166,618 misdemeanor convictions were imposed. For many of the tables, information on 5,080 convictions (3%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table. Efforts are being made to understand the nature of the data discrepancies and to resolve reporting problems.

The following categories of misdemeanor convictions are excluded from this report: 1) misdemeanor Driving While Impaired offenses (since they are not governed by Structured Sentencing laws); 2) cases disposed of by a magistrate; 3) Class 2 and 3 criminal traffic offenses; and 4) Class 3 local ordinance offenses.

C. Distribution of Convictions within the Misdemeanor Structured Sentencing Grid

Table 15 shows the distribution of convictions within the Structured Sentencing Grid. Relative to other grid cells, the greatest number of convictions fell into Offense Class 1 with Prior Conviction Level II (n=38,670 or 24%).

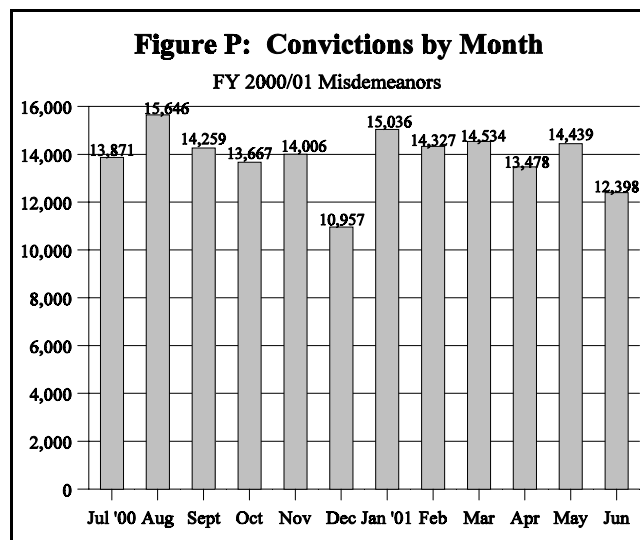
**Table 15: Distribution of Convictions within the Misdemeanor Structured Sentencing Grid
FY 2000/01 Misdemeanors**

Offense Class	Prior Conviction Level			Total
	I 0 Pts	II 1-4 Pts	III 5+ Pts	
A1	4,937 (3.1%)	6,936 (4.3%)	3,438 (2.1%)	15,311 (9.5%)
1	36,149 (22.3%)	38,670 (23.9%)	13,182 (8.2%)	88,001 (54.4%)
2	16,732 (10.4%)	11,864 (7.3%)	3,314 (2.1%)	31,910 (19.8%)
3	14,394 (8.9%)	9,155 (5.7%)	2,767 (1.7%)	26,316 (16.3%)
TOTAL	72,212 (44.7%)	66,625 (41.2%)	22,701 (14.1%)	161,538 (100%)

Note: Of the 166,618 misdemeanor convictions in FY 2000/01, 5,080 (3%) were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior conviction levels, or for other reasons.

D. Convictions by Month of Sentencing

Figure P shows the number of misdemeanor convictions (N=166,618) by month of sentencing during Fiscal Year 2000/01. Convictions peaked in August and January, and were lowest in December and June.



E. Convictions by Judicial Division, District, and County

Table 16 shows the number of misdemeanor convictions by judicial division, judicial district, and county. The table also indicates whether a conviction occurred in district or superior court and whether it resulted from a guilty plea, a bench trial, or a jury trial.⁷ Of the 166,618 convictions in FY 2000/01, 12% (n=19,136) occurred in the first judicial division, 11% (n=18,670) in the second judicial division, 16% (n=27,308) in the third judicial division, 11% (n=18,892) in the fourth judicial division, 15% (n=24,405) in the fifth judicial division, 11% (n=18,202) in the sixth judicial division, 15% (n=25,785) in the seventh judicial division, and 9% (n=14,220) in the eighth judicial division. See *Appendix A* for a map of judicial divisions and districts.

**Table 16: Convictions by Judicial Division, Judicial District, County, and Mode of Disposition
FY 2000/01 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
First Judicial Division		17,777	1,332	27	19,136
District 1	Camden	88	5	0	93
	Chowan	359	29	0	388
	Currituck	361	32	0	393
	Dare	940	79	0	1,019
	Gates	169	12	0	181
	Pasquotank	839	92	1	932
	Perquimans	201	12	0	213
	Total	2,957	261	1	3,219
District 2	Beaufort	1,567	76	4	1,647
	Hyde	135	4	0	139
	Martin	726	21	0	747
	Tyrrell	134	6	1	141
	Washington	311	19	2	332
	Total	2,873	126	7	3,006
District 3A	Pitt	2,934	186	7	3,127
	Total	2,934	186	7	3,127
District 6A	Halifax	1,929	48	1	1,978
	Total	1,929	48	1	1,978

⁷ For misdemeanor convictions in superior court, see N.C. Gen. Stat. §7A-271(a).

**Table 16: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 2000/01 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 6B	Bertie	445	22	2	469
	Hertford	699	42	0	741
	Northampton	488	47	1	536
	Total	1,632	111	3	1,746
District 7	Edgecombe	1,393	213	5	1,611
	Nash	2,133	210	2	2,345
	Wilson	1,926	177	1	2,104
	Total	5,452	600	8	6,060
Second Judicial Division		17,609	1,041	20	18,670
District 3B	Carteret	1,404	42	1	1,447
	Craven	2,070	111	3	2,184
	Pamlico	211	18	0	229
	Total	3,685	171	4	3,860
District 4	Duplin	844	46	0	890
	Jones	174	5	0	179
	Onslow	2,319	257	2	2,578
	Sampson	1,223	19	0	1,242
	Total	4,560	327	2	4,889
District 5	New Hanover	3,968	162	5	4,135
	Pender	498	43	0	541
	Total	4,466	205	5	4,676
District 8	Greene	401	23	0	424
	Lenoir	1,875	124	4	2,003
	Wayne	2,622	191	5	2,818
	Total	4,898	338	9	5,245
Third Judicial Division		26,232	1,048	28	27,308
District 9	Franklin	848	88	0	936
	Granville	1,076	87	1	1,164
	Vance	1,878	146	1	2,025
	Warren	317	39	0	356
	Total	4,119	360	2	4,481

**Table 16: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 2000/01 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 9A	Caswell	443	38	3	484
	Person	1,001	81	2	1,084
	Total	1,444	119	5	1,568
District 10	Wake	11,430	190	17	11,637
	Total	11,430	190	17	11,637
District 14	Durham	4,807	56	3	4,866
	Total	4,807	56	3	4,866
District 15A	Alamance	3,144	286	1	3,431
	Total	3,144	286	1	3,431
District 15B	Chatham	494	12	0	506
	Orange	794	25	0	819
	Total	1,288	37	0	1,325
<i>Fourth Judicial Division</i>		18,285	597	10	18,892
District 11	Harnett	1,655	86	1	1,742
	Johnston	1,996	72	2	2,070
	Lee	1,095	92	0	1,187
	Total	4,746	250	3	4,999
District 12	Cumberland	3,653	133	3	3,789
	Total	3,653	133	3	3,789
District 13	Bladen	676	17	1	694
	Brunswick	1,438	55	0	1,493
	Columbus	922	39	0	961
	Total	3,036	111	1	3,148
District 16A	Hoke	745	26	0	771
	Scotland	1,403	40	2	1,445
	Total	2,148	66	2	2,216
District 16B	Robeson	4,702	37	1	4,740
	Total	4,702	37	1	4,740
<i>Fifth Judicial Division</i>		23,472	907	26	24,405
District 17A	Rockingham	1,872	176	2	2,050
	Total	1,872	176	2	2,050

**Table 16: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 2000/01 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 17B	Stokes	803	59	0	862
	Surry	1,253	90	0	1,343
	Total	2,056	149	0	2,205
District 18	Guilford	6,392	337	2	6,731
	Total	6,392	337	2	6,731
District 19B	Montgomery	750	20	0	770
	Moore	1,635	81	2	1,718
	Randolph	1,859	37	4	1,900
	Total	4,244	138	6	4,388
District 21	Forsyth	6,515	72	14	6,601
	Total	6,515	72	14	6,601
District 23	Alleghany	147	1	1	149
	Ashe	289	4	0	293
	Wilkes	1,386	18	0	1,404
	Yadkin	571	12	1	584
	Total	2,393	35	2	2,430
<i>Sixth Judicial Division</i>		<i>17,175</i>	<i>1,010</i>	<i>17</i>	<i>18,202</i>
District 19A	Cabarrus	3,429	172	3	3,604
	Total	3,429	172	3	3,604
District 19C	Rowan	2,800	106	1	2,907
	Total	2,800	106	1	2,907
District 20	Anson	743	63	6	812
	Richmond	1,199	137	0	1,336
	Stanly	917	122	1	1,040
	Union	1,997	208	0	2,205
	Total	4,856	530	7	5,393
District 22	Alexander	548	27	0	575
	Davidson	2,415	89	1	2,505
	Davie	514	11	1	526
	Iredell	2,613	75	4	2,692
	Total	6,090	202	6	6,298

**Table 16: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 2000/01 Misdemeanors**

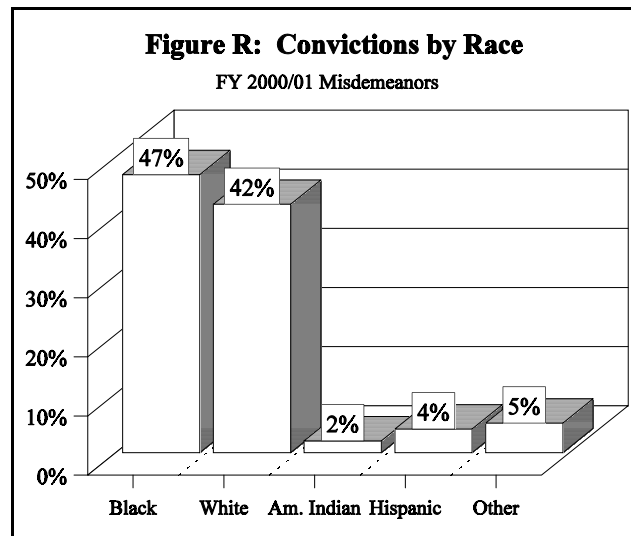
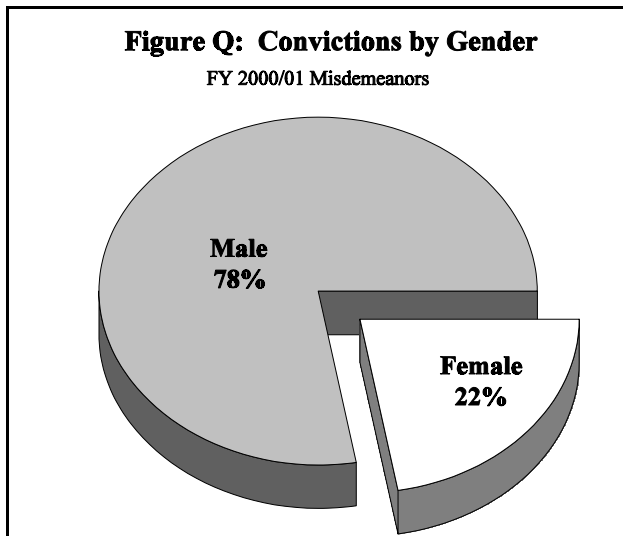
Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
<i>Seventh Judicial Division</i>		24,686	1,062	37	25,785
District 25	Burke	1,477	116	1	1,594
	Caldwell	1,636	85	1	1,722
	Catawba	3,093	256	4	3,353
	Total	6,206	457	6	6,669
District 26	Mecklenburg	10,411	347	19	10,777
	Total	10,411	347	19	10,777
District 27A	Gaston	4,902	150	9	5,061
	Total	4,902	150	9	5,061
District 27B	Cleveland	2,072	84	0	2,156
	Lincoln	1,095	24	3	1,122
	Total	3,167	108	3	3,278
<i>Eighth Judicial Division</i>		13,780	411	29	14,220
District 24	Avery	168	6	0	174
	Madison	211	6	0	217
	Mitchell	230	8	0	238
	Watauga	470	56	1	527
	Yancey	185	4	0	189
	Total	1,264	80	1	1,345
District 28	Buncombe	4,858	46	5	4,909
	Total	4,858	46	5	4,909
District 29	Henderson	1,438	33	1	1,472
	McDowell	816	26	4	846
	Polk	407	6	3	416
	Rutherford	1,947	91	4	2,042
	Transylvania	603	8	2	613
	Total	5,211	164	14	5,389

**Table 16: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 2000/01 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 30	Cherokee	381	12	1	394
	Clay	54	2	0	56
	Graham	123	13	1	137
	Haywood	1,003	34	4	1,041
	Jackson	345	24	1	370
	Macon	343	22	2	367
	Swain	198	14	0	212
	Total	2,447	121	9	2,577
STATE TOTAL		159,016	7,408	194	166,618

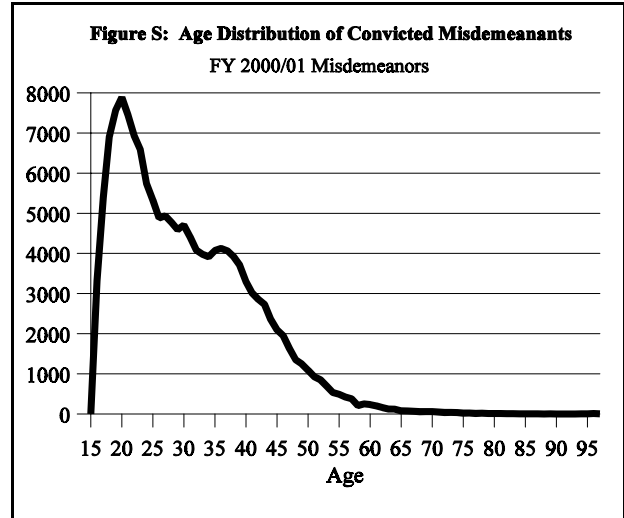
II. CHARACTERISTICS OF OFFENDERS

This section provides a summary of misdemeanor convictions by gender, race, and age of offenders. As indicated in *Figure Q*, the majority of misdemeanor convictions were for males (78%). *Figure R* shows that 47% of all misdemeanor offenders were Black and 42% were White. Only a small percentage were American Indian (2%), Hispanic (4%), or Other (5%).⁸



⁸ Only 1% of felony offenders fell in the “Other” category for race compared to 5% of misdemeanor offenders. Errors in reporting racial composition may account for the unusually large percentage of misdemeanor offenders represented in the “Other” category.

Twenty percent of misdemeanor convictions were for offenders under the age of 21, 21% were 21-25 years of age, 12% were 26-29 years of age, 27% were 30-39 years of age, 15% were 40-49 years of age, and 5% were 50 years of age or older. *Figure S* illustrates the age distribution of misdemeanor offenders. As with felons, the volume of offenders peaks in the late teens and early twenties and then generally declines. *Table 17* provides a summary of misdemeanor convictions by gender, race, and age of offenders.



**Table 17: Convictions by Gender, Race, and Age
FY 2000/01 Misdemeanors**

Gender and Race		Age						Total
		<21	21-25	26-29	30-39	40-49	>49	
Male	White	12,653	10,631	6,046	13,065	7,287	2,859	52,541
	Black	10,563	12,020	7,221	15,965	9,806	3,229	58,804
	Hispanic	981	1,892	1,132	1,357	348	89	5,799
	Amer. Indian	435	486	242	444	228	104	1,939
	Other	429	494	322	483	204	70	2,002
	Subtotal	25,061	25,523	14,963	31,314	17,873	6,351	121,085
Female	White	3,028	2,775	1,848	4,528	2,113	625	14,917
	Black	2,654	3,399	2,135	4,747	2,360	481	15,776
	Hispanic	109	107	82	95	38	13	444
	Amer. Indian	133	118	100	203	76	16	646
	Other	99	94	62	100	66	16	437
	Subtotal	6,023	6,493	4,227	9,673	4,653	1,151	32,220
TOTAL		31,084	32,016	19,190	40,987	22,526	7,502	153,305

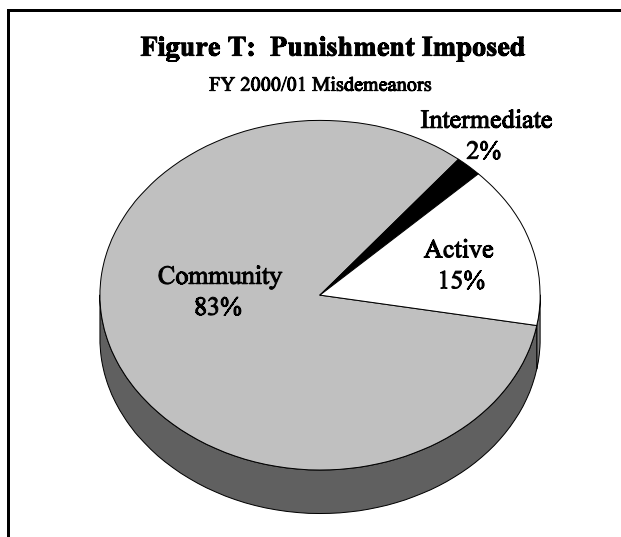
Note: Of the 166,618 misdemeanor convictions in FY 2000/01, 13,313 convictions with missing values for offenders' age were excluded from this table.

III. PUNISHMENT IMPOSED FOR MISDEMEANORS

This section summarizes information about the types of punishment imposed (Active, Intermediate, or Community) for misdemeanor convictions. It also shows the average sentence imposed and the average time to be served -- adjusting for credit for time served -- for misdemeanants who received an Active punishment. *The reader should note that credit for time served may not be consistently reported in the AOC database. Therefore, the following tables may not show the full impact of the use of credit for time served.*

A. Overall Punishment

As shown in *Figure T*, an Active punishment was imposed for 15% of misdemeanor convictions; an Intermediate punishment was imposed for 2% of misdemeanor convictions; and a Community punishment was imposed for 83% of misdemeanor convictions. Of the Active punishments imposed, 87% were for sentences of 90 days or less, with the remaining 13% for sentences greater than 90 days.



B. Punishment Imposed by Offense Class and Prior Conviction Level

Misdemeanor convictions and sentences imposed are presented within the context of the misdemeanor sentencing grid in *Table 18*. Most convictions -- regardless of offense class or prior conviction level -- resulted in the imposition of a Community punishment. Ten percent of misdemeanor convictions fell into Offense Class A1, 54% fell into Offense Class 1, 20% fell into Offense Class 2, and 16% fell into Offense Class 3. Forty-five percent of misdemeanor convictions fell into Prior Conviction Level I, 41% fell into Prior Conviction Level II, and the remainder fell into Prior Conviction Level III.

Convictions for Class A1 misdemeanors accounted for the largest percentage of Active sentences imposed relative to other offense classes (20%). The majority of convictions fell into Offense Class 1 with Prior Conviction Level II (n=38,670). In general, the likelihood of receiving an Active punishment increased as prior conviction level increased, with the exception of Class 3.

**Table 18: Convictions and Sentences by Offense Class and Prior Conviction Level
FY 2000/01 Misdemeanors**

Offense Class	Prior Conviction Level			Total
	I 0 Pts	II 1-4 Pts	III 5+ Pts	
A1	C/I/A C = 4,292 (87%) I = 90 (2%) A = 555 (11%) (n=4,937) 32.0 days	C/I/A C = 5,486 (79%) I = 259 (4%) A = 1,191 (17%) (n=6,936)	C/I/A C = 1,890 (55%) I = 234 (7%) A = 1,314 (38%) (n=3,438)	C/I/A C = 11,668 (76%) I = 583 (4%) A = 3,060 (20%) (n=15,311) 69.8 days
1	C C = 32,736 (91%) I = 118 (0%) A = 3,295 (9%) (n=36,149) 21.0 days	C/I/A C = 32,753 (85%) I = 681 (2%) A = 5,236 (13%) (n=38,670)	C/I/A C = 7,574 (58%) I = 678 (5%) A = 4,930 (37%) (n=13,182)	C/I/A C = 73,063 (83%) I = 1,477 (2%) A = 13,461 (15%) (n=88,001) 45.5 days
2	C C = 15,463 (92%) I = 21 (0%) A = 1,248 (8%) (n=16,732) 13.6 days	C/I C = 10,377 (88%) I = 125 (1%) A = 1,362 (11%) (n=11,864)	C/I/A C = 2,080 (63%) I = 72 (2%) A = 1,162 (35%) (n=3,314)	C/I/A C = 27,920 (87%) I = 218 (1%) A = 3,772 (12%) (n=31,910) 24.3 days
3	C C = 12,382 (86%) I = 7 (0%) A = 2,005 (14%) (n=14,394) 4.5 days	C/I C = 7,836 (86%) I = 51 (0%) A = 1,268 (14%) (n=9,155)	C/I/A C = 1,623 (59%) I = 21 (1%) A = 1,123 (40%) (n=2,767)	C/I/A C = 21,841 (83%) I = 79 (0%) A = 4,396 (17%) (n=26,316) 7.8 days
TOTAL	C/I/A C = 64,873 (90%) I = 236 (0%) A = 7,103 (10%) (n=72,212) 15.9 days	C/I/A C = 56,452 (85%) I = 1,116 (2%) A = 9,057 (13%) (n=66,625)	C/I/A C = 13,167 (58%) I = 1,005 (4%) A = 8,529 (38%) (n=22,701)	C/I/A C = 134,492 (83%) I = 2,357 (2%) A = 24,689 (15%) (n=161,538) 38.6 days

Note: Of the 166,618 misdemeanor convictions in FY 2000/01, 5,080 (3%) were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior conviction levels, or for other reasons. Active sentences in cells in which an Active punishment is not a sentencing option may be attributed to the use of credit for time served.

C. Average Length of Active Sentences

Information on the average sentence imposed, average credit for time served, and average time to be served for misdemeanor convictions resulting in an Active punishment is presented in *Table 19*. Time to be served is calculated by subtracting credit for time served from the Active sentence imposed. The length of Active sentences imposed and time to be served were found to increase as offense class and prior conviction level increased. The longest average time to be served was for Class A1 misdemeanors (almost 61 days). Overall, the average time served for misdemeanor convictions was 33 days. Thirty percent of offenders with Active sentences received credit for time served.

**Table 19: Average Length of Active Sentences by Offense Class and Prior Conviction Level
FY 2000/01 Misdemeanors**

Offense Class		Prior Conviction Level			Overall
		I 0 Pts	II 1-4 Pts	III 5+ Pts	
A1	Average Active Sentence (Days)	32.0	50.4	103.3	69.8
	Average Credit for Time Served (Days)	8.0	6.5	12.4	9.3
	Average Time to be Served (Days)	24.1	43.9	90.9	60.5
	No. of Active Sentences	555	1,191	1,314	3,060
1	Average Active Sentence (Days)	21.0	30.0	78.4	45.5
	Average Credit for Time Served (Days)	7.4	3.5	6.3	5.5
	Average Time to be Served (Days)	13.7	26.4	72.1	40.0
	No. of Active Sentences	3,295	5,236	4,930	13,461
2	Average Active Sentence (Days)	13.6	23.2	37.1	24.3
	Average Credit for Time Served (Days)	7.4	3.8	4.5	5.2
	Average Time to be Served (Days)	6.1	19.4	32.6	19.1
	No. of Active Sentences	1,248	1,362	1,162	3,772
3	Average Active Sentence (Days)	4.5	7.8	13.6	7.8
	Average Credit for Time Served (Days)	3.1	2.2	1.9	2.5
	Average Time to be Served (Days)	1.4	5.6	11.7	5.2
	No. of Active Sentences	2,005	1,268	1,123	4,396
TOTAL	Average Active Sentence (Days)	15.9	28.6	68.1	38.6
	Average Credit for Time Served (Days)	6.2	3.8	6.4	5.4
	Average Time to be Served (Days)	9.7	24.8	61.6	33.2
	No. of Active Sentences	7,103	9,057	8,529	24,689

Note: Convictions that did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons were excluded from this table. Since credit for time served may not be consistently reported in the AOC database, this table may not indicate the full impact of the use of credit for time served.

D. Punishment Imposed by Crime Type

As shown in *Figure U*, public order offenses (47%) accounted for the majority of misdemeanor convictions, while misdemeanor person offenses accounted for the lowest proportion (13%).

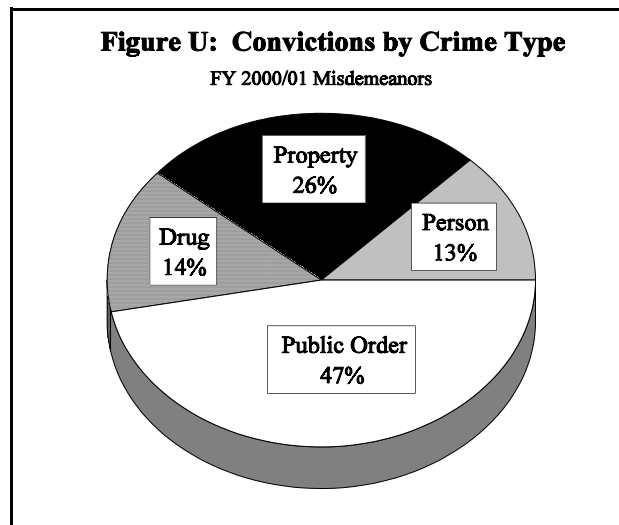


Table 20 contains information about the type of punishment imposed by crime type for misdemeanor convictions, as well as the average minimum sentence imposed and average time to be served for offenders who received an Active punishment. Of the convictions for the four crime types, those for drug offenses were least likely to result in an Active punishment (12%). Sixteen percent of convictions for person, property, and public order offenses resulted in an Active punishment. The average minimum sentence imposed and average time to be served were longest for convictions for person offenses.

Table 20: Punishment by Crime Type
FY 2000/01 Misdemeanors

Crime Type	Type of Punishment						Minimum Active Sentence (Days)	Credit for Time Served (Days)	Time to be Served (Days)	Total
	Active		Intermediate		Community					
	No.	%	No.	%	No.	%				
Person	3,351	16	595	3	16,383	81	62.8	8.9	53.9	20,329
Property	6,596	16	653	2	34,173	82	42.4	6.2	36.2	41,422
Drug	2,817	12	250	1	20,170	87	31.5	5.9	25.5	23,237
Public Order	11,925	16	859	1	63,766	83	31.3	3.8	27.5	76,550
TOTAL	24,689	15	2,357	2	134,492	83	38.6	5.4	33.2	161,538

Note: Of the 166,618 misdemeanor convictions in FY 2000/01, 5,080 (3%) were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior conviction levels, or for other reasons. Since credit for time served may not be consistently reported in the AOC database, this table may not indicate the full impact of the use of credit for time served.

IV. INTERMEDIATE PUNISHMENTS

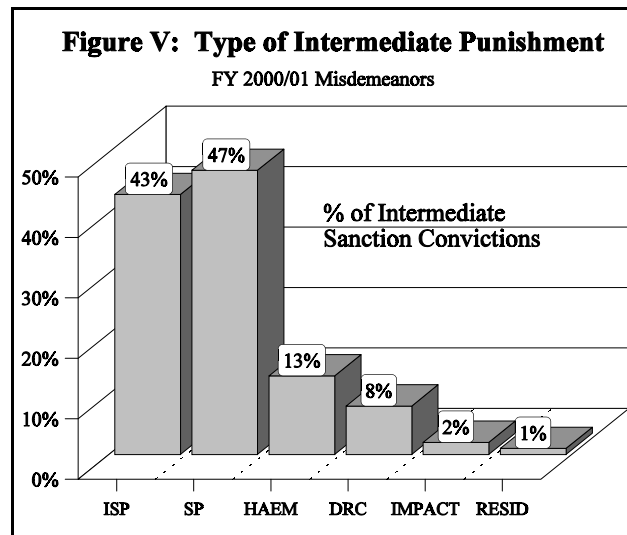
This section provides a summary of the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed.* The types of intermediate sanctions include Special Probation (SP), House Arrest with Electronic Monitoring (HAEM), Intensive Supervision Probation (ISP), Day Reporting Center (DRC), Intensive Motivational Program of Alternative Correctional Treatment (IMPACT), and Residential Treatment Facility (RESID). See *Appendix E* for a brief description of each sanction.

During Fiscal Year 2000/01, there were 2,357 convictions for which an Intermediate punishment was imposed. However, one or more specific intermediate sanction was reported for only 1,974 of these convictions (a reporting rate of 84%).⁹ As a result, these figures may not fully reflect offender participation in these programs.

It is possible that a single conviction could result in the imposition of more than one intermediate sanction. *Consequently, the following tables and figures reflect the total number of intermediate sanctions imposed, not the total number of convictions for which an intermediate sanction was imposed.*

A. Intermediate Punishments Imposed

Figure V shows the percentage of convictions for which each intermediate sanction was imposed. Where a specific intermediate sanction was reported in the database, data indicate that Special Probation accounted for the highest percentage of convictions (47%). Assignment to a Residential Treatment Facility accounted for the smallest percentage of convictions for which a specific intermediate sanction was reported (1%).



Note: The percentages in this figure do not add to 100%.

B. Intermediate Punishments by Offense Class and Prior Conviction Level

⁹ It is not clear why the specific types of intermediate sanctions are not always reported. In some cases, a sanction may not have been specified in court. In other instances the information may not have been entered into the appropriate data field in the AOC's Criminal Information System. Recently, the AOC added edits to the Criminal Information System that should improve the reporting rate for intermediate sanctions.

Table 21 contains the frequency of intermediate sanctions by offense class and prior conviction level, with the greatest number of intermediate sanctions imposed for Class 1 with Prior Conviction Level III (n=658) followed closely by Class 1 with Prior Conviction Level II (n=656). Overall, intermediate sanctions were most frequently imposed for Class 1 convictions (n=1,395).

**Table 21: Type of Intermediate Punishment by Offense Class and Prior Conviction Level
FY 2000/01 Misdemeanors**

Offense Class	Prior Conviction Level	Type of Intermediate Punishment						Total
		Special Probation	IMPACT	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
A1	I	39	1	1	8	24	7	80
	II	124	5	2	23	79	21	254
	III	111	1	5	15	104	15	251
	Subtotal	274	7	8	46	207	43	585
1	I	17	7	0	16	29	12	81
	II	227	24	3	37	271	94	656
	III	306	4	6	23	241	78	658
	Subtotal	550	35	9	76	541	184	1,395
2	I	4	1	0	3	8	1	17
	II	51	2	1	11	32	13	110
	III	28	0	0	5	28	8	69
	Subtotal	83	3	1	19	68	22	196
3	I	1	0	0	2	0	0	3
	II	12	2	0	5	23	5	47
	III	7	2	1	2	6	0	18
	Subtotal	20	4	1	9	29	5	68
TOTAL		927	49	19	150	845	254	2,244

Note: Convictions that did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons were excluded from this table.

C. Intermediate Punishments by Crime Type

Table 22 shows the frequency of specific intermediate sanctions by crime type. Of those convictions for which an intermediate sanction was reported, the majority were for public order offenses (n=806).

**Table 22: Type of Intermediate Punishment by Crime Type
FY 2000/01 Misdemeanors**

Crime Type	Type of Intermediate Punishment						Total
	Special Probation	IMPACT	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
Person	275	8	8	50	209	46	596
Property	181	28	5	47	287	66	614
Drug	58	6	2	22	113	27	228
Public Order	413	7	4	31	236	115	806
TOTAL	927	49	19	150	845	254	2,244

Note: Convictions that did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons were excluded from this table.

D. Special Probation

Table 23 contains the number and average length of Special Probation sentences by offense class. Where a specific intermediate sanction was reported in the database, Special Probation was imposed for 927 convictions. All but eight of these convictions resulted in a sentence to jail to serve the time for the split sentence. The largest category of Special Probation cases was Class 1 misdemeanors (n=550). Class A1 misdemeanors received the longest average Special Probation sentences (14.7 days).

**Table 23: Special Probation by Offense Class
FY 2000/01 Misdemeanors**

Offense Class	Number	Mean Special Probation Length (Days) ¹⁰
Class A1	274	14.7
Class 1	550	14.0
Class 2	83	7.2

¹⁰ The mean special probation length does not include any adjustment for credit for time served.

Class 3	20	4.9
TOTAL	927	13.4

As shown in *Table 24*, the majority of Special Probation convictions were for public order offenses (n=413) and the least number were for drug offenses (n=58). Relative to the other crime types, property convictions resulted in the longest Special Probation length (16.4 days).

**Table 24: Special Probation by Crime Type
FY 2000/01 Misdemeanors**

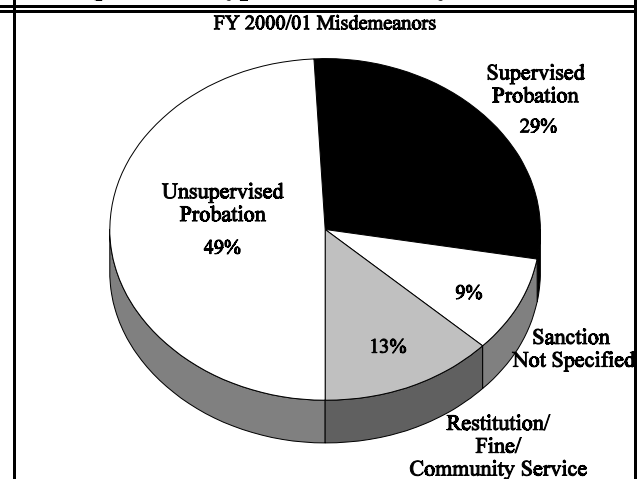
Offense Class	Number	Mean Special Probation Length (Days)¹¹
Person	275	14.3
Property	181	16.4
Drug	58	13.0
Public Order	413	11.5
TOTAL	927	13.4

V. COMMUNITY PUNISHMENTS

A. Community Punishments by Offense Class

*This section includes only those convictions for which a Community punishment was imposed. Of the 134,492 convictions for which a Community punishment was imposed, the specific type of Community punishment imposed was reported for 122,260 convictions. Overall, 49% received Unsupervised Probation; 29% received Supervised Probation; 13% received only Restitution/Fine/Community Service without probation; and 9% had no specific sanction given (see *Figure W*).¹²*

Figure W: Type of Community Punishments



¹¹ The mean special probation length does not include any adjustment for credit for time served.

¹² It is not clear why a specific Community punishment was not reported for 9% of the convictions in which a Community punishment was imposed. In some cases, the court may not have specified a sanction. In other

instances, the court may have imposed a sanction for which there is no specific data field in the Administrative Office of the Courts' Criminal Information System (*e.g.*, outpatient drug/alcohol treatment or referral to TASC).

Table 25 shows the type of Community punishment imposed -- either Supervised Probation, Unsupervised Probation, Restitution/Fine/Community Service, or Sanction Not Specified -- by offense class, as well as information regarding the average length of probation sentences. Convictions for Class 1 offenses comprised the majority of convictions (n=73,063) resulting in a Community punishment. Convictions for Class A1 offenses resulted in the longest average probation sentences (20 months).

**Table 25: Type of Community Punishment by Offense Class
FY 2000/01 Misdemeanors**

Offense Class	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
Class A1	5,908 <i>20 months</i>	4,707 <i>20 months</i>	354 <i>N/A</i>	699 <i>N/A</i>	11,668 <i>20 months</i>
Class 1	24,911 <i>18 months</i>	33,384 <i>17 months</i>	8,558 <i>N/A</i>	6,210 <i>N/A</i>	73,063 <i>17 months</i>
Class 2	5,678 <i>17 months</i>	16,041 <i>15 months</i>	3,764 <i>N/A</i>	2,437 <i>N/A</i>	27,920 <i>15 months</i>
Class 3	2,288 <i>15 months</i>	12,443 <i>15 months</i>	4,224 <i>N/A</i>	2,886 <i>N/A</i>	21,841 <i>15 months</i>
TOTAL	38,785 <i>18 months</i>	66,575 <i>16 months</i>	16,900 <i>N/A</i>	12,232 <i>N/A</i>	134,492 <i>17 months</i>

Note: Convictions that did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons were excluded from this table.

B. Community Punishments by Crime Type

The type of Community punishment imposed by crime type and the average length of probation sentences are provided in Table 26. Property offenses were the largest offense category for which Supervised Probation was imposed (n=13,739). The largest number sentenced to Unsupervised Probation were convicted of public order offenses (n=32,322).

**Table 26: Type of Community Punishment by Crime Type
FY 2000/01 Misdemeanors**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
Person	6,865 <i>19 months</i>	7,789 <i>18 months</i>	714 <i>N/A</i>	1,015 <i>N/A</i>	16,383 <i>18 months</i>
Property	13,739 <i>18 months</i>	15,570 <i>16 months</i>	2,867 <i>N/A</i>	1,997 <i>N/A</i>	34,173 <i>17 months</i>
Drug	4,840 <i>17 months</i>	10,894 <i>15 months</i>	2,861 <i>N/A</i>	1,575 <i>N/A</i>	20,170 <i>16 months</i>
Public Order	13,341 <i>18 months</i>	32,322 <i>16 months</i>	10,458 <i>N/A</i>	7,645 <i>N/A</i>	63,766 <i>17 months</i>
TOTAL	38,785 <i>18 months</i>	66,575 <i>16 months</i>	16,900 <i>N/A</i>	12,232 <i>N/A</i>	134,492 <i>17 months</i>

Note: Convictions that did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons were excluded from this table.

VI. SPECIAL ISSUES

This section reviews other areas of interest, including Community Service and Restitution.

A. Community Service

During Fiscal Year 2000/01, 10% of all misdemeanor convictions were sentenced to perform Community Service, with an average of almost 36 hours ordered. *Table 27* shows the average hours ordered and the number of convictions for which Community Service was ordered by offense class. Also provided is the percentage of convictions for which Community Service was part of the sentence relative to the total number of convictions within each offense class. It should be noted that Community Service can be used as a sole condition of probation or in conjunction with other types of punishment.

Class 1 offenses accounted for the largest number of Community Service sentences (n=9,982). Of the four offense classes, convictions for Class 1 offenses were most likely to result in a Community Service sentence (11.3%), while convictions for Class A1 offenses had the highest average hours of Community Service ordered (43.1 hours).

**Table 27: Community Service by Offense Class
FY 2000/01 Misdemeanors**

Offense Class	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
Class A1	43.1	1,305	8.5
Class 1	36.9	9,982	11.3
Class 2	32.8	2,557	8.0
Class 3	28.1	2,265	8.6
TOTAL	35.5	16,109	10.0

Table 28 contains information on the average hours ordered and the number of convictions for which Community Service was ordered as part of the sentence by crime type. Also shown is the percentage of convictions for which Community Service was part of the sentence relative to the total number of convictions for each crime type. Convictions for property offenses accounted for the largest number of Community Service sentences (n=6,552). Of the four crime types, property convictions were the most likely to result in a Community Service sentence (15.8%), while person convictions had the highest number of Community Service hours ordered (an average of 39 hours).

**Table 28: Community Service by Crime Type
FY 2000/01 Misdemeanors**

Crime Type	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
Person	39.3	2,034	10.0
Property	36.8	6,552	15.8
Drug	31.9	1,739	7.5
Public Order	33.9	5,784	7.6
TOTAL	35.5	16,109	10.0

B. Restitution

This section presents information about the amount of Restitution ordered for all misdemeanor convictions; it does not reflect the amount paid. Restitution can be ordered as a sole sanction or in conjunction with other sanctions.

The following tables provide four pieces of information: the total number and percentage of convictions for which payment of Restitution was ordered, the mean (average) dollar amount ordered, and the median dollar amount ordered (*i.e.*, the amount which has the same number of Restitution orders above it as below it). Note that the mean is often much higher than the median due to one or more orders which are higher than the “normal” amount of Restitution ordered.

As shown in *Figure X*, payment of Restitution was ordered for 16% of all misdemeanor convictions during Fiscal Year 2000/01.

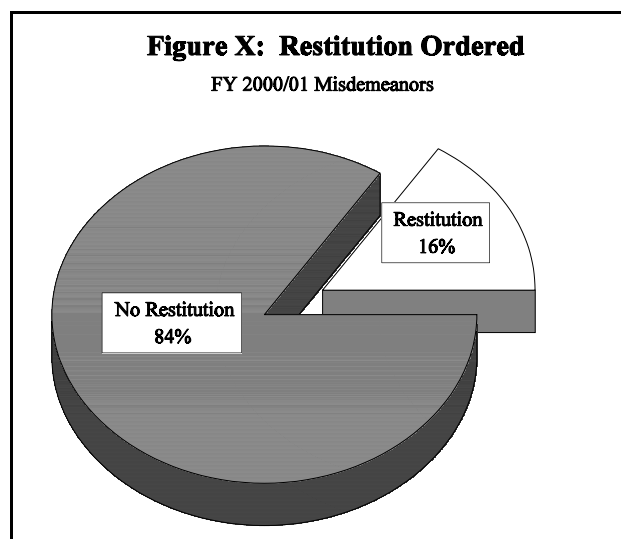


Table 29 provides information on the mean and median dollar amounts of Restitution ordered and the total number of convictions for which payment of Restitution was ordered by offense class. The table also includes the percentage of convictions for which payment of Restitution was ordered relative to the total number of convictions in each offense class. The average (mean) amount of Restitution ordered was \$708, while the median amount was \$184. The highest amount of Restitution, on average, was ordered for Class 1 convictions (a mean of \$1,017 and a median of \$255). Convictions for Class 1 misdemeanors also comprised the largest group with a Restitution sentence (n=11,589), followed by Class 2 Misdemeanors (n=10,794). Close to 34% of all convictions for Class 2 offenses were ordered to pay Restitution -- the largest percentage of any offense class.

**Table 29: Restitution Ordered by Offense Class
FY 2000/01 Misdemeanors**

Offense Class	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Class A1	1,006	281	1,935	12.6
Class 1	1,017	255	11,589	13.2
Class 2	362	120	10,794	33.8
Class 3	141	100	745	2.8
TOTAL	708	184	25,063	15.5

Table 30 shows the mean and median dollar amounts of Restitution ordered and the total number of convictions for which payment of Restitution was ordered by crime type. The table also includes the percentage of convictions for which Restitution was ordered relative to the total number of convictions for each crime type. The highest mean Restitution amount was ordered for person convictions (\$893). The highest median Restitution amount was also ordered for convictions for person offenses (\$266). Property offense convictions accounted for the majority of convictions for which payment of Restitution was ordered (n=19,426). Forty-seven percent of all convictions for a property offense were ordered to pay Restitution -- the largest percentage of any crime type.

**Table 30: Restitution Ordered by Crime Type
FY 2000/01 Misdemeanors**

Crime Type	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Person	893	266	2,617	12.9
Property	693	180	19,426	46.9
Drugs	165	100	810	3.5
Public Order	821	160	2,210	2.9
TOTAL	708	184	25,063	15.5

Table 31 provides information on the mean and median amounts of Restitution ordered and the total number of convictions for which Restitution was ordered by type of punishment. The table also includes the percentage of convictions for which payment of Restitution was ordered relative to the total number of convictions by type of punishment imposed. The highest mean Restitution was ordered for convictions for which an Intermediate punishment was imposed (\$1,311). Twenty-five percent of all convictions resulting in the imposition of an Intermediate punishment were ordered to pay Restitution – the largest percentage of any punishment type. The vast majority of convictions sentenced to pay Restitution received a Community punishment (n=24,358).

**Table 31: Restitution Ordered by Punishment Imposed
FY 2000/01 Misdemeanors**

Type of Punishment	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Active	494	180	116	0.5
Intermediate	1,311	323	589	25.0
Community	694	180	24,358	18.1
TOTAL	708	1,184	25,063	15.5

APPENDIX A

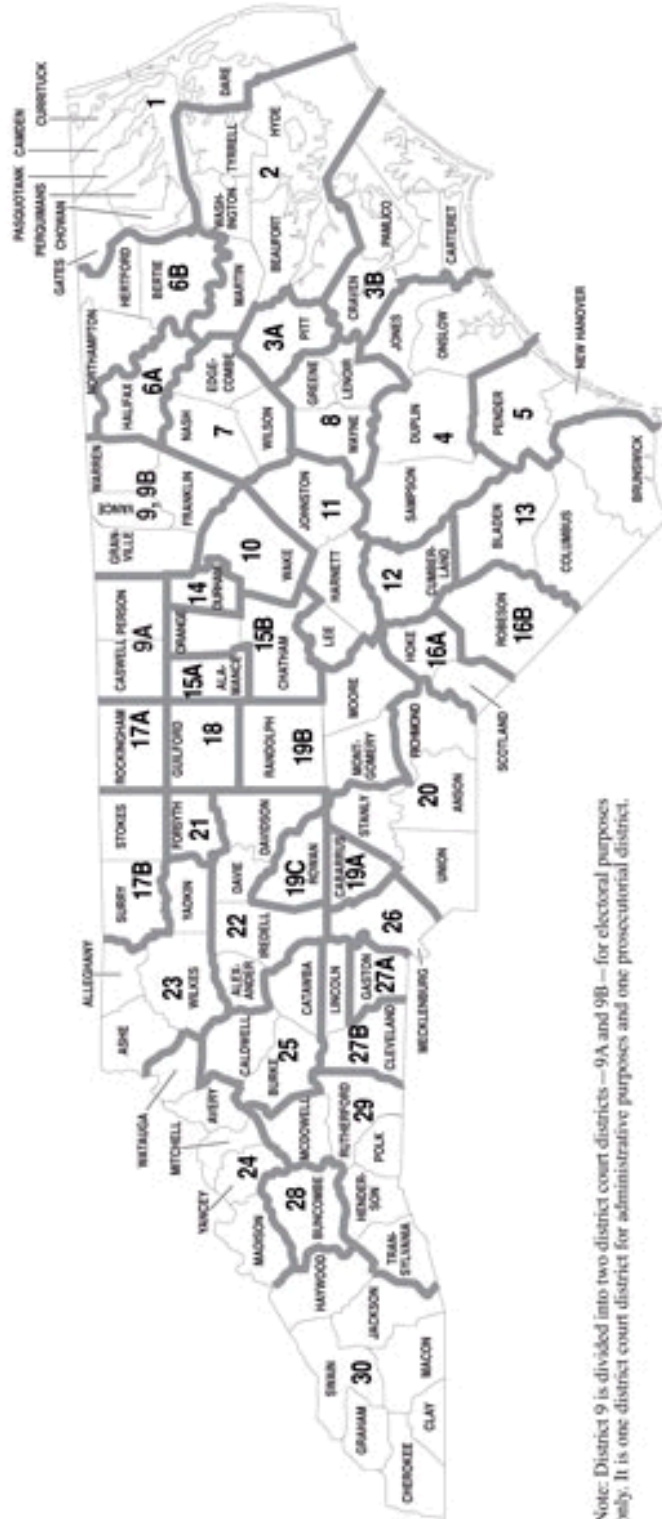
MAP OF JUDICIAL DIVISIONS AND DISTRICTS

North Carolina Superior Court Districts and Divisions as of June 30, 2001



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North Carolina District Court Districts as of June 30, 2001



Note: District 9 is divided into two district court districts — 9A and 9B — for electoral purposes only. It is one district court district for administrative purposes and one prosecutorial district.

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APPENDIX B

SAMPLE OFFENSES

**SAMPLE OFFENSES
AS OF 12/1/01**

CLASS A FELONIES		Maximum Punishment of Death or Life Without Parole
Murder, First Degree (14-17)		
CLASS B1 FELONIES		Maximum Punishment of Life Without Parole
Rape, First Degree (14-27.2)	Sexual Offense, First Degree (14-27.4)	
CLASS B2 FELONIES		Maximum Punishment of 479 Months
Murder, Second Degree (14-17)		
CLASS C FELONIES		Maximum Punishment of 261 Months
Habitual Felon (14-7.6)	Assault W/D/W/I/K/I/S/I (14-32(a))	
Rape, Second Degree (14-27.3)	Kidnapping, First Degree (14-39)	
Sexual Offense, Second Degree (14-27.5)	Embezzlement (amount involved \$100,000 or more) (14-90)	
CLASS D FELONIES		Maximum Punishment of 229 Months
Voluntary Manslaughter (14-18)	Arson, First Degree (14-58)	
Malicious Use of Explosive or Incendiary (14-49(a))	Armed Robbery (14-87)	
Burglary, First Degree (14-51)	Sell or Deliver a Controlled Substance to a Person Under 16 But More Than 13 Years of Age (90-95(e)(5))	
CLASS E FELONIES		Maximum Punishment of 98 Months
Intercourse and Sexual Offenses with Certain Victims (Substitute Parent/Custodian) (14-27.7)	Assault with a Firearm on a Law Enforcement Officer (14-34.5)	
Assault W/D/W/I/S/I (14-32(b))	Kidnapping, Second Degree (14-39)	
Assault W/D/W/I/K (14-32(c))	Child Abuse I/S/I (14-318.4)	
Discharging Weapon Into Occupied Property (14-34.1)	Sell or Deliver a Controlled Substance Within 300 Feet of a School (90-95(e)(8))	
CLASS F FELONIES		Maximum Punishment of 59 Months
Involuntary Manslaughter (14-18)	Burning of Certain Other Buildings (14-62)	
Assault Inflicting Serious Bodily Injury (14-32.4)	Incest Between Certain Near Relatives (14-178)	
Assault W/D/W on a Governmental Officer or Employee (14-34.2)	Indecent Liberties with Children (14-202.1)	
Assault on a Law Enforcement Officer (14-34.7)	Possess Weapon of Mass Destruction (14-288.8)	
Felonious Restraint (14-43.3)	Habitual Impaired Driving (20-138.5)	
CLASS G FELONIES		Maximum Punishment of 44 Months
Burglary, Second Degree (14-51)	Possession of Firearms, etc., by Felon (14-415.1)	
Arson, Second Degree (14-58)	Death by Vehicle (20-141.4)	
Common Law Robbery (14-87.1)	Sale of a Schedule I or II Controlled Substance (90-95(a)(1))	
CLASS H FELONIES		Maximum Punishment of 30 Months
Habitual Misdemeanor Assault (14-33.2)	Obtaining Property by False Pretenses (amount involved less than \$100,000) (14-100)	
Breaking or Entering Buildings (14-54(a))	Intimidating/Interfering with Witnesses (14-226)	
Fraudulently Setting Fire to Dwelling House (14-65)	Hit and Run Involving Personal Injury/Death (20-166(a))	

Possessing Stolen Goods Worth More than \$1,000 (14-71.1)	Sale of a Schedule III, IV, V, or VI Controlled Substance (90-95(a)(1))
Larceny of Property Worth More than \$1,000 (14-72)	Possession W/I/M/S/D Cocaine (90-95(a)(1))
Embezzlement (amount involved less than \$100,000) (14-90)	Escaping From State Prison System (felon) (148-45(b))
CLASS I FELONIES Maximum Punishment of 15 Months	
Breaking or Entering Motor Vehicles (14-56)	Possession W/I/M/S/D Marijuana (90-95(a)(1))
Financial Transaction Card Theft (14-113.9)	Possess Cocaine (90-95(a)(3))
Forgery of Notes, Checks, Securities (14-119)	Maintain Dwelling or Motor Vehicle for Keeping or Selling a Controlled Substance (90-108(a)(7),(b))
Uttering Forged Paper or Instrument (14-120)	Obtain a Controlled Substance by Fraud (90-108(a)(10),(b))
CLASS A1 MISDEMEANORS Maximum Punishment of 150 Days	
Assault Inflicting Serious Injury or Using a Deadly Weapon (14-33(c)(1))	Assault on a State Officer or Employee (14-33(c)(4))
Assault On a Female (14-33(c)(2))	Assault by pointing a gun (14-34)
Assault on a Child Under 12 Years of Age (14-33(c)(3))	Violation of a valid protective order (50B-4.1)
CLASS 1 MISDEMEANORS Maximum Punishment of 120 Days	
Breaking or Entering Buildings (14-54(b))	Willful Injury to Real Property (14-127)
Larceny of Property Worth \$1,000 or Less (14-72)	Communicating Threats (14-277.1)
Unauthorized Use of a Motor Vehicle (14-72.2)	Possession of Drug Paraphernalia (90-113.22)
Worthless Check/Closed Account (14-107(4))	Misrepresentation to Obtain Employment Security Benefits (96-18)
CLASS 2 MISDEMEANORS Maximum Punishment of 60 Days	
Simple Assault/Assault and Battery (14-33(a))	Failure to Return Rental Property (14-167)
Obtaining Property in Return for Worthless Check (14-106)	Using Profane, Indecent or Threatening Language to Any Person Over Telephone (14-196)
Worthless Check/\$2,000 or Less (14-107(1))	Resisting Officers (14-223)
Trespass, First Degree (14-159.12)	Carrying Concealed Weapons (14-269)
Willful Injury to Personal Property (14-160(a))	Disorderly Conduct (14-288.4)
CLASS 3 MISDEMEANORS Maximum Punishment of 20 Days	
Concealment of merchandise in mercantile establishments (first conviction) (14-72.1)	Operate Motorboat Without Lifesaving Device (75A-6)
Trespass, Second Degree (14-159.13)	Hunting Without a License (113-270.2)
Intoxicated and Disruptive in Public (14-444)	Fishing Without a License (113-271)
Unsealed Wine/Liquor in Passenger Area (18B-401)	Possess Marijuana (½ ounce or less) (90-95(a)(3))
CONSPIRACY to commit an offense is classified as one class lower than the offense the person conspired to commit. (14-2.4)	
ATTEMPT to commit an offense is classified as one class lower than the offense the person attempted to commit. (14-2.5)	
SOLICITATION to commit an offense is classified as two classes lower than the offense the person solicited the other person to commit. (14-2.6)	
ACCESSORY BEFORE THE FACT punishable as the principal felon. (14-5.2)	
ACCESSORY AFTER THE FACT punishable as two classes lower than the felony the principal felon committed. (14-7)	

APPENDIX C

ADDITIONAL FELONY DATA BY JUDICIAL DIVISION AND DISTRICT

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District
FY 2000/01 Felonies**

SENTENCE TYPE AND AVERAGE LENGTH OF ACTIVE SENTENCES		TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	Mean	Mean	NUMBER
JUDICIAL DIVISION	JUDICIAL DISTRICT									
FIRST	1	99	32.1	122	39.6	87	28.2	51.7	65.1	308
	2	98	30.5	158	49.2	65	20.2	44.8	56.6	321
	3A	174	32.5	209	39.0	153	28.5	29.1	37.7	536
	6A	66	41.3	57	35.6	37	23.1	38.1	48.9	160
	6B	90	41.5	99	45.6	28	12.9	25.6	33.9	217
	7A	119	36.2	141	42.9	69	21.0	21.0	27.0	329
	7B,C	182	39.7	170	37.1	106	23.1	30.4	38.9	458
	SUB-TOTAL		828	35.6	956	41.0	545	23.4	33.1	42.4	2329
SECOND	JUDICIAL DISTRICT									
	3B	158	34.2	180	39.0	124	26.8	45.0	57.4	462
	4A	130	32.7	188	47.4	79	19.9	23.6	30.6	397
	4B	85	26.8	150	47.3	82	25.9	32.6	41.9	317
	5	307	40.0	282	36.8	178	23.2	25.0	32.2	767
	8A	137	32.2	161	37.8	128	30.0	26.0	34.0	426
	8B	180	40.1	157	35.0	112	24.9	34.2	44.8	449
	SUB-TOTAL		997	35.4	1118	39.7	703	24.9	30.4	39.3	2818
THIRD	JUDICIAL DISTRICT									
	9	286	39.3	331	45.5	111	15.2	21.6	27.7	728
	9A	75	25.8	161	55.3	55	18.9	31.9	41.3	291
	10	514	46.4	300	27.1	294	26.5	28.8	36.8	1108
	14	238	38.4	311	50.2	70	11.3	50.7	65.3	619
	15A	254	34.8	360	49.3	116	15.9	26.0	33.1	730
	15B	116	40.8	139	48.9	29	10.2	44.7	57.1	284

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District (continued)
FY 2000/01 Felonies**

SENTENCE TYPE AND AVERAGE LENGTH OF ACTIVE SENTENCES		TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	Mean	Mean	NUMBER
JUDICIAL DIVISION										
THIRD (CONT)	SUB-TOTAL	1483	39.4	1602	42.6	675	18.0	31.9	40.9	3760
FOURTH	JUDICIAL DISTRICT									
	11A	135	27.8	265	54.6	85	17.5	34.1	43.7	485
	11B	120	37.9	144	45.4	53	16.7	29.0	37.6	317
	12	372	35.6	506	48.4	168	16.1	41.4	53.9	1046
	13	133	30.7	236	54.5	64	14.8	38.4	50.1	433
	16A	87	30.5	151	53.0	47	16.5	37.4	48.4	285
	16B	126	31.0	191	47.0	89	21.9	40.1	51.3	406
	SUB-TOTAL	973	32.7	1493	50.2	506	17.0	37.9	49.1	2972
FIFTH	JUDICIAL DISTRICT									
	17A	104	26.6	208	53.2	79	20.2	41.5	52.6	391
	17B	91	30.5	136	45.6	71	23.8	46.8	59.1	298
	18	669	34.1	923	47.1	369	18.8	35.7	46.3	1961
	19B	141	28.7	252	51.2	99	20.1	41.8	54.1	492
	21	443	32.9	648	48.2	254	18.9	42.2	54.6	1345
	23	96	32.9	96	32.9	100	34.2	25.3	32.7	292
	SUB-TOTAL	1544	32.3	2263	47.4	972	20.3	38.5	49.7	4779
SIXTH	JUDICIAL DISTRICT									
	19A	131	32.0	172	42.1	106	25.9	40.5	51.6	409
	19C	160	34.1	209	44.6	100	21.3	45.7	58.6	469
	20A	126	42.3	107	35.9	65	21.8	29.8	38.2	298
	20B	117	30.5	173	45.1	94	24.5	52.6	67.4	384
	22	288	34.8	401	48.4	139	16.8	39.5	50.0	828

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District (continued)
FY 2000/01 Felonies**

SENTENCE TYPE AND AVERAGE LENGTH OF ACTIVE SENTENCES		TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	Mean	Mean	NUMBER
JUDICIAL DIVISION										
SIXTH (CONT)	SUB-TOTAL	822	34.4	1062	44.5	504	21.1	41.3	52.6	2388
SEVENTH	JUDICIAL DISTRICT									
	25A	91	30.2	138	45.8	72	23.9	34.6	44.3	301
	25B	89	34.0	101	38.5	72	27.5	37.5	47.8	262
	26	714	34.7	751	36.5	590	28.7	31.2	40.6	2055
	27A	198	29.3	287	42.5	190	28.1	34.8	44.4	675
	27B	123	29.8	198	47.9	92	22.3	35.7	45.7	413
	SUB-TOTAL	1215	32.8	1475	39.8	1016	27.4	33.0	42.6	3706
EIGHTH	JUDICIAL DISTRICT									
	24	26	13.8	103	54.5	60	31.7	34.0	43.2	189
	28	271	44.5	256	42.0	82	13.5	35.8	46.0	609
	29	161	36.4	109	24.7	172	38.9	38.0	48.5	442
	30A	53	32.7	84	51.9	25	15.4	39.6	50.9	162
	30B	45	33.3	55	40.7	35	25.9	38.7	49.6	135
	SUB-TOTAL	556	36.2	607	39.5	374	24.3	36.9	47.3	1537
TOTAL		8418	34.7	10576	43.5	5295	21.8	35.1	45.2	24289

**Appendix C, Table 2: Sentence Location by Judicial Division and District
(Active Sentences Only)
FY 2000/01 Felonies**

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
JUDICIAL DIVISION	JUDICIAL DISTRICT							
FIRST	1	10	10.1	76	76.8	13	13.1	99
	2	4	4.1	85	87.6	8	8.2	97
	3A	36	20.7	120	69.0	18	10.3	174
	6A	8	12.9	51	82.3	3	4.8	62
	6B	12	13.3	74	82.2	4	4.4	90
	7A	23	19.3	92	77.3	4	3.4	119
	7B,C	19	10.8	149	84.7	8	4.5	176
	SUB-TOTAL		112	13.7	647	79.2	58	7.1	817
SECOND	JUDICIAL DISTRICT							
	3B	40	25.6	103	66.0	13	8.3	156
	4A	34	26.2	83	63.8	13	10.0	130
	4B	10	12.0	70	84.3	3	3.6	83
	5	71	23.4	222	73.0	11	3.6	304
	8A	53	39.3	71	52.6	11	8.1	135
	8B	71	40.1	101	57.1	5	2.8	177
	SUB-TOTAL		279	28.3	650	66.0	56	5.7	985
THIRD	JUDICIAL DISTRICT							
	9	67	23.6	202	71.1	15	5.3	284
	9A	10	13.3	58	77.3	7	9.3	75
	10	59	11.6	368	72.6	80	15.8	507
	14	57	23.9	161	67.6	20	8.4	238
	15A	47	18.6	192	75.9	14	5.5	253
	15B	36	31.0	57	49.1	23	19.8	116
	SUB-TOTAL		276	18.7	1038	70.5	159	10.8	1473

**Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)
(Active Sentences Only)
FY 2000/01 Felonies**

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
JUDICIAL DIVISION	JUDICIAL DISTRICT							
FOURTH	11A	9	6.8	120	90.2	4	3.0	133
	11B	26	22.2	86	73.5	5	4.3	117
	12	110	30.2	226	62.1	28	7.7	364
	13	26	19.7	97	73.5	9	6.8	132
	16A	7	8.0	72	82.8	8	9.2	87
	16B	10	8.3	98	81.7	12	10.0	120
	SUB-TOTAL		188	19.7	699	73.3	66	6.9	953
FIFTH	JUDICIAL DISTRICT							
	17A	14	13.7	79	77.5	14	8.8	102
	17B	9	10.0	75	83.3	6	6.7	90
	18	155	23.4	428	64.6	80	12.1	663
	19B	46	32.9	86	61.4	8	5.7	140
	21	194	44.1	218	49.5	28	6.4	440
	23	12	12.8	73	77.7	9	9.6	94
	SUB-TOTAL		430	28.1	959	62.7	140	9.2	1529
SIXTH	JUDICIAL DISTRICT							
	19A	20	15.3	105	80.2	6	4.6	131
	19C	29	18.1	114	71.3	17	10.6	160
	20A	27	21.4	95	75.4	4	3.2	126
	20B	17	14.5	93	79.5	7	6.0	117
	22	34	11.8	239	83.3	14	4.9	287
	SUB-TOTAL		127	15.5	646	78.7	48	5.8	821

**Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)
(Active Sentences Only)
FY 2000/01 Felonies**

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
JUDICIAL DIVISION	JUDICIAL DISTRICT							
SEVENTH	25A	9	9.9	77	84.6	5	5.5	91
	25B	6	6.7	81	91.0	2	2.2	89
	26	227	31.9	461	64.8	23	3.2	711
	27A	19	9.6	153	77.7	25	12.7	197
	27B	17	13.9	93	76.2	12	9.8	122
	SUB-TOTAL	278	23.0	865	71.5	67	5.5	1210
	EIGHTH	JUDICIAL DISTRICT						
24		2	8.0	21	84.0	2	8.0	25
28		78	28.9	184	68.1	8	3.0	270
29		17	10.8	136	86.1	5	3.2	158
30A		8	15.4	39	75.0	5	9.6	52
30B		4	9.5	31	73.8	7	16.7	42
SUB-TOTAL		109	19.9	411	75.1	27	4.9	547
TOTAL		1799	21.6	5915	71.0	621	7.5	8335

APPENDIX D

**ADDITIONAL FELONY DATA
BY CRIME TYPE AND OFFENSE**

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense
FY 2000/01 Felonies**

TYPE OF SENTENCE, CRIME TYPE AND ACTIVE SENTENCE LENGTH		TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	Mean	Mean	NUMBER
CRIME TYPE	OFFENSE									
PERSON	1ST DEG MURDER	83	100.0	.	.	.	.	.	.	83
	2ND DEG MURDER	229	100.0	.	.	.	.	181.6	227.3	229
	VOLUNTARY MANSLAUGHTER	70	95.9	2	2.7	1	1.4	67.3	89.5	73
	INVOLUNTARY MANSLAUGHTER	42	52.6	38	47.5	.	.	16.9	20.5	80
	ARMED ROBBERY	537	100.0	.	.	.	.	70.1	93.6	537
	COMMON LAW ROBBERY	463	51.1	425	46.9	18	2.0	17.5	22.1	906
	AWDWIKISI	80	100.0	.	.	.	.	102.8	132.6	80
	AWDW INTENT TO KILL	22	44.0	28	56.0	.	.	31.0	46.5	50
	AWDW SERIOUS INJURY	211	53.4	184	46.6	.	.	29.8	44.9	395
	ASSAULT OFFCL, GOVT OFFCL, EMRG PERSNL, OTHER	55	50.0	55	50.0	.	.	22.2	28.7	110
	OTHER FELONY ASSAULTS	102	38.2	164	61.4	1	0.4	20.5	26.2	267
	1ST DEG RAPE, SEX OFFENSE	92	100.0	.	.	.	.	256.9	317.4	92
	ATT 1ST DEG RAPE, S.O.	22	100.0	.	.	.	.	159.6	200.5	22
	2ND DEG RAPE, S.O.	107	100.0	.	.	.	.	86.1	112.4	107
	ATT 2ND DEG RAPE, S.O.	25	100.0	.	.	.	.	73.1	97.2	25
INDECENT LIBERTIES W/ CHILD	241	34.8	452	65.2	.	.	18.8	22.9	693	

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)
FY 2000/01 Felonies**

TYPE OF SENTENCE, CRIME TYPE AND ACTIVE SENTENCE LENGTH		TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	Mean	Mean	NUMBER
CRIME TYPE	OFFENSE									
PERSON (CONT)	CHILD ABUSE	21	29.6	50	70.4	.	.	27.8	42.6	71
	OTHER SEX CRIMES	107	40.7	106	40.3	50	19.0	105.4	132.0	263
	KIDNAP, ABDUCT-ION	130	73.0	48	27.0	.	.	57.4	78.0	178
	ATTEMPTED KIDNAPPING	1	20.0	4	80.0	.	.	61.0	83.0	5
	ALL OTHER PERSON	69	41.6	91	54.8	6	3.6	25.5	34.2	166
	SUB-TOTAL	2709	61.1	1647	37.2	76	1.7	66.7	86.2	4432
PROPERTY	OFFENSE									
	1ST DEG BURGLARY	58	100.0	.	.	.	.	80.5	106.0	58
	2ND DEG BURGLARY	67	37.6	111	62.4	.	.	16.2	19.8	178
	BREAKING/ENTE-RING	1042	35.3	1426	48.3	486	16.5	9.5	11.8	2954
	LARCENY	452	33.0	674	49.2	243	17.8	10.0	12.4	1369
	AUTOMOBILE THEFT	95	31.3	157	51.6	52	17.1	9.4	11.6	304
	1ST DEG ARSON	5	100.0	.	.	.	.	82.6	108.6	5
	2ND DEG ARSON	18	41.9	25	58.1	.	.	15.6	19.1	43
	OTHER ARSON/BURNING	30	26.5	64	56.6	19	16.8	15.9	20.6	113
	FORGERY	120	13.6	306	34.8	454	51.6	9.6	12.2	880
	FRAUD	34	8.0	154	36.3	236	55.7	7.9	10.0	424
	EMBEZZLEMENT	35	8.6	180	44.0	194	47.4	11.5	14.7	409
	ALL OTHER PROPERTY	658	30.6	1062	49.4	431	20.0	9.7	12.2	2151
	SUB-TOTAL	2614	29.4	4159	46.8	2115	23.8	11.7	14.7	8888

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)
FY 2000/01 Felonies**

TYPE OF SENTENCE, CRIME TYPE AND ACTIVE SENTENCE LENGTH		TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	Mean	Mean	NUMBER
CRIME TYPE	OFFENSE									
DRUGS (Non-trafficking)	SELL/DELIVER DRUGS	423	35.6	671	56.4	95	8.0	14.1	17.3	1189
	POSSESSION WITH INTENT	644	24.8	1222	47.1	730	28.1	8.8	10.9	2596
	DRUG POSSESSION	275	8.7	1235	39.0	1658	52.3	7.1	9.0	3168
	OTHER DRUG FELONIES	283	21.7	648	49.8	371	28.5	13.9	17.5	1302
	SUB-TOTAL	1625	19.7	3776	45.7	2854	34.6	10.8	13.4	8255
OTHER FELONY	OFFENSE									
	WEAPON OFFENSE	211	34.7	361	59.4	36	5.9	17.3	22.6	608
	HABITUAL FELON	591	100.0	.	.	.	.	91.7	119.3	591
	HABITUAL MISDEMEANOR ASSAULT	49	38.0	76	58.9	4	3.1	10.2	12.6	129
	HABITUAL IMPAIRED DRIVING	236	99.2	2	0.8	.	.	16.8	20.6	238
	ALL OTHER FELONIES	383	33.4	555	48.3	210	18.3	19.7	25.7	1148
	SUB-TOTAL	1470	54.2	994	36.6	250	9.2	47.5	61.6	2714
TOTAL		8418	34.7	10576	43.5	5295	21.8	35.1	45.2	24289

**Appendix D, Table 2: Sentence Location by Crime Type and Offense
FY 2000/01 Felonies**

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
CRIME TYPE	OFFENSE							
PERSON	2ND DEG MURDER	43	18.8	124	54.1	62	27.1	229
	VOLUNTARY MANSLAUGHTER	20	28.6	39	55.7	11	15.7	70
	INVOLUNTARY MANSLAUGHTER	8	19.0	26	61.9	8	19.0	42
	ARMED ROBBERY	210	39.1	298	55.5	29	5.4	537
	COMMON LAW ROBBERY	67	14.5	353	76.2	43	9.3	463
	AWDWIKISI	9	11.3	60	75.0	11	13.8	80
	AWDW INTENT TO KILL	5	22.7	15	68.2	2	9.1	22
	AWDW SERIOUS INJURY	41	19.4	150	71.1	20	9.5	211
	ASSAULT OFFCL,GOVT OFFCL,EMRG PERSNL,OTHER	8	14.5	43	78.2	4	7.3	55
	OTHER FELONY ASSAULTS	24	23.5	69	67.6	9	8.8	102
	1ST DEG RAPE,SEX OFFENSE	20	21.7	60	65.2	12	13.0	92
	ATT 1ST DEG RAPE,S.O.	9	40.9	12	54.5	1	4.5	22
	2ND DEG RAPE,S.O.	27	25.2	67	62.6	13	12.1	107
	ATT 2ND DEG RAPE,S.O.	11	44.0	12	48.0	2	8.0	25
	INDECENT LIBERTIES W/ CHILD	27	11.2	172	71.4	42	17.4	241
	CHILD ABUSE	4	19.0	15	71.4	2	9.5	21
	OTHER SEX CRIMES	38	35.5	64	59.8	5	4.7	107

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
FY 2000/01 Felonies**

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
CRIME TYPE	OFFENSE							
PERSON (CONT)	KIDNAP, ABDUCTION	12	9.2	100	76.9	18	13.8	130
	ATTEMPTED KIDNAPPING	1	100.0	.	.	.	.	1
	ALL OTHER PERSON	10	14.5	48	69.6	11	15.9	69
	SUB-TOTAL	594	22.6	1727	65.8	305	11.6	2626
PROPERTY	OFFENSE							
	1ST DEG BURGLARY	24	41.4	28	48.3	6	10.3	58
	2ND DEG BURGLARY	6	9.0	55	82.1	6	9.0	67
	BREAKING/ENTERING	121	11.6	864	82.9	57	5.5	1042
	LARCENY	56	12.4	369	81.6	27	6.0	452
	AUTOMOBILE THEFT	15	15.8	73	76.8	7	7.4	95
	1ST DEG ARSON	2	40.0	3	60.0	.	.	5
	2ND DEG ARSON	1	5.6	15	83.3	2	11.1	18
	OTHER ARSON/BURNING	4	13.3	21	70.0	5	16.7	30
	FORGERY	14	11.7	97	80.8	9	7.5	120
	FRAUD	5	14.7	26	76.5	3	8.8	34
	EMBEZZLEMENT	9	25.7	24	68.6	2	5.7	35
	ALL OTHER PROPERTY	88	13.4	535	81.3	35	5.3	658
	SUB-TOTAL	345	13.2	2110	80.7	159	6.1	2614
DRUGS (Non-trafficking)	OFFENSE							
	SELL/DELIVER DRUGS	77	18.2	333	78.7	13	3.1	423
	POSSESSION WITH INTENT	76	11.8	520	80.7	48	7.5	644
	DRUG POSSESSION	47	17.1	209	76.0	19	6.9	275

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
FY 2000/01 Felonies**

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
CRIME TYPE	OFFENSE							
DRUGS (CONT)	OTHER DRUG FELONIES	49	17.3	210	74.2	24	8.5	283
	SUB-TOTAL	249	15.3	1272	78.3	104	6.4	1625
OTHER FELONY	OFFENSE							
	WEAPON OFFENSE	48	22.7	158	74.9	5	2.4	211
	HABITUAL FELON	387	65.5	199	33.7	5	0.8	591
	HABITUAL MISDEMEANOR ASSAULT	4	8.2	41	83.7	4	8.2	49
	HABITUAL IMPAIRED DRIVING	98	41.5	128	54.2	10	4.2	236
	ALL OTHER FELONIES	74	19.3	280	73.1	29	7.6	383
	SUB-TOTAL	611	41.6	806	54.8	53	3.6	1470
TOTAL		1799	21.6	5915	71.0	621	7.5	8335

APPENDIX E

**INTERMEDIATE AND COMMUNITY
PUNISHMENTS**

INTERMEDIATE PUNISHMENTS

An Intermediate punishment requires a sentence of supervised probation with at least one of the following conditions:

1. **Split Sentence/Special Probation:** Requires the offender to submit to a specified period of imprisonment in a prison or jail (total imprisonment may not exceed 25% of maximum sentence or 6 months, whichever is less) followed by a term of probation. It may include special conditions such as recommendation for work release or serving the active term in an inpatient facility.
2. **IMPACT (Boot Camp):** Is a residential program (although, it was a form of Special Probation for offenses committed before December 1, 1998). Requires offenders to live at the camp for 90 days and participate in a strictly regimented paramilitary program. Offenders spend more than 7 hours a day at work, performing such duties as clearing land or property for federal, state and local agencies. Upon successful completion of the program, offenders return to their community to serve the rest of their sentence on supervised probation.
3. **Residential Facility:** Requires the offender to reside in a facility for a specified continuous period of time in order to participate in activities such as substance abuse counseling, social skills training, or employment training, conducted at the residence or at other specified locations.
4. **Day Reporting Center:** Requires mandatory attendance at a facility on a daily or otherwise regular basis at specified times for a specific length of time in order to participate in activities such as substance abuse counseling, social skills training, or employment training.
5. **Intensive Supervision Probation:** Requires close supervision by a probation officer in order to control and assist the offender to remain in the community pursuant to a Sentencing Services plan, community work plan, community restitution plan, or other plan of rehabilitation.
6. **House Arrest with Electronic Monitoring:** Requires the offender to remain in one or more specified places for a specified period or periods each day to wear a device which permits the supervising agency to monitor the offender's compliance with the conditions electronically.

COMMUNITY PUNISHMENTS

A Community punishment is any authorized sentence that does not include an Active punishment or an Intermediate punishment. Community punishments can include, but are not limited to, one of the following: unsupervised or supervised probation (basic supervision not intensive supervision probation), outpatient drug/alcohol treatment, community service, restitution, fines, T.A.S.C. (Treatment Alternatives to Street Crime).

APPENDIX F

SPECIAL PROBATION FOR FELONIES

**Appendix F, Table 1: Special Probation by Offense Class and Location
FY 2000/01 Felonies**

Offense Class	Prison		Jail		Total Special Probation Length (Days)	Total
	No.	Mean Special Probation Length (Days)	No.	Mean Special Probation Length (Days)		
E	59	161.8	176	85.8	104.8	235
F	82	139.2	287	76.2	90.2	369
G	81	114.5	513	65.1	71.8	594
H	123	80.2	1,476	50.2	52.5	1,599
I	48	63.3	666	40.2	41.8	714
TOTAL	393	109.8	3,118	54.9	61.0	3,511

**Appendix F, Table 2: Special Probation by Crime Type and Location
FY 2000/01 Felonies**

Offense Class	Prison		Jail		Total Special Probation Length (Days)	Total
	No.	Mean Special Probation Length (Days)	No.	Mean Special Probation Length (Days)		
Person	135	142.6	552	78.3	91.0	687
Property	111	82.1	1,216	53.2	55.6	1,327
Non-Traff. Drug	102	90.4	1,006	43.8	48.1	1,108
Other Felony	45	123.3	344	55.8	63.6	389
TOTAL	393	109.8	3,118	54.9	61.0	3,511

APPENDIX G

**COMMUNITY SERVICE AND RESTITUTION
FOR FELONIES**

**Appendix G, Table 1: Community Service by Offense Class
FY 2000/01 Felonies**

Offense Class	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
E	87.3	82	7.9
F	92.9	140	8.2
G	74.2	220	8.0
H	70.6	1,150	11.7
I	58.5	1,375	20.0
TOTAL	66.8	2,967	12.2

**Appendix G, Table 2: Community Service by Crime Type
FY 2000/01 Felonies**

Offense Class	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
Person	88.0	255	5.8
Property	66.6	1,197	13.5
Non-Traff. Drug	61.0	1,318	16.0
Other Felony	79.1	197	7.3
TOTAL	66.8	2,967	12.2

**Appendix G, Table 3: Restitution Ordered by Offense Class¹
FY 2000/01 Felonies**

Offense Class	Mean Restitution Ordered (\$)²	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
A	7,253	7,087	3	3.6
B1	2,016	2,212	3	2.4
B2	7,611	5,600	21	7.8
C	9,647	1,600	57	6.6
D	3,532	900	87	11.9
E	4,430	1,480	313	30.1
F	5,837	1,250	291	17.1
G	794	200	904	32.7
H	3,510	952	3,879	39.5
I	1,371	387	1,744	25.3
TOTAL	2,856	660	7,302	30.1

¹ Appendix G, Tables 3-5 present information about the amount of restitution ordered; they do not reflect the amount paid. Restitution can be ordered as a sole sanction or in conjunction with other sanctions.

² Appendix G, Tables 3-5 provide four important pieces of information about restitution. They indicate the mean dollar amount ordered (average), the median dollar amount ordered (the amount which has the same number of restitutions ordered falling below it as above it), and the total number and percentage of convictions for which payment of restitution was ordered. Note that the mean is often much higher than the median. This occurs because one or more sanctions are higher than the “normal” amount of restitution ordered.

**Appendix G, Table 4: Restitution Ordered by Crime Type
FY 2000/01 Felonies**

Offense Class	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Person	3,297	899	939	21.2
Property	3,579	1,021	4,446	50.0
Non-Traff. Drug	336	100	1,514	18.3
Other Felony	3,321	800	403	14.9
TOTAL	2,856	660	7,302	30.1

**Appendix G, Table 5: Restitution Ordered by Type of Punishment
FY 2000/01 Felonies**

Offense Class	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Active	3,820	906	657	7.8
Intermediate	2,703	626	4,686	44.3
Community	2,900	662	1,959	37.0
TOTAL	2,856	660	7,302	30.1

*****Effective for Offenses Committed on or after 12/1/95*****

MISDEMEANOR PUNISHMENT CHART

CLASS	PRIOR CONVICTION LEVELS		
	I	II	III
	No Prior Convictions	One to Four Prior Convictions	Five or More Prior Convictions
A1	1 - 60 days C/I/A	1 - 75 days C/I/A	1 - 150 days C/I/A
1	1 - 45 days C	1 - 45 days C/I/A	1 - 120 days C/I/A
2	1 - 30 days C	1 - 45 days C/I	1 - 60 days C/I/A
3	1 - 10 days C	1 - 15 days C/I	1 - 20 days C/I/A

A - Active Punishment I - Intermediate Punishment C - Community Punishment

Cells with slash allow either disposition at the discretion of the judge.

Revised: 08-04-95

*****Effective for Offenses Committed on or after 12/1/95*****

FELONY PUNISHMENT CHART

PRIOR RECORD LEVEL

	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
A	Death or Life Without Parole						
B1	A 240-300	A 288-360	A 336-420	A 384-480	A <i>Life Without Parole</i>	A <i>Life Without Parole</i>	DISPOSITION <i>Aggravated Range</i>
	192-240	230-288	269-336	307-384	346-433	384-480	PRESUMPTIVE RANGE
	144-192	173-230	202-269	230-307	260-346	288-384	<i>Mitigated Range</i>
B2	A 157 - 196	A 189 - 237	A 220 - 276	A 251 - 313	A 282 - 353	A 313 - 392	
	125 - 157	151 - 189	176 - 220	201 - 251	225 - 282	251 - 313	
	94 - 125	114 - 151	132 - 176	151 - 201	169 - 225	188 - 251	
C	A 73 - 92	A 100 - 125	A 116 - 145	A 133 - 167	A 151 - 188	A 168 - 210	
	58 - 73	80 - 100	93 - 116	107-133	121 - 151	135 - 168	
	44 - 58	60 - 80	70 - 93	80 - 107	90 - 121	101-135	
D	A 64 - 80	A 77 - 95	A 103 - 129	A 117 - 146	A 133 - 167	A 146 - 183	
	51 - 64	61 - 77	82 - 103	94 - 117	107 - 133	117 - 146	
	38 - 51	46 - 61	61 - 82	71 - 94	80 - 107	88 - 117	
E	I/A 25 - 31	I/A 29 - 36	A 34 - 42	A 46 - 58	A 53 - 66	A 59 - 74	
	20 - 25	23 - 29	27 - 34	37 - 46	42 - 53	47 - 59	
	15 - 20	17 - 23	20 - 27	28 - 37	32 - 42	35 - 47	
F	I/A 16 - 20	I/A 19 - 24	I/A 21 - 26	A 25 - 31	A 34 - 42	A 39 - 49	
	13 - 16	15 - 19	17 - 21	20 - 25	27 - 34	31 - 39	
	10 - 13	11 - 15	13 - 17	15 - 20	20 - 27	23 - 31	
G	I/A 13 - 16	I/A 15 - 19	I/A 16 - 20	I/A 20 - 25	A 21 - 26	A 29 - 36	
	10 - 13	12 - 15	13 - 16	16 - 20	17 - 21	23 - 29	
	8 - 10	9 - 12	10 - 13	12 - 16	13 - 17	17 - 23	
H	C/I/A 6 - 8	I/A 8 - 10	I/A 10 - 12	I/A 11 - 14	I/A 15 - 19	A 20 - 25	
	5 - 6	6 - 8	8 - 10	9 - 11	12 - 15	16 - 20	
	4 - 5	4 - 6	6 - 8	7 - 9	9 - 12	12 - 16	
I	C 6 - 8	C/I 6 - 8	I 6 - 8	I/A 8 - 10	I/A 9 - 11	I/A 10 - 12	
	4 - 6	4 - 6	5 - 6	6 - 8	7 - 9	8 - 10	
	3 - 4	3 - 4	4 - 5	4 - 6	5 - 7	6 - 8	

OFFENSE CLASS

Note: A - Active Punishment I - Intermediate Punishment C - Community Punishment
 *Numbers shown are in months and represent the range of minimum sentences.

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