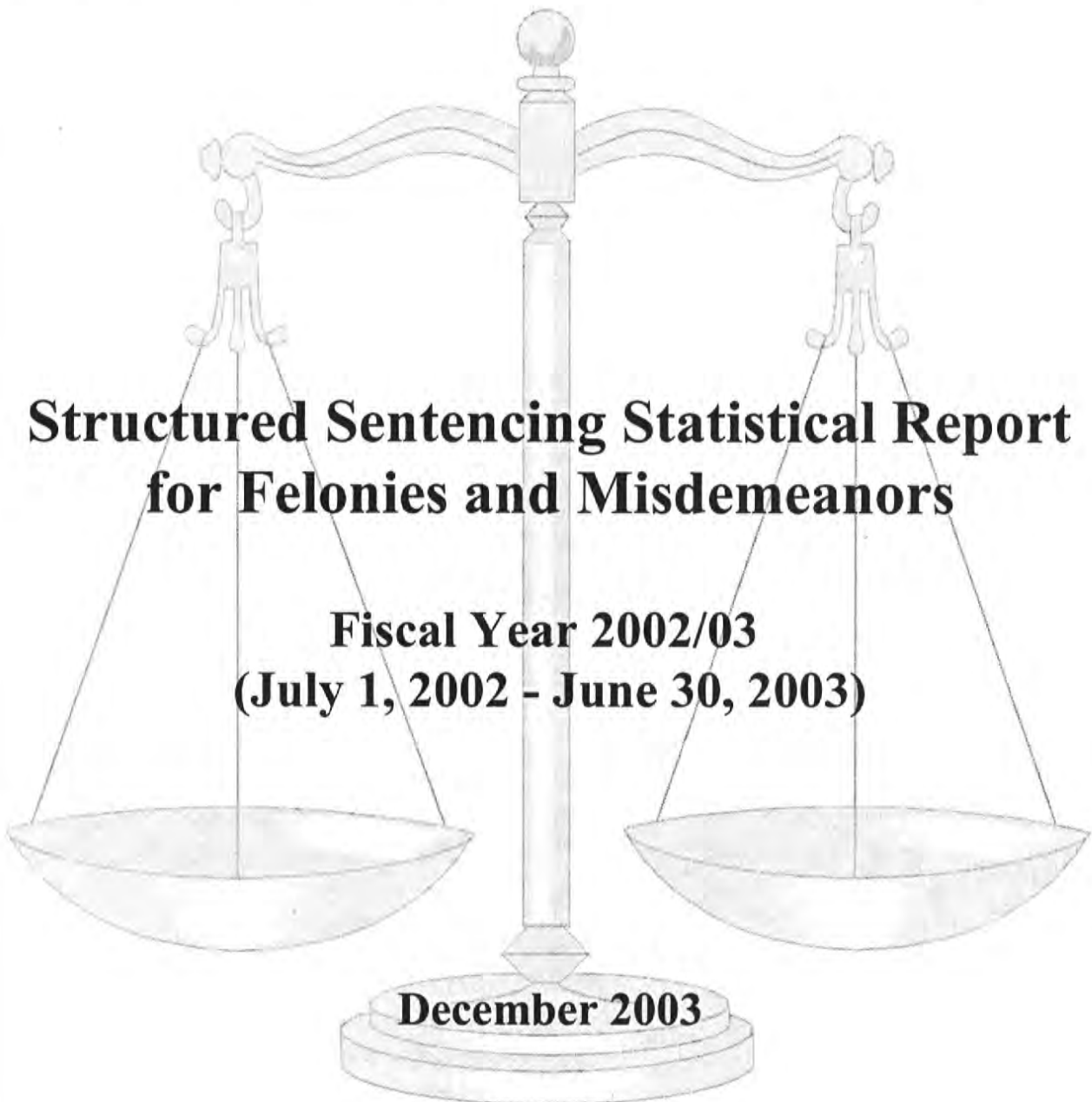


*North Carolina*  
*Sentencing and Policy Advisory Commission*



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

**Fiscal Year 2002/03  
(July 1, 2002 - June 30, 2003)**

**December 2003**

*Rebecca G. Ebron, Research and Policy Associate*  
*Susan Katzenelson, Executive Director*

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



**Fiscal Year 2002/03  
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**North Carolina Sentencing and Policy Advisory Commission**

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## INTRODUCTION

This report provides detailed information about felony and misdemeanor convictions under Structured Sentencing during Fiscal Year 2002/03 (July 1, 2002 through June 30, 2003). 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."



## SUMMARY OF FINDINGS FISCAL YEAR 2002/03 CONVICTIONS

### **Felony Convictions**

---

- During Fiscal Year 2002/03, sentences for 28,744 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 (59%) were for offenders with Prior Record Levels I and II. Six percent of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).
- Eighty-five percent of all offenders were male; 41% of all offenders were under the age of 26; and 55% of all offenders were Black.
- Thirty-six percent of felony convictions resulted in an Active punishment, 43% resulted in an Intermediate punishment, and 21% 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.
- Where a specific intermediate sanction was indicated in the AOC database, Intensive Supervision Probation was the most frequently invoked punishment. Offenders convicted of a Class H offense most frequently received an intermediate sanction (n=5,972).
- Other information of interest includes: 4 death sentences and 77 life without parole sentences were imposed; there were 761 habitual felon convictions; there were 713 convictions for drug trafficking offenses; performance of community service was ordered for 14% of all convictions; and payment of restitution was ordered for 31% of all convictions.

## **Misdemeanor Convictions**

---

- During Fiscal Year 2002/03, sentences for 162,866 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.)
- Nine percent of misdemeanor convictions fell into Offense Class A1, 56% fell into Offense Class 1, 20% fell into Offense Class 2, and 15% fell into Offense Class 3.
- Almost 45% of misdemeanor convictions fell into Prior Conviction Level I (0 points), about 40% 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-seven percent of all misdemeanor offenders were male; 39% were under the age of 26; and 47% were Black.
- Eighteen percent of misdemeanor convictions resulted in an Active punishment, 2% resulted in an Intermediate punishment, and 80% resulted in a Community punishment.
- Public order offenses accounted for the majority of misdemeanor convictions (48%), while misdemeanor person offenses accounted for the lowest proportion (12%). Convictions for person and property offenses were most likely to result in an Active punishment (19% each). 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, 47% received unsupervised probation; 31% received supervised probation; and 12% were ordered to perform community service, pay restitution and/or a fine as their most serious punishment. The remainder had no sanction specified.
- Almost 10% of all misdemeanor offenders were ordered to perform community service and 15% were ordered to pay restitution. On average, offenders were ordered to perform almost 35 hours of community service. The mean amount of restitution ordered was \$734. The median amount of restitution ordered was \$200.



## **I. FELONY CONVICTIONS IN FY 2002/03**

---

### **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 2002/03. Overall, sentences for 28,744 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 3,139 convictions (or 11%) 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=10,538 or 41%) and into Prior Record Level II (n=8,698 or 34%). Relative to other grid cells, the greatest number of convictions fell into Offense Class H with Prior Record Level II (n=3,206 or almost 13%). Sentences imposed for Offense Classes A-E accounted for 13% of felony convictions during FY 2002/03. 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 2002/03 Felonies**

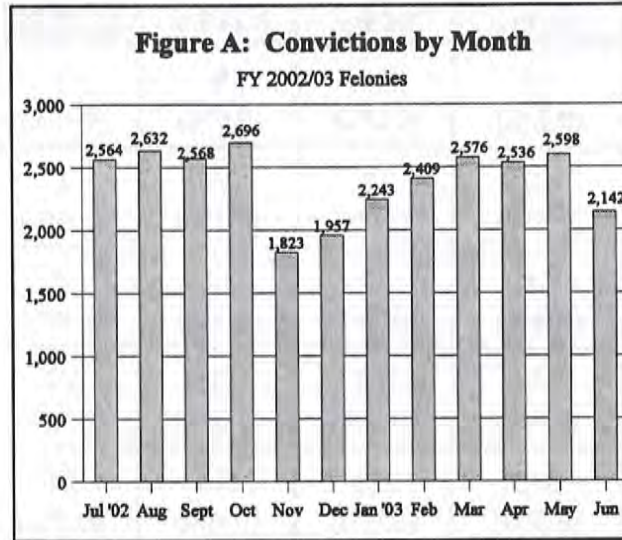
Offense Class	Prior Record Level						Total
	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
<b>A</b>	38 (0.2%)	15 (0.1%)	11 (0.0%)	9 (0.0%)	3 (0.0%)	2 (0.0%)	78 (0.3%)
<b>B1</b>	51 (0.2%)	30 (0.1%)	17 (0.1%)	18 (0.1%)	1 (0.0%)	1 (0.0%)	118 (0.5%)
<b>B2</b>	79 (0.3%)	91 (0.4%)	37 (0.1%)	31 (0.1%)	8 (0.0%)	1 (0.0%)	247 (0.9%)
<b>C</b>	89 (0.3%)	153 (0.6%)	233 (0.9%)	325 (1.3%)	99 (0.4%)	87 (0.3%)	986 (3.8%)
<b>D</b>	251 (1.0%)	243 (0.9%)	153 (0.6%)	104 (0.4%)	26 (0.1%)	19 (0.1%)	796 (3.1%)
<b>E</b>	365 (1.4%)	401 (1.6%)	117 (0.5%)	80 (0.3%)	18 (0.1%)	14 (0.0%)	995 (3.9%)
<b>F</b>	552 (2.2%)	560 (2.2%)	389 (1.5%)	211 (0.8%)	39 (0.2%)	33 (0.1%)	1,784 (7.0%)
<b>G</b>	555 (2.2%)	985 (3.8%)	736 (2.9%)	504 (2.0%)	96 (0.4%)	61 (0.2%)	2,937 (11.5%)
<b>H</b>	2,653 (10.4%)	3,206 (12.5%)	2,250 (8.8%)	1,696 (6.6%)	427 (1.6%)	306 (1.3%)	10,538 (41.2%)
<b>I</b>	1,752 (6.8%)	3,014 (11.8%)	1,086 (4.2%)	890 (3.5%)	209 (0.8%)	175 (0.7%)	7,126 (27.8%)
<b>TOTAL</b>	6,385 (25.0%)	8,698 (34.0%)	5,029 (19.6%)	3,868 (15.1%)	926 (3.6%)	699 (2.7%)	25,605 (100%)

Note: Of the 28,744 felony convictions in FY 2002/03, 3,139 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).



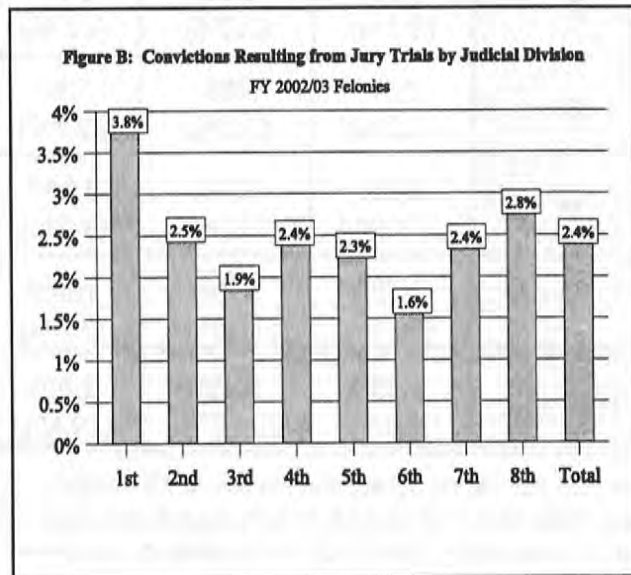
### D. Convictions by Month of Sentencing

Figure A shows the total number of felony convictions by month of sentencing during Fiscal Year 2002/03 (N=28,744). Convictions peaked in August and October 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 18% in the fifth judicial division. This table also indicates whether the conviction resulted from a guilty plea or jury trial. Overall, 2.4% 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 1.6% in the sixth division and a high of 3.8% in the first division.



**Table 2: Convictions by Judicial Division, Judicial District,  
County, and Mode of Disposition  
FY 2002/03 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
<b><i>First Judicial Division</i></b>		<b>2,584</b>	<b>101</b>	<b>2,685</b>
<b>District 1</b>	Camden	17	0	17
	Chowan	49	4	53
	Currituck	55	2	57
	Dare	148	4	152
	Gates	22	3	25
	Pasquotank	151	4	155
	Perquimans	31	0	31
	<b>Total</b>	<b>473</b>	<b>17</b>	<b>490</b>
<b>District 2</b>	Beaufort	151	17	168
	Hyde	21	1	22
	Martin	99	7	106
	Tyrrell	19	0	19
	Washington	23	4	27
	<b>Total</b>	<b>313</b>	<b>29</b>	<b>342</b>
<b>District 3A</b>	Pitt	560	15	575
<b>Total</b>	<b>560</b>	<b>15</b>	<b>575</b>	
<b>District 6A</b>	Halifax	208	11	219
<b>Total</b>	<b>208</b>	<b>11</b>	<b>219</b>	
<b>District 6B</b>	Bertie	76	2	78
	Hertford	102	4	106
	Northampton	66	4	70
	<b>Total</b>	<b>244</b>	<b>10</b>	<b>254</b>
<b>District 7A</b>	Nash	281	10	291
<b>Total</b>	<b>281</b>	<b>10</b>	<b>291</b>	
<b>District 7B,C</b>	Edgecombe	176	3	179
	Wilson	329	6	335
	<b>Total</b>	<b>505</b>	<b>9</b>	<b>514</b>
<b><i>Second Judicial Division</i></b>		<b>3,608</b>	<b>91</b>	<b>3,699</b>
<b>District 3B</b>	Carteret	227	3	230
	Craven	316	9	325
	Pamlico	61	1	62
	<b>Total</b>	<b>604</b>	<b>13</b>	<b>617</b>

**Table 2: Convictions by Judicial Division, Judicial District,  
County, and Mode of Disposition (continued)  
FY 2002/03 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
<b>District 4A</b>	Duplin	203	1	204
	Jones	24	1	25
	Sampson	267	2	269
	<b>Total</b>	<b>494</b>	<b>4</b>	<b>498</b>
<b>District 4B</b>	Onslow	477	19	496
	<b>Total</b>	<b>477</b>	<b>19</b>	<b>496</b>
<b>District 5</b>	New Hanover	952	27	979
	Pender	170	3	173
	<b>Total</b>	<b>1,122</b>	<b>30</b>	<b>1,152</b>
<b>District 8A</b>	Greene	78	4	82
	Lenoir	335	10	345
	<b>Total</b>	<b>413</b>	<b>14</b>	<b>427</b>
<b>District 8B</b>	Wayne	498	11	509
	<b>Total</b>	<b>498</b>	<b>11</b>	<b>509</b>
<b>Third Judicial Division</b>		<b>4,338</b>	<b>84</b>	<b>4,422</b>
<b>District 9</b>	Franklin	142	1	143
	Granville	188	2	190
	Vance	222	0	222
	Warren	44	1	45
	<b>Total</b>	<b>596</b>	<b>4</b>	<b>600</b>
<b>District 9A</b>	Caswell	96	2	98
	Person	184	4	188
	<b>Total</b>	<b>280</b>	<b>6</b>	<b>286</b>
<b>District 10</b>	Wake	2,116	41	2,157
	<b>Total</b>	<b>2,116</b>	<b>41</b>	<b>2,157</b>
<b>District 14</b>	Durham	480	17	497
	<b>Total</b>	<b>480</b>	<b>17</b>	<b>497</b>
<b>District 15A</b>	Alamance	592	12	604
	<b>Total</b>	<b>592</b>	<b>12</b>	<b>604</b>
<b>District 15B</b>	Chatham	106	0	106
	Orange	168	4	172
	<b>Total</b>	<b>274</b>	<b>4</b>	<b>278</b>

**Table 2: Convictions by Judicial Division, Judicial District,  
County, and Mode of Disposition (continued)  
FY 2002/03 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
<b><i>Fourth Judicial Division</i></b>		<b>3,235</b>	<b>79</b>	<b>3,314</b>
District 11A	Harnett	325	17	342
	Lee	199	4	203
	<b>Total</b>	<b>524</b>	<b>21</b>	<b>545</b>
District 11B	Johnston	388	6	394
	<b>Total</b>	<b>388</b>	<b>6</b>	<b>394</b>
District 12	Cumberland	966	15	981
	<b>Total</b>	<b>966</b>	<b>15</b>	<b>981</b>
District 13	Bladen	88	5	93
	Brunswick	263	7	270
	Columbus	196	4	200
	<b>Total</b>	<b>547</b>	<b>16</b>	<b>563</b>
District 16A	Hoke	108	1	109
	Scotland	252	5	257
	<b>Total</b>	<b>360</b>	<b>6</b>	<b>366</b>
District 16B	Robeson	450	15	465
	<b>Total</b>	<b>450</b>	<b>15</b>	<b>465</b>
<b><i>Fifth Judicial Division</i></b>		<b>5,083</b>	<b>118</b>	<b>5,201</b>
District 17A	Rockingham	396	4	400
	<b>Total</b>	<b>396</b>	<b>4</b>	<b>400</b>
District 17B	Stokes	172	2	174
	Surry	229	1	230
	<b>Total</b>	<b>401</b>	<b>3</b>	<b>404</b>
District 18	Guilford	1,831	35	1,866
	<b>Total</b>	<b>1,831</b>	<b>35</b>	<b>1,866</b>
District 19B	Montgomery	73	2	75
	Moore	198	6	204
	Randolph	250	6	256
	<b>Total</b>	<b>521</b>	<b>14</b>	<b>535</b>
District 21	Forsyth	1,460	52	1,512
	<b>Total</b>	<b>1,460</b>	<b>52</b>	<b>1,512</b>

**Table 2: Convictions by Judicial Division, Judicial District,  
County, and Mode of Disposition (continued)  
FY 2002/03 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 23	Alleghany	30	1	31
	Ashe	33	3	36
	Wilkes	283	4	287
	Yadkin	128	2	130
	<b>Total</b>	<b>474</b>	<b>10</b>	<b>484</b>
<b><i>Sixth Judicial Division</i></b>		<b>2,988</b>	<b>49</b>	<b>3,037</b>
District 19A	Cabarrus	642	8	650
	<b>Total</b>	<b>642</b>	<b>8</b>	<b>650</b>
District 19C	Rowan	512	9	521
	<b>Total</b>	<b>512</b>	<b>9</b>	<b>521</b>
District 20A	Anson	96	2	98
	Richmond	263	2	265
	<b>Total</b>	<b>359</b>	<b>4</b>	<b>363</b>
District 20B	Stanly	134	2	136
	Union	291	9	300
	<b>Total</b>	<b>425</b>	<b>11</b>	<b>436</b>
District 22	Alexander	65	1	66
	Davidson	490	6	496
	Davie	75	2	77
	Iredell	420	8	428
	<b>Total</b>	<b>1,050</b>	<b>17</b>	<b>1,067</b>
<b><i>Seventh Judicial Division</i></b>		<b>4,334</b>	<b>107</b>	<b>4,441</b>
District 25A	Burke	199	2	201
	Caldwell	160	2	162
	<b>Total</b>	<b>359</b>	<b>4</b>	<b>363</b>
District 25B	Catawba	328	6	334
	<b>Total</b>	<b>328</b>	<b>6</b>	<b>334</b>
District 26	Mecklenburg	2,433	38	2,471
	<b>Total</b>	<b>2,433</b>	<b>38</b>	<b>2,471</b>
District 27A	Gaston	711	44	755
	<b>Total</b>	<b>711</b>	<b>44</b>	<b>755</b>

**Table 2: Convictions by Judicial Division, Judicial District,  
County, and Mode of Disposition (continued)  
FY 2002/03 Felonies**

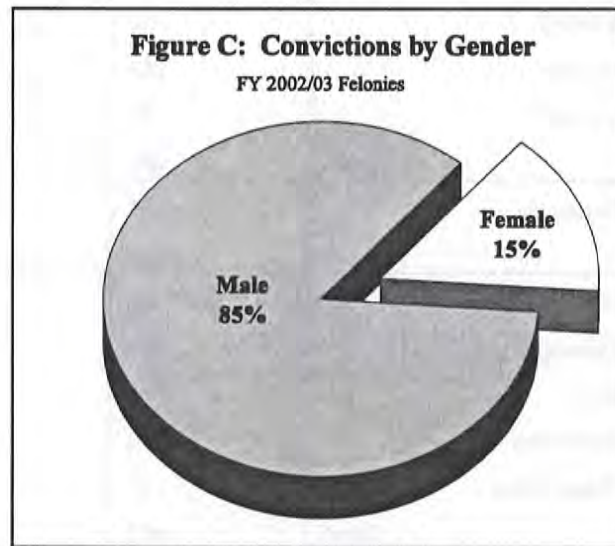
Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 27B	Cleveland	299	9	308
	Lincoln	204	6	210
	<b>Total</b>	<b>503</b>	<b>15</b>	<b>518</b>
<b><i>Eighth Judicial Division</i></b>		<b><i>1,890</i></b>	<b><i>55</i></b>	<b><i>1,945</i></b>
District 24	Avery	55	1	56
	Madison	34	1	35
	Mitchell	52	3	55
	Watauga	107	7	114
	Yancey	40	2	42
	<b>Total</b>	<b>288</b>	<b>14</b>	<b>302</b>
District 28	Buncombe	659	11	670
	<b>Total</b>	<b>659</b>	<b>11</b>	<b>670</b>
District 29	Henderson	205	7	212
	McDowell	129	4	133
	Polk	43	0	43
	Rutherford	209	7	216
	Transylvania	27	0	27
	<b>Total</b>	<b>613</b>	<b>18</b>	<b>631</b>
District 30A	Cherokee	70	1	71
	Clay	22	0	22
	Graham	15	3	18
	Macon	49	4	53
	Swain	23	0	23
	<b>Total</b>	<b>179</b>	<b>8</b>	<b>187</b>
District 30B	Haywood	103	4	107
	Jackson	48	0	48
	<b>Total</b>	<b>151</b>	<b>4</b>	<b>155</b>
<b><i>STATE TOTAL</i></b>		<b><i>28,060</i></b>	<b><i>684</i></b>	<b><i>28,744</i></b>

## F. Felony Pleas in District Court

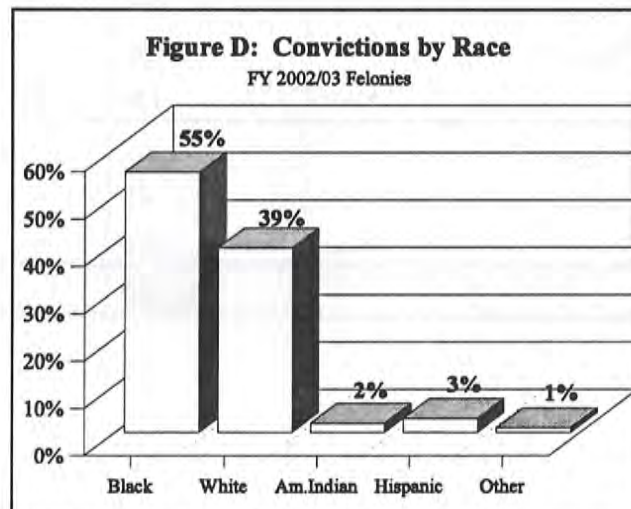
In 1996 the General Assembly amended the law to allow District Court judges to accept pleas for Class H and I felonies. This amendment applies to offenses committed on or after December 1, 1996. In Fiscal Year 2002/03, 2,197 Class H (or 18% of Class H convictions) and 1,484 Class I (or 19% of Class I convictions) felony pleas were accepted in District Court for a total of 3,681 pleas (18% of all Class H and I felony convictions).

## II. CHARACTERISTICS OF OFFENDERS

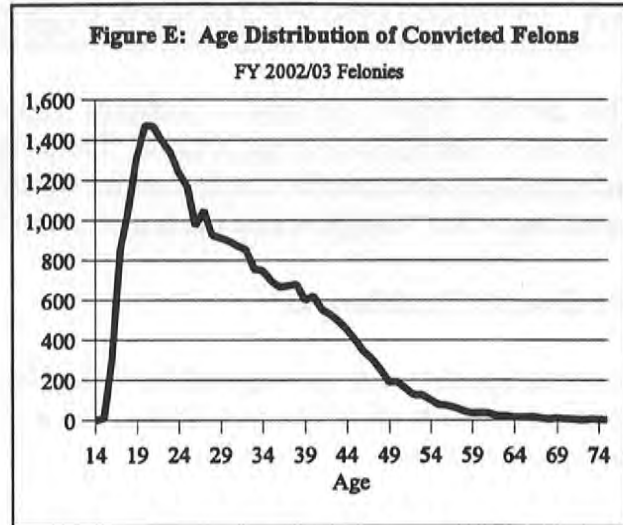
This section provides a breakdown of convictions by offenders' gender, race, and age. Of the 28,744 felony convictions, 85% were for males (see *Figure C*).



*Figure D* shows that 55% of all felony offenders were Black, 39% were White, and a small percentage were American Indian (2%), Hispanic (3%), or Other (1%).



Eighteen percent of felony convictions were for offenders under the age of 21, 23% were 21-25 years of age, 14% were 26-29 years of age, 26% were 30-39 years of age, 15% 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 2002/03 Felonies**

Gender and Race		Age						Total
		<21	21-25	26-29	30-39	40-49	>49	
Male	White	1,648	1,976	1,109	2,347	1,380	484	8,944
	Black	2,713	3,437	1,884	3,353	1,864	516	13,767
	Hispanic	162	285	147	200	66	16	876
	Amer. Indian	53	97	64	87	43	7	351
	Other	53	39	24	32	18	6	172
	<b>Subtotal</b>	<b>4,629</b>	<b>5,834</b>	<b>3,228</b>	<b>6,019</b>	<b>3,371</b>	<b>1,029</b>	<b>24,110</b>
Female	White	196	368	309	745	414	117	2,149
	Black	161	379	297	639	326	75	1,877
	Hispanic	6	11	9	14	5	0	45
	Amer. Indian	3	17	15	16	12	1	64
	Other	2	8	3	4	4	0	21
	<b>Subtotal</b>	<b>368</b>	<b>783</b>	<b>633</b>	<b>1,418</b>	<b>761</b>	<b>193</b>	<b>4,156</b>
<b>TOTAL</b>		<b>4,997</b>	<b>6,617</b>	<b>3,861</b>	<b>7,437</b>	<b>4,132</b>	<b>1,222</b>	<b>28,266</b>

Note: Of the 28,744 felony convictions in FY 2002/03, 478 convictions with missing values for offenders' age were excluded from this table.



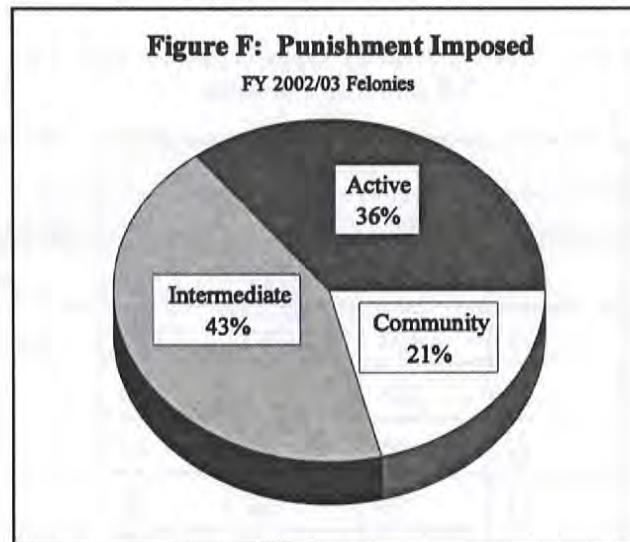
### III. PUNISHMENT IMPOSED FOR FELONIES

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This section details the type of sentence imposed (Active, Intermediate, or Community) for convictions during Fiscal Year 2002/03. 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.*<sup>1</sup>

#### A. Overall Punishment

An Active punishment was imposed for 36% of felony convictions, an Intermediate punishment was imposed for 43% of felony convictions, and a Community punishment was imposed for 21% 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 (69%) 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 (59%) were for offenders with Prior Record Levels I and II, indicating little or no prior criminal record. Six percent of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).

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<sup>1</sup> Convictions that did not fit within the sentencing grid were excluded from this section (n=3,139 or 11%). 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).

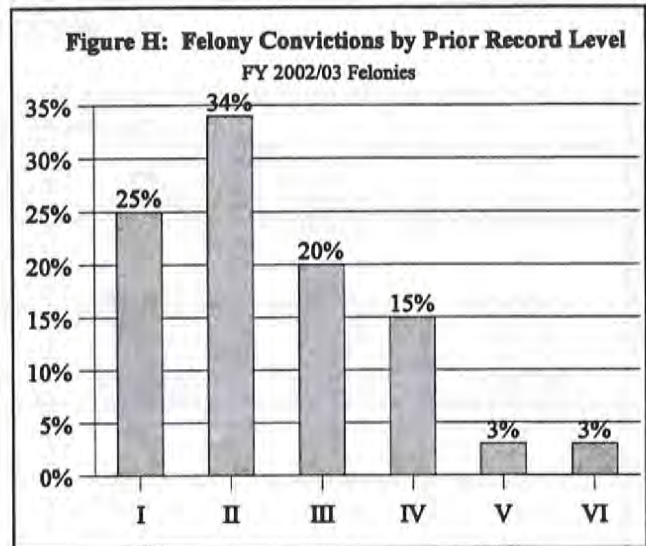
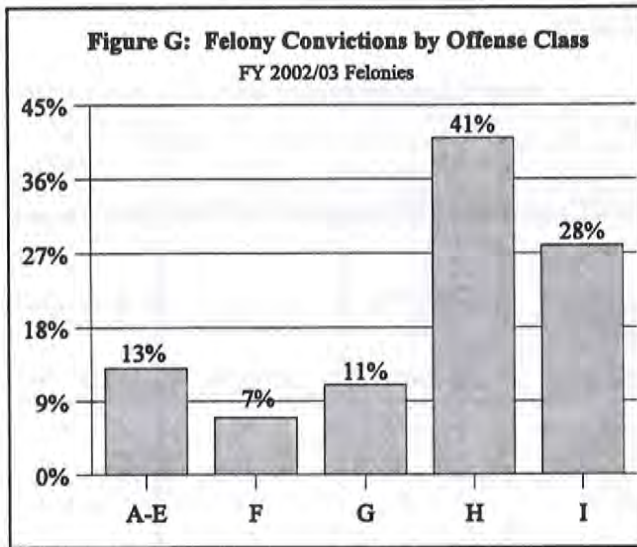


Table 4 presents felony convictions and sentences imposed within the context of the felony sentencing grid (see also Table 1). The table also includes the average minimum and maximum sentences for convictions for which an Active sentence was imposed.<sup>2</sup> The majority of convictions fell within Offense Class H with Prior Record Level II (n=3,206 or 13%), followed closely by convictions within Offense Class I with Prior Record Level II (n=3,014 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 (10%).

The data presented in Table 4 indicate that the percentage of offenders receiving an Active sentence typically 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=9,307) was 34 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 (261 months).

Convictions for offenders falling into Prior Record Levels I and VI resulted in the highest average minimum sentences (43 months and 38 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.

<sup>2</sup> 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 2002/03 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	
<b>A</b>	A A = 38 (100%) (n=38)  Life/Death	A A = 15 (100%) (n=15)  Life/Death	A A = 11 (100%) (n=11)  Life/Death	A A = 9 (100%) (n=9)  Life/Death	A A = 3 (100%) (n=3)  Life/Death	A A = 2 (100%) (n=2)  Life/Death	A A = 78 (100%) (n=78)  Life/Death
<b>B1</b>	A A = 51 (100%) (n=51)  204 min 254 max	A A = 30 (100%) (n=30)  264 min 326 max	A A = 17 (100%) (n=17)  306 min 376 max	A A = 18 (100%) (n=18)  361 min 442 max	A A = 1 (100%) (n=1)  346 min 425 max	A A = 1 (100%) (n=1)  384 min 470 max	A A = 118 (100%) (n=118)  261 min 322 max
<b>B2</b>	A A = 79 (100%) (n=79)  142 min 180 max	A A = 91 (100%) (n=91)  167 min 210 max	A A = 37 (100%) (n=37)  201 min 251 max	A A = 31 (100%) (n=31)  234 min 290 max	A A = 8 (100%) (n=8)  268 min 334 max	A A = 1 (100%) (n=1)  360 min 441 max	A A = 247 (100%) (n=247)  177 min 221 max
<b>C</b>	A A = 89 (100%) (n=89)  63 min 85 max	A A = 153 (100%) (n=153)  76 min 100 max	A A = 233 (100%) (n=233)  87 min 113 max	A A = 325 (100%) (n=325)  97 min 125 max	A A = 99 (100%) (n=99)  108 min 138 max	A A = 87 (100%) (n=87)  129 min 163 max	A A = 986 (100%) (n=986)  92 min 120 max
<b>D</b>	A A = 251 (100%) (n=251)  51 min 71 max	A A = 243 (100%) (n=243)  62 min 84 max	A A = 153 (100%) (n=153)  83 min 109 max	A A = 104 (100%) (n=104)  98 min 127 max	A A = 26 (100%) (n=26)  114 min 147 max	A A = 19 (100%) (n=19)  122 min 156 max	A A = 796 (100%) (n=796)  71 min 94 max
<b>E</b>	I/A I = 268 (73%) A = 97 (27%) (n=365)  23 min 36 max	I/A I = 246 (61%) A = 155 (39%) (n=401)  26 min 40 max	A A = 117 (100%) (n=117)  29 min 44 max	A A = 80 (100%) (n=80)  40 min 57 max	A A = 18 (100%) (n=18)  45 min 63 max	A A = 14 (100%) (n=14)  51 min 69 max	I/A I = 514 (52%) A = 481 (48%) (n=995)  30 min 45 max
<b>F</b>	I/A I = 395 (72%) A = 157 (28%) (n=552)  15 min 18 max	I/A I = 321 (57%) A = 239 (43%) (n=560)  17 min 20 max	I/A I = 179 (46%) A = 210 (54%) (n=389)  18 min 22 max	A A = 211 (100%) (n=211)  21 min 25 max	A A = 39 (100%) (n=39)  29 min 36 max	A A = 33 (100%) (n=33)  33 min 40 max	I/A I = 895 (50%) A = 889 (50%) (n=1,784)  19 min 23 max

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level (continued)  
FY 2002/03 Felonies**

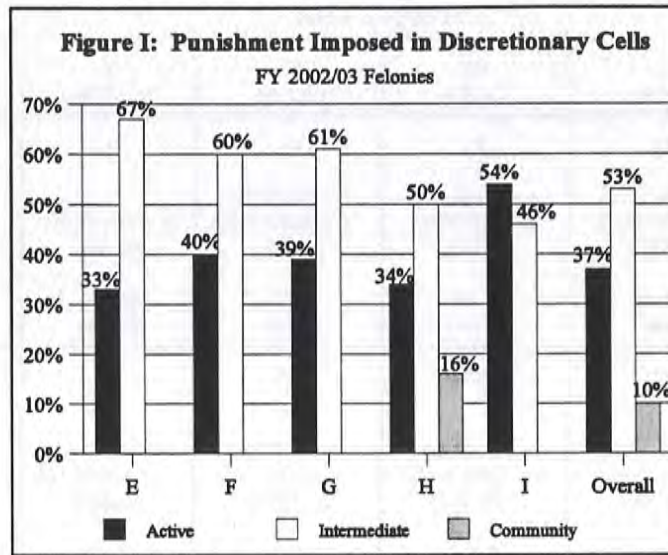
Offense Class	Prior Record Level						Total
	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
<b>G</b>	I/A I = 444 (80%) A = 111 (20%) (n=555)  11 min 14 max	I/A I = 700 (71%) A = 285 (29%) (n=985)  13 min 16 max	I/A I = 361 (49%) A = 375 (51%) (n=736)  14 min 17 max	I/A I = 196 (39%) A = 308 (61%) (n=504)  18 min 21 max	A A = 96 (100%) (n=96)  18 min 22 max	A A = 61 (100%) (n=61)  26 min 32 max	I/A I = 1,701 (58%) A = 1,236 (42%) (n=2,937)  15 min 19 max
<b>H</b>	C/I/A C = 1,592 (60%) I = 800 (30%) A = 261 (10%) (n=2,653)  6 min 7 max	I/A I = 2,421 (76%) A = 785 (24%) (n=3,206)  7 min 9 max	I/A I = 1,212 (54%) A = 1,038 (46%) (n=2,250)  9 min 11 max	I/A I = 616 (36%) A = 1,080 (64%) (n=1,696)  10 min 12 max	I/A I = 107 (25%) A = 320 (75%) (n=427)  13 min 16 max	A A = 306 (100%) (n=306)  18 min 22 max	C/I/A C = 1,592 (15%) I = 5,156 (49%) A = 3,790 (36%) (n=10,538)  10 min 12 max
<b>I</b>	C C = 1,752 (100%) (n=1,752)  N/A	C/I C = 2,021 (67%) I = 993 (33%) (n=3,014)  N/A	I I = 1,086 (100%) (n=1,086)  N/A	I/A I = 454 (51%) A = 436 (49%) (n=890)  7 min 9 max	I/A I = 77 (37%) A = 132 (63%) (n=209)  8 min 10 max	I/A I = 57 (33%) A = 118 (67%) (n=175)  9 min 11 max	C/I/A C = 3,773 (53%) I = 2,667 (37%) A = 686 (10%) (n=7,126)  7 min 9 max
<b>TOTAL</b>	C/I/A C = 3,344 (52%) I = 1,907 (30%) A = 1,134 (18%) (n=6,385)  43 min 57 max	C/I/A C = 2,021 (23%) I = 4,681 (54%) A = 1,996 (23%) (n=8,698)  34 min 44 max	I/A I = 2,838 (56%) A = 2,191 (44%) (n=5,029)  31 min 39 max	I/A I = 1,266 (33%) A = 2,602 (67%) (n=3,868)  32 min 40 max	I/A I = 184 (20%) A = 742 (80%) (n=926)  34 min 43 max	I/A I = 57 (8%) A = 642 (92%) (n=699)  38 min 47 max	C/I/A C = 5,365 (21%) I = 10,933 (43%) A = 9,307 (36%) (n=25,605)  34 min 43 max

Note: Of the 28,744 felony convictions in FY 2002/03, 3,139 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). Death and life without parole sentences were excluded from the calculation of the average minimum and maximum sentences.

### C. Punishment Imposed in Discretionary Cells

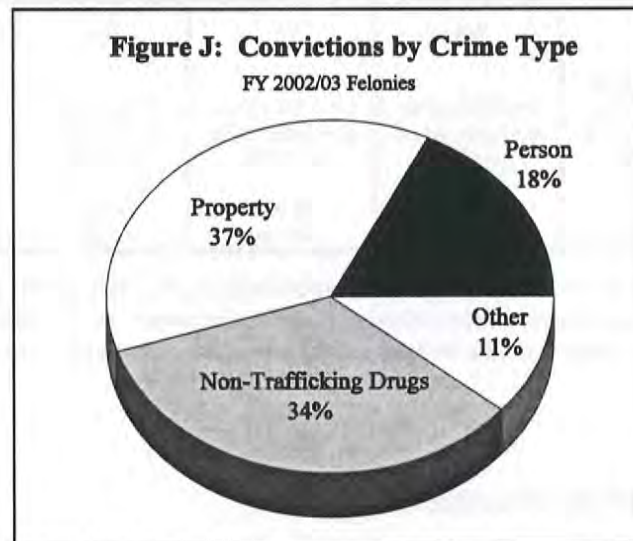
As shown in *Table 4*, where the judge had the option of imposing either an Active or community-based punishment (*i.e.*, either an Intermediate or Community punishment), an Intermediate punishment was most likely to be imposed for convictions falling within Offense Class G with Prior Record Level I (80%), while an Active sentence was most likely to be imposed for convictions falling within Offense Class H with Prior Record Level V (75%).

Figure I summarizes sentences imposed by offense class for discretionary cells with an Active punishment option.



#### D. Punishment Imposed by Crime Type

During Fiscal Year 2002/03, 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 (62%), 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 (46% and 45% respectively) and non-trafficking drug convictions had the highest percentage of Community punishment sentences (35%).

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 convictions for person offenses.

**Table 5: Convictions and Sentences by Crime Type  
FY 2002/03 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	2,803	62	1,677	37	69	1	64	82	4,549
Property	3,085	33	4,333	46	2,045	21	12	15	9,463
Non-Trafficking Drug	1,712	20	3,936	45	3,014	35	11	13	8,662
Other Felony	1,707	58	987	34	237	8	49	63	2,931
<b>TOTAL</b>	<b>9,307</b>	<b>36</b>	<b>10,933</b>	<b>43</b>	<b>5,365</b>	<b>21</b>	<b>34</b>	<b>43</b>	<b>25,605</b>

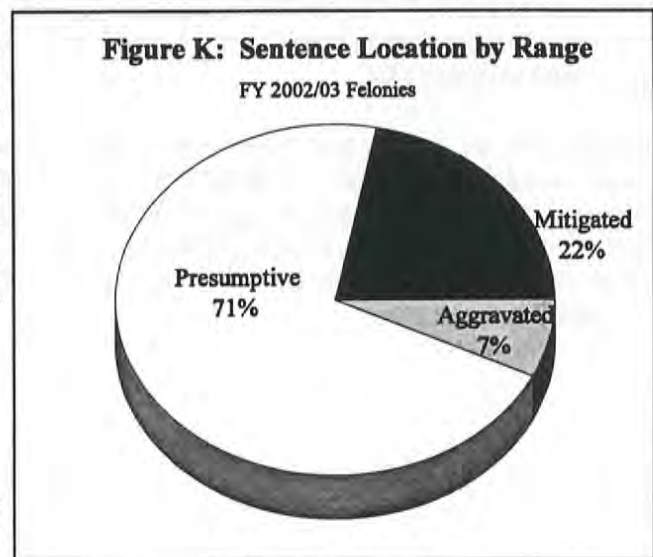
Note: Of the 28,744 felony convictions in FY 2002/03, 3,139 convictions were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation).

#### 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=9,229). Class A convictions, which are subject to mandatory life or death sentences, are excluded from this section (n=78), 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).

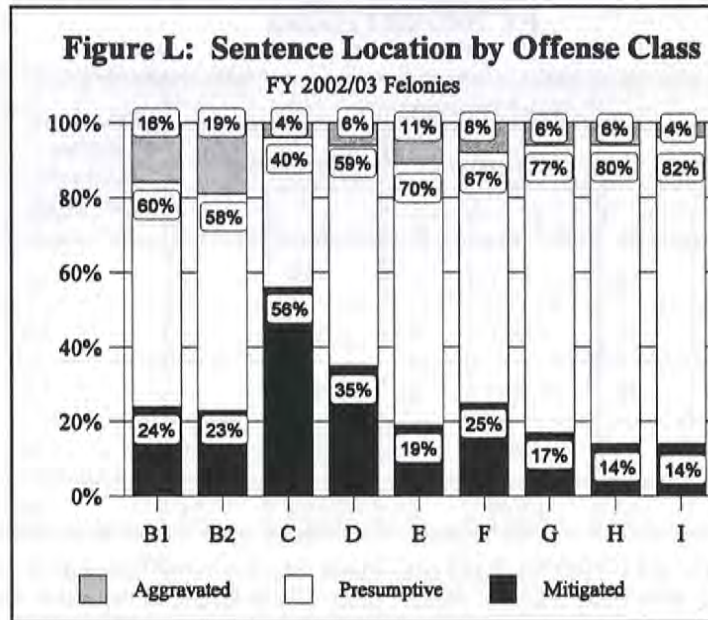
##### A. Sentence Location

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 (80% and 82% respectively), while convictions for Class C offenses had the lowest percentage of Active sentences in the presumptive range (40%). Convictions falling into Prior Record Level V had the highest percentage of Active sentences in the mitigated range (25%). Convictions falling into Prior Record Level I had the highest percentage of Active sentences in the aggravated range (11%).

Overall, 22% of Active sentences were in the mitigated range and an additional 29% were at the lowest possible point of the presumptive range. As shown in *Appendix D*, convictions for Class C offenses had the highest percentage of Active sentences in the mitigated range (56%), followed by convictions for Class D offenses (35%). In addition, 71% of Class C convictions and 58% of Class D convictions were sentenced within the mitigated range or at the lowest possible point of the presumptive range.

**Table 6: Sentence Location by Offense Class and Prior Record Level  
(Active Sentences Only)  
FY 2002/03 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	17 (33%)	7 (23%)	3 (18%)	1 (5%)	0 (0%)	0 (0%)	28 (24%)
	Presumptive	27 (53%)	17 (57%)	11 (64%)	14 (78%)	1 (100%)	1 (100%)	71 (60%)
	Aggravated	7 (14%)	6 (20%)	3 (18%)	3 (17%)	0 (0%)	0 (0%)	19 (16%)
	<b>Subtotal</b>	<b>51</b>	<b>30</b>	<b>17</b>	<b>18</b>	<b>1</b>	<b>1</b>	<b>118</b>
B2	Mitigated	20 (25%)	24 (26%)	6 (16%)	7 (23%)	0 (0%)	0 (0%)	57 (23%)
	Presumptive	38 (48%)	55 (61%)	24 (65%)	18 (58%)	7 (88%)	0 (0%)	142 (58%)
	Aggravated	21 (27%)	12 (13%)	7 (19%)	6 (19%)	1 (12%)	1 (100%)	48 (19%)
	<b>Subtotal</b>	<b>79</b>	<b>91</b>	<b>37</b>	<b>31</b>	<b>8</b>	<b>1</b>	<b>247</b>
C	Mitigated	23 (26%)	80 (52%)	133 (57%)	203 (63%)	66 (67%)	48 (55%)	553 (56%)
	Presumptive	56 (63%)	63 (41%)	91 (39%)	114 (35%)	31 (31%)	34 (39%)	389 (40%)
	Aggravated	10 (11%)	10 (7%)	9 (4%)	8 (2%)	2 (2%)	5 (6%)	44 (4%)
	<b>Subtotal</b>	<b>89</b>	<b>153</b>	<b>233</b>	<b>325</b>	<b>99</b>	<b>87</b>	<b>986</b>
D	Mitigated	103 (41%)	83 (34%)	59 (39%)	30 (29%)	3 (11%)	4 (21%)	282 (35%)
	Presumptive	137 (55%)	143 (59%)	86 (56%)	67 (64%)	22 (85%)	14 (74%)	469 (59%)
	Aggravated	11 (4%)	17 (7%)	8 (5%)	7 (7%)	1 (4%)	1 (5%)	45 (6%)
	<b>Subtotal</b>	<b>251</b>	<b>243</b>	<b>153</b>	<b>104</b>	<b>26</b>	<b>19</b>	<b>796</b>



**Table 6: Sentence Location by Offense Class and Prior Record Level (continued)  
(Active Sentences Only)  
FY 2002/03 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	13 (13%)	27 (17%)	26 (22%)	19 (24%)	3 (17%)	4 (29%)	92 (19%)
	Presumptive	71 (74%)	107 (69%)	80 (69%)	57 (71%)	13 (72%)	9 (64%)	337 (70%)
	Aggravated	13 (13%)	21 (14%)	11 (9%)	4 (5%)	2 (11%)	1 (7%)	52 (11%)
	<b>Subtotal</b>	<b>97</b>	<b>155</b>	<b>117</b>	<b>80</b>	<b>18</b>	<b>14</b>	<b>481</b>
F	Mitigated	29 (19%)	56 (24%)	56 (27%)	64 (30%)	9 (23%)	9 (27%)	223 (25%)
	Presumptive	110 (70%)	156 (65%)	140 (67%)	135 (64%)	29 (74%)	21 (64%)	591 (67%)
	Aggravated	18 (11%)	27 (11%)	14 (6%)	12 (6%)	1 (3%)	3 (9%)	75 (8%)
	<b>Subtotal</b>	<b>157</b>	<b>239</b>	<b>210</b>	<b>211</b>	<b>39</b>	<b>33</b>	<b>889</b>
G	Mitigated	16 (15%)	51 (18%)	68 (18%)	48 (16%)	22 (23%)	12 (20%)	217 (17%)
	Presumptive	88 (79%)	220 (77%)	289 (77%)	244 (79%)	69 (72%)	39 (64%)	949 (77%)
	Aggravated	7 (6%)	14 (5%)	18 (5%)	16 (5%)	5 (5%)	10 (16%)	70 (6%)
	<b>Subtotal</b>	<b>111</b>	<b>285</b>	<b>375</b>	<b>308</b>	<b>96</b>	<b>61</b>	<b>1,236</b>
H	Mitigated	44 (17%)	112 (14%)	142 (14%)	126 (12%)	64 (20%)	42 (14%)	530 (14%)
	Presumptive	183 (70%)	619 (79%)	857 (83%)	896 (83%)	234 (73%)	235 (77%)	3,024 (80%)
	Aggravated	34 (13%)	54 (7%)	39 (4%)	58 (5%)	22 (7%)	29 (9%)	236 (6%)
	<b>Subtotal</b>	<b>261</b>	<b>785</b>	<b>1,038</b>	<b>1,080</b>	<b>320</b>	<b>306</b>	<b>3,790</b>

**Table 6: Sentence Location by Offense Class and Prior Record Level (continued)  
(Active Sentences Only)  
FY 2002/03 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	67 (15%)	14 (11%)	15 (13%)	96 (14%)
	Presumptive	N/A	N/A	N/A	359 (82%)	110 (83%)	91 (77%)	560 (82%)
	Aggravated	N/A	N/A	N/A	10 (2%)	8 (6%)	12 (10%)	30 (4%)
	<b>Subtotal</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>436</b>	<b>132</b>	<b>118</b>	<b>686</b>
TOTAL	Mitigated	265 (24%)	440 (22%)	493 (23%)	565 (22%)	181 (24%)	134 (21%)	2,078 (22%)
	Presumptive	710 (65%)	1,380 (70%)	1,578 (72%)	1,904 (73%)	516 (70%)	444 (69%)	6,532 (71%)
	Aggravated	121 (11%)	161 (8%)	109 (5%)	124 (5%)	42 (6%)	62 (10%)	619 (7%)
	<b>Subtotal</b>	<b>1,096</b>	<b>1,981</b>	<b>2,180</b>	<b>2,593</b>	<b>739</b>	<b>640</b>	<b>9,229</b>

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, 78 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 (52%), the highest percentage of mitigated sentences (45%), and the lowest percentage of aggravated sentences (3%) relative to the other crime types. Habitual felon convictions accounted for the largest number of convictions in the other felony category, representing 42% of convictions in this category. For additional information regarding convictions by crime type, see *Appendix D*.

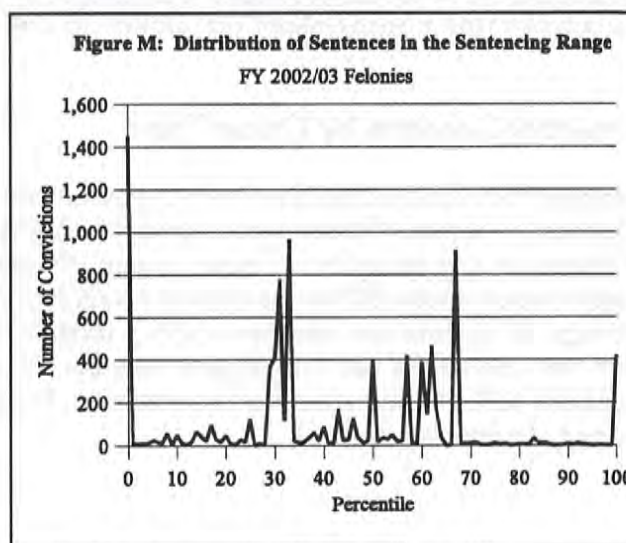
**Table 7: Sentence Location by Crime Type  
(Active Sentences Only)  
FY 2002/03 Felonies**

Crime Type	Sentencing Range						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
Person	631	23	1,809	66	285	11	2,725
Property	412	14	2,508	81	165	5	3,085
Non-Trafficking Drug	273	16	1,332	78	107	6	1,712
Other Felony	762	45	883	52	62	3	1,707
<b>TOTAL</b>	<b>2,078</b>	<b>22</b>	<b>6,532</b>	<b>71</b>	<b>619</b>	<b>7</b>	<b>9,229</b>

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, 78 convictions requiring a mandatory life or death sentence were excluded from this table.

#### D. Length of Active Sentence Relative to the Sentencing Range

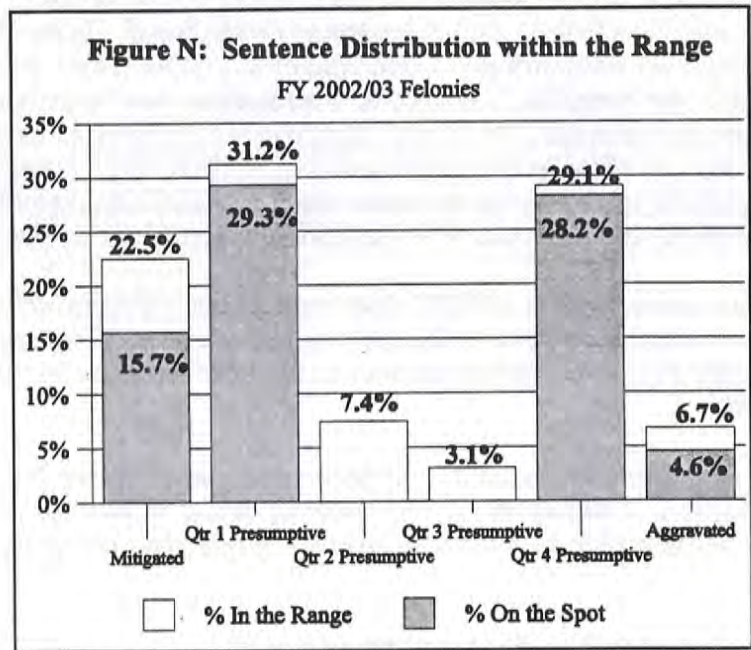
Viewing the entire sentencing range as a continuum from the lowest possible sentence imposed in the mitigated range to the highest possible sentence imposed in the aggravated range, on average the 9,229 Active sentences imposed (excluding the 78 convictions with mandatory life or death sentences) fell below the midpoint of the range (at the 40<sup>th</sup> 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 (31.2% and 29.1% 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 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*, 15.7% of Active sentences fell on the lowest point of the mitigated range; 29.3% fell on the lowest point of the presumptive range; 28.2% fell on the highest point of the presumptive range; and 4.6% fell on the highest point of the aggravated range.

A similar pattern is evident by crime type, especially for property and drug offenses, with 85.0% and 83.5% of all Active sentences, respectively, located on four specific spots of the range. This pattern is less apparent for person offenses, with only 67.7% 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 2002/03 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	23.2 (14.0)	27.9 (23.9)	6.6	6.3	25.6 (23.3)	10.4 (6.6)	67.7
Property	13.4 (9.5)	35.1 (34.7)	8.2	1.0	37.0 (37.0)	5.3 (3.8)	85.0
Non-Traff. Drugs	16.0 (11.4)	35.3 (34.6)	7.8	1.9	32.8 (32.7)	6.2 (4.8)	83.5
Other Felonies	44.7 (33.9)	25.2 (23.1)	7.0	2.8	16.7 (15.8)	3.6 (2.5)	75.3
<b>TOTAL</b>	<b>22.5 (15.7)</b>	<b>31.2 (29.3)</b>	<b>7.4</b>	<b>3.1</b>	<b>29.1 (28.2)</b>	<b>6.7 (4.6)</b>	<b>77.8</b>

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

## V. INTERMEDIATE PUNISHMENTS

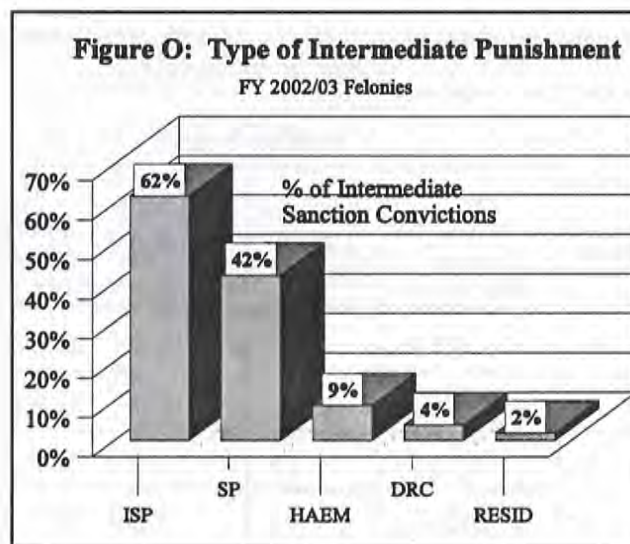
This section summarizes the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed.* Under Structured Sentencing, all offenders who receive an Intermediate punishment must receive a term of supervised probation plus at least one additional sanction. The specific intermediate sanctions are Intensive Supervision Probation (ISP), Special Probation (SP), House Arrest with Electronic Monitoring (HAEM), Day Reporting Center (DRC), and Residential Treatment Facility (RESID).<sup>3</sup> It should be noted that these sanctions are not equally available across the state. 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 2002/03, Intermediate punishments were imposed for 10,933 convictions, with an average supervised probation sentence length of 33 months. The specific type(s) of intermediate sanction(s) imposed was reported in the AOC database for 10,808 convictions -- a reporting rate of 99%.

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 (62%). 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%.

<sup>3</sup> The Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) was eliminated in 2002 and is no longer represented in this analysis.

## B. Intermediate Punishments by 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=5,972). For Class H, Intensive Supervision Probation was the most frequently invoked sanction (n=3,171). Overall, the most frequently invoked sanction was Intensive Supervision Probation (n=6,713), followed by Special Probation (n=4,550).

**Table 9: Type of Intermediate Punishment by Offense Class and Prior Record Level  
FY 2002/03 Felonies**

Offense Class	Prior Record Level	Type of Intermediate Punishment					Total
		Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
E	I	134	2	8	168	21	333
	II	144	2	6	136	24	312
	<b>Subtotal</b>	<b>278</b>	<b>4</b>	<b>14</b>	<b>304</b>	<b>45</b>	<b>645</b>
F	I	192	2	5	232	26	457
	II	161	1	4	186	22	374
	III	116	2	5	91	13	227
	<b>Subtotal</b>	<b>469</b>	<b>5</b>	<b>14</b>	<b>509</b>	<b>61</b>	<b>1,058</b>
G	I	208	5	10	284	27	534
	II	337	10	30	440	56	873
	III	197	12	10	216	28	463
	IV	106	8	4	121	17	256
	<b>Subtotal</b>	<b>848</b>	<b>35</b>	<b>54</b>	<b>1,061</b>	<b>128</b>	<b>2,126</b>
H	I	311	12	37	468	69	897
	II	900	27	99	1,498	200	2,724
	III	533	27	44	777	89	1,470
	IV	290	26	19	364	56	755
	V	43	10	1	64	8	126
	<b>Subtotal</b>	<b>2,077</b>	<b>102</b>	<b>200</b>	<b>3,171</b>	<b>422</b>	<b>5,972</b>

**Table 9: Type of Intermediate Punishment by Offense Class and Prior Record Level  
(continued)  
FY 2002/03 Felonies**

Offense Class	Prior Record Level	Type of Intermediate Punishment					Total
		Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
I	II	280	9	42	655	99	1,085
	III	374	11	40	666	109	1,200
	IV	163	13	18	277	57	528
	V	33	4	0	42	7	86
	VI	28	10	1	28	3	70
	<b>Subtotal</b>	<b>878</b>	<b>47</b>	<b>101</b>	<b>1,668</b>	<b>275</b>	<b>2,969</b>
<b>TOTAL</b>	<b>4,550</b>	<b>193</b>	<b>383</b>	<b>6,713</b>	<b>931</b>	<b>12,770</b>	

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=5,036), followed closely by non-trafficking drug offenses (n=4,537).

**Table 10: Type of Intermediate Punishment by Crime Type  
FY 2002/03 Felonies**

Crime Type	Type of Intermediate Punishment					Total
	Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
Person	897	26	39	946	130	2,038
Property	1,768	114	153	2,627	374	5,036
Non-Trafficking Drug	1,423	43	160	2,570	341	4,537
Other Felony	462	10	31	570	86	1,159
<b>TOTAL</b>	<b>4,550</b>	<b>193</b>	<b>383</b>	<b>6,713</b>	<b>931</b>	<b>12,770</b>

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 2002/03, there were 5,365 convictions for which a Community punishment was imposed. The specific type(s) of Community punishment(s) imposed was reported in the AOC database for 5,284 convictions. Of these 5,284 convictions, 5,096 were for supervised probation; 176 were for unsupervised probation; and 12 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 Only, 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=3,773). 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 27 months.

**Table 11: Type of Community Punishment by Offense Class  
FY 2002/03 Felonies**

Offense Class	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
H	1,512 <i>31 months</i>	45 <i>20 months</i>	3 <i>N/A</i>	32 <i>N/A</i>	1,592 <i>30 months</i>
I	3,584 <i>26 months</i>	131 <i>22 months</i>	9 <i>N/A</i>	49 <i>N/A</i>	3,773 <i>26 months</i>
<b>TOTAL</b>	5,096 <i>28 months</i>	176 <i>21 months</i>	12 <i>N/A</i>	81 <i>N/A</i>	5,365 <i>27 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.

### 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=3,014). Convictions for property offenses had the longest average probation sentences (31 months).



**Table 12: Type of Community Punishment by Crime Type  
FY 2002/03 Felonies**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
<b>Person</b>	64 <i>29 months</i>	4 <i>15 months</i>	0 <i>N/A</i>	1 <i>N/A</i>	69 <i>28 months</i>
<b>Property</b>	1,948 <i>31 months</i>	57 <i>21 months</i>	5 <i>N/A</i>	35 <i>N/A</i>	2,045 <i>31 months</i>
<b>Non-Trafficking Drug</b>	2,870 <i>25 months</i>	102 <i>22 months</i>	7 <i>N/A</i>	35 <i>N/A</i>	3,014 <i>25 months</i>
<b>Other Felony</b>	214 <i>28 months</i>	13 <i>24 months</i>	0 <i>N/A</i>	10 <i>N/A</i>	237 <i>28 months</i>
<b>TOTAL</b>	5,096 <i>28 months</i>	176 <i>21 months</i>	12 <i>N/A</i>	81 <i>N/A</i>	5,365 <i>27 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 a 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) There were 761 habitual felon convictions during Fiscal Year 2002/03.<sup>4</sup> *Table 13* shows the breakdown by offense class and crime type of the most serious conviction associated with habitual felon convictions. Forty-three percent of habitual felons had a conviction for a Class H offense as their underlying conviction (n=325). Thirty percent of habitual felons had some type of drug offense as their underlying conviction (n=230). Felony Breaking and/or Entering was the most frequently occurring most serious crime associated with habitual felon convictions (n=130). Sixty-five percent of habitual felon convictions were sentenced

<sup>4</sup>In 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.

in the mitigated range and an additional 13% were sentenced at the lowest point of the presumptive range (see *Appendix D*).

**Table 13: Most Serious Crime Associated with Habitual Felon Convictions  
by Offense Class and Offense  
FY 2002/03 Felonies**

Offense Class	Offense	Total
Class A	First Degree Murder	1
	<b>Subtotal</b>	<b>1</b>
Class B1	Stat. Rape/Sex Offense Def >= 6yr	1
	<b>Subtotal</b>	<b>1</b>
Class B2	2 <sup>nd</sup> Degree Murder	1
	Attempted 1 <sup>st</sup> Degree Murder	1
	<b>Subtotal</b>	<b>2</b>
Class C	Kidnapping	1
	1 <sup>st</sup> Degree Kidnapping	5
	2 <sup>nd</sup> Degree Rape	1
	2 <sup>nd</sup> Degree Sex Offense	1
	Other Sex Offense	1
	AWDWIKISI	6
	Other Drug Offense	6
	Felony Conspiracy	1
	Habitual Felon*	8
	Other Property Offense	1
	Other Felony Offense	1
	<b>Subtotal</b>	<b>32</b>
	Class D	Attempted Robbery - Dang. Weap.
Robbery - Dangerous Weapon		22
1 <sup>st</sup> Degree Arson		1
1 <sup>st</sup> Degree Burglary		15
Other Drug Offense		1
<b>Subtotal</b>		<b>45</b>
Class E	Kidnapping	1
	2 <sup>nd</sup> Degree Kidnapping	3
	Other Robbery Offense	3
	Malicious Assault in Secret	1
	AWDW Intent to Kill	1
	AWDW Serious Injury	14

Offense Class	Offense	Total
Class E (cont.)	Assault LEO/PO/Other w/ Firearm	3
	Other Arson Offense	1
	Other Drug Offense	3
	Discharge Weapon Occupied Prop.	4
	<b>Subtotal</b>	<b>34</b>
Class F	Involuntary Manslaughter	2
	Felonious Restraint	2
	Indecent Liberties with Child	4
	Fail to Register as Sex Offender	4
	Felony Assault on Handicapped	2
	Malicious Conduct by Prisoner	6
	Assault Inflict Serious Injury	2
	AWDW - Government Official	9
	Trafficking in MDA/MDMA	1
	Other Drug Offense	1
	Possess Weapon Mass Destruction	1
	Habitual Impaired Driving	7
	<b>Subtotal</b>	<b>41</b>
Class G	Common Law Robbery	35
	2 <sup>nd</sup> Degree Arson	1
	2 <sup>nd</sup> Degree Burglary	6
	Sell/Deliver Schedule II C.S.	1
	Conspire Sell/Deliver Sch. II C.S.	1
	Sell/Deliver Cocaine	4
	Sell Cocaine	33
	Sell Heroin	2
	Sell Schedule I C.S.	2
	Sell Schedule II C.S.	8
	Conspire Sell Cocaine	2
	Trafficking in Marijuana	1
Trafficking in Cocaine	5	

**Table 13: Most Serious Crime Associated with Habitual Felon Convictions  
by Offense Class and Offense (continued)  
FY 2002/03 Felonies**

Offense Class	Offense	Total
Class G (cont.)	Other Drug Offense	13
	Possession of Firearm by Felon	29
	<b>Subtotal</b>	<b>143</b>
Class H	Attempted Common Law Robbery	1
	Habitual Misdemeanor Assault	2
	Breaking and/or Entering	130
	Other Property Offense	1
	Felony Larceny	32
	Larceny of a Firearm	1
	Larceny of Chose in Action	1
	Larceny from the Person	5
	Receive Stolen Goods	1
	Possession of Stolen Goods	26
	Larceny after Break/Enter	1
	Larceny of Motor Vehicle	11
	Att. Obtain Prop. by False Pretense	3
	Obtain Property by False Pretenses	26
	Other Fraud Offense	1
	Embezzlement	2
	Possess of C.S. Prison/Jail	4
	Sell/Deliver Cocaine	2
	Sell Marijuana	1
	Sell Schedule III C.S.	1
	PWIMSD Schedule I C.S.	4
	PWIMSD Schedule II C.S.	4
	Conspire to Traffic in Marijuana	1
	Manufacture Cocaine	1
	PWISD Cocaine	35
	PWIMSD Cocaine	3
	Other Drug Offense	4
Escape from State Prison	2	

Offense Class	Offense	Total
Class H (cont.)	Possess Weapon by Prisoner	1
	Felony Stalking	1
	Possess Stolen Motor Vehicle	7
	Flee/Elude Arrest W/ Motor Veh.	9
	Other Felony Offense	1
	<b>Subtotal</b>	<b>325</b>
Class I	Safecracking	1
	Attempt Break/Enter Building	1
	Break/Enter Motor Vehicle	26
	Break/Enter Trailer/Aircraft	1
	Forgery of Instrument	12
	Uttering Forged Instrument	4
	Uttering Forged Endorsement	1
	Forgery of Endorsement	1
	Financial Card Theft	3
	Obtain Contr. Subst. by Fraud	2
	Felony Worthless Check	1
	Conspire Deliver Marijuana	1
	Manufacture Schedule VI C.S.	1
	Sell or Deliver Counterfeit C.S.	4
	PWIMSD Schedule IV C.S.	1
	PWISD Counterfeit C.S.	1
	Possess Schedule I C.S.	1
	Possess Schedule II C.S.	16
	PWISD Marijuana	11
	Felony Possession of Marijuana	4
	Felony Possession of Cocaine	36
	Possession of Heroin	3
	Maintain Veh./Dwell/Place C.S.	5
<b>Subtotal</b>	<b>137</b>	
<b>TOTAL</b>	<b>761</b>	

\* Of the 761 habitual felon convictions, the most serious associated conviction could not be determined for 8 convictions. These 8 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 2002/03.

## **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 2002/03, 4 death sentences and 77 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 a 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 77 life without parole sentences imposed during Fiscal Year 2002/03, three were imposed for a violent habitual felon conviction. The most serious offenses associated with the violent habitual felon convictions were second degree murder, robbery with a dangerous weapon, and attempted robbery with a dangerous weapon.

## **D. Drug Trafficking Convictions**

Drug trafficking offenses are subject to mandatory active sentences with the following minimum and maximum sentence lengths regardless of the offender's prior record level.

Class C Drug Trafficking: Minimum 225 months; maximum 279 months.

Class D Drug Trafficking: Minimum 175 months; maximum 219 months.

Class E Drug Trafficking: Minimum 90 months; maximum 117 months.

Class F Drug Trafficking: Minimum 70 months; maximum 84 months.

Class G Drug Trafficking: Minimum 35 months; maximum 42 months.

Class H Drug Trafficking: Minimum 25 months; maximum 30 months.

If the judge finds that the offender provided substantial assistance in the identification, arrest or conviction of any accomplices, accessories, co-conspirators or principals, then the judge may impose any lesser minimum and corresponding maximum sentence, or suspend the sentence and enter any sentence within his or her discretion. (N.C. Gen. Stat. § 90-95(h))

As shown in *Table 14*, there were 713 convictions for drug trafficking offenses.<sup>5</sup> Trafficking Cocaine (Offense Class G) was the most frequently occurring drug trafficking offense (n=265).

**Table 14: Drug Trafficking Convictions  
FY 2002/03 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
<b>B1</b>	Traffic Cocaine	1	100.0	.	.	.	.	35.0	42.0	1
	<b>Subtotal</b>	<b>1</b>	<b>100.0</b>	<b>.</b>	<b>.</b>	<b>.</b>	<b>.</b>	<b>35.0</b>	<b>42.0</b>	<b>1</b>
<b>D</b>	Traffic Marijuana	2	100.0	.	.	.	.	25.0	30.0	2
	Traffic Cocaine	25	92.6	1	3.7	1	3.7	111.4	139.8	27
	Consp. Traffic Cocaine	5	62.5	1	12.5	2	25.0	98.4	125.4	8
	Other Trafficking	9	100.0	.	.	.	.	175.0	219.0	9
	<b>Subtotal</b>	<b>41</b>	<b>89.1</b>	<b>2</b>	<b>4.3</b>	<b>3</b>	<b>6.5</b>	<b>119.5</b>	<b>150.1</b>	<b>46</b>
<b>E</b>	Traffic Methamphetamine	6	85.7	1	14.3	.	.	79.8	104.8	7
	Traffic Cocaine	3	100.0	.	.	.	.	90.0	117.0	3
	Other Trafficking	1	100.0	.	.	.	.	90.0	117.0	1
	<b>Subtotal</b>	<b>10</b>	<b>90.9</b>	<b>1</b>	<b>9.1</b>	<b>.</b>	<b>.</b>	<b>83.9</b>	<b>109.7</b>	<b>11</b>
<b>F</b>	Traffic Methamphetamine	20	83.3	2	8.3	2	8.3	61.4	73.7	24
	Consp. Traffic Metham.	.	.	1	100.0	.	.	.	.	1
	Traffic MDA/MDMA	7	70.0	2	20.0	1	10.0	69.1	87.1	10
	Consp. Traffic MDA/MDMA	2	66.7	1	33.3	.	.	70.0	84.0	3
	Traffic Marijuana	3	100.0	.	.	.	.	19.3	23.3	3
	Traffic Cocaine	34	87.2	4	10.3	1	2.6	68.4	82.7	39
	Traffic Heroin	15	93.8	.	.	1	6.3	60.0	73.3	8
	Consp. Traffic Cocaine	8	100.0	.	.	.	.	60.0	72.7	16
	Consp. Traffic Heroin	3	100.0	.	.	.	.	51.0	61.3	3
	Other Trafficking	22	88.0	2	8.0	1	4.0	70.0	84.0	25
	<b>Subtotal</b>	<b>114</b>	<b>86.4</b>	<b>12</b>	<b>9.1</b>	<b>6</b>	<b>4.5</b>	<b>64.1</b>	<b>77.6</b>	<b>132</b>

<sup>5</sup> 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 (continued)  
FY 2002/03 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
<b>G</b>	Traffic Methamphetamine	1	50.0	1	50.0	.	.	12.0	15.0	2
	Traffic LSD	5	62.5	3	37.5	.	.	29.6	35.6	8
	Traffic MDA/MDMA	39	72.2	11	20.4	4	7.4	25.6	31.1	54
	Consp. Traffic MDA/MDMA	3	30.0	4	40.0	3	30.0	31.3	37.7	10
	Traffic Marijuana	10	83.3	2	16.7	.	.	33.0	39.6	12
	Traffic Cocaine	224	84.5	35	13.2	6	2.3	32.5	39.2	265
	Traffic Heroin	1	100.0	.	.	.	.	10.0	12.0	1
	Consp. Traffic Cocaine	11	68.8	2	12.5	3	18.8	35.0	42.0	16
	Other Trafficking	80	80.8	15	15.2	4	4.0	35.0	42.0	99
	<b>Subtotal</b>	<b>374</b>	<b>80.1</b>	<b>73</b>	<b>15.6</b>	<b>20</b>	<b>4.3</b>	<b>32.2</b>	<b>38.8</b>	<b>467</b>
<b>H</b>	Traffic Marijuana	24	77.4	4	12.9	3	9.7	24.4	29.3	31
	Traffic Cocaine	4	100.0	.	.	.	.	12.3	15.0	4
	Consp. Traffic Marijuana	4	66.7	2	33.3	.	.	19.0	23.0	6
	Consp. Traffic Cocaine	.	.	1	100.0	.	.	.	.	1
	Other Trafficking	12	92.3	1	7.7	.	.	25.0	30.0	13
	<b>Subtotal</b>	<b>44</b>	<b>80.0</b>	<b>8</b>	<b>14.5</b>	<b>3</b>	<b>5.5</b>	<b>23.0</b>	<b>27.6</b>	<b>55</b>
<b>I</b>	Traffic Cocaine	1	100.0	.	.	.	.	35.0	42.0	1
	<b>Subtotal</b>	<b>1</b>	<b>100.0</b>	<b>.</b>	<b>.</b>	<b>.</b>	<b>.</b>	<b>35.0</b>	<b>42.0</b>	<b>1</b>
<b>TOTAL</b>		<b>585</b>	<b>82.0</b>	<b>96</b>	<b>13.5</b>	<b>32</b>	<b>4.5</b>	<b>44.8</b>	<b>54.5</b>	<b>713</b>

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 B1 and 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.

Table 10: Entry Processing (continued)

Year	Total	Fiscal Year		Fiscal Year		Total
		2002	2003	2002	2003	
1	100	100	100	100	100	100
2	200	200	200	200	200	200
3	300	300	300	300	300	300
4	400	400	400	400	400	400
5	500	500	500	500	500	500
6	600	600	600	600	600	600
7	700	700	700	700	700	700
8	800	800	800	800	800	800
9	900	900	900	900	900	900
10	1000	1000	1000	1000	1000	1000
11	1100	1100	1100	1100	1100	1100
12	1200	1200	1200	1200	1200	1200
13	1300	1300	1300	1300	1300	1300
14	1400	1400	1400	1400	1400	1400
15	1500	1500	1500	1500	1500	1500
16	1600	1600	1600	1600	1600	1600
17	1700	1700	1700	1700	1700	1700
18	1800	1800	1800	1800	1800	1800
19	1900	1900	1900	1900	1900	1900
20	2000	2000	2000	2000	2000	2000
21	2100	2100	2100	2100	2100	2100
22	2200	2200	2200	2200	2200	2200
23	2300	2300	2300	2300	2300	2300
24	2400	2400	2400	2400	2400	2400
25	2500	2500	2500	2500	2500	2500
26	2600	2600	2600	2600	2600	2600
27	2700	2700	2700	2700	2700	2700
28	2800	2800	2800	2800	2800	2800
29	2900	2900	2900	2900	2900	2900
30	3000	3000	3000	3000	3000	3000
31	3100	3100	3100	3100	3100	3100
32	3200	3200	3200	3200	3200	3200
33	3300	3300	3300	3300	3300	3300
34	3400	3400	3400	3400	3400	3400
35	3500	3500	3500	3500	3500	3500
36	3600	3600	3600	3600	3600	3600
37	3700	3700	3700	3700	3700	3700
38	3800	3800	3800	3800	3800	3800
39	3900	3900	3900	3900	3900	3900
40	4000	4000	4000	4000	4000	4000
41	4100	4100	4100	4100	4100	4100
42	4200	4200	4200	4200	4200	4200
43	4300	4300	4300	4300	4300	4300
44	4400	4400	4400	4400	4400	4400
45	4500	4500	4500	4500	4500	4500
46	4600	4600	4600	4600	4600	4600
47	4700	4700	4700	4700	4700	4700
48	4800	4800	4800	4800	4800	4800
49	4900	4900	4900	4900	4900	4900
50	5000	5000	5000	5000	5000	5000

**SECTION II**

**MISDEMEANOR CONVICTIONS  
IN FISCAL YEAR 2002/03**

This table shows the number of misdemeanor convictions in fiscal year 2002/03. The data is presented in a table with columns for the year and rows for the number of convictions. The total number of convictions is 5000.

## **I. MISDEMEANOR CONVICTIONS IN FY 2002/03**

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### **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 2002/03 (July 1, 2002 through June 30, 2003). Overall, sentences for 162,866 misdemeanor convictions were imposed. For many of the tables, information on 3,504 convictions (2%) 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=37,568 or 24%).



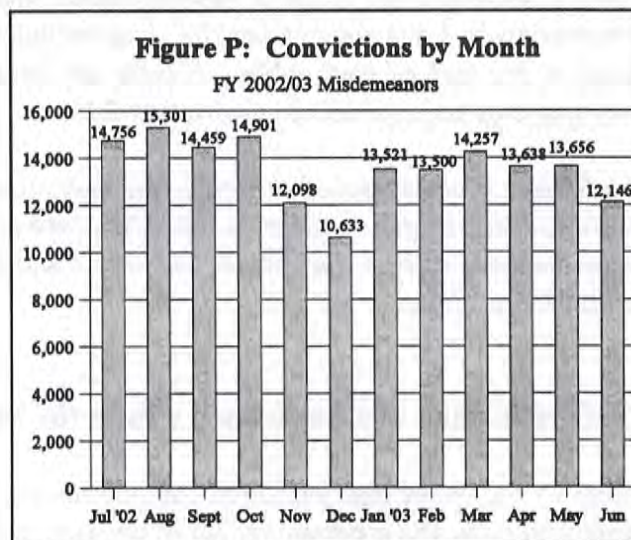
**Table 15: Distribution of Convictions within the Misdemeanor Structured Sentencing Grid  
FY 2002/03 Misdemeanors**

Offense Class	Prior Conviction Level			Total
	I 0 Pts	II 1-4 Pts	III 5+ Pts	
A1	4,797 (3.0%)	6,358 (4.0%)	3,601 (2.3%)	14,756 (9.3%)
1	36,727 (23.0%)	37,568 (23.6%)	15,255 (9.6%)	89,550 (56.2%)
2	16,078 (10.1%)	11,387 (7.1%)	3,634 (2.3%)	31,099 (19.5%)
3	13,395 (8.4%)	7,757 (4.9%)	2,805 (1.7%)	23,957 (15.0%)
<b>TOTAL</b>	<b>70,997 (44.5%)</b>	<b>63,070 (39.6%)</b>	<b>25,295 (15.9%)</b>	<b>159,362 (100%)</b>

Note: Of the 162,866 misdemeanor convictions in FY 2002/03, 3,504 (2%) 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. Percentages may not add to 100% due to rounding.

**D. Convictions by Month of Sentencing**

Figure P shows the number of misdemeanor convictions (N=162,866) by month of sentencing during Fiscal Year 2002/03. Convictions peaked in August and were lowest in December.



## 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.<sup>7</sup> Of the 162,866 convictions in FY 2002/03, 12% (n=18,779) occurred in the first judicial division, 12% (n=20,384) in the second judicial division, 17% (n=27,330) in the third judicial division, 11% (n=17,909) in the fourth judicial division, 14% (n=22,728) in the fifth judicial division, 11% (n=18,256) in the sixth judicial division, 14% (n=22,726) in the seventh judicial division, and 9% (n=14,754) 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 2002/03 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
<b><i>First Judicial Division</i></b>		<b>17,379</b>	<b>1,372</b>	<b>28</b>	<b>18,779</b>
District 1	Camden	110	4	1	115
	Chowan	303	27	0	330
	Currituck	438	31	0	469
	Dare	1,084	100	1	1,185
	Gates	179	10	1	190
	Pasquotank	1,008	82	0	1,090
	Perquimans	234	13	0	247
	<b>Total</b>	<b>3,356</b>	<b>267</b>	<b>3</b>	<b>3,626</b>
District 2	Beaufort	1,448	78	4	1,530
	Hyde	146	5	0	151
	Martin	616	33	3	652
	Tyrrell	239	6	1	246
	Washington	297	24	1	322
<b>Total</b>	<b>2,746</b>	<b>146</b>	<b>9</b>	<b>2,901</b>	
District 3A	Pitt	3,445	135	5	3,585
	<b>Total</b>	<b>3,445</b>	<b>135</b>	<b>5</b>	<b>3,585</b>
District 6A	Halifax	1,477	142	3	1,622
	<b>Total</b>	<b>1,477</b>	<b>142</b>	<b>3</b>	<b>1,622</b>

<sup>7</sup> 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 2002/03 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
<b>District 6B</b>	Bertie	386	16	1	403
	Hertford	715	39	1	755
	Northampton	394	39	1	434
	<b>Total</b>	<b>1,495</b>	<b>94</b>	<b>3</b>	<b>1,592</b>
<b>District 7</b>	Edgecombe	1,463	216	3	1,682
	Nash	1,898	196	0	2,094
	Wilson	1,499	176	2	1,677
	<b>Total</b>	<b>4,860</b>	<b>588</b>	<b>5</b>	<b>5,453</b>
<b>Second Judicial Division</b>		<b>19,299</b>	<b>1,056</b>	<b>29</b>	<b>20,384</b>
<b>District 3B</b>	Carteret	1,417	57	2	1,476
	Craven	2,261	108	10	2,379
	Pamlico	258	23	0	281
	<b>Total</b>	<b>3,936</b>	<b>188</b>	<b>12</b>	<b>4,136</b>
<b>District 4</b>	Duplin	973	58	0	1,031
	Jones	191	8	0	199
	Onslow	2,435	260	5	2,700
	Sampson	1,464	18	0	1,482
	<b>Total</b>	<b>5,063</b>	<b>344</b>	<b>5</b>	<b>5,412</b>
<b>District 5</b>	New Hanover	4,540	150	1	4,691
	Pender	688	30	1	719
	<b>Total</b>	<b>5,228</b>	<b>180</b>	<b>2</b>	<b>5,410</b>
<b>District 8</b>	Greene	419	30	0	449
	Lenoir	1,874	120	4	1,998
	Wayne	2,779	194	6	2,979
	<b>Total</b>	<b>5,072</b>	<b>344</b>	<b>10</b>	<b>5,426</b>
<b>Third Judicial Division</b>		<b>26,311</b>	<b>992</b>	<b>27</b>	<b>27,330</b>
<b>District 9</b>	Franklin	823	64	0	887
	Granville	1,111	95	0	1,206
	Vance	1,544	148	1	1,693
	Warren	266	56	0	322
	<b>Total</b>	<b>3,744</b>	<b>363</b>	<b>1</b>	<b>4,108</b>

**Table 16: Convictions by Judicial Division, Judicial District, County,  
and Mode of Disposition (continued)  
FY 2002/03 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 9A	Caswell	385	59	0	444
	Person	1,026	82	0	1,108
	<b>Total</b>	<b>1,411</b>	<b>141</b>	<b>0</b>	<b>1,552</b>
District 10	Wake	12,427	130	17	12,574
	<b>Total</b>	<b>12,427</b>	<b>130</b>	<b>17</b>	<b>12,574</b>
District 14	Durham	4,471	63	5	4,539
	<b>Total</b>	<b>4,471</b>	<b>63</b>	<b>5</b>	<b>4,539</b>
District 15A	Alamance	2,931	249	3	3,183
	<b>Total</b>	<b>2,931</b>	<b>249</b>	<b>3</b>	<b>3,183</b>
District 15B	Chatham	476	19	0	495
	Orange	851	27	1	879
	<b>Total</b>	<b>1,327</b>	<b>46</b>	<b>1</b>	<b>1,374</b>
<b><i>Fourth Judicial Division</i></b>		<b><i>17,208</i></b>	<b><i>685</i></b>	<b><i>16</i></b>	<b><i>17,909</i></b>
District 11	Harnett	1,508	80	5	1,593
	Johnston	2,229	57	0	2,286
	Lee	1,104	78	0	1,182
	<b>Total</b>	<b>4,841</b>	<b>215</b>	<b>5</b>	<b>5,061</b>
District 12	Cumberland	3,093	154	4	3,251
	<b>Total</b>	<b>3,093</b>	<b>154</b>	<b>4</b>	<b>3,251</b>
District 13	Bladen	594	17	0	611
	Brunswick	1,213	47	0	1,260
	Columbus	1,065	41	5	1,111
	<b>Total</b>	<b>2,872</b>	<b>105</b>	<b>5</b>	<b>2,982</b>
District 16A	Hoke	515	45	0	560
	Scotland	1,408	89	1	1,498
	<b>Total</b>	<b>1,923</b>	<b>134</b>	<b>1</b>	<b>2,058</b>
District 16B	Robeson	4,479	77	1	4,557
	<b>Total</b>	<b>4,479</b>	<b>77</b>	<b>1</b>	<b>4,557</b>
<b><i>Fifth Judicial Division</i></b>		<b><i>21,986</i></b>	<b><i>720</i></b>	<b><i>22</i></b>	<b><i>22,728</i></b>
District 17A	Rockingham	1,464	132	3	1,599
	<b>Total</b>	<b>1,464</b>	<b>132</b>	<b>3</b>	<b>1,599</b>

**Table 16: Convictions by Judicial Division, Judicial District, County,  
and Mode of Disposition (continued)  
FY 2002/03 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 17B	Stokes	841	60	0	901
	Surry	1,283	86	0	1,369
	<b>Total</b>	<b>2,124</b>	<b>146</b>	<b>0</b>	<b>2,270</b>
District 18	Guilford	6,891	248	1	7,140
	<b>Total</b>	<b>6,891</b>	<b>248</b>	<b>1</b>	<b>7,140</b>
District 19B	Montgomery	655	20	0	675
	Moore	1,376	40	0	1,416
	Randolph	1,880	36	3	1,919
	<b>Total</b>	<b>3,911</b>	<b>96</b>	<b>3</b>	<b>4,010</b>
District 21	Forsyth	5,534	63	13	5,610
	<b>Total</b>	<b>5,534</b>	<b>63</b>	<b>13</b>	<b>5,610</b>
District 23	Alleghany	124	3	0	127
	Ashe	319	4	1	324
	Wilkes	1,127	22	1	1,150
	Yadkin	492	6	0	498
	<b>Total</b>	<b>2,062</b>	<b>35</b>	<b>2</b>	<b>2,099</b>
<b>Sixth Judicial Division</b>		<b>16,867</b>	<b>1,368</b>	<b>21</b>	<b>18,256</b>
District 19A	Cabarrus	4,163	272	3	4,438
	<b>Total</b>	<b>4,163</b>	<b>272</b>	<b>3</b>	<b>4,438</b>
District 19C	Rowan	2,385	90	5	2,480
	<b>Total</b>	<b>2,385</b>	<b>90</b>	<b>5</b>	<b>2,480</b>
District 20	Anson	755	80	0	835
	Richmond	1,136	227	3	1,366
	Stanly	944	121	5	1,070
	Union	1,915	309	3	2,227
	<b>Total</b>	<b>4,750</b>	<b>737</b>	<b>11</b>	<b>5,498</b>
District 22	Alexander	393	27	0	420
	Davidson	2,333	130	1	2,464
	Davie	403	29	0	432
	Iredell	2,440	83	1	2,524
	<b>Total</b>	<b>5,569</b>	<b>269</b>	<b>2</b>	<b>5,840</b>

**Table 16: Convictions by Judicial Division, Judicial District, County,  
and Mode of Disposition (continued)  
FY 2002/03 Misdemeanors**

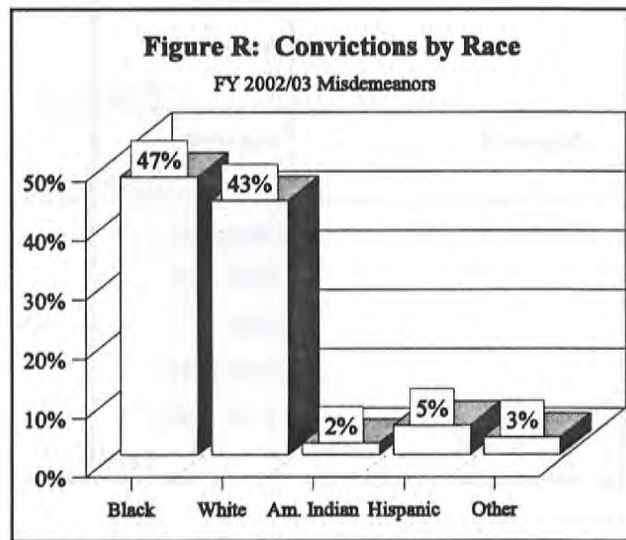
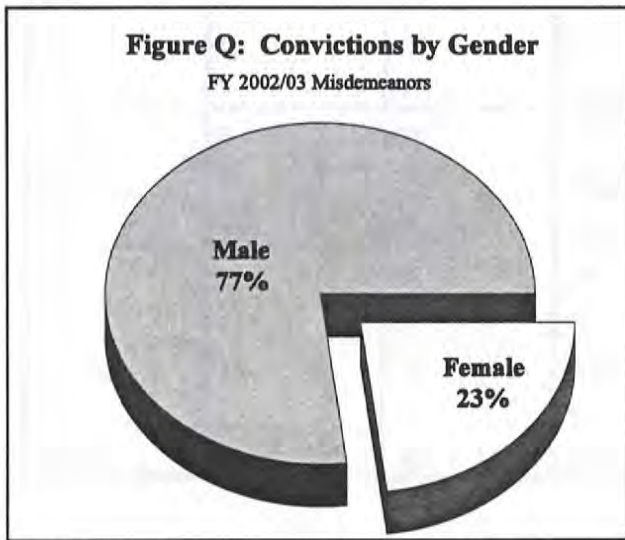
Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
<b><i>Seventh Judicial Division</i></b>		<b>21,833</b>	<b>863</b>	<b>30</b>	<b>22,726</b>
District 25	Burke	1,295	71	1	1,367
	Caldwell	1,300	114	1	1,415
	Catawba	3,088	239	8	3,335
	<b>Total</b>	<b>5,683</b>	<b>424</b>	<b>10</b>	<b>6,117</b>
District 26	Mecklenburg	9,479	223	13	9,715
	<b>Total</b>	<b>9,479</b>	<b>223</b>	<b>13</b>	<b>9,715</b>
District 27A	Gaston	3,777	110	4	3,891
	<b>Total</b>	<b>3,777</b>	<b>110</b>	<b>4</b>	<b>3,891</b>
District 27B	Cleveland	1,778	62	3	1,843
	Lincoln	1,116	44	0	1,160
	<b>Total</b>	<b>2,894</b>	<b>106</b>	<b>3</b>	<b>3,003</b>
<b><i>Eighth Judicial Division</i></b>		<b>14,339</b>	<b>385</b>	<b>30</b>	<b>14,754</b>
District 24	Avery	184	14	0	198
	Madison	183	14	0	197
	Mitchell	178	8	2	188
	Watauga	549	47	2	598
	Yancey	161	10	0	171
	<b>Total</b>	<b>1,255</b>	<b>93</b>	<b>4</b>	<b>1,352</b>
District 28	Buncombe	5,016	77	9	5,102
	<b>Total</b>	<b>5,016</b>	<b>77</b>	<b>9</b>	<b>5,102</b>
District 29	Henderson	1,569	28	1	1,598
	McDowell	701	24	0	725
	Polk	438	8	0	446
	Rutherford	2,015	41	6	2,062
	Transylvania	630	7	1	638
	<b>Total</b>	<b>5,353</b>	<b>108</b>	<b>8</b>	<b>5,469</b>

**Table 16: Convictions by Judicial Division, Judicial District, County,  
and Mode of Disposition (continued)  
FY 2002/03 Misdemeanors**

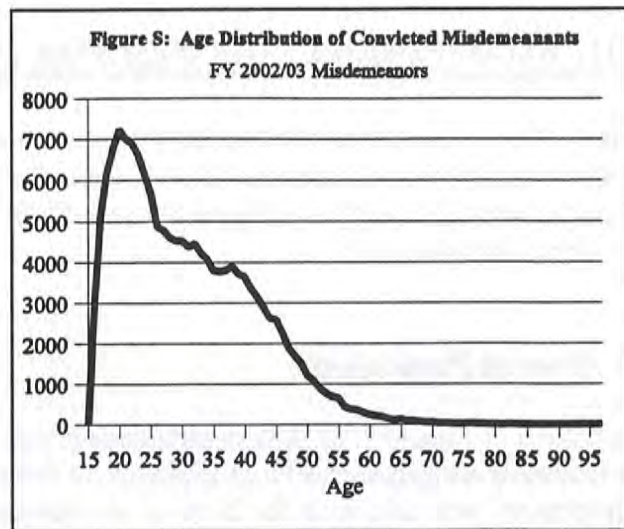
Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 30	Cherokee	433	11	0	444
	Clay	56	4	0	60
	Graham	107	9	1	117
	Haywood	1,035	30	6	1,071
	Jackson	432	23	0	455
	Macon	405	23	2	430
	Swain	247	7	0	254
	<b>Total</b>	<b>2,715</b>	<b>107</b>	<b>9</b>	<b>2,831</b>
<b>STATE TOTAL</b>		<b>155,222</b>	<b>7,441</b>	<b>203</b>	<b>162,866</b>

## 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 (77%). *Figure R* shows that 47% of all misdemeanor offenders were Black and 43% were White. Only a small percentage were American Indian (2%), Hispanic (5%), or Other (3%).



Eighteen 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, 26% were 30-39 years of age, 17% were 40-49 years of age, and 6% 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 2002/03 Misdemeanors**

Gender and Race		Age						Total
		<21	21-25	26-29	30-39	40-49	>49	
<b>Male</b>	White	11,292	10,797	5,668	12,593	8,456	3,161	51,967
	Black	9,203	11,646	6,840	15,137	10,575	3,615	57,016
	Hispanic	1,179	2,218	1,310	1,605	524	112	6,948
	Amer. Indian	410	407	255	490	262	91	1,915
	Other	293	352	197	401	196	68	1,507
	<b>Subtotal</b>	22,377	25,420	14,270	30,226	20,013	7,047	119,353
<b>Female</b>	White	2,959	3,018	2,038	4,935	2,803	727	16,480
	Black	2,599	3,530	2,214	4,993	2,613	575	16,524
	Hispanic	124	170	113	167	69	9	652
	Amer. Indian	111	127	117	215	102	20	692
	Other	79	95	58	132	63	19	446
	<b>Subtotal</b>	5,872	6,940	4,540	10,442	5,650	1,350	34,794
<b>TOTAL</b>		28,249	32,360	18,810	40,668	25,663	8,397	154,147

Note: Of the 162,866 misdemeanor convictions in FY 2002/03, 8,719 convictions with missing values for offenders' age were excluded from this table.

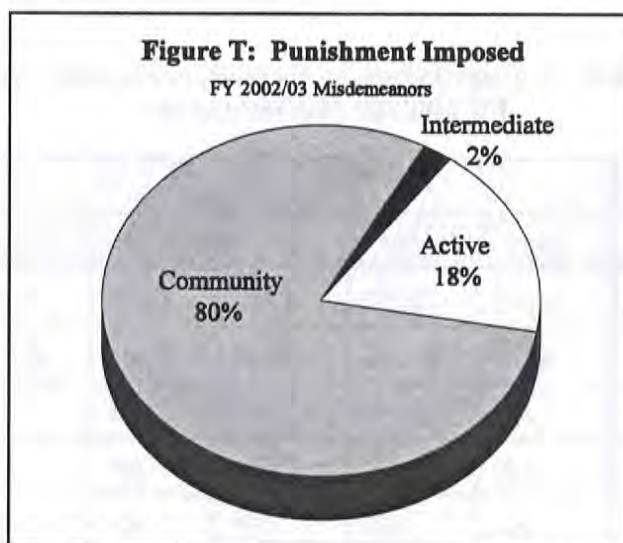


### III. PUNISHMENT IMPOSED FOR MISDEMEANORS

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.<sup>8</sup>

#### A. Overall Punishment

As shown in *Figure T*, an Active punishment was imposed for 18% of misdemeanor convictions; an Intermediate punishment was imposed for 2% of misdemeanor convictions; and a Community punishment was imposed for 80% of misdemeanor convictions. Of the Active punishments imposed, 88% were for sentences of 90 days or less, with the remaining 12% 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. Nine percent of misdemeanor convictions fell into Offense Class A1, 56% fell into Offense Class 1, 20% fell into Offense Class 2, and 15% fell into Offense Class 3. Forty-four percent of misdemeanor convictions fell into Prior Conviction Level I, 40% fell into Prior Conviction Level II, and 16% 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 (22%). The majority of convictions fell into Offense Class 1 with Prior Conviction Level II (n=37,568). In general, the likelihood of receiving an Active punishment increased as prior conviction level increased.

<sup>8</sup> In the fall of 2001 the AOC restructured the appearance of the data entry fields in its criminal database. These changes may result in improved reporting rates for affected fields, such as credit for time served.

**Table 18: Convictions and Sentences by Offense Class and Prior Conviction Level  
FY 2002/03 Misdemeanors**

Offense Class	Prior Conviction Level			Total
	I 0 Pts	II 1-4 Pts	III 5+ Pts	
<b>A1</b>	C/I/A C = 4,045 (84%) I = 139 (3%) A = 613 (13%) (n=4,797)  32.1 days	C/I/A C = 4,915 (77%) I = 258 (4%) A = 1,185 (19%) (n=6,358)	C/I/A C = 1,891 (53%) I = 303 (8%) A = 1,407 (39%) (n=3,601)	C/I/A C = 10,851 (73%) I = 700 (5%) A = 3,205 (22%) (n=14,756)  70.2 days
<b>1</b>	C C = 32,680 (89%) I = 142 (0%) A = 3,905 (11%) (n=36,727)  20.2 days	C/I/A C = 31,042 (83%) I = 677 (2%) A = 5,849 (15%) (n=37,568)	C/I/A C = 8,601 (56%) I = 814 (5%) A = 5,840 (38%) (n=15,255)	C/I/A C = 72,323 (81%) I = 1,633 (2%) A = 15,594 (17%) (n=89,550)  44.2 days
<b>2</b>	C C = 14,402 (90%) I = 24 (0%) A = 1,652 (10%) (n=16,078)  11.9 days	C/I C = 9,744 (86%) I = 131 (1%) A = 1,512 (13%) (n=11,387)	C/I/A C = 2,127 (59%) I = 75 (2%) A = 1,432 (39%) (n=3,634)	C/I/A C = 26,273 (84%) I = 230 (1%) A = 4,596 (15%) (n=31,099)  22.4 days
<b>3</b>	C C = 10,994 (82%) I = 10 (0%) A = 2,391 (18%) (n=13,395)  4.9 days	C/I C = 6,358 (82%) I = 66 (1%) A = 1,333 (17%) (n=7,757)	C/I/A C = 1,566 (56%) I = 28 (1%) A = 1,211 (43%) (n=2,805)	C/I/A C = 18,918 (79%) I = 104 (0%) A = 4,935 (21%) (n=23,957)  7.9 days
<b>TOTAL</b>	C/I/A C = 62,121 (88%) I = 315 (0%) A = 8,561 (12%) (n=70,997)  15.2 days	C/I/A C = 52,059 (82%) I = 1,132 (2%) A = 9,879 (16%) (n=63,070)	C/I/A C = 14,185 (56%) I = 1,220 (5%) A = 9,890 (39%) (n=25,295)  66.0 days	C/I/A C = 128,365 (80%) I = 2,667 (2%) A = 28,330 (18%) (n=159,362)  37.3 days

Note: Of the 162,866 misdemeanor convictions in FY 2002/03, 3,504 (2%) 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 (54 days). Overall, the average time served for misdemeanor convictions was 27 days. Fifty-seven percent of offenders with Active sentences received credit for time served.

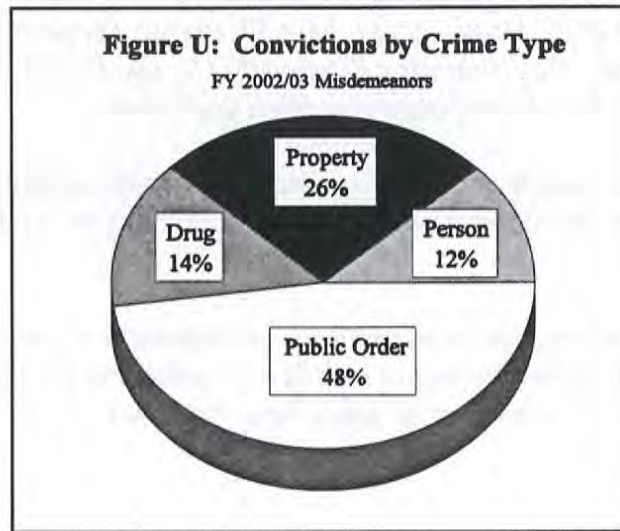
**Table 19: Average Length of Active Sentences by Offense Class and Prior Conviction Level  
FY 2002/03 Misdemeanors**

Offense Class		Prior Conviction Level			Overall
		I 0 Pts	II 1-4 Pts	III 5+ Pts	
A1	Average Active Sentence (Days)	32.1	48.9	104.8	70.2
	Average Credit for Time Served (Days)	14.1	14.1	19.9	16.7
	Average Time to be Served (Days)	18.0	34.7	84.9	53.5
	No. of Active Sentences	613	1,185	1,407	3,205
1	Average Active Sentence (Days)	20.2	28.9	75.4	44.2
	Average Credit for Time Served (Days)	11.1	10.1	12.7	11.3
	Average Time to be Served (Days)	9.1	18.9	62.7	32.9
	No. of Active Sentences	3,905	5,849	5,840	15,594
2	Average Active Sentence (Days)	11.9	22.6	34.5	22.4
	Average Credit for Time Served (Days)	8.2	10.1	9.9	9.4
	Average Time to be Served (Days)	3.6	12.5	24.7	13.1
	No. of Active Sentences	1,652	1,512	1,432	4,596
3	Average Active Sentence (Days)	4.9	8.4	13.2	7.9
	Average Credit for Time Served (Days)	4.2	5.4	5.0	4.7
	Average Time to be Served (Days)	0.7	3.1	8.2	3.2
	No. of Active Sentences	2,391	1,333	1,211	4,935
TOTAL	Average Active Sentence (Days)	15.2	27.6	66.0	37.3
	Average Credit for Time Served (Days)	8.9	9.9	12.4	10.5
	Average Time to be Served (Days)	6.3	17.7	53.7	26.8
	No. of Active Sentences	8,561	9,879	9,890	28,330

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. Punishment Imposed by Crime Type

As shown in *Figure U*, public order offenses (48%) accounted for the majority of misdemeanor convictions, while misdemeanor person offenses accounted for the lowest proportion (12%).



*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 (15%). Nineteen percent of convictions for person and for property offenses resulted in an Active punishment and 18% of 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 2002/03 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	3,606	19	699	4	14,847	77	61	15	45	19,152
Property	7,801	19	688	2	33,202	79	43	13	30	41,691
Drug	3,279	15	255	1	18,836	84	31	10	21	22,370
Public Order	13,644	18	1,025	1	61,480	81	29	8	21	76,149
<b>TOTAL</b>	<b>28,330</b>	<b>18</b>	<b>2,667</b>	<b>2</b>	<b>128,365</b>	<b>80</b>	<b>37</b>	<b>10</b>	<b>27</b>	<b>159,362</b>

Note: Of the 162,866 misdemeanor convictions in FY 2002/03, 3,504 (2%) 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.

## IV. INTERMEDIATE PUNISHMENTS

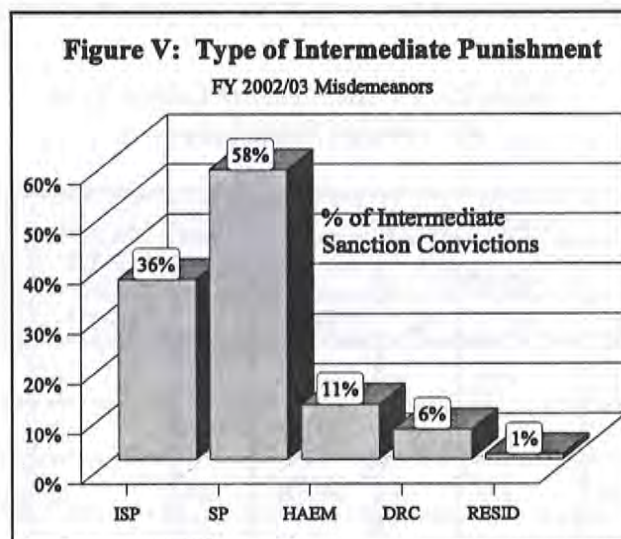
This section provides a summary of the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed.* The types of intermediate sanctions include Special Probation (SP), House Arrest with Electronic Monitoring (HAEM), Intensive Supervision Probation (ISP), Day Reporting Center (DRC), and Residential Treatment Facility (RESID)<sup>9</sup>. See *Appendix E* for a brief description of each sanction.

During Fiscal Year 2002/03, there were 2,667 convictions for which an Intermediate punishment was imposed. One or more specific intermediate sanction was reported for 2,630 of these convictions (a reporting rate of 99%).

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 (58%). 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%.

<sup>9</sup> The Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) was eliminated in 2002 and is no longer represented in this analysis.

## B. Intermediate Punishments by Offense Class and Prior Conviction Level

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=896) followed closely by Class 1 with Prior Conviction Level II (n=746). Overall, intermediate sanctions were most frequently imposed for Class 1 convictions (n=1,790).

**Table 21: Type of Intermediate Punishment by Offense Class and Prior Conviction Level  
FY 2002/03 Misdemeanors**

Offense Class	Prior Conviction Level	Type of Intermediate Punishment					Total
		Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
A1	I	93	1	6	40	16	156
	II	184	1	13	76	17	291
	III	181	2	13	131	24	351
	<b>Subtotal</b>	<b>458</b>	<b>4</b>	<b>32</b>	<b>247</b>	<b>57</b>	<b>798</b>
1	I	71	6	19	45	7	148
	II	360	7	52	243	84	746
	III	479	11	24	277	105	896
	<b>Subtotal</b>	<b>910</b>	<b>24</b>	<b>95</b>	<b>565</b>	<b>196</b>	<b>1,790</b>
2	I	12	0	3	6	2	23
	II	78	0	15	55	16	164
	III	34	0	3	38	15	90
	<b>Subtotal</b>	<b>124</b>	<b>0</b>	<b>21</b>	<b>99</b>	<b>33</b>	<b>277</b>
3	I	2	0	3	4	1	10
	II	38	0	13	24	4	79
	III	15	1	1	10	4	31
	<b>Subtotal</b>	<b>55</b>	<b>1</b>	<b>17</b>	<b>38</b>	<b>9</b>	<b>120</b>
<b>TOTAL</b>		<b>1,547</b>	<b>29</b>	<b>165</b>	<b>949</b>	<b>295</b>	<b>2,985</b>

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=1,123).

**Table 22: Type of Intermediate Punishment by Crime Type  
FY 2002/03 Misdemeanors**

Crime Type	Type of Intermediate Punishment					Total
	Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
Person	455	5	36	253	61	810
Property	325	14	47	299	79	764
Drug	73	6	28	141	40	288
Public Order	694	4	54	256	115	1,123
<b>TOTAL</b>	<b>1,547</b>	<b>29</b>	<b>165</b>	<b>949</b>	<b>295</b>	<b>2,985</b>

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 1,547 convictions. All but 54 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=910). Class 3 misdemeanors received the longest average Special Probation sentences (52.9 days).

**Table 23: Special Probation by Offense Class  
FY 2002/03 Misdemeanors**

Offense Class	Number	Mean Special Probation Length (Days) <sup>10</sup>
Class A1	458	33.5
Class 1	910	26.8
Class 2	124	23.8
Class 3	55	52.9
<b>TOTAL</b>	<b>1,547</b>	<b>29.5</b>

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

As shown in *Table 24*, the majority of Special Probation convictions were for public order offenses (n=694) and the least number were for drug offenses (n=73). Relative to the other crime types, drug convictions resulted in the longest Special Probation length (51.8 days).

**Table 24: Special Probation by Crime Type  
FY 2002/03 Misdemeanors**

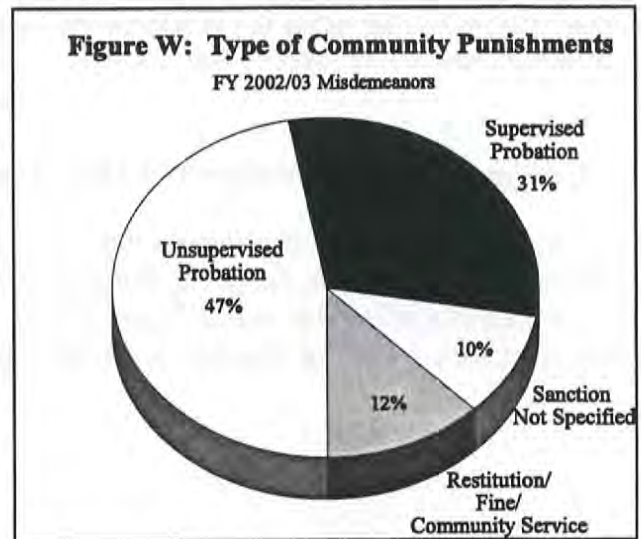
Offense Class	Number	Mean Special Probation Length (Days) <sup>11</sup>
Person	455	31.3
Property	325	31.7
Drug	73	51.8
Public Order	694	24.8
<b>TOTAL</b>	<b>1,547</b>	<b>29.5</b>

## V. COMMUNITY PUNISHMENTS

### A. Community Punishments by Offense Class

*This section includes only those convictions for which a Community punishment was imposed. Of the 128,365 convictions for which a Community punishment was imposed, the specific type of Community punishment imposed was reported for 115,613 convictions. Overall, 47% received Unsupervised Probation; 31% received Supervised Probation; 12% received only Restitution/Fine/Community Service without probation; and 10% had no specific sanction ordered (see *Figure W*).<sup>12</sup>*

*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



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

<sup>12</sup> It 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 AOC's Criminal Information System (e.g., outpatient drug/alcohol treatment or referral to TASC).



of probation sentences. Convictions for Class 1 offenses comprised the majority of convictions resulting in a Community punishment (n=72,323). Convictions for Class A1 offenses resulted in the longest average probation sentences (19 months).

**Table 25: Type of Community Punishment by Offense Class  
FY 2002/03 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	5,875 <i>19 months</i>	3,945 <i>19 months</i>	271 <i>N/A</i>	760 <i>N/A</i>	10,851 <i>19 months</i>
Class 1	25,913 <i>18 months</i>	31,670 <i>16 months</i>	8,277 <i>N/A</i>	6,463 <i>N/A</i>	72,323 <i>17 months</i>
Class 2	6,020 <i>16 months</i>	14,076 <i>14 months</i>	3,583 <i>N/A</i>	2,594 <i>N/A</i>	26,273 <i>15 months</i>
Class 3	2,133 <i>14 months</i>	10,187 <i>14 months</i>	3,663 <i>N/A</i>	2,935 <i>N/A</i>	18,918 <i>14 months</i>
<b>TOTAL</b>	39,941 <i>18 months</i>	59,878 <i>15 months</i>	15,794 <i>N/A</i>	12,752 <i>N/A</i>	128,365 <i>16 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=14,301). The largest number sentenced to Unsupervised Probation were convicted of public order offenses (n=30,124).

**Table 26: Type of Community Punishment by Crime Type  
FY 2002/03 Misdemeanors**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
<b>Person</b>	6,780 <i>19 months</i>	6,486 <i>17 months</i>	584 <i>N/A</i>	997 <i>N/A</i>	14,847 <i>18 months</i>
<b>Property</b>	14,301 <i>18 months</i>	13,848 <i>15 months</i>	2,782 <i>N/A</i>	2,271 <i>N/A</i>	33,202 <i>16 months</i>
<b>Drug</b>	5,171 <i>16 months</i>	9,420 <i>15 months</i>	2,644 <i>N/A</i>	1,601 <i>N/A</i>	18,836 <i>15 months</i>
<b>Public Order</b>	13,689 <i>17 months</i>	30,124 <i>15 months</i>	9,784 <i>N/A</i>	7,883 <i>N/A</i>	61,480 <i>16 months</i>
<b>TOTAL</b>	39,941 <i>18 months</i>	59,878 <i>15 months</i>	15,794 <i>N/A</i>	12,752 <i>N/A</i>	128,365 <i>16 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 2002/03, almost 10% of all misdemeanor convictions were sentenced to perform Community Service, with an average of 35 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=9,640). Of the four offense classes, convictions for Class 1 offenses were most likely to result in a Community Service sentence (10.8%), while convictions for Class A1 offenses had the highest average hours of Community Service ordered (41.3 hours).

**Table 27: Community Service by Offense Class  
FY 2002/03 Misdemeanors**

<b>Offense Class</b>	<b>Mean Number of Hours Ordered</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Class A1</b>	41.3	1,181	8.0
<b>Class 1</b>	36.4	9,640	10.8
<b>Class 2</b>	32.7	2,360	7.6
<b>Class 3</b>	28.1	1,935	8.1
<b>TOTAL</b>	35.2	15,116	9.5

Table 28 contains information on the average hours ordered and the number of convictions for which Community Service was ordered 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=6,066). Of the four crime types, property convictions were the most likely to result in a Community Service sentence (14.6%), while person convictions had the highest number of Community Service hours ordered (an average of almost 39 hours).

**Table 28: Community Service by Crime Type  
FY 2002/03 Misdemeanors**

<b>Crime Type</b>	<b>Mean Number of Hours Ordered</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Person</b>	38.6	1,830	9.6
<b>Property</b>	36.3	6,066	14.6
<b>Drug</b>	32.0	1,704	7.6
<b>Public Order</b>	33.7	5,516	7.2
<b>TOTAL</b>	35.2	15,116	9.5

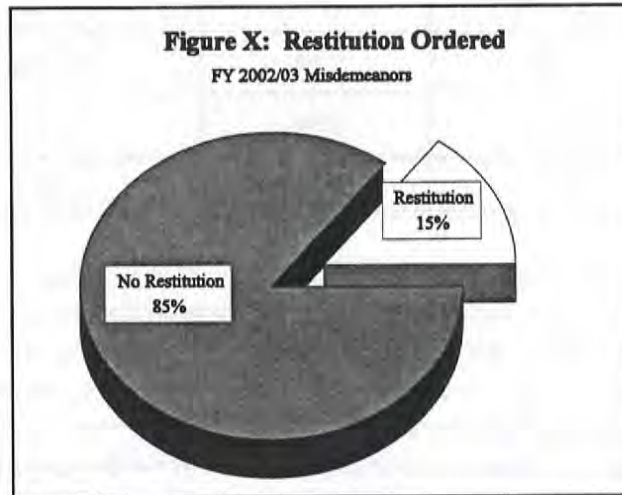
## **B. Restitution**

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 amounts ordered which are higher than the “normal” amount of Restitution ordered.

As shown in *Figure X*, payment of Restitution was ordered for 15% of all misdemeanor convictions during Fiscal Year 2002/03.



*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 \$734, while the median amount was \$200. The highest amount of Restitution, on average, was ordered for Class 1 convictions (a mean of \$1,060 and a median of \$300). Convictions for Class 1 misdemeanors also comprised the largest group with a Restitution sentence ( $n=11,676$ ), followed by Class 2 misdemeanors ( $n=10,240$ ). Close to 33% 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 2002/03 Misdemeanors**

<b>Offense Class</b>	<b>Mean Restitution Ordered (\$)</b>	<b>Median Restitution Ordered (\$)</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Class A1</b>	941	300	1,756	11.9
<b>Class 1</b>	1,060	300	11,676	13.0
<b>Class 2</b>	367	130	10,240	32.9
<b>Class 3</b>	215	125	813	3.4
<b>TOTAL</b>	734	200	24,485	15.4

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 public order convictions (\$1,351). The highest median Restitution amount was ordered for convictions for person offenses (\$295). Property offense convictions accounted for the majority of convictions for which payment of Restitution was ordered (n=18,792). Forty-five 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 2002/03 Misdemeanors**

<b>Crime Type</b>	<b>Mean Restitution Ordered (\$)</b>	<b>Median Restitution Ordered (\$)</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Person</b>	883	295	2,389	12.5
<b>Property</b>	662	200	18,792	45.1
<b>Drugs</b>	216	195	920	4.1
<b>Public Order</b>	1,351	195	2,384	3.1
<b>TOTAL</b>	734	200	24,485	15.4

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 (\$931). Almost twenty-six 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=23,686).

**Table 31: Restitution Ordered by Punishment Imposed  
FY 2002/03 Misdemeanors**

<b>Type of Punishment</b>	<b>Mean Restitution Ordered (\$)</b>	<b>Median Restitution Ordered (\$)</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Active</b>	603	200	116	0.4
<b>Intermediate</b>	931	350	683	25.6
<b>Community</b>	729	200	23,686	18.5
<b>TOTAL</b>	734	200	24,485	15.4

Table 21: Judicial Divisions District by Population (2011)

The table provides information on the population of judicial divisions and districts. It also includes information on the number of divisions for each district and the type of division. The table also includes information on the number of divisions for each district and the type of division. The table also includes information on the number of divisions for each district and the type of division.

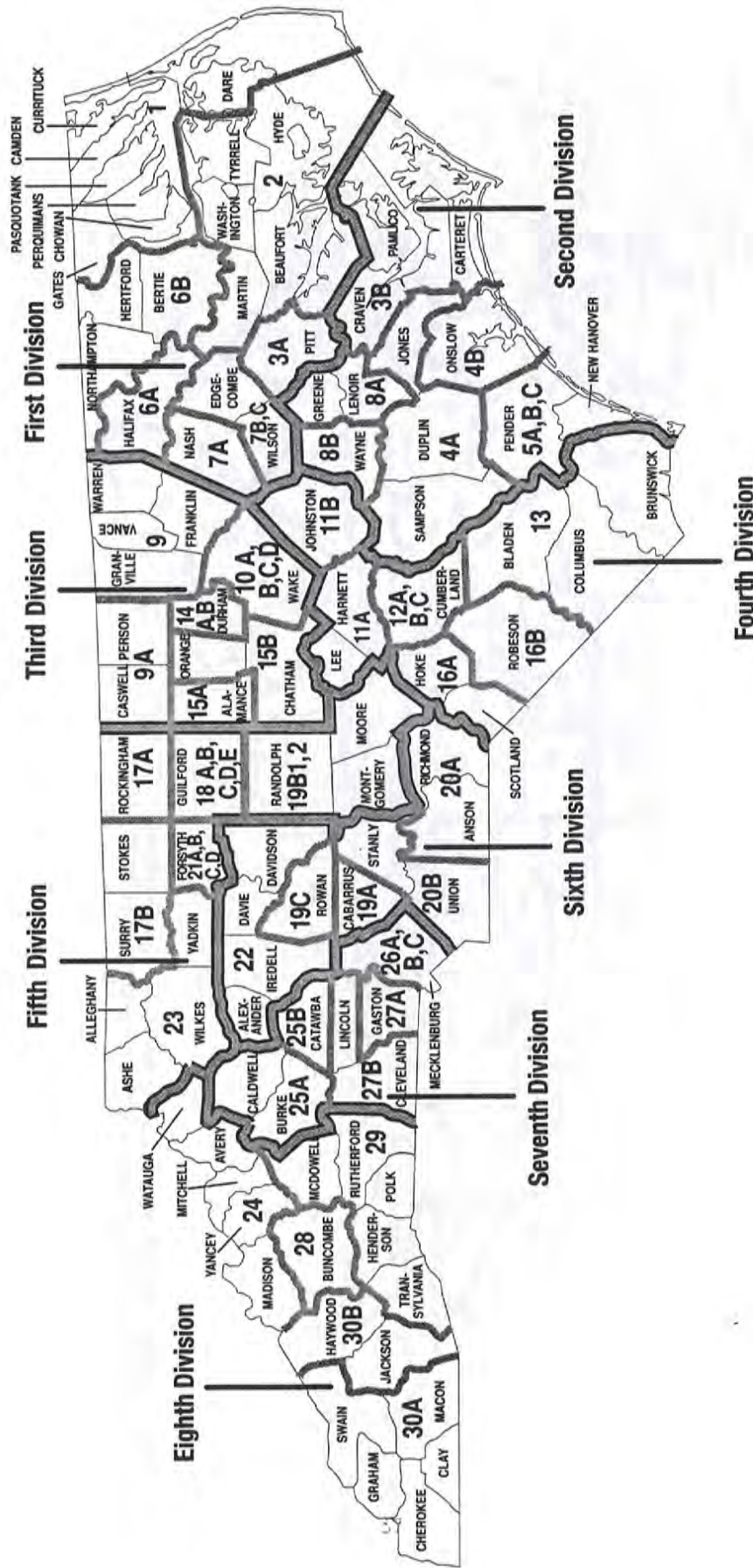
Table 21: Judicial Divisions District by Population (2011)

Division	Population	District	Type
1	110	1	1
2	110	2	2
3	110	3	3
4	110	4	4
TOTAL	440		

**APPENDIX A**

**MAP OF JUDICIAL DIVISIONS AND DISTRICTS**

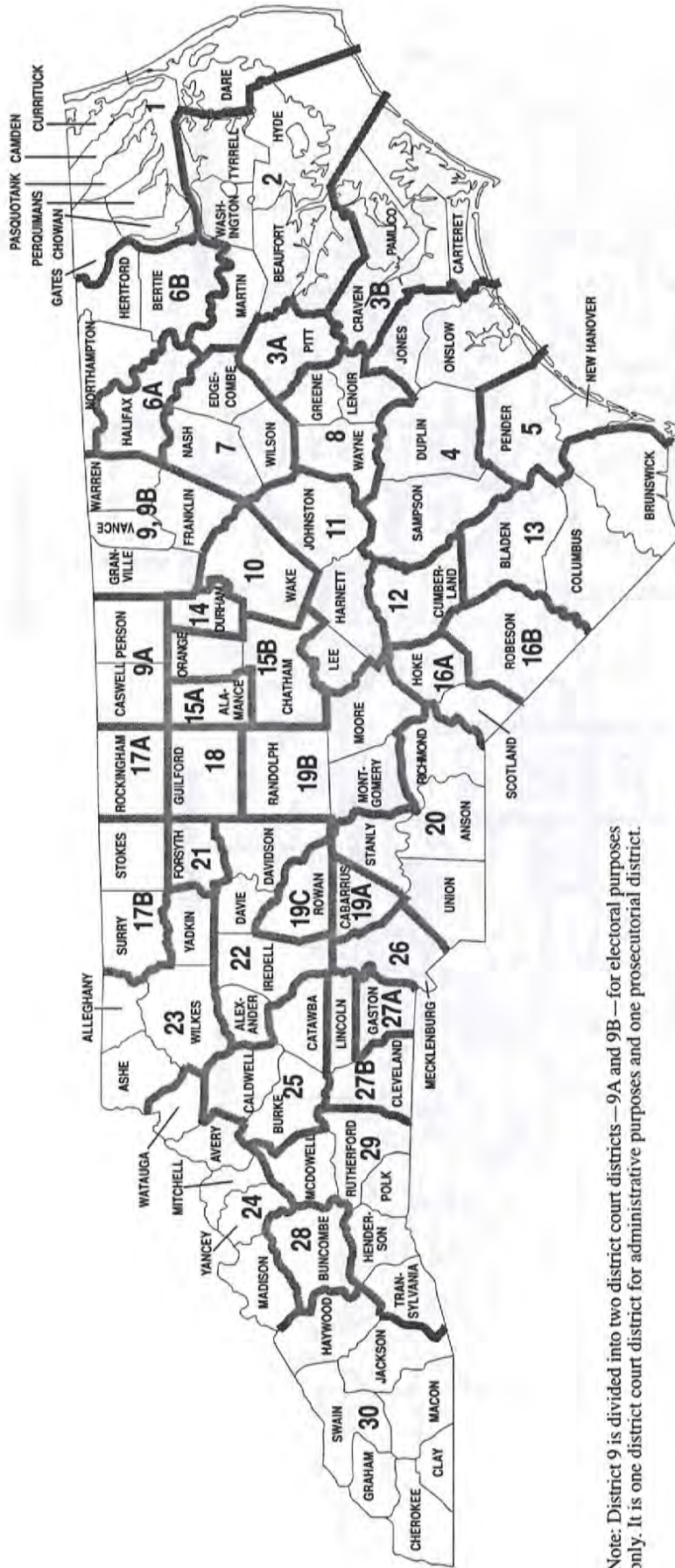
# North Carolina Superior Court Districts and Divisions as of June 30, 2001



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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.



**SAMPLE OFFENSES  
AS OF 12/1/03**

<b>CLASS A FELONIES</b>		<b>Maximum Punishment of Death or Life Without Parole</b>
Murder, First Degree (14-17)		
<b>CLASS B1 FELONIES</b>		<b>Maximum Punishment of Life Without Parole</b>
Rape, First Degree (14-27.2)	Sexual Offense, First Degree (14-27.4)	
<b>CLASS B2 FELONIES</b>		<b>Maximum Punishment of 479 Months</b>
Murder, Second Degree (14-17)		
<b>CLASS C FELONIES</b>		<b>Maximum Punishment of 261 Months</b>
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)	
<b>CLASS D FELONIES</b>		<b>Maximum Punishment of 229 Months</b>
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))	
<b>CLASS E FELONIES</b>		<b>Maximum Punishment of 98 Months</b>
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))	
<b>CLASS F FELONIES</b>		<b>Maximum Punishment of 59 Months</b>
Involuntary Manslaughter (14-18)	Burning of Certain Other Buildings (14-62)	
Assault Inflicting Serious Bodily Injury (14-32.4)	Incest (14-178)	
Assault W/D/W on a Governmental Officer or Employee (14-34.2)	Indecent Liberties with Children (14-202.1)	
Assault Inflicting Serious Injury 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)	
<b>CLASS G FELONIES</b>		<b>Maximum Punishment of 44 Months</b>
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))	
<b>CLASS H FELONIES</b>		<b>Maximum Punishment of 30 Months</b>
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))
<b>CLASS I FELONIES</b>	<b>Maximum Punishment of 15 Months</b>
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))
<b>CLASS A1 MISDEMEANORS</b>	<b>Maximum Punishment of 150 Days</b>
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)
<b>CLASS 1 MISDEMEANORS</b>	<b>Maximum Punishment of 120 Days</b>
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)
<b>CLASS 2 MISDEMEANORS</b>	<b>Maximum Punishment of 60 Days</b>
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)
<b>CLASS 3 MISDEMEANORS</b>	<b>Maximum Punishment of 20 Days</b>
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))
<b>CONSPIRACY</b> to commit an offense is classified as one class lower than the offense the person conspired to commit. (14-2.4)	
<b>ATTEMPT</b> to commit an offense is classified as one class lower than the offense the person attempted to commit. (14-2.5)	
<b>SOLICITATION</b> to commit an offense is classified as two classes lower than the offense the person solicited the other person to commit. (14-2.6)	
<b>ACCESSORY BEFORE THE FACT</b> punishable as the principal felon. (14-5.2)	
<b>ACCESSORY AFTER THE FACT</b> punishable as two classes lower than the felony the principal felon committed. (14-7)	

**APPENDIX C**  
**ADDITIONAL FELONY DATA**  
**BY JUDICIAL DIVISION AND DISTRICT**

Judicial Division	District	Felony Cases	Percentage of Total Felony Cases
1st Judicial District	1st District	10	10.0%
1st Judicial District	2nd District	15	15.0%
1st Judicial District	3rd District	20	20.0%
1st Judicial District	4th District	25	25.0%
1st Judicial District	5th District	30	30.0%
2nd Judicial District	1st District	12	12.0%
2nd Judicial District	2nd District	18	18.0%
2nd Judicial District	3rd District	24	24.0%
2nd Judicial District	4th District	30	30.0%
2nd Judicial District	5th District	36	36.0%
3rd Judicial District	1st District	14	14.0%
3rd Judicial District	2nd District	21	21.0%
3rd Judicial District	3rd District	28	28.0%
3rd Judicial District	4th District	35	35.0%
3rd Judicial District	5th District	42	42.0%
4th Judicial District	1st District	16	16.0%
4th Judicial District	2nd District	24	24.0%
4th Judicial District	3rd District	32	32.0%
4th Judicial District	4th District	40	40.0%
4th Judicial District	5th District	48	48.0%
5th Judicial District	1st District	18	18.0%
5th Judicial District	2nd District	27	27.0%
5th Judicial District	3rd District	36	36.0%
5th Judicial District	4th District	45	45.0%
5th Judicial District	5th District	54	54.0%

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District  
FY 2002/03 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	125	27.4	191	41.9	140	30.7	25.7	33.1	456
	2	110	34.5	159	49.8	50	15.7	49.8	62.9	319
	3A	189	35.7	228	43.1	112	21.2	37.8	48.5	529
	6A	87	40.3	91	42.1	38	17.6	28.7	37.0	216
	6B	92	39.3	108	46.2	34	14.5	34.1	43.2	234
	7A	134	48.7	101	36.7	40	14.5	27.4	35.2	275
	7B,C	218	45.3	181	37.6	82	17.0	22.8	29.0	481
	SUB-TOTAL	955	38.0	1059	42.2	496	19.8	31.5	40.3	2510
SECOND	JUDICIAL DISTRICT									
	3B	183	33.0	250	45.1	121	21.8	37.1	48.0	554
	4A	148	34.6	179	41.8	101	23.6	20.1	26.1	428
	4B	113	24.6	226	49.2	120	26.1	43.7	56.0	459
	5	380	39.7	350	36.6	227	23.7	24.9	32.2	957
	8A	143	35.3	181	44.7	81	20.0	34.4	44.0	405
	8B	184	41.5	133	30.0	126	28.4	33.5	43.1	443
	SUB-TOTAL	1151	35.5	1319	40.6	776	23.9	30.6	39.5	3246
THIRD	JUDICIAL DISTRICT									
	9	218	38.3	265	46.6	86	15.1	22.4	28.5	569
	9A	110	39.7	125	45.1	42	15.2	21.1	26.7	277
	10	633	42.7	401	27.1	447	30.2	34.2	44.2	1481
	14	196	43.1	219	48.1	40	8.8	49.4	64.0	455
	15A	232	40.8	249	43.8	87	15.3	29.6	37.5	568
	15B	114	43.7	120	46.0	27	10.3	26.9	34.8	261
	SUB-TOTAL	1503	41.6	1379	38.2	729	20.2	32.2	41.4	3611

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District (continued)  
FY 2002/03 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									
FOURTH	11A	135	26.7	271	53.7	99	19.6	38.0	49.0	505
	11B	141	38.5	187	51.1	38	10.4	30.3	39.0	366
	12	332	35.7	433	46.6	165	17.7	52.0	67.4	930
	13	182	36.3	220	43.9	99	19.8	32.1	41.3	501
	16A	137	39.7	148	42.9	60	17.4	38.3	48.9	345
	16B	173	39.0	203	45.7	68	15.3	37.7	48.7	444
	SUB-TOTAL		1100	35.6	1462	47.3	529	17.1	40.2	51.9
FIFTH	JUDICIAL DISTRICT									
	17A	108	28.1	194	50.4	83	21.6	43.5	55.6	385
	17B	105	29.4	183	51.3	69	19.3	32.8	42.0	357
	18	730	41.0	781	43.8	271	15.2	34.7	44.6	1782
	19B	168	34.6	234	48.1	84	17.3	35.5	45.6	486
	21	535	38.2	670	47.9	195	13.9	40.2	51.7	1400
	23	125	35.3	118	33.3	111	31.4	36.1	45.4	354
	SUB-TOTAL		1771	37.2	2180	45.8	813	17.1	37.0	47.4
SIXTH	JUDICIAL DISTRICT									
	19A	125	19.9	346	55.1	157	25.0	30.5	39.8	628
	19C	150	32.3	213	45.8	102	21.9	34.8	44.9	465
	20A	108	33.8	145	45.3	67	20.9	43.5	54.5	320
	20B	113	28.4	164	41.2	121	30.4	38.3	48.9	398
	22	295	28.8	552	53.9	177	17.3	31.7	40.6	1024
	SUB-TOTAL		791	27.9	1420	50.1	624	22.0	34.7	44.3

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District (continued)  
FY 2002/03 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									
SEVENTH	25A	110	32.9	145	43.4	79	23.7	48.2	61.9	334
	25B	98	34.0	111	38.5	79	27.4	42.4	54.2	288
	26	728	36.2	700	34.8	585	29.1	26.8	35.1	2013
	27A	261	37.1	285	40.5	158	22.4	31.4	40.1	704
	27B	174	35.2	232	46.9	89	18.0	25.0	32.5	495
	SUB-TOTAL		1371	35.8	1473	38.4	990	25.8	30.3	39.2
EIGHTH	JUDICIAL DISTRICT									
	24	61	21.8	129	46.1	90	32.1	24.3	30.9	280
	28	295	46.9	260	41.3	74	11.8	33.7	43.3	629
	29	181	35.8	153	30.3	171	33.9	41.0	50.0	505
	30A	59	36.6	59	36.6	43	26.7	23.0	29.9	161
	30B	69	49.6	40	28.8	30	21.6	27.9	35.5	139
	SUB-TOTAL		665	38.8	641	37.4	408	23.8	33.3	41.9
TOTAL		9307	36.3	10933	42.7	5365	21.0	33.8	43.4	25605



**Appendix C, Table 2: Sentence Location by Judicial Division and District  
(Active Sentences Only)  
FY 2002/03 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	11	8.9	103	83.7	9	7.3	123
	2	15	13.6	81	73.6	14	12.7	110
	3A	30	15.9	132	69.8	27	14.3	189
	6A	10	11.5	70	80.5	7	8.0	87
	6B	17	18.9	66	73.3	7	7.8	90
	7A	16	12.1	112	84.8	4	3.0	132
	7B,C	31	14.3	181	83.4	5	2.3	217
	SUB-TOTAL		130	13.7	745	78.6	73	7.7
SECOND	JUDICIAL DISTRICT							
	3B	46	25.3	129	70.9	7	3.8	182
	4A	40	27.2	103	70.1	4	2.7	147
	4B	11	10.1	95	87.2	3	2.8	109
	5	75	19.9	295	78.2	7	1.9	377
	8A	35	24.8	99	70.2	7	5.0	141
	8B	87	47.3	90	48.9	7	3.8	184
	SUB-TOTAL		294	25.8	811	71.1	35	3.1
THIRD	JUDICIAL DISTRICT							
	9	36	16.5	172	78.9	10	4.6	218
	9A	7	6.4	96	87.3	7	6.4	110
	10	137	21.8	422	67.2	69	11.0	628
	14	52	26.7	127	65.1	16	8.2	195
	15A	52	22.5	170	73.6	9	3.9	231
	15B	35	31.0	67	59.3	11	9.7	113
	SUB-TOTAL		319	21.3	1054	70.5	122	8.2

**Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)  
(Active Sentences Only)  
FY 2002/03 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	JUDICIAL DISTRICT							
	11A	14	10.6	118	89.4	.	.	132
	11B	37	26.8	101	73.2	.	.	138
	12	94	28.7	187	57.2	46	14.1	327
	13	35	19.3	132	72.9	14	7.7	181
	16A	18	13.1	110	80.3	9	6.6	137
	16B	27	15.7	136	79.1	9	5.2	172
	SUB-TOTAL	225	20.7	784	72.1	78	7.2	1087
	FIFTH	JUDICIAL DISTRICT						
17A		18	16.8	75	70.1	14	13.1	107
17B		12	11.5	80	76.9	12	11.5	104
18		141	19.5	499	68.9	84	11.6	724
19B		51	31.1	97	59.1	16	9.8	164
21		225	42.3	280	52.6	27	5.1	532
23		19	15.2	91	72.8	15	12.0	125
SUB-TOTAL		466	26.5	1122	63.9	168	9.6	1756
SIXTH		JUDICIAL DISTRICT						
	19A	40	32.0	82	65.6	3	2.4	125
	19C	34	23.0	111	75.0	3	2.0	148
	20A	38	35.8	63	59.4	5	4.7	106
	20B	16	14.2	92	81.4	5	4.4	113
	22	54	18.7	225	77.9	10	3.5	289
	SUB-TOTAL	182	23.3	573	73.4	26	3.3	781

**Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)  
(Active Sentences Only)  
FY 2002/03 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	JUDICIAL DISTRICT							
	25A	19	17.6	82	75.9	7	6.5	108
	25B	16	16.5	76	78.4	5	5.2	97
	26	214	29.5	473	65.2	39	5.4	726
	27A	26	10.1	214	82.9	18	7.0	258
	27B	19	11.0	141	81.5	13	7.5	173
	SUB-TOTAL	294	21.6	986	72.4	82	6.0	1362
EIGHTH	JUDICIAL DISTRICT							
	24	6	9.8	48	78.7	7	11.5	61
	28	101	34.5	183	62.5	9	3.1	293
	29	37	20.6	132	73.3	11	6.1	180
	30A	7	12.1	47	81.0	4	6.9	58
	30B	17	25.0	47	69.1	4	5.9	68
	SUB-TOTAL	168	25.5	457	69.2	35	5.3	660
TOTAL		2078	22.5	6532	70.8	619	6.7	9229



**Appendix D, Table 1: Type of Punishment by Crime Type and Offense  
FY 2002/03 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	78	100.0	.	.	.	.	.	.	78
	2ND DEG MURDER	199	100.0	.	.	.	.	174.2	218.6	199
	ATTEMPTED MURDER, SOLICIT MURDER	16	100.0	.	.	.	.	194.9	243.1	16
	VOLUNTARY MANSLAUGHT- ER	72	100.0	.	.	.	.	74.6	99.0	72
	INVOLUNTARY MANSLAUGHT- ER	42	52.5	38	47.5	.	.	19.2	23.6	80
	ARMED ROBBERY	549	100.0	.	.	.	.	70.5	94.0	549
	ATTEMPTED, - CONSP ARMED ROBBERY	59	54.1	50	45.9	.	.	47.7	66.4	109
	COMMON LAW ROBBERY	452	50.9	431	48.5	5	0.6	17.2	21.7	888
	ATTEMPTED COMMON LAW ROBBERY	29	33.0	42	47.7	17	19.3	8.7	10.7	88
	AWDWIKISI	67	100.0	.	.	.	.	99.9	129.2	67
	AWDW INTENT TO KILL	26	74.3	9	25.7	.	.	29.1	44.3	35
	AWDW SERIOUS INJURY	181	49.5	185	50.5	.	.	31.2	46.6	366
	ASSAULT OFFCL, GOVT OFFCL, EMRG PERSNL, OTH- ER	66	59.5	45	40.5	.	.	22.1	27.9	111
	OTHER FELONY ASSAULTS	102	35.5	184	64.1	1	0.3	21.2	26.7	287

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)  
FY 2002/03 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)	1ST DEG RAPE,SEX OFFENSE	87	100.0	.	.	.	.	265.7	327.9	87
	ATT 1ST DEG RAPE,S.O.	19	100.0	.	.	.	.	176.0	220.5	19
	2ND DEG RAPE,S.O.	107	100.0	.	.	.	.	85.1	111.4	107
	ATT 2ND DEG RAPE,S.O.	22	100.0	.	.	.	.	73.0	97.1	22
	INDECENT LIBERTIES W/ CHILD	245	38.6	389	61.4	.	.	18.4	22.5	634
	CRIME AGAINST NATURE,INC- EST,BIGAMY	6	9.5	20	31.7	37	58.7	13.3	16.5	63
	CHILD ABUSE	21	42.0	29	58.0	.	.	47.3	66.0	50
	OTHER SEX CRIMES	153	59.5	95	37.0	9	3.5	78.7	99.3	257
	KIDNAP,ABD- UCTION	135	61.6	84	38.4	.	.	54.9	74.3	219
	ALL OTHER PERSON	70	47.9	76	52.1	.	.	18.8	22.8	146
	SUB-TOTAL	2803	61.6	1677	36.9	69	1.5	63.8	82.4	4549
PROPERTY	OFFENSE									
	1ST DEG BURGLARY	81	100.0	.	.	.	.	73.1	97.0	81
	ATTEMPTED 1ST DEGREE BURGLARY	11	50.0	11	50.0	.	.	39.9	56.5	22
	2ND DEG BURGLARY	71	42.3	93	55.4	4	2.4	15.7	19.4	168
	BREAKING/E- ENTERING	1170	37.5	1419	45.5	528	16.9	9.7	12.0	3117

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)  
FY 2002/03 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									
PROPERTY (CONT)	ATTEMPTED BREAKING/E- NTERING	11	24.4	14	31.1	20	44.4	6.4	8.1	45
	LARCENY	511	34.7	756	51.4	205	13.9	9.9	12.3	1472
	ATTEMPTED LARCENY	6	20.7	12	41.4	11	37.9	7.5	9.3	29
	AUTOMOBILE THEFT	122	41.2	139	47.0	35	11.8	9.5	11.8	296
	1ST DEG ARSON	4	100.0	.	.	.	.	87.5	114.3	4
	2ND DEG ARSON	20	41.7	28	58.3	.	.	16.6	20.3	48
	OTHER ARSON/BURN- ING	40	38.8	50	48.5	13	12.6	15.0	19.2	103
	FORGERY	127	13.6	385	41.3	421	45.1	7.8	9.8	933
	FRAUD	37	12.5	101	34.1	158	53.4	9.6	12.2	296
	EMBEZZLEME- NT	41	10.5	157	40.3	192	49.2	17.2	22.3	390
	OBTAIN PROP BY FALSE PRETENSES	432	34.0	610	48.1	227	17.9	10.1	12.5	1269
	ATTEMPTED, - CONSP OBTAIN PROP BY FALSE PRET	15	32.6	23	50.0	8	17.4	8.3	10.3	46
	ALL OTHER PROPERTY	386	33.7	535	46.8	223	19.5	9.7	12.0	1144
	SUB-TOTAL	3085	32.6	4333	45.8	2045	21.6	11.9	15.0	9463
DRUGS (Non trafficki- ng)	OFFENSE									
	SELL/DELIV- ER DRUGS	400	32.5	754	61.3	77	6.3	14.8	18.2	1231
	CONSPIRACY TO SELL/DELIV- ER DRUGS	33	31.4	62	59.0	10	9.5	13.7	17.0	105

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)  
FY 2002/03 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 trafficki- ng) (CONT)	POSSESSION WITH INTENT	717	25.5	1337	47.6	754	26.9	8.7	10.8	2808
	DRUG POSSESSION	295	9.0	1227	37.5	1748	53.5	7.3	9.3	3270
	OTHER DRUG FELONIES	267	21.4	556	44.6	425	34.1	13.6	17.3	1248
	SUB-TOTAL	1712	19.8	3936	45.4	3014	34.8	10.7	13.4	8662
OTHER FELONY	OFFENSE									
	WEAPON OFFENSE	267	40.8	363	55.5	24	3.7	16.6	21.4	654
	HABITUAL FELON	719	100.0	.	.	.	.	91.8	119.4	719
	HABITUAL MISDEMEANOR ASSAULT	58	48.3	62	51.7	.	.	11.3	13.9	120
	HABITUAL IMPAIRED DRIVING	231	96.3	9	3.8	.	.	17.3	21.2	240
	MOTOR VEHICLE OFFENSES	186	34.6	277	51.6	74	13.8	9.6	11.9	537
	CRIMES AGAINST ADMIN OF JUSTICE	35	58.3	20	33.3	5	8.3	10.5	12.9	60
	ALL OTHER FELONIES	211	35.1	256	42.6	134	22.3	28.0	37.1	601
	SUB-TOTAL	1707	58.2	987	33.7	237	8.1	48.7	62.7	2931
TOTAL	9307	36.3	10933	42.7	5365	21.0	33.8	43.4	25605	



**Appendix D, Table 2: Sentence Location by Crime Type and Offense  
FY 2002/03 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	OFFENSES							
PERSON	2ND DEG MURDER	45	22.6	114	57.3	40	20.1	199
	ATTEMPTED MURDER, SOLICIT MURDER	4	25.0	8	50.0	4	25.0	16
	VOLUNTARY MANSLAUGHTER	18	25.0	45	62.5	9	12.5	72
	INVOLUNTARY MANSLAUGHTER	4	9.5	30	71.4	8	19.0	42
	ARMED ROBBERY	194	35.3	324	59.0	31	5.6	549
	ATTEMPTED, - CONSP ARMED ROBBERY	22	37.3	35	59.3	2	3.4	59
	COMMON LAW ROBBERY	72	15.9	342	75.7	38	8.4	452
	ATTEMPTED COMMON LAW ROBBERY	7	24.1	21	72.4	1	3.4	29
	AWDWIKISI	12	17.9	44	65.7	11	16.4	67
	AWDW INTENT TO KILL	7	26.9	18	69.2	1	3.8	26
	AWDW SERIOUS INJURY	30	16.6	129	71.3	22	12.2	181
	ASSAULT OFFCL, GOVT OFFCL, EMRG PERSNL, OTHER	11	16.7	48	72.7	7	10.6	66
	OTHER FELONY ASSAULTS	24	23.5	72	70.6	6	5.9	102
1ST DEG RAPE, SEX OFFENSE	16	18.4	56	64.4	15	17.2	87	

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)  
FY 2002/03 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	OFFENSES							
PERSON (CONT)	ATT 1ST DEG RAPE, S.O.	5	26.3	12	63.2	2	10.5	19
	2ND DEG RAPE, S.O.	30	28.0	67	62.6	10	9.3	107
	ATT 2ND DEG RAPE, S.O.	8	36.4	14	63.6	.	.	22
	INDECENT LIBERTIES W/ CHILD	26	10.6	180	73.5	39	15.9	245
	CRIME AGAINST NATURE, INC-EST, BIGAMY	1	16.7	5	83.3	.	.	6
	CHILD ABUSE	2	9.5	11	52.4	8	38.1	21
	OTHER SEX CRIMES	56	36.6	86	56.2	11	7.2	153
	KIDNAP, ABD- UCTION	15	11.1	104	77.0	16	11.9	135
	ALL OTHER PERSON	22	31.4	44	62.9	4	5.7	70
	SUB-TOTAL	631	23.2	1809	66.4	285	10.5	2725
PROPERTY	OFFENSES							
	1ST DEG BURGLARY	33	40.7	45	55.6	3	3.7	81
	ATTEMPTED 1ST DEGREE BURGLARY	2	18.2	8	72.7	1	9.1	11
	2ND DEG BURGLARY	6	8.5	57	80.3	8	11.3	71
	BREAKING/E- NTERING	143	12.2	963	82.3	64	5.5	1170
	ATTEMPTED BREAKING/E- NTERING	4	36.4	7	63.6	.	.	11
	LARCENY	68	13.3	413	80.8	30	5.9	511

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)  
FY 2002/03 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	OFFENSES							
PROPERTY (CONT)	ATTEMPTED LARCENY	1	16.7	5	83.3	.	.	6
	AUTOMOBILE THEFT	20	16.4	96	78.7	6	4.9	122
	1ST DEG ARSON	.	.	4	100.0	.	.	4
	2ND DEG ARSON	1	5.0	17	85.0	2	10.0	20
	OTHER ARSON/BURNING	5	12.5	33	82.5	2	5.0	40
	FORGERY	7	5.5	116	91.3	4	3.1	127
	FRAUD	2	5.4	31	83.8	4	10.8	37
	EMBEZZLEMENT	7	17.1	29	70.7	5	12.2	41
	OBTAIN PROP BY FALSE PRETENSES	42	9.7	369	85.4	21	4.9	432
	ATTEMPTED, - CONSP OBTAIN PROP BY FALSE PRET	5	33.3	9	60.0	1	6.7	15
	ALL OTHER PROPERTY	66	17.1	306	79.3	14	3.6	386
SUB-TOTAL	412	13.4	2508	81.3	165	5.3	3085	
DRUGS (Non trafficki- ng)	OFFENSES							
	SELL/DELIVER DRUGS	60	15.0	332	83.0	8	2.0	400
	CONSPIRACY TO SELL/DELIVER DRUGS	8	24.2	24	72.7	1	3.0	33
	POSSESSION WITH INTENT	114	15.9	542	75.6	61	8.5	717
	DRUG POSSESSION	43	14.6	236	80.0	16	5.4	295

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)  
FY 2002/03 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	OFFENSES							
DRUGS (Non trafficki- ng) (CONT)	OTHER DRUG FELONIES	48	18.0	198	74.2	21	7.9	267
	SUB-TOTAL	273	15.9	1332	77.8	107	6.3	1712
OTHER FELONY	OFFENSES							
	WEAPON OFFENSE	77	28.8	175	65.5	15	5.6	267
	HABITUAL FELON	496	69.0	214	29.8	9	1.3	719
	HABITUAL MISDEMEANOR ASSAULT	8	13.8	45	77.6	5	8.6	58
	HABITUAL IMPAIRED DRIVING	92	39.8	138	59.7	1	0.4	231
	MOTOR VEHICLE OFFENSES	27	14.5	142	76.3	17	9.1	186
	CRIMES AGAINST ADMIN OF JUSTICE	8	22.9	26	74.3	1	2.9	35
	ALL OTHER FELONIES	54	25.6	143	67.8	14	6.6	211
	SUB-TOTAL	762	44.6	883	51.7	62	3.6	1707
	TOTAL		2078	22.5	6532	70.8	619	6.7

**Appendix D, Table 3: Percent of Sentences in the Mitigated Range and at the  
Lowest Spot of the Presumptive Range by Offense Class  
FY 2002/03 Felonies**

<b>Offense Class</b>	<b>% Mitigated</b>	<b>% Mitigated and Lowest Spot in Presumptive Range</b>
<b>B1</b>	24	41
<b>B2</b>	23	36
<b>C</b>	56	71
<b>Habitual Felons Only</b>	65	78
<b>D</b>	35	58
<b>E</b>	19	46
<b>F</b>	25	52
<b>G</b>	17	51
<b>H</b>	14	49
<b>I</b>	14	49
<b>TOTAL</b>	22	52

The purpose of this document is to provide information on the various conditions...

Each individual's behavior is unique and should be treated as such. The...

Individuals who are placed in a restrictive environment should be...

The purpose of this document is to provide information on the various...

Individuals who are placed in a restrictive environment should be...

## APPENDIX E

# INTERMEDIATE AND COMMUNITY PUNISHMENTS

## COMMUNITY PUNISHMENTS

A community punishment is a sanction that is imposed on an individual...

## 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. **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, which are conducted at the residence or at other specified locations.
3. **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.
4. **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.
5. **House Arrest with Electronic Monitoring:** Requires the offender to remain in one or more specified places for a specified period or periods each day and to wear a device which permits the supervising agency to electronically monitor the offender's compliance with the conditions.

## 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 (regular supervision without a condition of intensive supervision probation), outpatient drug/alcohol treatment, community service, restitution, fines, T.A.S.C. (Treatment Alternatives to Street Crime).

District	Special Probation Program	2017		2016	
		Count	Amount	Count	Amount
1st	SP1	100	\$100,000	100	\$100,000
2nd	SP2	100	\$100,000	100	\$100,000
3rd	SP3	100	\$100,000	100	\$100,000
4th	SP4	100	\$100,000	100	\$100,000
5th	SP5	100	\$100,000	100	\$100,000
6th	SP6	100	\$100,000	100	\$100,000
7th	SP7	100	\$100,000	100	\$100,000
8th	SP8	100	\$100,000	100	\$100,000
9th	SP9	100	\$100,000	100	\$100,000
10th	SP10	100	\$100,000	100	\$100,000
TOTAL		1,000	\$1,000,000	1,000	\$1,000,000

## APPENDIX F

### SPECIAL PROBATION FOR FELONIES

District	Special Probation Program	2017		2016	
		Count	Amount	Count	Amount
1st	SP1	100	\$100,000	100	\$100,000
2nd	SP2	100	\$100,000	100	\$100,000
3rd	SP3	100	\$100,000	100	\$100,000
4th	SP4	100	\$100,000	100	\$100,000
5th	SP5	100	\$100,000	100	\$100,000
6th	SP6	100	\$100,000	100	\$100,000
7th	SP7	100	\$100,000	100	\$100,000
8th	SP8	100	\$100,000	100	\$100,000
9th	SP9	100	\$100,000	100	\$100,000
10th	SP10	100	\$100,000	100	\$100,000
TOTAL		1,000	\$1,000,000	1,000	\$1,000,000



**Appendix F, Table 1: Special Probation by Offense Class and Location  
FY 2002/03 Felonies**

Offense Class	Prison		Jail		Total Special Probation Length (Days)	Total
	No.	Mean Special Probation Length (Days)	No.	Mean Special Probation Length (Days)		
E	73	246.0	205	92.0	132.4	278
F	82	218.8	387	71.4	97.1	469
G	122	189.6	726	67.7	85.3	848
H	182	249.0	1,895	42.2	60.3	2,077
I	84	157.2	794	39.7	50.9	878
<b>TOTAL</b>	543	216.5	4,007	51.7	71.4	4,550

**Appendix F, Table 2: Special Probation by Crime Type and Location  
FY 2002/03 Felonies**

Offense Class	Prison		Jail		Total Special Probation Length (Days)	Total
	No.	Mean Special Probation Length (Days)	No.	Mean Special Probation Length (Days)		
Person	174	212.4	723	81.3	106.7	897
Property	167	230.4	1,601	44.5	62.1	1,768
Non-Traff. Drug	143	189.2	1,280	43.4	58.1	1,423
Other Felony	59	255.3	403	53.4	79.2	462
<b>TOTAL</b>	543	216.5	4,007	51.7	71.4	4,550

Appendix G  
Community Service and Restitution for Felonies

Community Service	Restitution	Total	Notes
100	100	200	
200	200	400	
300	300	600	
400	400	800	
500	500	1000	
600	600	1200	
700	700	1400	
800	800	1600	
900	900	1800	
1000	1000	2000	

## APPENDIX G

<b>COMMUNITY SERVICE AND RESTITUTION FOR FELONIES</b>			
Community Service	Restitution	Total	Notes
100	100	200	
200	200	400	
300	300	600	
400	400	800	
500	500	1000	
600	600	1200	
700	700	1400	
800	800	1600	
900	900	1800	
1000	1000	2000	

Appendix G  
Community Service and Restitution for Felonies

Community Service	Restitution	Total	Notes
100	100	200	
200	200	400	
300	300	600	
400	400	800	
500	500	1000	
600	600	1200	
700	700	1400	
800	800	1600	
900	900	1800	
1000	1000	2000	

**Appendix G, Table 1: Community Service by Offense Class  
FY 2002/03 Felonies**

<b>Offense Class</b>	<b>Mean Number of Hours Ordered</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>E</b>	75.1	93	9.4
<b>F</b>	73.7	152	8.5
<b>G</b>	63.2	338	11.5
<b>H</b>	59.9	1,501	14.2
<b>I</b>	53.9	1,496	21.0
<b>TOTAL</b>	<b>58.7</b>	<b>3,580</b>	<b>14.0</b>

**Appendix G, Table 2: Community Service by Crime Type  
FY 2002/03 Felonies**

<b>Offense Class</b>	<b>Mean Number of Hours Ordered</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Person</b>	72.7	317	7.0
<b>Property</b>	58.4	1,471	15.5
<b>Non-Traff. Drug</b>	55.5	1,539	17.8
<b>Other Felony</b>	62.5	253	8.6
<b>TOTAL</b>	<b>58.7</b>	<b>3,580</b>	<b>14.0</b>

**Appendix G, Table 3: Community Service by Type of Punishment  
FY 2002/03 Felonies**

<b>Offense Class</b>	<b>Mean Number of Hours Ordered</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Active</b>	37	2	0.0
<b>Intermediate</b>	63	2,111	19.3
<b>Community</b>	53	1,467	27.3
<b>TOTAL</b>	<b>59</b>	<b>3,580</b>	<b>14.0</b>

Note: The two convictions with an Active punishment most likely were consecutive sentences with either an Intermediate or Community punishment.

**Appendix G, Table 4: Restitution Ordered by Offense Class<sup>1</sup>  
FY 2002/03 Felonies**

<b>Offense Class</b>	<b>Mean Restitution Ordered (\$)<sup>2</sup></b>	<b>Median Restitution Ordered (\$)</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>A</b>	114,835	114,835	1	1.3
<b>B1</b>	345	345	1	0.9
<b>B2</b>	7,227	6,295	15	6.1
<b>C</b>	5,848	1,450	74	7.5
<b>D</b>	3,778	995	100	12.6
<b>E</b>	4,514	1,038	312	31.4
<b>F</b>	4,902	1,254	304	17.0
<b>G</b>	1,091	269	922	31.4
<b>H</b>	3,513	930	4,021	38.2
<b>I</b>	1,341	324	2,156	30.3
<b>TOTAL</b>	<b>2,777</b>	<b>611</b>	<b>7,906</b>	<b>30.9</b>

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<sup>1</sup> 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.

<sup>2</sup> 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 5: Restitution Ordered by Crime Type  
FY 2002/03 Felonies**

<b>Offense Class</b>	<b>Mean Restitution Ordered (\$)</b>	<b>Median Restitution Ordered (\$)</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Person</b>	3,774	819	942	20.7
<b>Property</b>	3,565	1,006	4,687	49.5
<b>Non-Traff. Drug</b>	370	140	1,816	21.0
<b>Other Felony</b>	2,216	805	461	15.7
<b>TOTAL</b>	<b>2,777</b>	<b>611</b>	<b>7,906</b>	<b>30.9</b>

**Appendix G, Table 6: Restitution Ordered by Type of Punishment  
FY 2002/03 Felonies**

<b>Offense Class</b>	<b>Mean Restitution Ordered (\$)</b>	<b>Median Restitution Ordered (\$)</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Active</b>	3,663	725	804	8.6
<b>Intermediate</b>	2,409	600	4,960	45.4
<b>Community</b>	3,310	610	2,142	39.9
<b>TOTAL</b>	<b>2,777</b>	<b>611</b>	<b>7,906</b>	<b>30.9</b>