

North Carolina
Sentencing and Policy Advisory Commission



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

**Fiscal Year 2001/02
(July 1, 2001 - June 30, 2002)**

March 2003

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

Structured Sentencing Statistical Report for Felonies and Misdemeanors



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North Carolina Sentencing and Policy Advisory Commission

**P.O. Box 2472
Raleigh, NC 27602
(919) 733-9543**

www.nccourts.org/courts/crs/councils/spac

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INTRODUCTION

INTRODUCTION

This report provides detailed information about felony and misdemeanor convictions under Structured Sentencing during Fiscal Year 2001/02 (July 1, 2001 through June 30, 2002). The report only includes cases where an offender was convicted and sentenced for a crime which was committed on or after October 1, 1994 -- the effective date of Structured Sentencing. The report presents information on the number of felony and misdemeanor convictions, the distribution of felony and misdemeanor convictions within their respective punishment grids, and the types of punishments imposed, as well as data about several other issues. Information for felony convictions is presented in *Section I*, while information for misdemeanor convictions is presented in *Section II*. Information regarding the substance and application of the sentencing laws under Structured Sentencing is provided in the North Carolina Sentencing and Policy Advisory Commission's *Structured Sentencing Training and Reference Manual*.

REPORTING OF CONVICTIONS AND SENTENCES

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

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

Definition of a Sentencing Episode:

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

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

SUMMARY OF FINDINGS

FELONY AND MISDEMEANOR CONVICTIONS
IN FISCAL YEAR 2001/02

SUMMARY OF FINDINGS FISCAL YEAR 2001/02 CONVICTIONS

Felony Convictions

- During Fiscal Year 2001/02, sentences for 28,712 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 (60%) 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; 43% of all offenders were under the age of 26; and 57% of all offenders were Black.
- Thirty-five percent of felony convictions resulted in an Active punishment, 43% resulted in an Intermediate punishment, and 22% resulted in a Community punishment.
- Of the four crime types, property offenses accounted for the largest group of felony convictions (37%), followed closely by non-trafficking drug offenses (33%). Person offenses represented 19% of convictions and other felonies accounted for 11% of convictions.
- Seventy-two percent of all Active sentences fell within the presumptive range; 21% fell within the mitigated range; and 7% fell within the aggravated range.
- Of those cases where a specific intermediate sanction was reported in the database, the greatest number of sanctions was imposed for Class H offenses (n=5,981). Intensive Supervision Probation was the most frequently imposed sanction.
- Other information of interest includes: 10 death sentences and 96 life without parole sentences were imposed; there were 638 habitual felon convictions; there were 679 convictions for drug trafficking offenses; performance of community service was ordered for 13% of all convictions; and payment of restitution was ordered for almost 32% of all convictions.

Misdemeanor Convictions

- During Fiscal Year 2001/02, sentences for 166,449 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, 55% fell into Offense Class 1, 19% fell into Offense Class 2, and the remainder fell into Offense Class 3.
- Almost 46% of misdemeanor convictions fell into Prior Conviction Level I (0 points), 39% 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 I.
- Seventy-eight percent of all misdemeanor offenders were male; 40% were under the age of 26; and 46% were Black.
- Sixteen percent of misdemeanor convictions resulted in an Active punishment, 2% resulted in an Intermediate punishment, and 82% 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 (17%). Person offenses resulted in the longest average sentences.
- Where a specific intermediate sanction was indicated in the AOC database, Special Probation was the most frequently invoked punishment. Offenders convicted of a Class 1 offense with Prior Conviction Level III most frequently received Special Probation.
- Of all misdemeanor offenders who received a Community punishment, 49% received unsupervised probation; 29% received supervised probation; and 12% were ordered to perform community service, pay restitution and/or a fine as their most serious punishment. The remainder had no sanction specified.
- Ten percent of all misdemeanor offenders were ordered to perform community service and 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 \$184.

SECTION I

**FELONY CONVICTIONS
IN FISCAL YEAR 2001/02**

I. FELONY CONVICTIONS IN FY 2001/02

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 2001/02. Overall, sentences for 28,712 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 3,143 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=10,340 or 40%) and into Prior Record Level II (n=8,685 or 34%). Relative to other grid cells, the greatest number of convictions fell into Offense Class H with Prior Record Level II (n=3,125 or 12%). Sentences imposed for Offense Classes A-E accounted for 13% of felony convictions during FY 2001/02. Sixty-eight percent of sentences imposed were for Class H and I felony convictions.

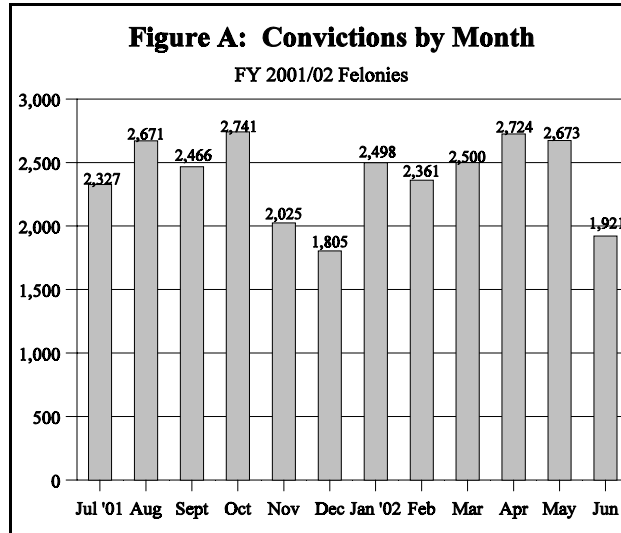
**Table 1: Distribution of Convictions within the Felony Structured Sentencing Grid
FY 2001/02 Felonies**

Offense Class	Prior Record Level						Total
	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
A	53 (0.2%)	21 (0.1%)	15 (0.1%)	9 (0.0%)	3 (0.0%)	3 (0.0%)	104 (0.4%)
B1	36 (0.1%)	29 (0.1%)	25 (0.1%)	11 (0.1%)	3 (0.0%)	3 (0.0%)	107 (0.4%)
B2	90 (0.4%)	78 (0.3%)	47 (0.2%)	32 (0.1%)	7 (0.0%)	5 (0.0%)	259 (1.0%)
C	118 (0.5%)	165 (0.6%)	197 (0.8%)	257 (1.0%)	87 (0.4%)	82 (0.3%)	906 (3.6%)
D	294 (1.2%)	233 (0.9%)	184 (0.7%)	98 (0.4%)	27 (0.1%)	20 (0.1%)	856 (3.4%)
E	353 (1.4%)	401 (1.6%)	139 (0.5%)	107 (0.4%)	16 (0.1%)	24 (0.1%)	1,040 (4.1%)
F	573 (2.2%)	626 (2.5%)	411 (1.6%)	187 (0.7%)	30 (0.1%)	19 (0.1%)	1,846 (7.2%)
G	632 (2.5%)	984 (3.9%)	743 (2.9%)	462 (1.8%)	86 (0.3%)	52 (0.2%)	2,959 (11.6%)
H	2,706 (10.5%)	3,125 (12.2%)	2,305 (9.0%)	1,530 (6.0%)	419 (1.7%)	255 (1.0%)	10,340 (40.4%)
I	1,874 (7.3%)	3,023 (11.8%)	1,079 (4.2%)	802 (3.2%)	212 (0.8%)	162 (0.6%)	7,152 (27.9%)
TOTAL	6,729 (26.3%)	8,685 (34.0%)	5,145 (20.1%)	3,495 (13.7%)	890 (3.5%)	625 (2.4%)	25,569 (100%)

Note: Of the 28,712 felony convictions in FY 2001/02, 3,143 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).

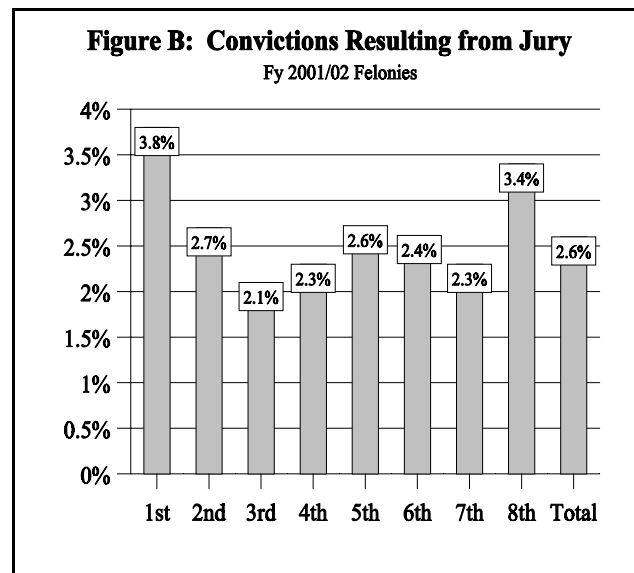
D. Convictions by Month of Sentencing

Figure A shows the total number of felony convictions by month of sentencing during Fiscal Year 2001/02 (N=28,712). Convictions peaked in October and April and were lowest in December and June.



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 6% 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, 2.6% of all convictions statewide resulted from jury trials (see Figure B). The percentage of jury trials varied slightly by judicial division with a low of 2.1% in the third 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 2001/02 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
<i>First Judicial Division</i>		2,790	111	2,901
District 1	Camden	22	0	22
	Chowan	58	2	60
	Currituck	47	0	47
	Dare	150	4	154
	Gates	18	3	21
	Pasquotank	150	7	157
	Perquimans	22	0	22
	Total	467	16	483
District 2	Beaufort	216	9	225
	Hyde	21	1	22
	Martin	78	5	83
	Tyrrell	13	0	13
	Washington	48	6	54
	Total	376	21	397
District 3A	Pitt	647	13	660
Total	647	13	660	
District 6A	Halifax	205	8	213
Total	205	8	213	
District 6B	Bertie	61	1	62
	Hertford	135	9	144
	Northampton	85	4	89
	Total	281	14	295
District 7A	Nash	314	11	325
Total	314	11	325	
District 7B,C	Edgecombe	168	15	183
	Wilson	332	13	345
	Total	500	28	528
<i>Second Judicial Division</i>		3,297	93	3,390
District 3B	Carteret	187	6	193
	Craven	323	14	337
	Pamlico	84	0	84
	Total	594	20	614

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2001/02 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 4A	Duplin	202	0	202
	Jones	15	0	15
	Sampson	265	2	267
	Total	482	2	484
District 4B	Onslow	416	16	432
	Total	416	16	432
District 5	New Hanover	751	23	774
	Pender	94	4	98
	Total	845	27	872
District 8A	Greene	87	3	90
	Lenoir	366	11	377
	Total	453	14	467
District 8B	Wayne	507	14	521
	Total	507	14	521
Third Judicial Division		4,437	93	4,530
District 9	Franklin	169	1	170
	Granville	159	4	163
	Vance	264	2	266
	Warren	55	0	55
	Total	647	7	654
District 9A	Caswell	76	3	79
	Person	180	3	183
	Total	256	6	262
District 10	Wake	1,968	39	2,007
	Total	1,968	39	2,007
District 14	Durham	586	21	607
	Total	586	21	607
District 15A	Alamance	663	14	677
	Total	663	14	677
District 15B	Chatham	90	2	92
	Orange	227	4	231
	Total	317	6	323

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2001/02 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
<i>Fourth Judicial Division</i>		3,283	76	3,359
District 11A	Harnett	311	12	323
	Lee	196	5	201
	Total	507	17	524
District 11B	Johnston	473	10	483
	Total	473	10	483
District 12	Cumberland	860	20	880
	Total	860	20	880
District 13	Bladen	96	1	97
	Brunswick	217	6	223
	Columbus	174	6	180
	Total	487	13	500
District 16A	Hoke	138	1	139
	Scotland	234	4	238
	Total	372	5	377
District 16B	Robeson	584	11	595
	Total	584	11	595
<i>Fifth Judicial Division</i>		4,934	129	5,063
District 17A	Rockingham	355	12	367
	Total	355	12	367
District 17B	Stokes	181	1	182
	Surry	178	0	178
	Total	359	1	360
District 18	Guilford	1,759	48	1,807
	Total	1,759	48	1,807
District 19B	Montgomery	98	1	99
	Moore	255	3	258
	Randolph	214	11	225
	Total	567	15	582
District 21	Forsyth	1,432	47	1,479
	Total	1,432	47	1,479

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2001/02 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 23	Alleghany	33	2	35
	Ashe	48	0	48
	Wilkes	297	3	300
	Yadkin	84	1	85
	Total	462	6	468
<i>Sixth Judicial Division</i>		2,889	70	2,959
District 19A	Cabarrus	516	12	528
	Total	516	12	528
District 19C	Rowan	479	15	494
	Total	479	15	494
District 20A	Anson	138	3	141
	Richmond	294	5	299
	Total	432	8	440
District 20B	Stanly	150	1	151
	Union	431	15	446
	Total	581	16	597
District 22	Alexander	100	3	103
	Davidson	338	7	345
	Davie	56	1	57
	Iredell	387	8	395
	Total	881	19	900
<i>Seventh Judicial Division</i>		4,592	109	4,701
District 25A	Burke	182	1	183
	Caldwell	125	5	130
	Total	307	6	313
District 25B	Catawba	365	5	370
	Total	365	5	370
District 26	Mecklenburg	2,512	41	2,553
	Total	2,512	41	2,553
District 27A	Gaston	836	37	873
	Total	836	37	873

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2001/02 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 27B	Cleveland	377	9	386
	Lincoln	195	11	206
	Total	572	20	592
<i>Eighth Judicial Division</i>		<i>1,747</i>	<i>62</i>	<i>1,809</i>
District 24	Avery	37	2	39
	Madison	54	0	54
	Mitchell	50	0	50
	Watauga	90	3	93
	Yancey	32	0	32
	Total	263	5	268
District 28	Buncombe	600	19	619
	Total	600	19	619
District 29	Henderson	212	10	222
	McDowell	137	4	141
	Polk	20	1	21
	Rutherford	160	11	171
	Transylvania	30	4	34
	Total	559	30	589
District 30A	Cherokee	53	1	54
	Clay	24	1	25
	Graham	22	0	22
	Macon	45	1	46
	Swain	24	2	26
	Total	168	5	173
District 30B	Haywood	105	3	108
	Jackson	52	0	52
	Total	157	3	160
<i>STATE TOTAL</i>		<i>27,969</i>	<i>743</i>	<i>28,712</i>

F. Felony Pleas in District Court

In 1996 the General Assembly amended the law to allow District Court judges to accept pleas for Class H and I felonies. This amendment applies to offenses committed on or after December 1, 1996. In Fiscal Year 2001/02, 1,974 Class H (or 16% of Class H convictions) and 1,405 Class I (or 17% of Class I convictions) felony pleas were accepted in District Court for a total of 3,379 pleas (17% 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 28,712 felony convictions, 85% were for males (see *Figure C*).

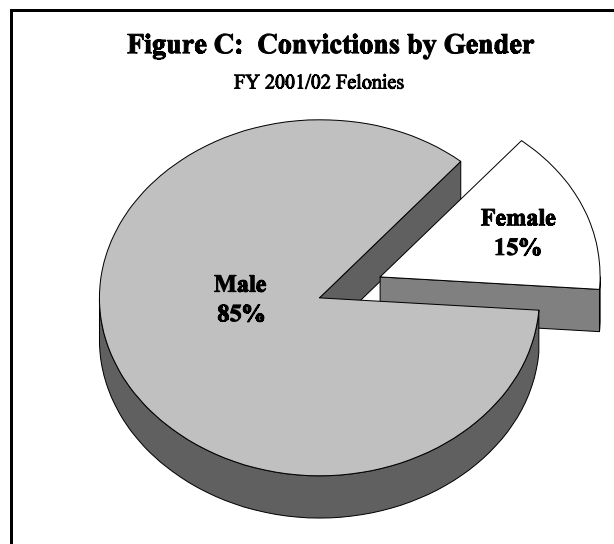
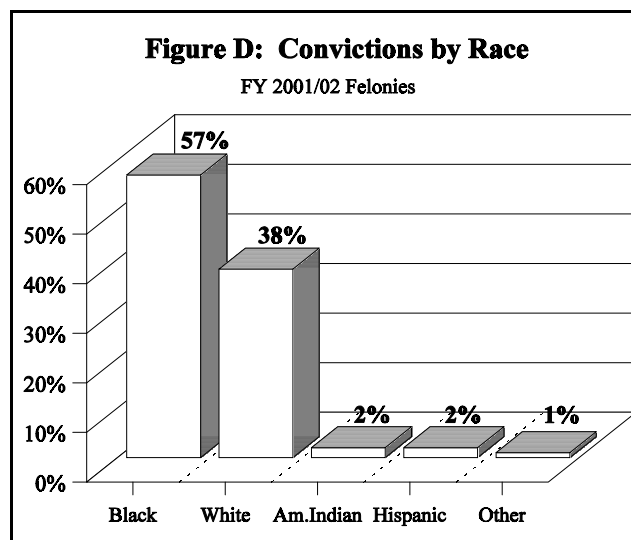
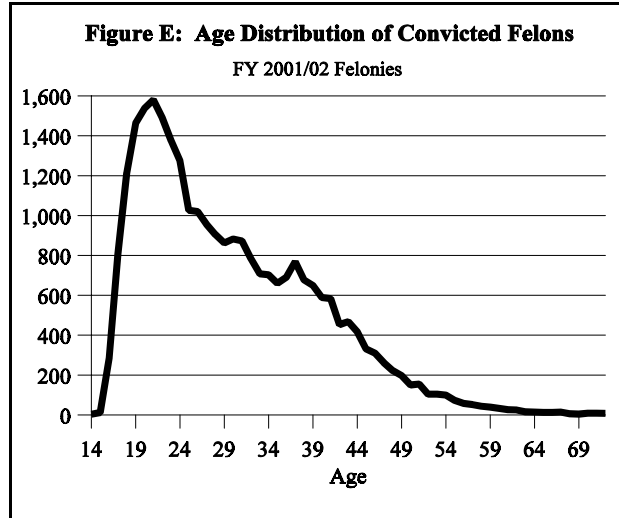


Figure D shows that 57% of all felony offenders were Black, 38% were White, and a small percentage were American Indian (2%), Hispanic (2%), or Other (1%).



Nineteen percent of felony convictions were for offenders under the age of 21, 24% were 21-25 years of age, 13% were 26-29 years of age, 26% were 30-39 years of age, 14% 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 2001/02 Felonies**

Gender and Race		Age						Total
		<21	21-25	26-29	30-39	40-49	>49	
Male	White	1,673	1,928	1,023	2,227	1,271	429	8,551
	Black	2,877	3,641	1,911	3,398	1,776	473	14,076
	Hispanic	142	225	136	165	36	7	711
	Amer. Indian	85	104	69	92	35	9	394
	Other	54	42	30	37	18	5	186
	Subtotal	4,831	5,940	3,169	5,919	3,136	923	23,918
Female	White	233	378	266	753	364	84	2,078
	Black	241	394	282	673	315	82	1,987
	Hispanic	10	8	6	11	5	0	40
	Amer. Indian	8	18	15	37	10	2	90
	Other	2	10	5	6	4	0	27
	Subtotal	494	808	574	1,480	698	168	4,222
TOTAL		5,325	6,748	3,743	7,399	3,834	1,091	28,140

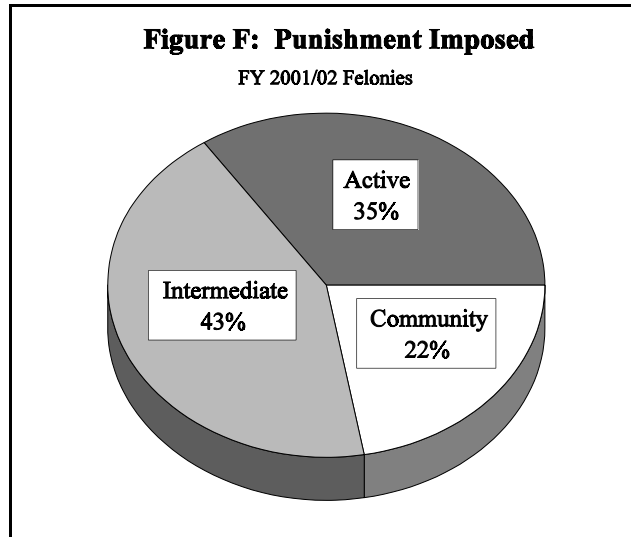
Note: Of the 28,712 felony convictions in FY 2001/02, 572 convictions with missing values for offenders' age were excluded from this table.

III. PUNISHMENT IMPOSED FOR FELONIES

This section details the type of sentence imposed (Active, Intermediate, or Community) for convictions during Fiscal Year 2001/02. The tables in this section also show the average minimum and maximum sentences for convictions for which an Active punishment was imposed. *The reader should note that this information is based on the most serious sentence an offender received.*¹

A. Overall Punishment

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



B. Punishment Imposed by Offense Class and Prior Record Level

Figure G shows the percentage of convictions by offense class. The majority of felony convictions were for Class H and Class I offenses. (See *Appendix B* for sample offenses for each offense class.) As shown in *Figure H*, the majority of felony convictions (60%) 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).

¹ Convictions that did not fit within the sentencing grid were excluded from this section (n=3,143 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).

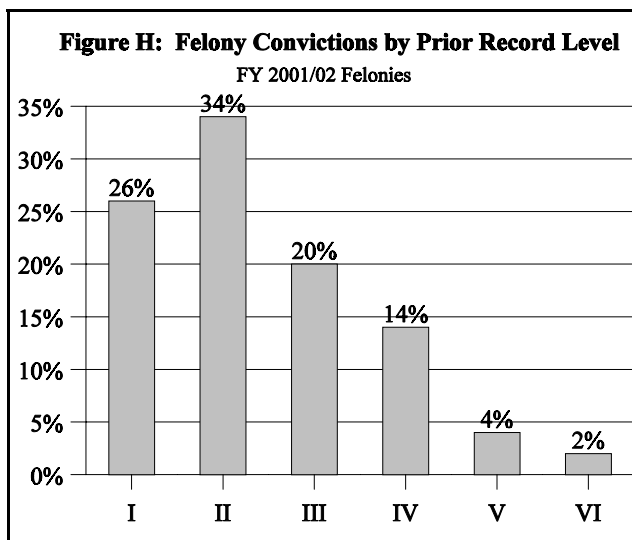
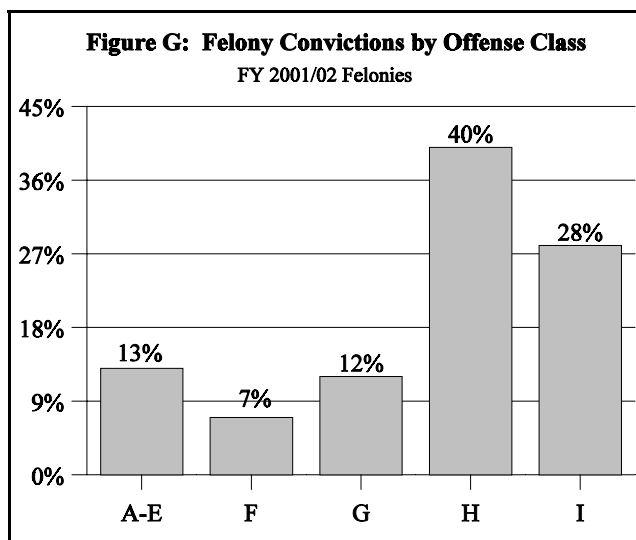


Table 4 presents felony convictions and sentences imposed within the context of the felony sentencing grid (see also Table 1). The table also includes the average minimum and maximum sentences for convictions for which an Active sentence was imposed.² The majority of convictions fell within Offense Class H with Prior Record Level II (n=3,125 or 12%), followed closely by convictions within Offense Class I with Prior Record Level II (n=3,023 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 (9%).

The data presented in Table 4 indicate that the percentage of offenders receiving an Active sentence increases as the offense class increases. As shown in the vertical “Total” column in Table 4, the average minimum and maximum sentences imposed increase as offense class increases. The average minimum sentence for all convictions resulting in an Active punishment (n=9,035) was 34 months. The lowest average minimum sentence was imposed for Class I convictions (8 months). Excluding life and death sentences, the highest average minimum sentence was imposed for Class B1 convictions (258 months).

Convictions for offenders falling into Prior Record Levels I, V, and VI resulted in the highest average minimum sentences (42 months, 34 months, and 42 months respectively). The higher minimum sentences for the lower prior record levels can be attributed to the fact that the majority of offenders eligible for an Active sentence in these prior record levels are those convicted in the more serious offense classes (*i.e.*, Class B1 through E felonies).

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

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

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level
FY 2001/02 Felonies**

Offense Class	Prior Record Level						Total
	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
A	A = 53 (100%) (n=53) Life/Death	A = 21 (100%) (n=21) Life/Death	A = 15 (100%) (n=15) Life/Death	A = 9 (100%) (n=9) Life/Death	A = 3 (100%) (n=3) Life/Death	A = 3 (100%) (n=3) Life/Death	A = 104 (100%) (n=104) Life/Death
B1	A = 36 (100%) (n=36) 208 min 262 max	A = 29 (100%) (n=29) 243 min 300 max	A = 25 (100%) (n=25) 294 min 363 max	A = 11 (100%) (n=11) 331 min 405 max	A = 3 (100%) (n=3) 347 min 425 max	A = 3 (100%) (n=3) 384 min 470 max	A = 107 (100%) (n=107) 258 min 320 max
B2	A = 90 (100%) (n=90) 138 min 174 max	A = 78 (100%) (n=78) 175 min 220 max	A = 47 (100%) (n=47) 198 min 247 max	A = 32 (100%) (n=32) 241 min 298 max	A = 7 (100%) (n=7) 215 min 267 max	A = 5 (100%) (n=5) 281 min 345 max	A = 259 (100%) (n=259) 177 min 222 max
C	A = 118 (100%) (n=118) 63 min 85 max	A = 165 (100%) (n=165) 78 min 103 max	A = 197 (100%) (n=197) 89 min 116 max	A = 257 (100%) (n=257) 99 min 128 max	A = 87 (100%) (n=87) 113 min 145 max	A = 82 (100%) (n=82) 124 min 158 max	A = 906 (100%) (n=906) 92 min 120 max
D	A = 294 (100%) (n=294) 50 min 69 max	A = 233 (100%) (n=233) 61 min 83 max	A = 184 (100%) (n=184) 84 min 111 max	A = 98 (100%) (n=98) 95 min 124 max	A = 27 (100%) (n=27) 113 min 145 max	A = 20 (100%) (n=20) 130 min 165 max	A = 856 (100%) (n=856) 69 min 93 max
E	I/A I = 248 (70%) A = 105 (30%) (n=353) 22 min 35 max	I/A I = 266 (66%) A = 135 (34%) (n=401) 26 min 40 max	A A = 139 (100%) (n=139) 30 min 46 max	A A = 107 (100%) (n=107) 40 min 58 max	A A = 16 (100%) (n=16) 49 min 68 max	A A = 24 (100%) (n=24) 58 min 78 max	I/A I = 514 (49%) A = 526 (51%) (n=1,040) 31 min 47 max
F	I/A I = 423 (74%) A = 150 (26%) (n=573) 15 min 18 max	I/A I = 387 (62%) A = 239 (38%) (n=626) 16 min 19 max	I/A I = 205 (50%) A = 206 (50%) (n=411) 18 min 22 max	A A = 187 (100%) (n=187) 21 min 26 max	A A = 30 (100%) (n=30) 27 min 32 max	A A = 19 (100%) (n=19) 33 min 40 max	I/A I = 1,015 (55%) A = 831 (45%) (n=1,846) 18 min 22 max

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level (continued)
FY 2001/02 Felonies**

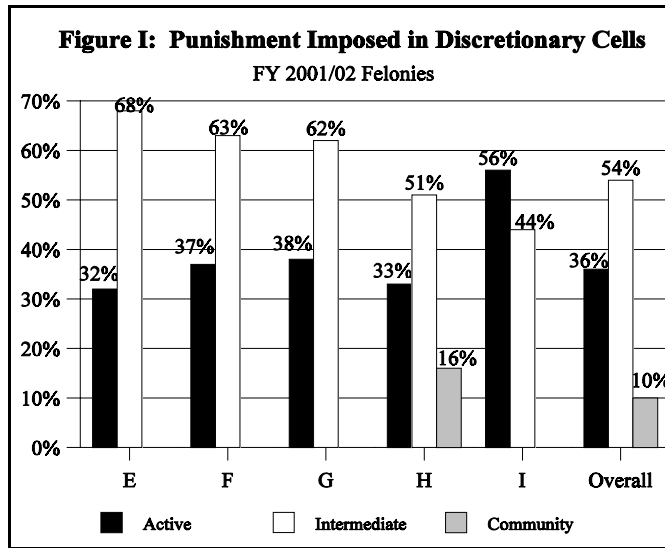
Offense Class	Prior Record Level						Total
	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
G	I/A I = 499 (79%) A = 133 (21%) (n=632) 11 min 14 max	I/A I = 702 (71%) A = 282 (29%) (n=984) 13 min 16 max	I/A I = 372 (50%) A = 371 (50%) (n=743) 14 min 17 max	I/A I = 172 (37%) A = 290 (63%) (n=462) 18 min 22 max	A A = 86 (100%) (n=86) 19 min 23 max	A A = 52 (100%) (n=52) 26 min 32 max	I/A I = 1,745 (59%) A = 1,214 (41%) (n=2,959) 15 min 19 max
H	C/I/A C = 1,624 (60%) I = 829 (31%) A = 253 (9%) (n=2,706) 6 min 7 max	I/A I = 2,355 (75%) A = 770 (25%) (n=3,125) 7 min 9 max	I/A I = 1,291 (56%) A = 1,014 (44%) (n=2,305) 9 min 11 max	I/A I = 551 (36%) A = 979 (64%) (n=1,530) 10 min 12 max	I/A I = 119 (28%) A = 300 (72%) (n=419) 13 min 16 max	A A = 255 (100%) (n=255) 18 min 22 max	C/I/A C = 1,624 (16%) I = 5,145 (50%) A = 3,571 (34%) (n=10,340) 10 min 12 max
I	C C = 1,874 (100%) (n=1,874) N/A	C/I C = 2,059 (68%) I = 964 (32%) (n=3,023) N/A	I I = 1,079 (100%) (n=1,079) N/A	I/A I = 397 (49%) A = 405 (51%) (n=802) 7 min 9 max	I/A I = 76 (36%) A = 136 (64%) (n=212) 8 min 10 max	I/A I = 42 (26%) A = 120 (74%) (n=162) 9 min 11 max	C/I/A C = 3,933 (55%) I = 2,558 (36%) A = 661 (9%) (n=7,152) 8 min 9 max
TOTAL	C/I/A C = 3,498 (52%) I = 1,999 (30%) A = 1,232 (18%) (n=6,729) 42 min 56 max	C/I/A C = 2,059 (24%) I = 4,674 (54%) A = 1,952 (22%) (n=8,685) 33 min 43 max	I/A I = 2,947 (57%) A = 2,198 (43%) (n=5,145) 33 min 42 max	I/A I = 1,120 (32%) A = 2,375 (68%) (n=3,495) 31 min 39 max	I/A I = 195 (22%) A = 695 (78%) (n=890) 34 min 43 max	I/A I = 42 (7%) A = 583 (93%) (n=625) 42 min 53 max	C/I/A C = 5,557 (22%) I = 10,977 (43%) A = 9,035 (35%) (n=25,569) 34 min 44 max

Note: Of the 28,712 felony convictions in FY 2001/02, 3,143 convictions were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Sentences resulting in life without parole or death were excluded from the calculation of the average minimum and maximum sentences.

C. Punishment Imposed in Discretionary Cells

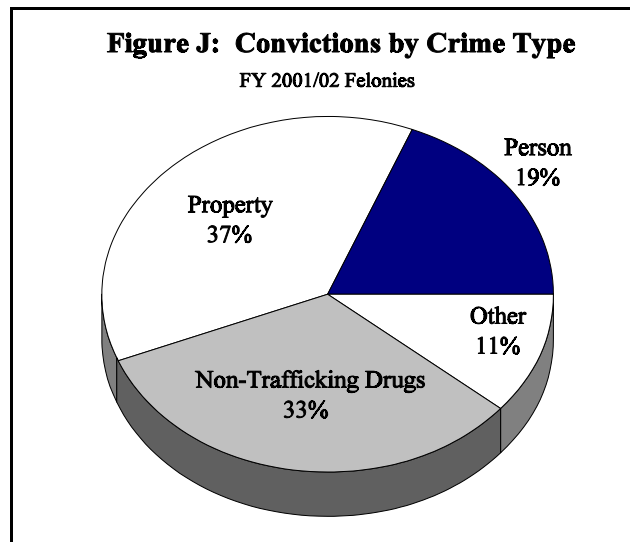
As shown in *Table 4*, where the judge had the option of imposing either an Active or community-based punishment (*i.e.*, either an Intermediate or Community punishment), an Intermediate punishment was most likely to be imposed for convictions falling within Offense Class G with Prior Record Level I (79%), while an Active sentence was most likely to be imposed for convictions falling within Offense Class I with Prior Record Level VI (74%).

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



D. Punishment Imposed by Crime Type

During Fiscal Year 2001/02, property offenses accounted for 37% of convictions, followed closely by convictions for non-trafficking drug offenses (33%). (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 (19%). 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

(36%).

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 2001/02 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	2,985	62	1,772	37	77	1	63	82	4,834
Property	2,926	31	4,409	46	2,208	23	12	15	9,543
Non-Trafficking Drug	1,573	19	3,803	45	3,044	36	10	13	8,420
Other Felony	1,551	56	993	36	228	8	47	60	2,772
TOTAL	9,035	35	10,977	43	5,557	22	34	44	25,569

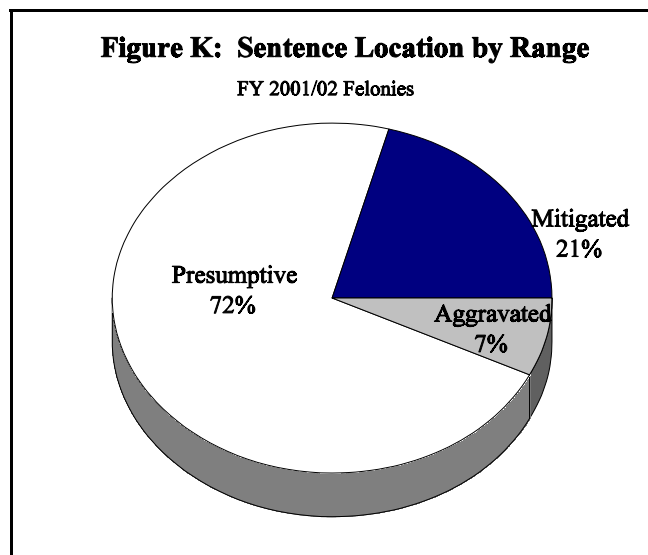
Note: Of the 28,712 felony convictions in FY 2001/02, 3,143 convictions were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation).

IV. SENTENCE LOCATION IN THE SENTENCING RANGES

This section presents information regarding the location of sentences imposed in the sentencing ranges and *deals only with convictions for which an Active sentence was imposed (n=8,930)*. Class A convictions, which are subject to mandatory life or death sentences, are excluded from this section (n=104), 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=1).

A. Sentence Location

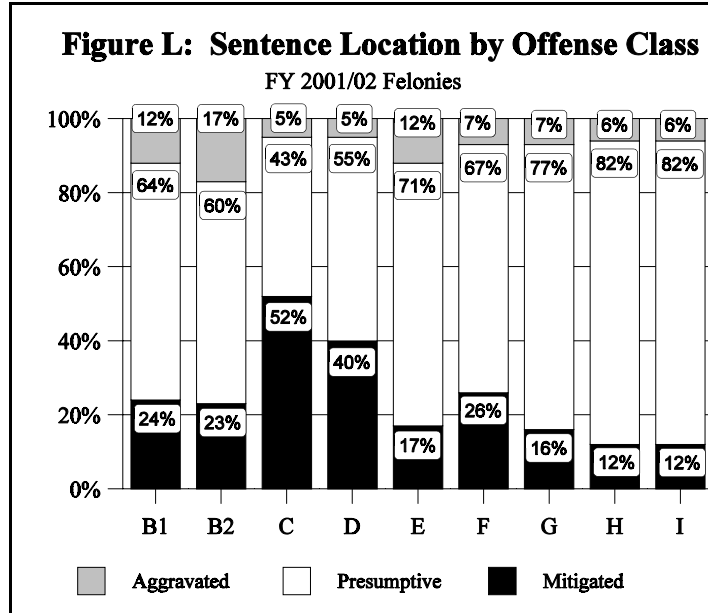
Figure K shows that 72% of all Active sentences fell within the presumptive range; 21% fell within the mitigated range; and 7%



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 (82% each), while convictions for Class C offenses had the lowest percentage of Active sentences in the presumptive range (43%). Convictions falling into Prior Record Level I had the highest percentage of Active sentences both in the mitigated range (27%) and in the aggravated range (9%).

Overall, 21% of Active sentences were sentenced in the mitigated range and an additional 30% were sentenced at the lowest possible point of the presumptive range (see *Appendix D*). Convictions for Class C offenses had the highest percentage of Active sentences in the mitigated range (52%), followed by convictions for Class D offenses (40%). In addition, 65% of Class C convictions and 60% 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 2001/02 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	10 (28%)	8 (28%)	5 (20%)	0 (0%)	1 (50%)	1 (33%)	25 (24%)
	Presumptive	19 (53%)	18 (62%)	17 (68%)	11 (100%)	1 (50%)	2 (67%)	68 (64%)
	Aggravated	7 (19%)	3 (10%)	3 (12%)	0 (0%)	0 (0%)	0 (0%)	13 (12%)
	Subtotal	36	29	25	11	2	3	106
B2	Mitigated	24 (27%)	18 (23%)	11 (23%)	3 (9%)	3 (43%)	1 (20%)	60 (23%)
	Presumptive	49 (54%)	46 (59%)	28 (60%)	23 (72%)	4 (57%)	4 (80%)	154 (60%)
	Aggravated	17 (19%)	14 (18%)	8 (17%)	6 (19%)	0 (0%)	0 (0%)	45 (17%)
	Subtotal	90	78	47	32	7	5	259
C	Mitigated	35 (30%)	77 (47%)	104 (53%)	151 (59%)	52 (60%)	48 (59%)	467 (52%)
	Presumptive	71 (60%)	77 (47%)	86 (44%)	97 (38%)	29 (33%)	32 (39%)	392 (43%)
	Aggravated	12 (10%)	11 (6%)	7 (3%)	9 (3%)	6 (7%)	2 (2%)	47 (5%)
	Subtotal	118	165	197	257	87	82	906
D	Mitigated	143 (49%)	97 (42%)	55 (30%)	35 (36%)	8 (30%)	4 (20%)	342 (40%)
	Presumptive	138 (47%)	123 (53%)	117 (64%)	59 (60%)	16 (59%)	15 (75%)	468 (55%)
	Aggravated	13 (4%)	13 (5%)	12 (6%)	4 (4%)	3 (11%)	1 (5%)	46 (5%)
	Subtotal	294	233	184	98	27	20	856

**Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
(Active Sentences Only)
FY 2001/02 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	19 (18%)	19 (14%)	22 (16%)	27 (25%)	2 (12%)	1 (4%)	90 (17%)
	Presumptive	76 (72%)	100 (74%)	102 (73%)	66 (62%)	10 (63%)	19 (79%)	373 (71%)
	Aggravated	10 (10%)	16 (12%)	15 (11%)	14 (13%)	4 (25%)	4 (17%)	63 (12%)
	Subtotal	105	135	139	107	16	24	526
F	Mitigated	32 (21%)	75 (31%)	47 (23%)	45 (24%)	12 (40%)	4 (21%)	215 (26%)
	Presumptive	102 (68%)	146 (61%)	141 (68%)	135 (72%)	18 (60%)	14 (74%)	556 (67%)
	Aggravated	16 (11%)	18 (8%)	18 (9%)	7 (4%)	0 (0%)	1 (5%)	60 (7%)
	Subtotal	150	239	206	187	30	19	831
G	Mitigated	20 (15%)	43 (15%)	69 (18%)	34 (12%)	16 (19%)	8 (15%)	190 (16%)
	Presumptive	102 (77%)	216 (77%)	281 (76%)	233 (80%)	64 (74%)	38 (73%)	934 (77%)
	Aggravated	11 (8%)	23 (8%)	21 (6%)	23 (8%)	6 (7%)	6 (12%)	90 (7%)
	Subtotal	133	282	371	290	86	52	1,214
H	Mitigated	33 (13%)	89 (12%)	124 (12%)	105 (11%)	36 (12%)	35 (14%)	422 (12%)
	Presumptive	195 (77%)	624 (81%)	854 (84%)	819 (84%)	242 (81%)	197 (77%)	2,931 (82%)
	Aggravated	25 (10%)	57 (7%)	36 (4%)	55 (5%)	22 (7%)	23 (9%)	218 (6%)
	Subtotal	253	770	1,014	979	300	255	3,571

**Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
(Active Sentences Only)
FY 2001/02 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	51 (13%)	20 (15%)	11 (9%)	82 (12%)
	Presumptive	N/A	N/A	N/A	336 (83%)	109 (80%)	95 (79%)	540 (82%)
	Aggravated	N/A	N/A	N/A	18 (4%)	7 (5%)	14 (12%)	39 (6%)
	Subtotal	N/A	N/A	N/A	405	136	120	661
TOTAL	Mitigated	316 (27%)	426 (22%)	437 (20%)	451 (19%)	150 (22%)	113 (19%)	1,893 (21%)
	Presumptive	752 (64%)	1,350 (70%)	1,626 (75%)	1,779 (75%)	493 (71%)	416 (72%)	6,416 (72%)
	Aggravated	111 (9%)	155 (8%)	120 (5%)	136 (6%)	48 (7%)	51 (9%)	621 (7%)
	Subtotal	1,179	1,931	2,183	2,366	691	580	8,930

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, 105 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 (10%). Convictions in the category of other felony offenses accounted for the lowest percentage of presumptive sentences (55%), the highest percentage of mitigated sentences (41%), and the lowest percentage of aggravated sentences (4%) relative to the other crime types. For additional information regarding convictions by crime type, see *Appendix D*.

**Table 7: Sentence Location by Crime Type
(Active Sentences Only)
FY 2001/02 Felonies**

Crime Type	Sentencing Range						
	Mitigated Range		Presumptive		Aggravated		
			Range		Range		
	#	%	#	%	#	%	
Person	692	24	1,900	66	288	10	2,880
Property	325	11	2,422	83	179	6	2,926
Non-Trafficking Drug	236	15	1,243	79	94	6	1,573
Other Felony	640	41	851	55	60	4	1,551
TOTAL	1,893	21	6,416	72	621	7	8,930

**Figure M: Distribution of Sentences in the Sentencing Range
FY 2001/02 Felonies**

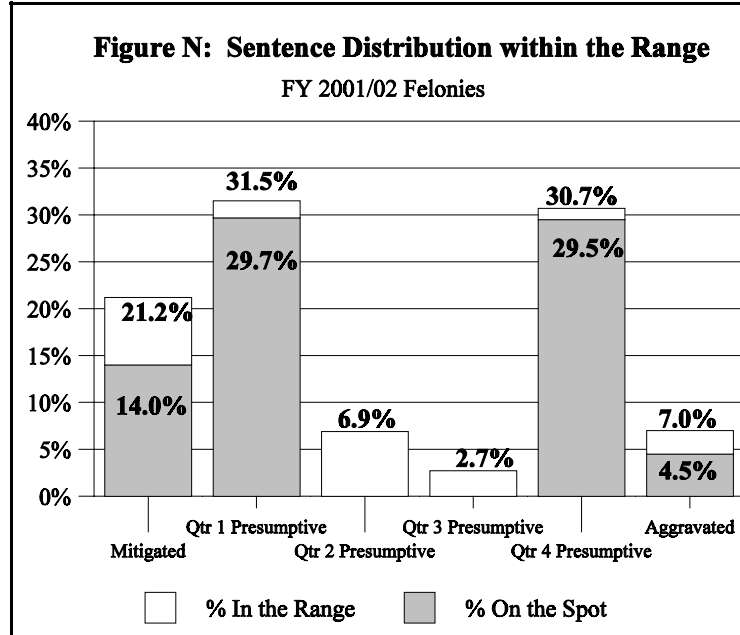
Note: Convictions that did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. In addition, 105 convictions requiring a mandatory life or death sentence were excluded from this table.

D. Length of Active Sentence Relative to the Sentencing Range

Viewing the entire sentencing range as a continuum from the lowest possible sentence imposed in the mitigated range to the highest possible sentence imposed in the aggravated range, on average the 8,930 Active sentences imposed (excluding the 105 convictions with mandatory life or death

sentences) fell near the midpoint of the range (at the 41st percentile above the minimum). Close examination of the actual location of each Active sentence within its respective range revealed that the majority of offenders were sentenced within the first or fourth quarter of the presumptive portion of the range (31.5% and 30.7% of all cases, respectively) (see *Figure M* and *Table 8*).

Further analysis indicates that over three-quarters (77.7%) of all Active sentences were located on one of only *four* specific spots of their respective ranges (*i.e.*, the lowest spot of the mitigated range, the lowest spot of the presumptive range, the highest spot of the presumptive range, and the highest



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

spot of the aggravated range). As shown in *Table 8* and *Figure N*, 14.0% of Active sentences fell on the lowest point of the mitigated range; 29.7% fell on the lowest point of the presumptive range; 29.5% fell on the highest point of the presumptive range; and 4.5% fell on the highest point of the aggravated range.

A similar pattern is evident by crime type, especially for property and drug offenses, with 85.8% and 84.5% of all Active sentences, respectively, located on four specific spots of the range. This pattern is less apparent for person offenses, with only 68.2% of all sentences on the four spots, and with a considerably higher rate of sentences outside the presumptive range.

**Table 8: Sentencing Range by Crime Type
FY 2001/02 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	24.0 (13.9)	26.4 (22.9)	6.3	5.5	27.8 (24.9)	10.0 (6.5)	68.2
Property	11.1 (8.1)	36.1 (35.8)	7.8	0.8	38.1 (38.0)	6.1 (3.9)	85.8
Non-Traff. Drugs	15.0 (11.0)	36.4 (35.8)	7.5	1.2	33.9 (33.8)	6.0 (3.9)	84.5
Other Felonies	41.3 (28.4)	27.5 (24.4)	5.9	2.5	18.9 (17.7)	3.9 (2.4)	72.9
TOTAL	21.2 (14.0)	31.5 (29.7)	6.9	2.7	30.7 (29.5)	7.0 (4.5)	77.7

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

V. INTERMEDIATE PUNISHMENTS

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

During Fiscal Year 2001/02, Intermediate punishments were imposed for 10,977 convictions, with an average supervised probation sentence length of 34 months. The specific type(s) of intermediate sanction(s) imposed was reported in the AOC database for 10,663 convictions -- a reporting rate

of 97%.³ These figures may not fully reflect offender participation in these programs due to underreporting of sanctions imposed. It should be noted that these sanctions are not equally available across the state.

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

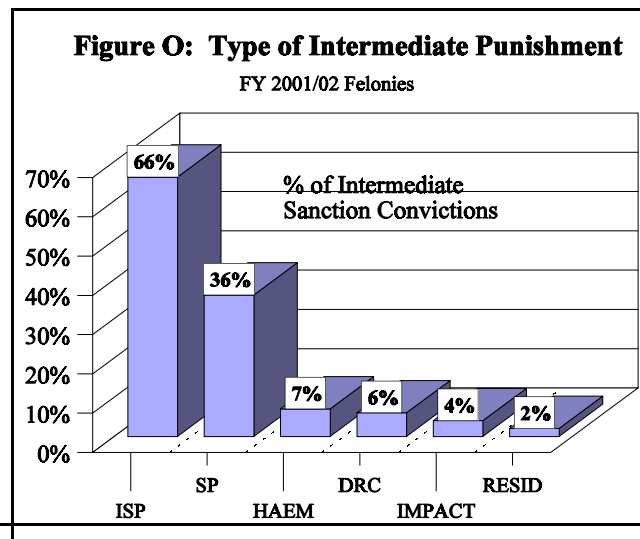
A. Intermediate Punishments Imposed

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

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=5,981). For Class H, Intensive Supervision Probation was the most frequently invoked sanction (n=3,288). Overall, the most frequently invoked sanction was Intensive Supervision Probation (n=7,071), followed by Special Probation (n=3,867).

**Table 9: Type of Intermediate Punishment by Offense Class and Prior Record Level
FY 2001/02 Felonies**



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

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

Offense Class	Prior Record Level	Type of Intermediate Punishment						Total
		Special Probation	IMPACT	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
E	I	116	9	1	11	143	23	303
	II	137	8	6	12	164	11	338
	Subtotal	253	17	7	23	307	34	641
F	I	187	13	0	10	245	36	491
	II	169	17	2	5	248	30	471
	III	112	1	2	3	112	10	240
	Subtotal	468	31	4	18	605	76	1,202
G	I	153	44	4	38	338	29	606
	II	288	37	15	44	474	36	894
	III	177	11	6	28	263	20	505
	IV	69	3	13	8	118	12	223
	Subtotal	687	95	38	118	1,193	97	2,228
H	I	238	70	6	74	492	54	934
	II	760	89	49	158	1,475	142	2,673
	III	466	27	27	74	868	78	1,540
	IV	223	5	22	31	369	29	679
	V	43	1	10	7	84	10	155
	Subtotal	1,730	192	114	344	3,288	313	5,981

**Table 9: Type of Intermediate Punishment by Offense Class and Prior Record Level (continued)
FY 2001/02 Felonies**

Offense Class	Prior Record Level	Type of Intermediate Punishment						Total
		Special Probation	IMPACT	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
I	II	226	34	16	77	648	69	1,070
	III	337	13	18	59	691	74	1,192
	IV	130	1	16	25	265	26	463
	V	27	1	2	4	51	6	91

	VI	9	1	2	3	23	7	45
	Subtotal	729	50	54	168	1,678	182	2,861
TOTAL		3,867	385	217	671	7,071	702	12,913

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=5,100), followed closely by non-trafficking drug offenses (n=4,441).

**Table 10: Type of Intermediate Punishment by Crime Type
FY 2001/02 Felonies**

Crime Type	Type of Intermediate Punishment						Total
	Special Probation	IMPACT	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
Person	823	74	26	62	1,086	125	2,196
Property	1,472	184	121	282	2,792	249	5,100
Non-Trafficking Drug	1,128	102	59	281	2,613	258	4,441
Other Felony	444	25	11	46	580	70	1,176
TOTAL	3,867	385	217	671	7,071	702	12,913

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 2001/02, there were 5,557 convictions for which a Community punishment was imposed. The specific type(s) of Community punishment(s) imposed was reported in the AOC database for 5,488 convictions.⁴ Of these 5,488 convictions, 5,283 were for supervised probation; 181 were for unsupervised probation; and 24 were for restitution, fines, and/or community service only. For more information about community service and restitution, refer to *Appendix G*.

⁴It is not clear why a specific Community Punishment was not reported for 1% 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).

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=3,933). Convictions for Class H felonies resulted in the longest average probation sentences for Community punishments (31 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 2001/02 Felonies**

Offense Class	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
H	1,555 <i>31 months</i>	46 <i>22 months</i>	2 <i>N/A</i>	21 <i>N/A</i>	1,624 <i>31 months</i>
I	3,728 <i>26 months</i>	135 <i>21 months</i>	22 <i>N/A</i>	48 <i>N/A</i>	3,933 <i>26 months</i>
TOTAL	5,283 <i>27 months</i>	181 <i>21 months</i>	24 <i>N/A</i>	69 <i>N/A</i>	5,557 <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=3,044). Convictions for property offenses resulting in a Community punishment had the longest average probation sentences (30 months).

**Table 12: Type of Community Punishment by Crime Type
FY 2001/02 Felonies**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
Person	74 <i>29 months</i>	2 <i>27 months</i>	0 <i>N/A</i>	1 <i>N/A</i>	77 <i>29 months</i>

**Table 12: Type of Community Punishment by Crime Type
FY 2001/02 Felonies**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
Property	2,114 <i>30 months</i>	61 <i>21 months</i>	3 <i>N/A</i>	30 <i>N/A</i>	2,208 <i>30 months</i>
Non-Trafficking Drug	2,892 <i>25 months</i>	99 <i>21 months</i>	19 <i>N/A</i>	34 <i>N/A</i>	3,044 <i>25 months</i>
Other Felony	203 <i>28 months</i>	19 <i>24 months</i>	2 <i>N/A</i>	4 <i>N/A</i>	228 <i>27 months</i>
TOTAL	5,283 <i>27 months</i>	181 <i>21 months</i>	24 <i>N/A</i>	69 <i>N/A</i>	5,557 <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 the jury to be an habitual felon. An habitual felon is sentenced as a Class C felon. (N.C. Gen. Stat. §§ 14-7.1 to -7.6) *Table 13* shows the breakdown by offense class and crime type of the most serious conviction associated with habitual felon convictions. There were 638 habitual felon convictions during Fiscal Year 2001/02.⁵ Almost one-half (47% or n=299) of habitual felons had a conviction for a Class H offense as their underlying conviction. Almost 29% of habitual felons had some type of drug offense as their underlying conviction (n=183). Felony Breaking and/or Entering was the most frequently occurring most serious crime associated with habitual felon convictions (n=110). Sixty-two percent of habitual felon convictions were sentenced in the mitigated range and an additional 12% were sentenced at the lowest possible point of the presumptive range (see *Appendix D*).

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

**Table 13: Most Serious Crime Associated with Habitual Felon Convictions
by Offense Class and Offense
FY 2001/02 Felonies**

Offense Class	Offense	Total
Class A	First Degree Murder	1
	Subtotal	1
Class B1	1 st Degree Sex Offense Child	1
	Subtotal	1
Class B2	Attempted Murder	1
	Attempted 1 st Degree Rape	1
	Subtotal	2
Class C	1 st Degree Kidnapping	1
	2 nd Degree Rape	1
	2 nd Degree Sex Offense	1
	Other Robbery Offense	1
	AWDWIKISI	3
	Other Assault Offense	1
	Other Drug Offense	3
	Habitual Felon*	15
	Other Property Offense	1
	Subtotal	27
Class D	Voluntary Manslaughter	3
	Attempted 2 nd Degree Rape	1
	Att. Robbery - Dangerous Weapon	4
	Robbery - Dangerous Weapon	30
	1 st Degree Arson	1
	1 st Degree Burglary	4
	Subtotal	43

Offense Class	Offense	Total
Class E	2 nd Degree Kidnapping	5
	AWDW Serious Injury	7
	Assault LEO/PO/Other w/ Firearm	1
	Attempted 1 st Degree Burglary	2
	Possess C.S.w/in 300 FT of School	1
	Other Assault Offense	1
	Other Impaired Driving Offense	1
Subtotal	18	
Class F	Involuntary Manslaughter	2
	Indecent Liberties with Child	6
	Fail to Register as Sex Offender	3
	AWDW - Government Official	7
	Trafficking in Cocaine	3
	Habitual Impaired Driving	8
	Subtotal	28
Class G	Common Law Robbery	26
	2 nd Degree Burglary	7
	Other Property Offense	1
	Sell Cocaine	35
	Sell Schedule I C.S.	1
	Sell Schedule II C.S.	5
	Conspire Sell Cocaine	2
	Trafficking in Cocaine	4
Other Drug Offense	24	

**Table 13: Most Serious Crime Associated with Habitual Felon Convictions
by Offense Class and Offense (continued)
FY 2001/02 Felonies**

Offense Class	Offense	Total
Class G (cont.)	Possession of Firearm by Felon	20
	Subtotal	125

Offense Class	Offense	Total
Class H (cont.)	PWIMSD Heroin	1
	Escape from State Prison	2

Class H	Attempted Common Law Robbery	2
	Habitual Misdemeanor Assault	3
	Breaking and/or Entering	130
	Felony Larceny	21
	Larceny of a Firearm	2
	Larceny by Anti-Inventory Device	1
	Larceny from the Person	4
	Possession of Stolen Goods	23
	Larceny after Break/Enter	4
	Larceny of Motor Vehicle	1
	Obtain Property by False Pretenses	28
	Financial Identity Fraud	2
	Other Fraud Offense	3
	Embezzlement	1
	Possess C.S. Prison/Jail Premises	2
	Sell Marijuana	2
	Sell Schedule III C.S.	1
	Deliver Cocaine	1
	Conspire Deliver Cocaine	1
	PWIMSD Schedule I Contr. Subst.	1
	PWIMSD Schedule II C. S.	4
	Trafficking in Marijuana	1
	Manufacture Cocaine	1
	PWISD Cocaine	31
	PWIMSD Cocaine	6

	Possess Stolen Motor Vehicle	5
	Hit/Run Personal Injury	1
	Flee/Elude Arrest W/ Motor Veh.	14
	Subtotal	299
Class I	Possession of Burglary Tools	2
	Break/Enter Motor Vehicle	16
	Other Larceny Offense	1
	Forgery of Instrument	7
	Uttering Forged Instrument	7
	Uttering Forged Endorsement	1
	Financial Card Theft	3
	Financial Card Fraud	1
	Obtain Contr. Subst. by Fraud	2
	Sell or Deliver Counterfeit C.S.	3
	Possess Schedule I C.S.	1
	Possess Schedule II C.S.	10
	Manufacture Marijuana	1
	PWISD Marijuana	12
	PWIMSD Marijuana	2
	Felony Possession of Cocaine	22
	Possess Heroin	1
	Other Drug Offense	2
	Subtotal	94
TOTAL		638

* Of the 638 habitual felon convictions, the most serious associated conviction could not be determined for 15 convictions. These 15 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 2001/02.

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 2001/02, 10 death sentences and 96 life without parole sentences were imposed.

A violent habitual felon is an offender with at least two prior Class A, B1, B2, C, D, or E felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a Class A, B1, B2, C, D, or E felony offense and who has been found by the jury to be a violent habitual felon. A violent habitual felon is sentenced to life without parole. (N.C. Gen. Stat. §§ 14-7.7 to -7.12) Of the 96 life without parole sentences imposed during Fiscal Year 2001/02, one was imposed for a violent habitual felon conviction. The most serious offense associated with this violent habitual felon conviction was second degree kidnapping.

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 679 convictions for drug trafficking offenses.⁶ Trafficking Cocaine (Offense Class G) was the most frequently occurring drug trafficking offense (n=250).

**Table 14: Drug Trafficking Convictions
FY 2001/02 Felonies**

Offense Class and Trafficking Offense	Type of Punishment			Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
	Active	Intermediate	Community			

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

		#	%	#	%	#	%			
C	Traffic Methamphetamine	1	100.0	.	.	.	.	225.0	279.0	1
	Traffic Cocaine	1	100.0	.	.	.	.	35.0	42.0	1
	Traffic Heroin	2	100.0	.	.	.	.	134.5	170.5	2
	Other Trafficking	3	100.0	.	.	.	.	225.0	279.0	3
	Subtotal	7	100.0	.	.	.	.	172.0	214.1	7
D	Traffic MDA/MDMA	1	100.0	.	.	.	.	35.0	42.0	1
	Consp. Traffic MDA/MDMA	.	.	.	.	1	100.0	.	.	1
	Traffic Cocaine	17	94.4	.	.	1	5.6	119.7	149.4	18
	Traffic Heroin	2	100.0	.	.	.	.	86.0	108.0	2
	Consp. Traffic Cocaine	4	80.0	.	.	1	20.0	99.3	123.0	5
	Other Trafficking	11	100.0	.	.	.	.	175.0	219.0	11
	Subtotal	35	92.1	.	.	3	7.9	130.4	162.8	38
E	Traffic Methamphetamine	1	100.0	.	.	.	.	90.0	117.0	1
	Traffic Cocaine	1	100.0	.	.	.	.	35.0	42.0	1
	Other Trafficking	1	100.0	.	.	.	.	90.0	117.0	1
	Subtotal	3	100.0	.	.	.	.	71.7	92.0	3
F	Traffic Methamphetamine	12	92.3	1	7.7	.	.	67.2	80.7	13
	Traffic LSD	2	100.0	.	.	.	.	46.5	57.0	2
	Traffic MDA/MDMA	1	33.3	2	66.7	.	.	70.0	84.0	3
	Traffic Cocaine	34	85.0	5	12.5	1	2.5	63.9	77.2	40
	Traffic Heroin	10	90.9	.	.	1	9.1	70.0	84.0	11
	Consp. Traffic Cocaine	2	66.7	1	33.3	.	.	70.0	84.0	3
	Consp. Traffic Heroin	1	100.0	.	.	.	.	13.0	16.0	1
	Other Trafficking	26	89.7	2	6.9	1	3.4	70.0	84.0	29
	Subtotal	88	86.3	11	10.8	3	2.9	66.1	79.5	102

**Table 14: Drug Trafficking Convictions (continued)
FY 2001/02 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
G	Traffic Methamphetamine	4	57.1	3	42.9	.	.	52.5	63.0	7
	Traffic LSD	12	80.0	3	20.0	.	.	30.8	37.2	15
	Traffic MDA/MDMA	28	58.3	14	29.2	6	12.5	30.6	37.0	48
	Consp. Traffic MDA/MDMA	4	100.0	.	.	.	.	28.8	35.0	4
	Traffic Marijuana	6	85.7	.	.	1	14.3	31.7	38.0	7
	Traffic Cocaine	195	78.0	42	16.8	13	5.2	33.9	40.8	250
	Consp. Traffic Cocaine	14	66.7	6	28.6	1	4.8	30.7	36.9	21
	Other Trafficking	61	69.3	19	21.6	8	9.1	35.0	42.0	88
	Subtotal	324	73.6	87	19.8	29	6.6	33.7	40.6	440
H	Traffic MDA/MDMA	1	100.0	.	.	.	.	20.0	24.0	1
	Traffic Marijuana	36	73.5	6	12.2	7	14.3	23.9	28.7	49
	Traffic Cocaine	2	33.3	2	33.3	2	33.3	35.0	42.0	6
	Consp. Traffic Marijuana	6	85.7	1	14.3	.	.	22.2	26.7	7
	Consp. Traffic Cocaine	.	.	1	33.3	2	66.7	.	.	3
	Other Trafficking	15	83.3	2	11.1	1	5.6	25.0	30.6	18
	Subtotal	60	71.4	12	14.3	12	14.3	24.3	29.3	84
I	Traffic MDA/MDMA	2	100.0	.	.	.	.	26.0	33.0	2
	Traffic Cocaine	1	50.0	.	.	1	50.0	35.0	42.0	2
	Consp. Traffic Marijuana	1	100.0	.	.	.	.	4.0	5.0	1
	Subtotal	4	80.0	.	.	1	20.0	22.8	28.3	5
TOTAL	521	76.7	110	16.2	48	7.1	46.6	56.6	679	

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

SECTION II

**MISDEMEANOR CONVICTIONS
IN FISCAL YEAR 2001/02**

I. MISDEMEANOR CONVICTIONS IN FY 2001/02

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 2001/02 (July 1, 2001 through June 30, 2002). Overall, sentences for 166,449 misdemeanor convictions were imposed. For many of the tables, information on 4,507 convictions (3%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table. Efforts are being made to understand the nature of the data discrepancies and to resolve reporting problems.

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

C. Distribution of Convictions within the Misdemeanor Structured Sentencing Grid

Table 15 shows the distribution of convictions within the Structured Sentencing Grid. Relative to other grid cells, the greatest number of convictions fell into Offense Class 1 with Prior Conviction Level I (n=37,601 or 23%).

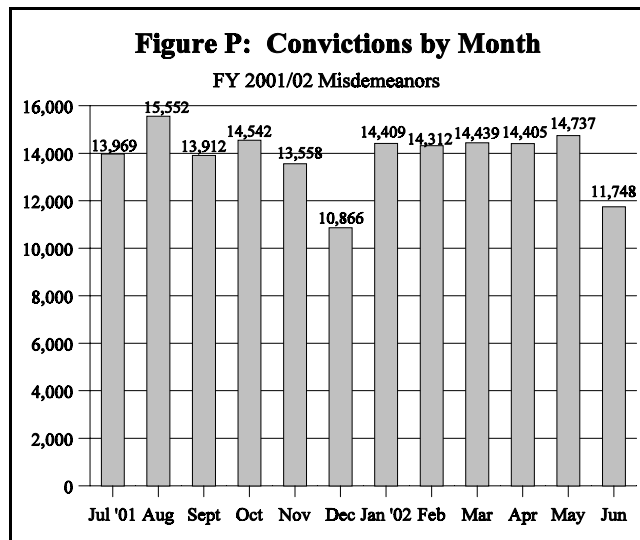
**Table 15: Distribution of Convictions within the Misdemeanor Structured Sentencing Grid
FY 2001/02 Misdemeanors**

Offense Class	Prior Conviction Level			Total
	I 0 Pts	II 1-4 Pts	III 5+ Pts	
A1	5,346 (3.3%)	6,012 (3.7%)	3,450 (2.1%)	14,808 (9.1%)
1	37,601 (23.2%)	37,488 (23.2%)	14,543 (9.0%)	89,632 (55.3%)
2	16,365 (10.1%)	11,539 (7.1%)	3,521 (2.2%)	31,425 (19.4%)
3	14,908 (9.2%)	8,334 (5.2%)	2,835 (1.8%)	26,077 (16.1%)
TOTAL	74,220 (45.8%)	63,373 (39.1%)	24,349 (15.0%)	161,942 (100%)

Note: Of the 166,449 misdemeanor convictions in FY 2001/02, 4,507 (3%) were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior conviction levels, or for other reasons. Percentages may not add to 100% due to rounding.

D. Convictions by Month of Sentencing

Figure P shows the number of misdemeanor convictions (N=166,449) by month of sentencing during Fiscal Year 2001/02. 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.⁷ Of the 166,449 convictions in FY 2001/02, 11% (n=18,832) occurred in the first judicial division, 12% (n=19,978) in the second judicial division, 17% (n=27,888) in the third judicial division, 11% (n=18,597) in the fourth judicial division, 15% (n=23,877) in the fifth judicial division, 11% (n=18,669) in the sixth judicial division, 14% (n=23,728) in the seventh judicial division, and 9% (n=14,880) 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 2001/02 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
First Judicial Division		17,459	1,332	41	18,832
District 1	Camden	94	6	0	100
	Chowan	329	23	0	352
	Currituck	371	19	0	390
	Dare	944	110	1	1,055
	Gates	141	14	0	155
	Pasquotank	885	71	0	956
	Perquimans	214	13	0	227
	Total	2,978	256	1	3,235
District 2	Beaufort	1,470	54	8	1,532
	Hyde	161	6	1	168
	Martin	708	13	6	727
	Tyrrell	175	6	0	181
	Washington	308	13	0	321
	Total	2,822	92	15	2,929
District 3A	Pitt	3,239	180	3	3,422
Total	3,239	180	3	3,422	
District 6A	Halifax	1,695	115	11	1,821
Total	1,695	115	11	1,821	

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

**Table 16: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 2001/02 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 6B	Bertie	441	45	1	487
	Hertford	662	67	1	730
	Northampton	467	32	2	501
	Total	1,570	144	4	1,718
District 7	Edgecombe	1,511	212	5	1,728
	Nash	1,985	155	2	2,142
	Wilson	1,659	178	0	1,837
	Total	5,155	545	7	5,707
Second Judicial Division		18,972	983	23	19,978
District 3B	Carteret	1,464	50	4	1,518
	Craven	2,326	97	1	2,424
	Pamlico	315	26	0	341
	Total	4,105	173	5	4,283
District 4	Duplin	1,045	28	1	1,074
	Jones	181	5	0	186
	Onslow	2,469	227	1	2,697
	Sampson	1,517	21	1	1,539
Total	5,212	281	3	5,496	
District 5	New Hanover	4,179	123	4	4,306
	Pender	574	26	0	600
	Total	4,753	149	4	4,906
District 8	Greene	317	26	0	343
	Lenoir	1,785	154	2	1,941
	Wayne	2,800	200	9	3,009
	Total	4,902	380	11	5,293
Third Judicial Division		26,983	877	28	27,888
District 9	Franklin	869	55	2	926
	Granville	1,081	90	0	1,171
	Vance	1,821	144	0	1,965
	Warren	294	40	0	334
	Total	4,065	329	2	4,396

**Table 16: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 2001/02 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 9A	Caswell	361	41	0	402
	Person	973	47	1	1,021
	Total	1,334	88	1	1,423
District 10	Wake	12,049	127	18	12,194
	Total	12,049	127	18	12,194
District 14	Durham	4,685	50	5	4,740
	Total	4,685	50	5	4,740
District 15A	Alamance	3,481	249	1	3,731
	Total	3,481	249	1	3,731
District 15B	Chatham	555	22	0	577
	Orange	814	12	1	827
	Total	1,369	34	1	1,404
<i>Fourth Judicial Division</i>		<i>17,927</i>	<i>656</i>	<i>14</i>	<i>18,597</i>
District 11	Harnett	1,516	80	5	1,601
	Johnston	2,074	41	3	2,118
	Lee	1,057	86	0	1,143
	Total	4,647	207	8	4,862
District 12	Cumberland	3,390	145	2	3,537
	Total	3,390	145	2	3,537
District 13	Bladen	535	14	0	549
	Brunswick	1,413	49	1	1,463
	Columbus	1,014	32	1	1,047
	Total	2,962	95	2	3,059
District 16A	Hoke	595	62	0	657
	Scotland	1,366	74	1	1,441
	Total	1,961	136	1	2,098
District 16B	Robeson	4,967	73	1	5,041
	Total	4,967	73	1	5,041
<i>Fifth Judicial Division</i>		<i>23,050</i>	<i>803</i>	<i>24</i>	<i>23,877</i>
District 17A	Rockingham	1,691	212	3	1,906
	Total	1,691	212	3	1,906

**Table 16: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 2001/02 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 17B	Stokes	766	51	0	817
	Surry	1,257	57	0	1,314
	Total	2,023	108	0	2,131
District 18	Guilford	7,435	276	6	7,717
	Total	7,435	276	6	7,717
District 19B	Montgomery	695	19	0	714
	Moore	1,427	66	0	1,493
	Randolph	1,898	44	2	1,944
	Total	4,020	129	2	4,151
District 21	Forsyth	5,658	57	7	5,722
	Total	5,658	57	7	5,722
District 23	Alleghany	127	1	0	128
	Ashe	258	5	1	264
	Wilkes	1,235	12	3	1,250
	Yadkin	603	3	2	608
	Total	2,223	21	6	2,250
Sixth Judicial Division		17,389	1,263	17	18,669
District 19A	Cabarrus	3,818	163	1	3,982
	Total	3,818	163	1	3,982
District 19C	Rowan	2,703	105	1	2,809
	Total	2,703	105	1	2,809
District 20	Anson	662	94	1	757
	Richmond	1,156	202	4	1,362
	Stanly	992	133	1	1,126
	Union	1,739	306	1	2,046
	Total	4,549	735	7	5,291
District 22	Alexander	531	14	0	545
	Davidson	2,453	125	2	2,580
	Davie	500	24	0	524
	Iredell	2,835	97	6	2,938
	Total	6,319	260	8	6,587

**Table 16: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 2001/02 Misdemeanors**

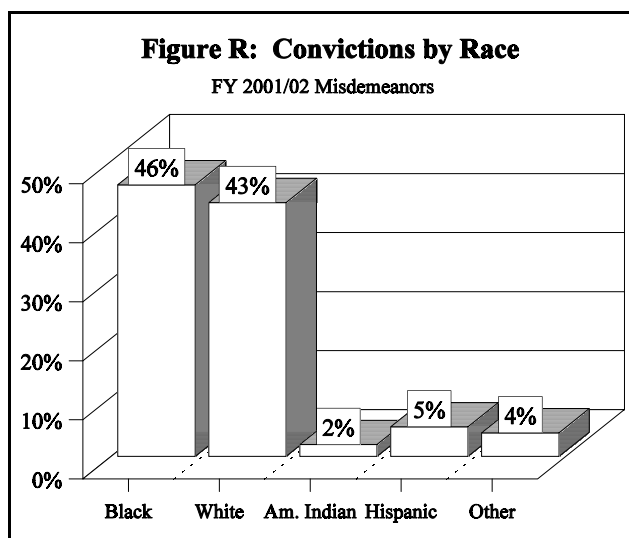
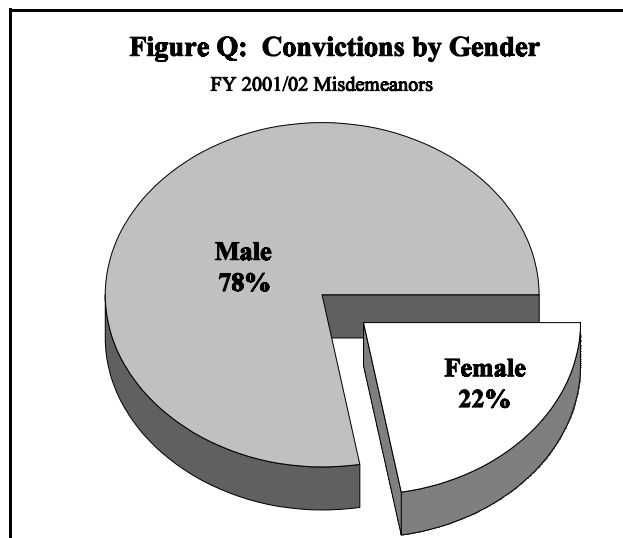
Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
<i>Seventh Judicial Division</i>		22,629	1,057	42	23,728
District 25	Burke	1,274	91	0	1,365
	Caldwell	1,422	98	1	1,521
	Catawba	3,131	237	6	3,374
	Total	5,827	426	7	6,260
District 26	Mecklenburg	9,637	347	15	9,999
	Total	9,637	347	15	9,999
District 27A	Gaston	4,018	167	12	4,197
	Total	4,018	167	12	4,197
District 27B	Cleveland	1,966	89	6	2,061
	Lincoln	1,181	28	2	1,211
	Total	3,147	117	8	3,272
<i>Eighth Judicial Division</i>		14,437	420	23	14,880
District 24	Avery	163	10	1	174
	Madison	209	8	0	217
	Mitchell	199	7	1	207
	Watauga	500	43	2	545
	Yancey	183	11	0	194
	Total	1,254	79	4	1,337
District 28	Buncombe	5,073	118	3	5,194
	Total	5,073	118	3	5,194
District 29	Henderson	1,532	20	0	1,552
	McDowell	811	14	0	825
	Polk	385	8	0	393
	Rutherford	1,984	60	8	2,052
	Transylvania	549	14	2	565
	Total	5,261	116	10	5,387

**Table 16: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 2001/02 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 30	Cherokee	474	4	0	478
	Clay	70	0	0	70
	Graham	96	17	2	115
	Haywood	1,146	26	2	1,174
	Jackson	453	25	1	479
	Macon	401	20	1	422
	Swain	209	15	0	224
	Total	2,849	107	6	2,962
STATE TOTAL		158,846	7,391	212	166,449

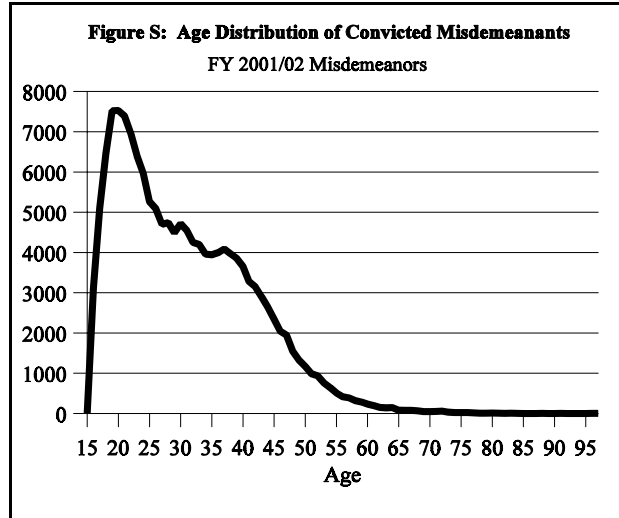
II. CHARACTERISTICS OF OFFENDERS

This section provides a summary of misdemeanor convictions by gender, race, and age of offenders. As indicated in *Figure Q*, the majority of misdemeanor convictions were for males (78%). *Figure R* shows that 46% of all misdemeanor offenders were Black and 43% were White. Only a small percentage were American Indian (2%), Hispanic (5%), or Other (4%).⁸



⁸ Only 1% of felony offenders fell in the “Other” category for race compared to 4% of misdemeanor offenders. Errors in reporting racial composition may account for the unusually large percentage of misdemeanor offenders represented in the “Other” category.

Nineteen percent of misdemeanor convictions were for offenders under the age of 21, 21% were 21-25 years of age, 12% were 26-29 years of age, 27% were 30-39 years of age, 16% were 40-49 years of age, and 5% were 50 years of age or older. *Figure S* illustrates the age distribution of misdemeanor offenders. As with felons, the volume of offenders peaks in the late teens and early twenties and then generally declines. *Table 17* provides a summary of misdemeanor convictions by gender, race, and age of offenders.



**Table 17: Convictions by Gender, Race, and Age
FY 2001/02 Misdemeanors**

Gender and Race		Age						Total
		<21	21-25	26-29	30-39	40-49	>49	
Male	White	12,073	10,712	5,838	13,007	8,203	3,011	52,844
	Black	9,817	11,553	6,967	15,759	10,587	3,549	58,232
	Hispanic	1,154	2,243	1,294	1,633	496	97	6,917
	Amer. Indian	469	480	278	467	287	96	2,077
	Other	306	349	241	431	189	56	1,572
	Subtotal	23,819	25,337	14,618	31,297	19,762	6,809	121,642
Female	White	2,893	2,884	1,952	4,733	2,465	670	15,597
	Black	2,704	3,315	2,196	4,991	2,410	527	16,143
	Hispanic	115	190	98	151	50	19	623
	Amer. Indian	135	151	93	237	85	21	722
	Other	72	101	73	118	88	33	485
	Subtotal	5,919	6,641	4,412	10,230	5,098	1,270	33,570
TOTAL		29,738	31,978	19,030	41,527	24,860	8,079	155,212

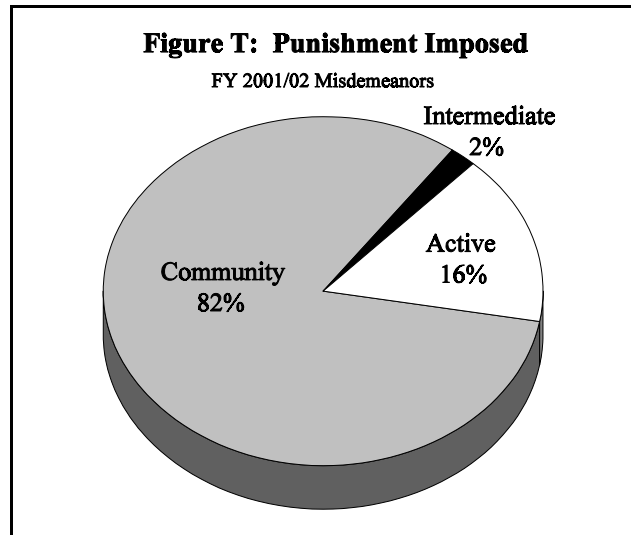
Note: Of the 166,449 misdemeanor convictions in FY 2001/02, 11,237 convictions with missing values for offenders' age were excluded from this table.

III. PUNISHMENT IMPOSED FOR MISDEMEANORS

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

A. Overall Punishment

As shown in *Figure T*, an Active punishment was imposed for 16% of misdemeanor convictions; an Intermediate punishment was imposed for 2% of misdemeanor convictions; and a Community punishment was imposed for 82% of misdemeanor convictions. Of the Active punishments imposed, 91% were for sentences of 90 days or less, with the remaining 9% 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, 55% fell into Offense Class 1, 20% fell into Offense Class 2, and 16% fell into Offense Class 3. Forty-six percent of misdemeanor convictions fell into Prior Conviction Level I, 39% fell into Prior Conviction Level II, and the remainder fell into Prior Conviction Level III.

Convictions for Class A1 misdemeanors accounted for the largest percentage of Active sentences imposed relative to other offense classes (20%). The majority of convictions fell into Offense Class 1 with Prior Conviction Level I (n=37,601). In general, the likelihood of receiving an Active punishment increased as prior conviction level increased.

**Table 18: Convictions and Sentences by Offense Class and Prior Conviction Level
FY 2001/02 Misdemeanors**

Offense Class	Prior Conviction Level			Total
	I 0 Pts	II 1-4 Pts	III 5+ Pts	
A1	C/I/A C = 4,641 (87%) I = 122 (2%) A = 583 (11%) (n=5,346) 31.5 days	C/I/A C = 4,679 (78%) I = 255 (4%) A = 1,078 (18%) (n=6,012) 47.1 days	C/I/A C = 1,867 (54%) I = 251 (7%) A = 1,332 (39%) (n=3,450) 103.3 days	C/I/A C = 11,187 (76%) I = 628 (4%) A = 2,993 (20%) (n=14,808) 69.1 days
1	C C = 33,955 (90%) I = 120 (0%) A = 3,526 (10%) (n=37,601) 19.9 days	C/I/A C = 31,487 (84%) I = 731 (2%) A = 5,270 (14%) (n=37,488) 29.0 days	C/I/A C = 8,352 (58%) I = 782 (5%) A = 5,409 (37%) (n=14,543) 76.0 days	C/I/A C = 73,794 (82%) I = 1,633 (2%) A = 14,205 (16%) (n=89,632) 44.7 days
2	C C = 14,966 (92%) I = 28 (0%) A = 1,371 (8%) (n=16,365) 13.2 days	C/I C = 10,037 (87%) I = 159 (1%) A = 1,343 (12%) (n=11,539) 22.1 days	C/I/A C = 2,199 (62%) I = 92 (3%) A = 1,230 (35%) (n=3,521) 36.2 days	C/I/A C = 27,202 (87%) I = 279 (1%) A = 3,944 (12%) (n=31,425) 23.4 days
3	C C = 12,732 (85%) I = 10 (0%) A = 2,166 (15%) (n=14,908) 5.0 days	C/I C = 6,886 (82%) I = 55 (1%) A = 1,393 (17%) (n=8,334) 7.7 days	C/I/A C = 1,588 (56%) I = 26 (1%) A = 1,221 (43%) (n=2,835) 13.1 days	C/I/A C = 21,206 (81%) I = 91 (1%) A = 4,780 (18%) (n=26,077) 7.8 days
TOTAL	C/I/A C = 66,294 (89%) I = 280 (1%) A = 7,646 (10%) (n=74,220) 15.4 days	C/I/A C = 53,089 (84%) I = 1,200 (2%) A = 9,084 (14%) (n=63,373) 26.9 days	C/I/A C = 14,006 (57%) I = 1,151 (5%) A = 9,192 (38%) (n=24,349) 66.3 days	C/I/A C = 133,389 (82%) I = 2,631 (2%) A = 25,922 (16%) (n=161,942) 37.5 days

Note: Of the 166,449 misdemeanor convictions in FY 2001/02, 4,507 (3%) were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior conviction levels, or for other reasons. Active sentences in cells in which an Active punishment is not a sentencing option may be attributed to the use of credit for time served.

C. Average Length of Active Sentences

Information on the average sentence imposed, average credit for time served, and average time to be served for misdemeanor convictions resulting in an Active punishment is presented in *Table 19*. Time to be served is calculated by subtracting credit for time served from the Active sentence imposed. The length of Active sentences imposed and time to be served were found to increase as offense class and prior conviction level increased. The longest average time to be served was for Class A1 misdemeanors (55 days). Overall, the average time served for misdemeanor convictions was 29 days. Forty-eight 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 2001/02 Misdemeanors**

Offense Class		Prior Conviction Level			Overall
		I 0 Pts	II 1-4 Pts	III 5+ Pts	
A1	Average Active Sentence (Days)	31.5	47.1	103.3	69.1
	Average Credit for Time Served (Days)	14.6	11.2	15.8	13.9
	Average Time to be Served (Days)	16.9	35.9	87.4	55.1
	No. of Active Sentences	583	1,078	1,332	2,993
1	Average Active Sentence (Days)	19.9	29.0	76.0	44.7
	Average Credit for Time Served (Days)	9.7	8.2	10.4	9.4
	Average Time to be Served (Days)	10.2	20.9	65.6	35.2
	No. of Active Sentences	3,526	5,270	5,409	14,205
2	Average Active Sentence (Days)	13.2	22.1	36.2	23.4
	Average Credit for Time Served (Days)	8.5	8.4	7.9	8.3
	Average Time to be Served (Days)	4.7	13.6	28.3	15.1
	No. of Active Sentences	1,371	1,343	1,230	3,944
3	Average Active Sentence (Days)	5.0	7.7	13.1	7.8
	Average Credit for Time Served (Days)	3.9	4.1	3.9	4.0
	Average Time to be Served (Days)	1.1	3.5	9.2	3.9
	No. of Active Sentences	2,166	1,393	1,221	4,780
TOTAL	Average Active Sentence (Days)	15.4	26.9	66.3	37.5
	Average Credit for Time Served (Days)	8.2	8.0	10.0	8.8
	Average Time to be Served (Days)	7.1	18.9	56.3	28.7
	No. of Active Sentences	7,646	9,084	9,192	25,922

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

D. Punishment Imposed by Crime Type

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

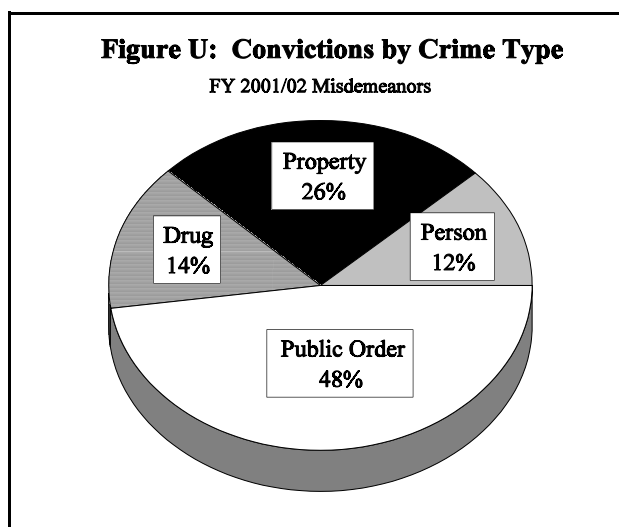


Table 20 contains information about the type of punishment imposed by crime type for misdemeanor convictions, as well as the average minimum sentence imposed and average time to be served for offenders who received an Active punishment. Of the convictions for the four crime types, those for drug offenses were least likely to result in an Active punishment (12%). Seventeen percent of convictions for person and for property offenses resulted in an Active punishment, and 16% 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 2001/02 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	3,347	17	668	3	15,782	80	61	13	48	19,797
Property	7,121	17	727	2	34,038	81	42	11	32	41,886
Drug	2,812	12	285	1	19,798	87	31	9	22	22,895
Public Order	12,642	16	951	1	63,771	83	30	6	24	77,364
TOTAL	25,922	16	2,631	2	133,389	82	38	9	29	161,942

Note: Of the 166,449 misdemeanor convictions in FY 2001/02, 4,507 (3%) were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior conviction levels, or for other reasons. Since credit for time served may not be consistently reported in the AOC database, this table may not indicate the full impact of the use of credit for time served.

IV. INTERMEDIATE PUNISHMENTS

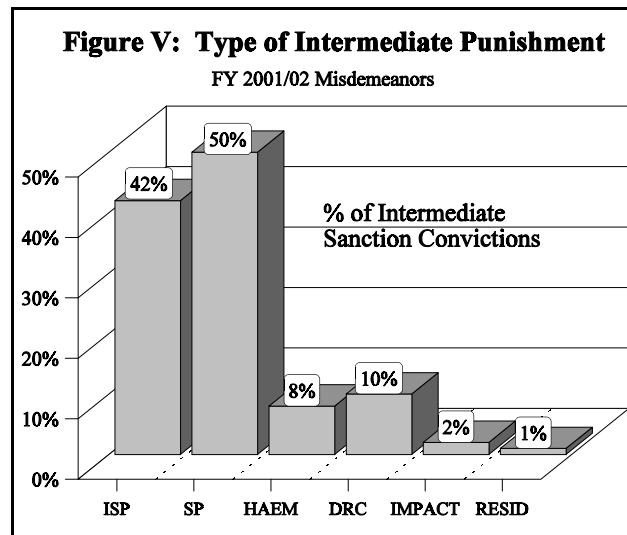
This section provides a summary of the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed.* The types of intermediate sanctions include Special Probation (SP), House Arrest with Electronic Monitoring (HAEM), Intensive Supervision Probation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

During Fiscal Year 2001/02, there were 2,631 convictions for which an Intermediate punishment was imposed. However, one or more specific intermediate sanction was reported for only 2,512 of these convictions (a reporting rate of 95%).⁹ As a result, these figures may not fully reflect offender participation in these programs.

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

A. Intermediate Punishments Imposed

Figure V shows the percentage of convictions for which each intermediate sanction was imposed. Where a specific intermediate sanction was reported in the database, data indicate that Special Probation accounted for the highest percentage of convictions (50%). Assignment to a Residential Treatment Facility accounted for the smallest percentage of convictions for which a specific intermediate sanction was reported (1%).



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

B. Intermediate Punishments by Offense Class and Prior Conviction Level

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

Table 21 contains the frequency of intermediate sanctions by offense class and prior conviction level, with the greatest number of intermediate sanctions imposed for Class 1 with Prior Conviction Level III (n=849) followed closely by Class 1 with Prior Conviction Level II (n=768). Overall, intermediate sanctions were most frequently imposed for Class 1 convictions (n=1,732).

**Table 21: Type of Intermediate Punishment by Offense Class and Prior Conviction Level
FY 2001/02 Misdemeanors**

Offense Class	Prior Conviction Level	Type of Intermediate Punishment						Total
		Special Probation	IMPACT	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
A1	I	68	3	1	10	46	5	133
	II	136	5	1	28	93	14	277
	III	131	1	7	18	110	16	283
	Subtotal	335	9	9	56	249	35	693
1	I	44	6	1	22	35	7	115
	II	316	20	7	68	284	73	768
	III	394	1	5	44	333	72	849
	Subtotal	754	27	13	134	652	152	1,732
2	I	10	1	0	1	13	1	26
	II	83	6	0	24	51	11	175
	III	35	2	3	5	48	7	100
	Subtotal	128	9	3	30	112	19	301
3	I	5	0	0	1	3	1	10
	II	18	1	0	15	19	3	56
	III	4	0	2	6	11	1	24
	Subtotal	27	1	2	22	33	5	90
TOTAL		1,244	46	27	242	1,046	211	2,816

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=995).

**Table 22: Type of Intermediate Punishment by Crime Type
FY 2001/02 Misdemeanors**

Crime Type	Type of Intermediate Punishment						Total
	Special Probation	IMPACT	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
Person	357	14	9	64	259	38	741
Property	269	21	7	70	361	58	786
Drug	71	7	6	52	138	20	294
Public Order	547	4	5	56	288	95	995
TOTAL	1,244	46	27	242	1,046	211	2,816

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 1,244 convictions. All but 44 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=754). Class 2 misdemeanors received the longest average Special Probation sentences (31.4 days).

**Table 23: Special Probation by Offense Class
FY 2001/02 Misdemeanors**

Offense Class	Number	Mean Special Probation Length (Days) ¹⁰
Class A1	335	21.3
Class 1	754	21.2
Class 2	128	31.4
Class 3	27	4.6
TOTAL	1,244	21.9

¹⁰ 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=547) and the least number were for drug offenses (n=71). Relative to the other crime types, drug convictions resulted in the longest Special Probation length (25.4 days).

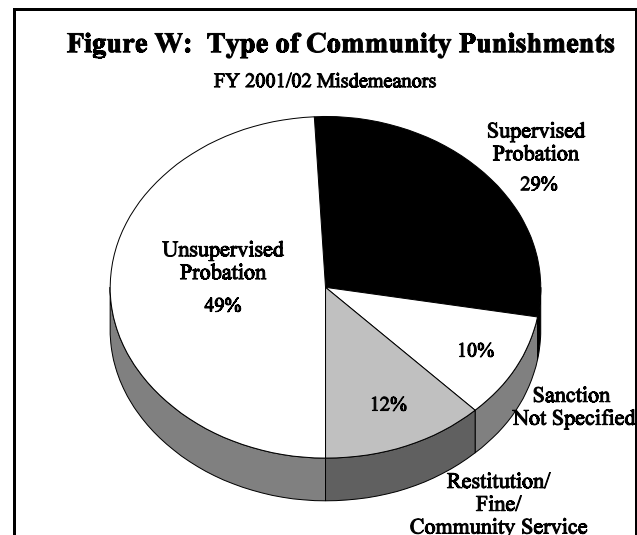
**Table 24: Special Probation by Crime Type
FY 2001/02 Misdemeanors**

Offense Class	Number	Mean Special Probation Length (Days) ¹¹
Person	357	21.2
Property	269	22.8
Drug	71	25.4
Public Order	547	21.5
TOTAL	1,244	21.9

V. COMMUNITY PUNISHMENTS

A. Community Punishments by Offense Class

*This section includes only those convictions for which a Community punishment was imposed. Of the 133,389 convictions for which a Community punishment was imposed, the specific type of Community punishment imposed was reported for 120,849 convictions. Overall, 49% received Unsupervised Probation; 29% received Supervised Probation; 12% received only Restitution/Fine/Community Service without probation; and 10% had no specific sanction ordered (see *Figure W*).¹²*



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

¹² It is not clear why a specific Community punishment was not reported for 9% of the convictions in which a Community punishment was imposed. In some cases, the court may not have specified a sanction. In other instances, the court may have imposed a sanction for which there is no specific data field in the AOC's Criminal Information System (e.g., outpatient drug/alcohol treatment or referral to TASC).

Table 25 shows the type of Community punishment imposed -- either Supervised Probation, Unsupervised Probation, Restitution/Fine/Community Service, or Sanction Not Specified -- by offense class, as well as information regarding the average length of probation sentences. Convictions for Class 1 offenses comprised the majority of convictions resulting in a Community punishment (n=73,794). Convictions for Class A1 offenses resulted in the longest average probation sentences (19 months).

**Table 25: Type of Community Punishment by Offense Class
FY 2001/02 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	5,843 <i>20 months</i>	4,334 <i>19 months</i>	310 <i>N/A</i>	700 <i>N/A</i>	11,187 <i>19 months</i>
Class 1	25,254 <i>18 months</i>	33,770 <i>16 months</i>	8,394 <i>N/A</i>	6,376 <i>N/A</i>	73,794 <i>17 months</i>
Class 2	5,847 <i>16 months</i>	15,252 <i>15 months</i>	3,675 <i>N/A</i>	2,428 <i>N/A</i>	27,202 <i>15 months</i>
Class 3	2,081 <i>15 months</i>	12,172 <i>14 months</i>	3,917 <i>N/A</i>	3,036 <i>N/A</i>	21,206 <i>14 months</i>
TOTAL	39,025 <i>18 months</i>	65,528 <i>16 months</i>	16,296 <i>N/A</i>	12,540 <i>N/A</i>	133,389 <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=13,787). The largest number sentenced to Unsupervised Probation were convicted of public order offenses (n=32,381).

**Table 26: Type of Community Punishment by Crime Type
FY 2001/02 Misdemeanors**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/Community Service Only	Sanction Not Specified	
Person	6,797 <i>19 months</i>	7,271 <i>17 months</i>	668 <i>N/A</i>	1,046 <i>N/A</i>	15,782 <i>18 months</i>
Property	13,787 <i>18 months</i>	15,317 <i>15 months</i>	2,829 <i>N/A</i>	2,105 <i>N/A</i>	34,038 <i>17 months</i>
Drug	5,051 <i>17 months</i>	10,559 <i>15 months</i>	2,597 <i>N/A</i>	1,591 <i>N/A</i>	19,798 <i>15 months</i>
Public Order	13,390 <i>17 months</i>	32,381 <i>16 months</i>	10,202 <i>N/A</i>	7,798 <i>N/A</i>	63,771 <i>16 months</i>
TOTAL	39,025 <i>18 months</i>	65,528 <i>16 months</i>	16,296 <i>N/A</i>	12,540 <i>N/A</i>	133,389 <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 2001/02, 10% of all misdemeanor convictions were sentenced to perform Community Service, with an average of almost 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=10,650). Of the four offense classes, convictions for Class 1 offenses were most likely to result in a Community Service sentence (11.9%), while convictions for Class A1 offenses had the highest average hours of Community Service ordered (38.3 hours).

**Table 27: Community Service by Offense Class
FY 2001/02 Misdemeanors**

Offense Class	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
Class A1	38.3	1,233	8.3
Class 1	35.8	10,650	11.9
Class 2	33.3	2,653	8.4
Class 3	28.2	2,291	8.8
TOTAL	34.6	16,827	10.4

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=6,926). Of the four crime types, property convictions were the most likely to result in a Community Service sentence (16.5%), while person convictions had the highest number of Community Service hours ordered (an average of 37 hours).

**Table 28: Community Service by Crime Type
FY 2001/02 Misdemeanors**

Crime Type	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
Person	37.0	1,941	9.8
Property	35.6	6,926	16.5
Drug	31.5	1,849	8.1
Public Order	33.5	6,111	7.9
TOTAL	34.6	16,827	10.4

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 2001/02.

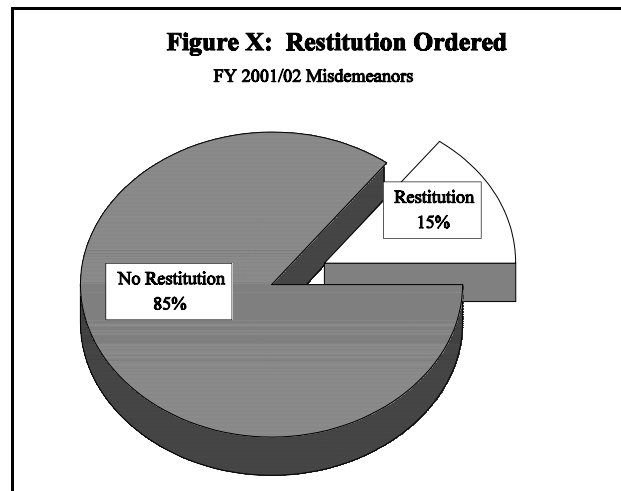


Table 29 provides information on the mean and median dollar amounts of Restitution ordered and the total number of convictions for which payment of Restitution was ordered by offense class. The table also includes the percentage of convictions for which payment of Restitution was ordered relative to the total number of convictions in each offense class. The average (mean) amount of Restitution ordered was \$734, while the median amount was \$184. The highest amount of Restitution, on average, was ordered for Class 1 convictions (a mean of \$1,010 and a median of \$260). Convictions for Class 1 misdemeanors also comprised the largest group with a Restitution sentence ($n=11,614$), followed by Class 2 misdemeanors ($n=10,554$). Close to 34% of all convictions for Class 2 offenses were ordered to pay Restitution -- the largest percentage of any offense class.

**Table 29: Restitution Ordered by Offense Class
FY 2001/02 Misdemeanors**

Offense Class	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Class A1	939	300	1,886	12.7
Class 1	1,010	260	11,614	13.0
Class 2	438	125	10,554	33.6
Class 3	183	100	840	3.2
TOTAL	734	184	24,894	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 (\$1,138). The highest median Restitution amount was ordered for convictions for person offenses (\$284). Property offense convictions accounted for the majority of convictions for which payment of Restitution was ordered (n=19,072). Forty-six 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 2001/02 Misdemeanors**

Crime Type	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Person	851	284	2,599	13.1
Property	695	180	19,072	45.5
Drugs	168	100	882	3.9
Public Order	1,138	150	2,341	3.0
TOTAL	734	184	24,894	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 (\$1,055). 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=24,088).

**Table 31: Restitution Ordered by Punishment Imposed
FY 2001/02 Misdemeanors**

Type of Punishment	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Active	809	157	124	0.5
Intermediate	1,055	333	682	25.9
Community	725	180	24,088	18.1
TOTAL	734	184	24,894	15.4

APPENDIX A

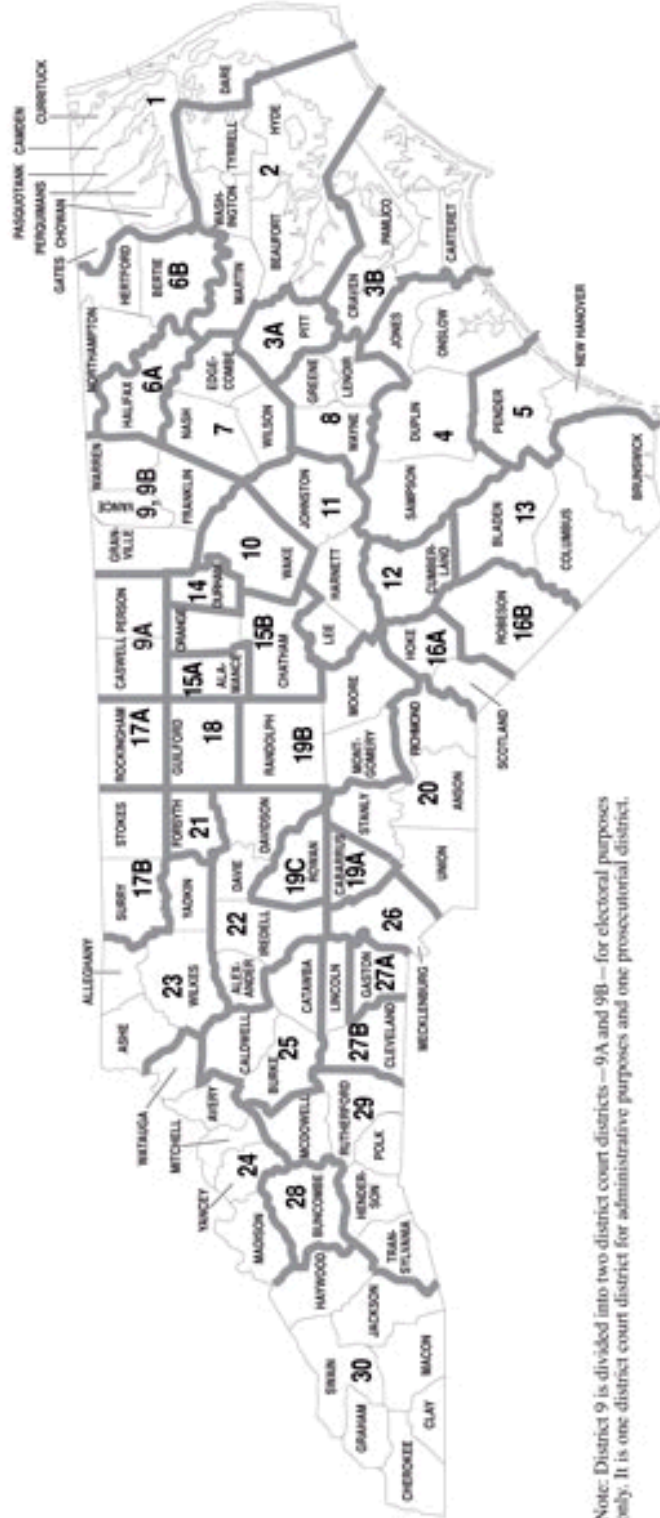
MAP OF JUDICIAL DIVISIONS AND DISTRICTS

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



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North Carolina District Court Districts as of June 30, 2001



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

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APPENDIX B

SAMPLE OFFENSES

**SAMPLE OFFENSES
AS OF 12/1/02**

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

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

APPENDIX C

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

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District
FY 2001/02 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	129	29.1	183	41.3	131	29.6	34.6	43.9	443
	2	116	32.1	186	51.5	59	16.3	42.3	54.5	361
	3A	200	32.3	263	42.5	156	25.2	31.2	40.1	619
	6A	70	34.0	101	49.0	35	17.0	36.8	47.3	206
	6B	111	40.7	114	41.8	48	17.6	37.7	48.3	273
	7A	161	53.5	102	33.9	38	12.6	21.8	28.2	301
	7B,C	245	51.3	147	30.8	86	18.0	21.5	27.7	478
	SUB-TOTAL	1032	38.5	1096	40.9	553	20.6	30.2	38.7	2681
SECOND	JUDICIAL DISTRICT									
	3B	194	35.5	250	45.8	102	18.7	35.2	45.6	546
	4A	123	29.4	200	47.7	96	22.9	19.0	24.9	419
	4B	118	31.5	144	38.4	113	30.1	29.1	37.8	375
	5	301	42.0	245	34.2	171	23.8	33.7	43.2	717
	8A	163	37.4	174	39.9	99	22.7	32.0	41.4	436
	8B	201	42.4	156	32.9	117	24.7	28.9	37.8	474
	SUB-TOTAL	1100	37.1	1169	39.4	698	23.5	30.7	39.8	2967
THIRD	JUDICIAL DISTRICT									
	9	214	35.4	300	49.6	91	15.0	17.8	22.7	605
	9A	75	30.0	132	52.8	43	17.2	23.5	30.5	250
	10	554	45.3	271	22.2	397	32.5	34.2	43.8	1222
	14	217	37.9	298	52.0	58	10.1	39.8	52.0	573
	15A	241	36.9	311	47.6	102	15.6	29.6	37.7	654
	15B	116	38.4	135	44.7	51	16.9	33.5	43.5	302

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District (continued)
FY 2001/02 Felonies**

SENTENCE TYPE AND AVERAGE LENGTH OF ACTIVE SENTENCES		TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	Mean	Mean	NUMBER
JUDICIAL DIVISION										
THIRD (CONT)	SUB-TOTAL	1417	39.3	1447	40.1	742	20.6	31.2	40.1	3606
FOURTH	JUDICIAL DISTRICT									
	11A	130	26.8	255	52.6	100	20.6	47.9	60.5	485
	11B	157	34.4	246	53.9	53	11.6	24.7	32.1	456
	12	357	42.0	370	43.6	122	14.4	37.8	49.1	849
	13	145	32.6	192	43.1	108	24.3	32.6	42.1	445
	16A	110	30.5	177	49.0	74	20.5	35.8	45.6	361
	16B	197	35.2	240	42.9	122	21.8	36.4	46.6	559
	SUB-TOTAL	1096	34.7	1480	46.9	579	18.4	36.0	46.3	3155
FIFTH	JUDICIAL DISTRICT									
	17A	79	23.4	186	55.0	73	21.6	41.8	54.7	338
	17B	100	30.9	181	55.9	43	13.3	41.9	53.1	324
	18	638	36.9	827	47.9	263	15.2	35.2	45.5	1728
	19B	150	27.2	286	51.8	116	21.0	34.0	43.7	552
	21	516	38.1	611	45.1	229	16.9	42.9	55.5	1356
	23	89	25.6	105	30.2	154	44.3	42.1	53.3	348
	SUB-TOTAL	1572	33.8	2196	47.3	878	18.9	38.8	50.0	4646
SIXTH	JUDICIAL DISTRICT									
	19A	121	23.8	265	52.2	122	24.0	33.9	43.6	508
	19C	153	34.5	185	41.7	106	23.9	34.0	43.8	444
	20A	134	34.0	179	45.4	81	20.6	42.5	55.2	394
	20B	149	26.5	238	42.3	176	31.3	35.7	46.3	563
	22	270	31.9	437	51.6	140	16.5	43.6	56.2	847

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District (continued)
FY 2001/02 Felonies**

SENTENCE TYPE AND AVERAGE LENGTH OF ACTIVE SENTENCES		TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	Mean	Mean	NUMBER
JUDICIAL DIVISION										
SIXTH (CONT)	SUB-TOTAL	827	30.0	1304	47.3	625	22.7	38.8	50.1	2756
SEVENTH	JUDICIAL DISTRICT									
	25A	102	33.9	131	43.5	68	22.6	33.7	43.0	301
	25B	98	28.6	140	40.8	105	30.6	36.3	46.6	343
	26	730	34.5	735	34.7	654	30.9	31.8	41.7	2119
	27A	250	30.9	337	41.7	221	27.4	33.7	43.1	808
	27B	201	35.6	286	50.6	78	13.8	34.4	44.3	565
	SUB-TOTAL	1381	33.4	1629	39.4	1126	27.2	33.0	42.8	4136
EIGHTH	JUDICIAL DISTRICT									
	24	58	23.1	125	49.8	68	27.1	20.9	26.8	251
	28	268	45.3	271	45.8	53	9.0	33.0	42.8	592
	29	177	36.9	147	30.6	156	32.5	42.9	54.1	480
	30A	57	37.0	56	36.4	41	26.6	36.0	46.4	154
	30B	50	34.5	57	39.3	38	26.2	35.2	45.4	145
	SUB-TOTAL	610	37.6	656	40.4	356	21.9	35.2	45.1	1622
TOTAL		9035	35.3	10977	42.9	5557	21.7	34.2	44.0	25569

**Appendix C, Table 2: Sentence Location by Judicial Division and District
(Active Sentences Only)
FY 2001/02 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	8	6.2	105	81.4	16	12.4	129
	2	17	15.0	87	77.0	9	8.0	113
	3A	37	18.6	143	71.9	19	9.5	199
	6A	5	7.2	56	81.2	8	11.6	69
	6B	21	19.1	80	72.7	9	8.2	110
	7A	14	8.7	138	85.7	9	5.6	161
	7B,C	26	10.8	205	85.1	10	4.1	241
	SUB-TOTAL		128	12.5	814	79.6	80	7.8	1022
SECOND	JUDICIAL DISTRICT							
	3B	54	27.8	130	67.0	10	5.2	194
	4A	34	28.3	83	69.2	3	2.5	120
	4B	16	14.4	89	80.2	6	5.4	111
	5	62	20.9	220	74.1	15	5.1	297
	8A	41	25.5	116	72.0	4	2.5	161
	8B	75	37.5	117	58.5	8	4.0	200
	SUB-TOTAL		282	26.0	755	69.7	46	4.2	1083
THIRD	JUDICIAL DISTRICT							
	9	19	8.9	185	86.4	10	4.7	214
	9A	11	14.9	57	77.0	6	8.1	74
	10	67	12.1	416	75.4	69	12.5	552
	14	55	25.7	131	61.2	28	13.1	214
	15A	43	18.0	182	76.2	14	5.9	239
	15B	47	40.5	59	50.9	10	8.6	116
	SUB-TOTAL		242	17.2	1030	73.1	137	9.7	1409

**Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)
(Active Sentences Only)
FY 2001/02 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	9	7.2	109	87.2	7	5.6	125
	11B	42	27.5	107	69.9	4	2.6	153
	12	98	28.2	222	63.8	28	8.0	348
	13	27	19.1	108	76.6	6	4.3	141
	16A	9	8.3	97	89.0	3	2.8	109
	16B	17	8.8	161	83.0	16	8.2	194
	SUB-TOTAL	202	18.9	804	75.1	64	6.0	1070
	FIFTH	JUDICIAL DISTRICT						
17A		20	26.0	49	63.6	8	10.4	77
17B		5	5.1	85	85.9	9	9.1	99
18		124	19.6	443	70.1	65	10.3	632
19B		34	23.1	101	68.7	12	8.2	147
21		223	43.7	243	47.6	44	8.6	510
23		19	21.6	64	72.7	5	5.7	88
SUB-TOTAL		425	27.4	985	63.4	143	9.2	1553
SIXTH		JUDICIAL DISTRICT						
	19A	25	20.7	91	75.2	5	4.1	121
	19C	23	15.2	121	80.1	7	4.6	151
	20A	46	34.3	80	59.7	8	6.0	134
	20B	22	14.9	117	79.1	9	6.1	148
	22	54	20.4	197	74.3	14	5.3	265
	SUB-TOTAL	170	20.8	606	74.0	43	5.3	819

**Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)
(Active Sentences Only)
FY 2001/02 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	11	11.2	81	82.7	6	6.1	98
	25B	14	14.7	73	76.8	8	8.4	95
	26	229	31.5	463	63.7	35	4.8	727
	27A	29	11.7	203	82.2	15	6.1	247
	27B	28	13.9	155	77.1	18	9.0	201
	SUB-TOTAL	311	22.7	975	71.3	82	6.0	1368
EIGHTH	JUDICIAL DISTRICT							
	24	4	7.0	47	82.5	6	10.5	57
	28	80	29.9	182	67.9	6	2.2	268
	29	33	18.9	134	76.6	8	4.6	175
	30A	7	12.3	48	84.2	2	3.5	57
	30B	9	18.4	36	73.5	4	8.2	49
	SUB-TOTAL	133	21.9	447	73.8	26	4.3	606
TOTAL		1893	21.2	6416	71.8	621	7.0	8930

APPENDIX D

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

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense
FY 2001/02 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	104	100.0	.	.	.	.	.	.	104
	2ND DEG MURDER	206	100.0	.	.	.	.	180.2	225.5	206
	ATTEMPTED MURDER, SOLICIT MURDER	12	100.0	.	.	.	.	210.8	262.5	12
	VOLUNTARY MANSLAUGHTER	89	97.8	1	1.1	1	1.1	74.9	99.2	91
	INVOLUNTARY MANSLAUGHTER	31	42.5	42	57.5	.	.	19.2	23.5	73
	ARMED ROBBERY	575	100.0	.	.	.	.	69.1	92.3	575
	ATTEMPTED, - CONSP ARMED ROBBERY	72	74.2	25	25.8	.	.	51.4	70.8	97
	COMMON LAW ROBBERY	514	53.3	444	46.0	7	0.7	17.4	21.8	965
	ATTEMPTED COMMON LAW ROBBERY	26	36.6	37	52.1	8	11.3	9.0	11.1	71
	AWDWIKISI	112	100.0	.	.	.	.	96.5	125.1	112
	AWDW INTENT TO KILL	22	59.5	15	40.5	.	.	32.2	47.9	37
	AWDW SERIOUS INJURY	221	50.5	217	49.5	.	.	33.4	49.2	438
	ASSAULT OFFCL, GOVT OFFCL, EMRG PERSNL, OTHER	65	46.4	74	52.9	1	0.7	22.2	28.8	140
	OTHER FELONY ASSAULTS	106	36.4	183	62.9	2	0.7	21.1	26.5	291
1ST DEG RAPE, SEX OFFENSE	80	100.0	.	.	.	.	270.9	335.3	80	

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)
FY 2001/02 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 ATT 1ST DEG RAPE, S.O.	22	100.0	.	.	.	.	154.5	194.6	22
	2ND DEG RAPE, S.O.	107	100.0	.	.	.	.	85.2	111.5	107
	ATT 2ND DEG RAPE, S.O.	30	100.0	.	.	.	.	64.3	86.4	30
	INDECENT LIBERTIES W/ CHILD	245	35.4	448	64.6	.	.	18.3	22.4	693
	CRIME AGAINST NATURE, INC- EST, BIGAMY	9	11.7	21	27.3	47	61.0	15.0	18.3	77
	CHILD ABUSE	24	42.1	33	57.9	.	.	32.4	48.2	57
	OTHER SEX CRIMES	151	56.1	108	40.1	10	3.7	73.1	92.6	269
	KIDNAP, ABD- UCTION	131	68.6	59	30.9	1	0.5	55.1	74.9	191
	ATTEMPTED, - CONSP KIDNAPPING	1	100.0	.	.	.	.	15.0	18.0	1
	ALL OTHER PERSON	30	31.6	65	68.4	.	.	19.8	24.4	95
	SUB-TOTAL		2985	61.8	1772	36.7	77	1.6	63.3	82.0	4834
PROPERTY	OFFENSE									
	1ST DEG BURGLARY	60	100.0	.	.	.	.	78.7	103.8	60
	ATTEMPTED 1ST DEGREE BURGLARY	11	78.6	3	21.4	.	.	28.7	42.8	14
	2ND DEG BURGLARY	95	51.1	86	46.2	5	2.7	15.6	19.1	186
	BREAKING/E- ENTERING	1146	36.4	1475	46.9	525	16.7	9.7	12.1	3146
	ATTEMPTED BREAKING/E- ENTERING	.	.	.	.	3	100.0	.	.	3

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)
FY 2001/02 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)	LARCENY	513	32.8	785	50.2	267	17.1	9.9	12.2	1565
	ATTEMPTED LARCENY	1	100.0	.	.	.	.	8.0	10.0	1
	AUTOMOBILE THEFT	108	41.2	120	45.8	34	13.0	9.4	11.7	262
	1ST DEG ARSON	11	100.0	.	.	.	.	71.8	95.6	11
	2ND DEG ARSON	25	55.6	20	44.4	.	.	14.8	18.1	45
	OTHER ARSON/BURN- ING	34	26.6	73	57.0	21	16.4	12.7	16.1	128
	FORGERY	118	11.4	432	41.6	488	47.0	8.0	10.0	1038
	FRAUD	34	10.7	98	30.9	185	58.4	8.8	11.0	317
	EMBEZZLEME- NT	44	10.1	174	39.9	218	50.0	15.6	20.1	436
	OBTAIN PROP BY FALSE PRETENSES	355	31.3	566	49.8	215	18.9	9.9	12.3	1136
	ATTEMPTED, - CONSP OBTAIN PROP BY FALSE PRET	2	66.7	1	33.3	.	.	9.0	11.5	3
	ALL OTHER PROPERTY	369	31.0	576	48.3	247	20.7	9.6	11.9	1192
	SUB-TOTAL	2926	30.7	4409	46.2	2208	23.1	11.7	14.7	9543
DRUGS (Non trafficki- ng)	OFFENSE									
	SELL/DELIV- ER DRUGS	322	30.0	693	64.5	60	5.6	13.9	17.1	1075
	CONSPIRACY TO SELL/DELIV- ER DRUGS	11	18.6	43	72.9	5	8.5	12.3	15.0	59

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)
FY 2001/02 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)	POSSESSION WITH INTENT	653	24.7	1220	46.2	770	29.1	8.6	10.8	2643
	DRUG POSSESSION	297	9.4	1184	37.4	1686	53.2	7.2	9.1	3167
	OTHER DRUG FELONIES	290	19.6	663	44.9	523	35.4	13.8	17.4	1476
	SUB-TOTAL	1573	18.7	3803	45.2	3044	36.2	10.4	13.0	8420
OTHER FELONY	OFFENSE									
	WEAPON OFFENSE	242	35.4	403	58.9	39	5.7	17.5	23.1	684
	HABITUAL FELON	603	100.0	.	.	.	.	92.6	120.4	603
	HABITUAL MISDEMEANOR ASSAULT	58	49.6	57	48.7	2	1.7	10.4	12.9	117
	HABITUAL IMPAIRED DRIVING	248	94.3	15	5.7	.	.	16.7	20.4	263
	MOTOR VEHICLE OFFENSES	182	35.7	267	52.4	61	12.0	9.0	11.2	510
	CRIMES AGAINST ADMIN OF JUSTICE	47	58.0	27	33.3	7	8.6	10.5	13.1	81
	ALL OTHER FELONIES	171	33.3	224	43.6	119	23.2	30.1	39.7	514
	SUB-TOTAL	1551	56.0	993	35.8	228	8.2	46.5	60.3	2772
TOTAL		9035	35.3	10977	42.9	5557	21.7	34.2	44.0	25569

**Appendix D, Table 2: Sentence Location by Crime Type and Offense
FY 2001/02 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	40	19.4	126	61.2	40	19.4	206
	ATTEMPTED MURDER, SOLICIT MURDER	1	8.3	8	66.7	3	25.0	12
	VOLUNTARY MANSLAUGHTER	27	30.3	52	58.4	10	11.2	89
	INVOLUNTARY MANSLAUGHTER	3	9.7	21	67.7	7	22.6	31
	ARMED ROBBERY	240	41.7	310	53.9	25	4.3	575
	ATTEMPTED, CON- SP ARMED ROBBERY	26	36.1	37	51.4	9	12.5	72
	COMMON LAW ROBBERY	68	13.2	392	76.3	54	10.5	514
	ATTEMPTED COMMON LAW ROBBERY	4	15.4	19	73.1	3	11.5	26
	AWDWIKISI	27	24.1	69	61.6	16	14.3	112
	AWDW INTENT TO KILL	4	18.2	14	63.6	4	18.2	22
	AWDW SERIOUS INJURY	34	15.4	158	71.5	29	13.1	221
	ASSAULT OFFCL, GOVT OFFCL, EMRG PERSNL, OTHER	15	23.1	48	73.8	2	3.1	65
	OTHER FELONY ASSAULTS	19	17.9	78	73.6	9	8.5	106
	1ST DEG RAPE, SEX OFFENSE	13	16.5	56	70.9	10	12.7	79

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
FY 2001/02 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.	7	31.8	14	63.6	1	4.5	22
	2ND DEG RAPE, S.O.	30	28.0	66	61.7	11	10.3	107
	ATT 2ND DEG RAPE, S.O.	13	43.3	17	56.7	.	.	30
	INDECENT LIBERTIES W/ CHILD	38	15.5	177	72.2	30	12.2	245
	CRIME AGAINST NATURE, INCEST-, BIGAMY	3	33.3	5	55.6	1	11.1	9
	CHILD ABUSE	2	8.3	18	75.0	4	16.7	24
	OTHER SEX CRIMES	57	37.7	90	59.6	4	2.6	151
	KIDNAP, ABDUCTION	18	13.7	100	76.3	13	9.9	131
	ATTEMPTED, CON-SP KIDNAPPING	.	.	1	100.0	.	.	1
	ALL OTHER PERSON	3	10.0	24	80.0	3	10.0	30
	SUB-TOTAL	692	24.0	1900	66.0	288	10.0	2880
PROPERTY	OFFENSES							
	1ST DEG BURGLARY	19	31.7	37	61.7	4	6.7	60
	ATTEMPTED 1ST DEGREE BURGLARY	2	18.2	8	72.7	1	9.1	11
	2ND DEG BURGLARY	10	10.5	75	78.9	10	10.5	95
	BREAKING/ENTERING	113	9.9	974	85.0	59	5.1	1146
	LARCENY	53	10.3	433	84.4	27	5.3	513

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
FY 2001/02 Felonies**

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
CRIME TYPE	OFFENSES							
PROPERTY (CONT)	ATTEMPTED LARCENY	.	.	1	100.0	.	.	1
	AUTOMOBILE THEFT	18	16.7	86	79.6	4	3.7	108
	1ST DEG ARSON	4	36.4	6	54.5	1	9.1	11
	2ND DEG ARSON	5	20.0	15	60.0	5	20.0	25
	OTHER ARSON/BURNING	5	14.7	28	82.4	1	2.9	34
	FORGERY	10	8.5	101	85.6	7	5.9	118
	FRAUD	3	8.8	30	88.2	1	2.9	34
	EMBEZZLEMENT	3	6.8	36	81.8	5	11.4	44
	OBTAIN PROP BY FALSE PRETENSES	32	9.0	291	82.0	32	9.0	355
	ATTEMPTED, CON-SP OBTAIN PROP BY FALSE PRET	.	.	2	100.0	.	.	2
	ALL OTHER PROPERTY	48	13.0	299	81.0	22	6.0	369
	SUB-TOTAL	325	11.1	2422	82.8	179	6.1	2926
DRUGS (Non-trafficking)	OFFENSES							
	SELL/DELIVER DRUGS	60	18.6	253	78.6	9	2.8	322
	CONSPIRACY TO SELL/DELIVER DRUGS	1	9.1	10	90.9	.	.	11
	POSSESSION WITH INTENT	101	15.5	504	77.2	48	7.4	653
	DRUG POSSESSION	43	14.5	239	80.5	15	5.1	297
	OTHER DRUG FELONIES	31	10.7	237	81.7	22	7.6	290
	SUB-TOTAL	236	15.0	1243	79.0	94	6.0	1573

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
FY 2001/02 Felonies**

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
CRIME TYPE	OFFENSES							
OTHER FELONY	OFFENSES							
	WEAPON OFFENSE	60	24.8	175	72.3	7	2.9	242
	HABITUAL FELON	394	65.3	197	32.7	12	2.0	603
	HABITUAL MISDEMEANOR ASSAULT	7	12.1	46	79.3	5	8.6	58
	HABITUAL IMPAIRED DRIVING	107	43.1	135	54.4	6	2.4	248
	MOTOR VEHICLE OFFENSES	22	12.1	149	81.9	11	6.0	182
	CRIMES AGAINST ADMIN OF JUSTICE	14	29.8	32	68.1	1	2.1	47
	ALL OTHER FELONIES	36	21.1	117	68.4	18	10.5	171
	SUB-TOTAL	640	41.3	851	54.9	60	3.9	1551
	TOTAL		1893	21.2	6416	71.8	621	7.0

**Appendix D, Table 3: Percent of Sentences in the Mitigated Range and at the Lowest Spot of the Presumptive Range by Offense Class
FY 2001/02 Felonies**

Offense Class	% Mitigated	% Mitigated and Lowest Spot in Presumptive Range
B1	23.6	49.1
B2	23.2	39.8
C	51.5	65.4
Habitual Felons Only	62.2	74.3
D	40.0	59.9
E	17.1	42.8
F	25.9	53.8
G	15.7	47.3
H	11.8	48.5
I	12.4	45.8
TOTAL	21.2	50.9

APPENDIX E

**INTERMEDIATE AND COMMUNITY
PUNISHMENTS**

INTERMEDIATE PUNISHMENTS

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

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

COMMUNITY PUNISHMENTS

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

APPENDIX F
SPECIAL PROBATION FOR FELONIES

**Appendix F, Table 1: Special Probation by Offense Class and Location
FY 2001/02 Felonies**

Offense Class	Prison		Jail		Total Special Probation Length (Days)	Total
	No.	Mean Special Probation Length (Days)	No.	Mean Special Probation Length (Days)		
E	60	176.1	193	96.7	115.5	253
F	112	212.9	356	99.7	126.8	468
G	109	124.6	578	71.0	79.5	687
H	166	120.1	1,564	46.5	53.5	1,730
I	90	204.2	639	41.0	61.1	729
TOTAL	537	160.7	3,330	58.3	72.5	3,867

**Appendix F, Table 2: Special Probation by Crime Type and Location
FY 2001/02 Felonies**

Offense Class	Prison		Jail		Total Special Probation Length (Days)	Total
	No.	Mean Special Probation Length (Days)	No.	Mean Special Probation Length (Days)		
Person	166	188.5	657	99.5	117.4	823
Property	143	116.9	1,329	47.2	54.0	1,472
Non-Traff. Drug	152	176.8	976	46.4	64.0	1,128
Other Felony	76	150.4	368	56.1	72.3	444
TOTAL	537	160.7	3,330	58.3	72.5	3,867

APPENDIX G

**COMMUNITY SERVICE AND RESTITUTION
FOR FELONIES**

**Appendix G, Table 1: Community Service by Offense Class
FY 2001/02 Felonies**

Offense Class	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
E	81.1	94	9.0
F	83.2	193	10.5
G	72.7	312	10.5
H	65.5	1,378	13.3
I	59.5	1,452	20.3
TOTAL	65.0	3,429	13.4

**Appendix G, Table 2: Community Service by Crime Type
FY 2001/02 Felonies**

Offense Class	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
Person	75.2	358	7.4
Property	65.5	1,427	15.0
Non-Traff. Drug	62.0	1,440	17.1
Other Felony	65.4	204	7.4
TOTAL	65.0	3,429	13.4

**Appendix G, Table 3: Restitution Ordered by Offense Class¹
FY 2001/02 Felonies**

Offense Class	Mean Restitution Ordered (\$)²	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
A	7,631	7,435	3	2.9
B1	1,605	1,605	3	1.9
B2	9,275	6,150	23	8.9
C	12,083	1,288	68	7.5
D	3,715	1,000	93	10.9
E	5,281	1,301	311	29.9
F	6,253	1,428	292	15.8
G	1,506	270	949	32.1
H	3,311	950	4,161	40.2
I	1,271	350	2,183	30.5
TOTAL	2,827	630	8,085	31.6

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

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

**Appendix G, Table 4: Restitution Ordered by Crime Type
FY 2001/02 Felonies**

Offense Class	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Person	3,755	900	1,020	21.1
Property	3,551	1,000	4,945	51.8
Non-Traff. Drug	317	100	1,738	20.6
Other Felony	2,405	770	382	13.8
TOTAL	2,827	630	8,085	31.6

**Appendix G, Table 5: Restitution Ordered by Type of Punishment
FY 2001/02 Felonies**

Offense Class	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Active	4,770	960	743	8.2
Intermediate	2,480	618	5,073	46.2
Community	2,967	585	2,269	40.8
TOTAL	2,827	630	8,085	31.6

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

MISDEMEANOR PUNISHMENT CHART

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

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

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

Revised: 08-04-95

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

FELONY PUNISHMENT CHART

PRIOR RECORD LEVEL

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

OFFENSE CLASS

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

Revised: 08-04-95