

# STRUCTURED SENTENCING STATISTICAL REPORT

FISCAL YEAR  
2018



# STRUCTURED SENTENCING STATISTICAL REPORT FOR FELONIES AND MISDEMEANORS

FISCAL YEAR  
**2018**

JANUARY 2019

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## INTRODUCTION

This report provides detailed information about felony and misdemeanor convictions under Structured Sentencing during Fiscal Year 2018 (July 1, 2017 through June 30, 2018). These data reflect the laws and practices in place during this time period. The report only includes cases where an offender was convicted and sentenced for a crime that 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 charts, 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. Details regarding the substance and application of the sentencing laws under Structured Sentencing are provided in the North Carolina Sentencing and Policy Advisory Commission’s [Structured Sentencing Training and Reference Manual](#).

## REPORTING OF CONVICTIONS AND SENTENCES

The report is based on data entered into the Administrative Office of the Courts’ (AOC’s) management information system by the court clerk following the imposition of the sentence. The report covers all North Carolina counties. The unit of analysis is convictions disposed of in a *sentencing episode*.<sup>1</sup>

### Definition of a Sentencing Episode:

A *sentencing episode* is identified from court records as the sentence 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 “conviction.”

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<sup>1</sup> The report’s unit of analysis differs from the unit of analysis used in the AOC’s Trial Court Caseload Statistics. See [Comparison of Statistical Reports and AOC’s Trial Court Caseload Statistics](#) for detail.

## STRUCTURED SENTENCING STATISTICAL REPORT SUMMARY OF FINDINGS FY 2018 CONVICTIONS

### Felony Convictions

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- During FY 2018, sentences for 29,623 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.)
- Fourteen percent of felony convictions were in Class A through Class E, 8% were in Class F, 14% were in Class G, 42% were in Class H, and 22% were in Class I.
- The majority of felony convictions (55%) were for offenders with Prior Record Levels I and II, including 18% for offenders with no prior record points. Fourteen percent of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).
- Eighty-two percent of convictions were for male offenders; 27% of convictions were for offenders ages 25 and younger. A similar proportion of felony convictions were for White and Black offenders (49% and 45% respectively).
- Thirty-eight percent of felony convictions resulted in an Active punishment, 33% resulted in an Intermediate punishment, and 29% resulted in a Community punishment.
- Of the four crime types, property offenses (34%) and non-trafficking drug offenses (31%) accounted for the largest percentages of felony convictions.
- Sixty-eight percent of all Active sentences were within the presumptive range, 28% were within the mitigated range, and 4% were within the aggravated range.
- All offenders with an Intermediate punishment received supervised probation. Of all felony offenders who received a Community punishment, 96% received supervised probation, 3% received unsupervised probation, and 1% had no probation ordered. Overall, the average probation length was 26 months.
- The most frequent condition imposed for supervised probation was a monetary condition (93%), which includes payment of fines, restitution, and/or court costs. Thirty-eight percent received special probation as a condition of supervised probation. Community service was imposed for 14% of convictions with supervised probation.
- Other information of interest includes: the imposition of 66 life without parole sentences (including 1 violent habitual felon conviction) and 5 life with the possibility of parole sentences for offenders under 18 years of age at the time of offense. There were 1,059 habitual felon convictions and 481 convictions for drug trafficking offenses.

## Misdemeanor Convictions

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- During FY 2018, sentences for 92,855 misdemeanor convictions were imposed under Structured Sentencing. (Note: This number excludes Driving While Impaired convictions, cases disposed of by magistrates, Class 2 and Class 3 criminal traffic offenses, and local ordinance offenses.)
- Eleven percent of misdemeanor convictions were in Class A1, 50% were in Class 1, 14% were in Class 2, and 25% were in Class 3.
- Twenty-eight percent of misdemeanor convictions were in Prior Conviction Level I (0 prior convictions), 38% were in Prior Conviction Level II (1-4 convictions), and 34% were in Prior Conviction Level III (5 or more convictions).
- Seventy-three percent of convictions were for male offenders; 29% of convictions were for offenders ages 25 and younger. Over half (52%) of misdemeanor convictions were for White offenders and 41% were for Black offenders.
- Thirty-two percent of misdemeanor convictions resulted in an Active punishment, 3% resulted in an Intermediate punishment, and 65% resulted in a Community punishment.
- Public order and property offenses accounted for the greatest proportion of misdemeanor convictions (32% and 29% respectively), while misdemeanor person offenses accounted for the lowest proportion (12%). Convictions for person offenses resulted in the longest average Active sentences (59 days).
- All offenders with an Intermediate punishment received supervised probation. Of all misdemeanor offenders who received a Community punishment, 35% received supervised probation, 31% received unsupervised probation, and 34% had no probation ordered. The average probation length for Intermediate and Community punishment convictions was 15 months.
- The most frequent condition imposed for supervised probation was a monetary condition (89%), which includes payment of fines, restitution, and/or court costs. Community service was imposed for 15% of Community and Intermediate punishment convictions with supervised probation.
- Of unsupervised probation convictions, 6% included community service as a condition of probation and 92% were ordered to pay monetary obligations (i.e., fine, restitution, or court costs) as a condition of probation.

**SECTION I**

**FELONY CONVICTIONS  
IN FY 2018**

## I. FELONY CONVICTIONS IN FY 2018

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### A. Definition of the Unit of Analysis

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

#### Definition of a Sentencing Episode:

A *sentencing episode* is identified from court records as the sentence 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 “conviction.”

### B. Felony Convictions

This section contains information on felony convictions and sentences imposed under Structured Sentencing during FY 2018 (July 1, 2017 through June 30, 2018). Overall, sentences for 29,623 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 VI: Special Issues.) For many of the tables, information on 466 convictions (or 1.6%) was excluded due to data discrepancies. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Such exclusions are noted at the end of each table.

The information in this report reflects the laws and practices in place during FY 2018. Sentences imposed for felony convictions are based on the Felony Punishment Chart, which takes into account offense seriousness and the offender’s prior criminal record. The current Felony Punishment Chart (for offenses committed on or after October 1, 2013) is printed on the back cover of the report. The corresponding [table of maximum sentences](#) can be found on the Commission’s website.

### C. Distribution of Convictions within the Felony Punishment Chart

Table 1 shows the distribution of felony convictions within the Felony Punishment Chart. Overall, the greatest number of convictions were in Class H (n=12,226 or 42.0%). The majority of convictions (54.5%) were for offenders in Prior Record Level I (n=7,524 or 25.8%) and Prior Record Level II (n=8,374 or 28.7%). Relative to other cells in the Felony Punishment Chart, the greatest number of convictions were in Class H with Prior Record Level II (n=3,524 or 12.1%), followed by convictions in Class H with Prior Record Level I (n=2,991 or 10.3%). Sentences imposed for Class A through Class E felonies accounted for 13.7% of felony convictions during FY 2018; 64.5% of sentences imposed were for Class H and Class I felony convictions.

**Table 1: Distribution of Convictions within the Felony Punishment Chart**

Offense Class	Prior Record Level						Total
	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
<b>A</b>	52 0.2%	4 0.0%	7 0.0%	2 0.0%	1 0.0%	3 0.0%	<b>69</b> <b>0.2%</b>
<b>B1</b>	155 0.5%	64 0.2%	36 0.1%	18 0.1%	3 0.0%	5 0.0%	<b>281</b> <b>1.0%</b>
<b>B2</b>	58 0.2%	26 0.1%	21 0.1%	9 0.0%	5 0.0%	9 0.0%	<b>128</b> <b>0.4%</b>
<b>C</b>	148 0.5%	125 0.4%	114 0.4%	87 0.3%	85 0.3%	78 0.3%	<b>637</b> <b>2.2%</b>
<b>D</b>	298 1.0%	193 0.7%	161 0.6%	155 0.5%	107 0.4%	126 0.4%	<b>1,040</b> <b>3.6%</b>
<b>E</b>	661 2.3%	454 1.6%	227 0.8%	187 0.6%	149 0.5%	146 0.5%	<b>1,824</b> <b>6.3%</b>
<b>F</b>	797 2.7%	580 2.0%	449 1.5%	205 0.7%	136 0.5%	124 0.4%	<b>2,291</b> <b>7.9%</b>
<b>G</b>	687 2.4%	1,347 4.6%	981 3.4%	612 2.1%	207 0.7%	257 0.9%	<b>4,091</b> <b>14.0%</b>
<b>H</b>	2,991 10.3%	3,524 12.1%	2,449 8.4%	1,552 5.3%	880 3.0%	830 2.9%	<b>12,226</b> <b>42.0%</b>
<b>I</b>	1,677 5.8%	2,057 7.1%	1,152 4.0%	781 2.7%	403 1.4%	500 1.7%	<b>6,570</b> <b>22.5%</b>
<b>Total</b>	<b>7,524</b> <b>25.8%</b>	<b>8,374</b> <b>28.7%</b>	<b>5,597</b> <b>19.2%</b>	<b>3,608</b> <b>12.4%</b>	<b>1,976</b> <b>6.8%</b>	<b>2,078</b> <b>7.1%</b>	<b>29,157</b> <b>100.0%</b>

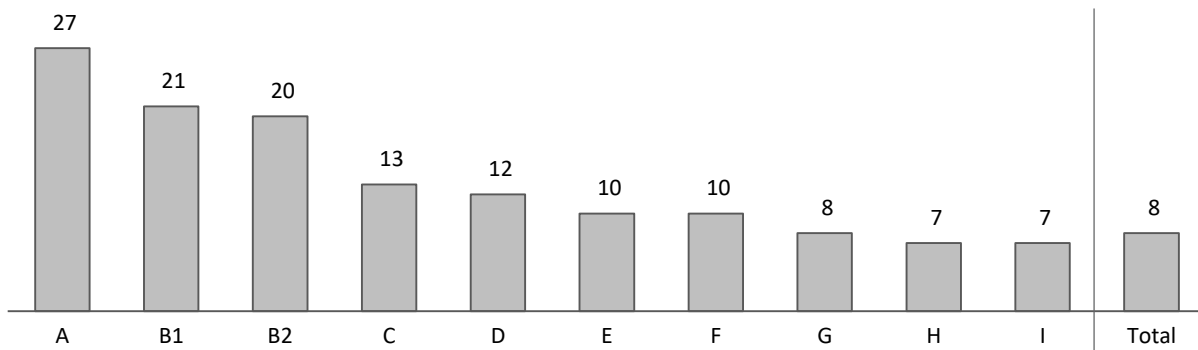
Note: Of the 29,623 felony convictions in FY 2018, 466 (or 1.6%) were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Percentages may not add to totals due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

### D. Time to Sentencing

Time to sentencing refers to the amount of time between the date the warrant was served for the most serious offense and the date the sentence was imposed. As Figure 1 shows, the median time to sentencing for all felonies was 8 months. Class A convictions had the longest time to sentencing (27 months), followed by Class B1 convictions (21 months). Class H and Class I convictions had the shortest time to sentencing at 7 months each.

**Figure 1: Median Time to Sentencing (Months)**

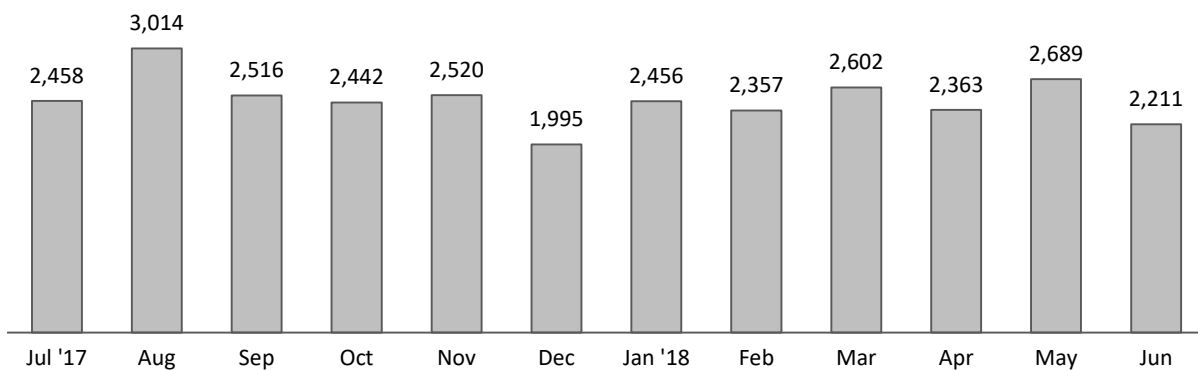


Note: Of the 29,623 felony convictions, 34 with negative time to sentencing values were excluded.  
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

### E. Convictions by Month of Sentencing

Figure 2 shows the total number of felony convictions by month of sentencing during FY 2018 (N=29,623). Convictions were highest in August and lowest in December.

**Figure 2: Convictions by Month of Sentencing**



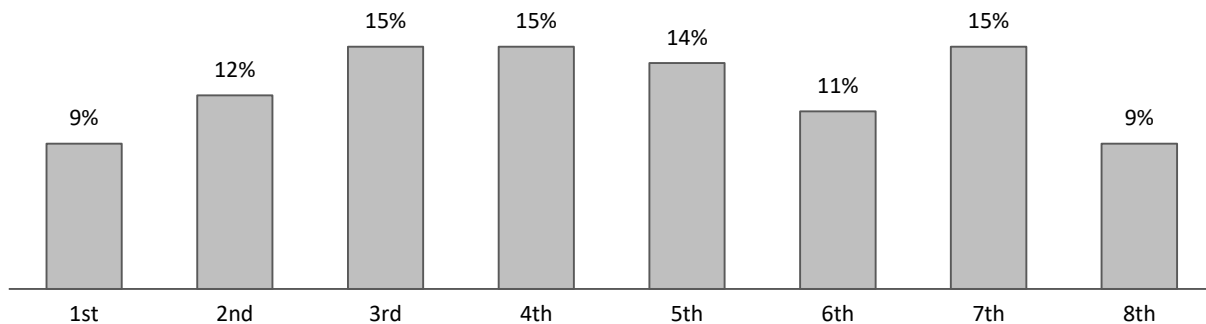
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data



## F. Convictions by Judicial Division and District

Figure 3 shows the variation in the distribution of convictions across the state. Overall, 2% of convictions statewide resulted from jury trials, ranging from a low of 1% in the Fourth Division to a high of 3% in the Seventh Division. Figure 4 provides the total number of felony convictions for each judicial district. (See Appendix A for a map of judicial divisions and districts and Appendix C for a detailed table of the total number of felony convictions for each judicial division and district within the context of county population.)<sup>2</sup>

**Figure 3: Convictions by Judicial Division**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

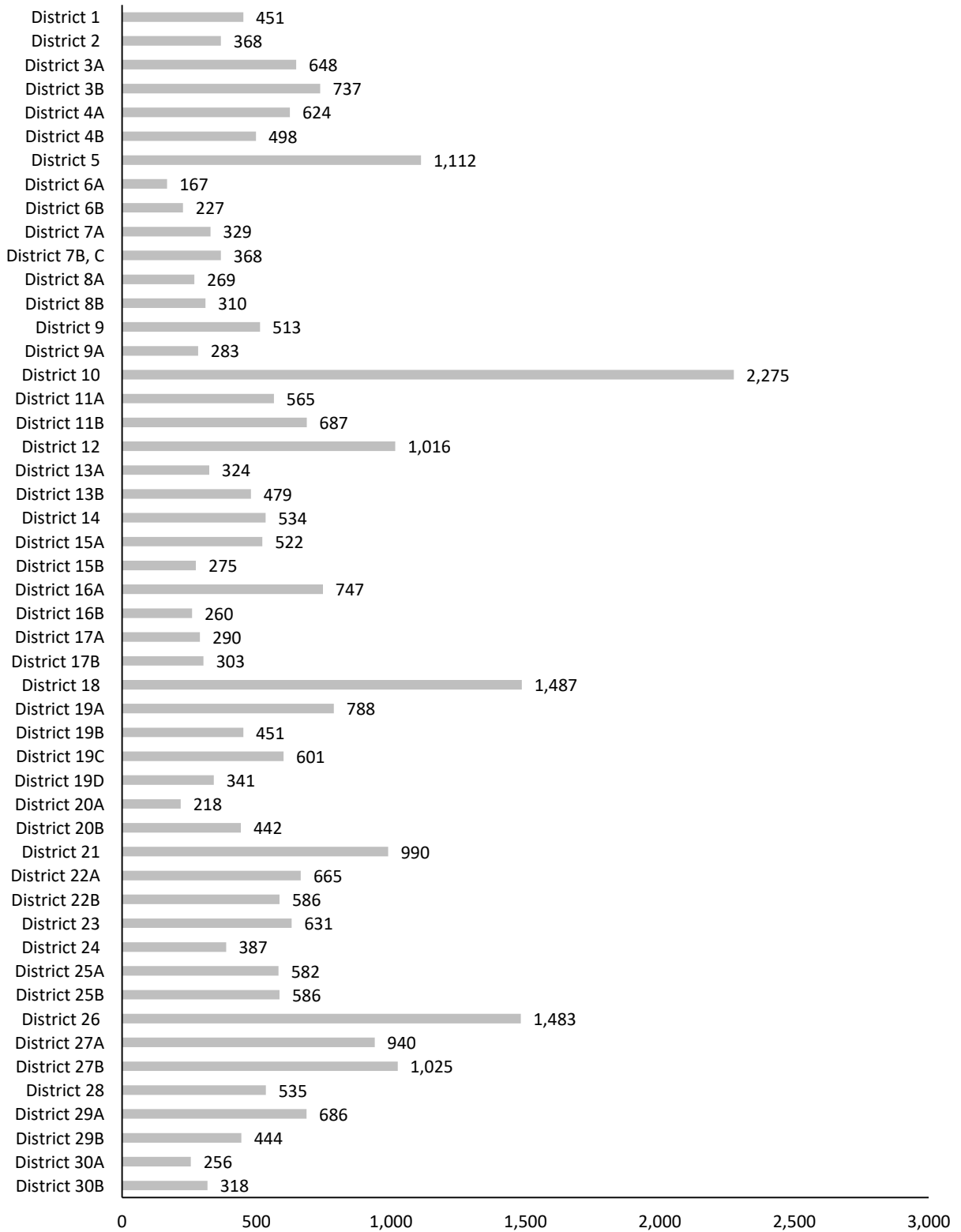
## G. Felony Pleas in District Court

Under N.C. Gen. Stat (G.S.) § 15A-1029.1(a), the Superior Court may transfer a Class H or I felony to District Court for entry of a defendant's plea of guilty (or no contest), with the consent of both parties. In FY 2018, 5,024 felony pleas (26% of all Class H and Class I felony convictions) were accepted in District Court.

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<sup>2</sup> Effective December 1, 2014, North Carolina amended its Constitution to allow a person accused of any criminal offense for which the State is not seeking a sentence of death in Superior Court to waive their right to a jury trial and receive a bench trial. In FY 2018, there were five convictions in Superior Court that were disposed of by bench trial.

**Figure 4: Convictions by Judicial District**

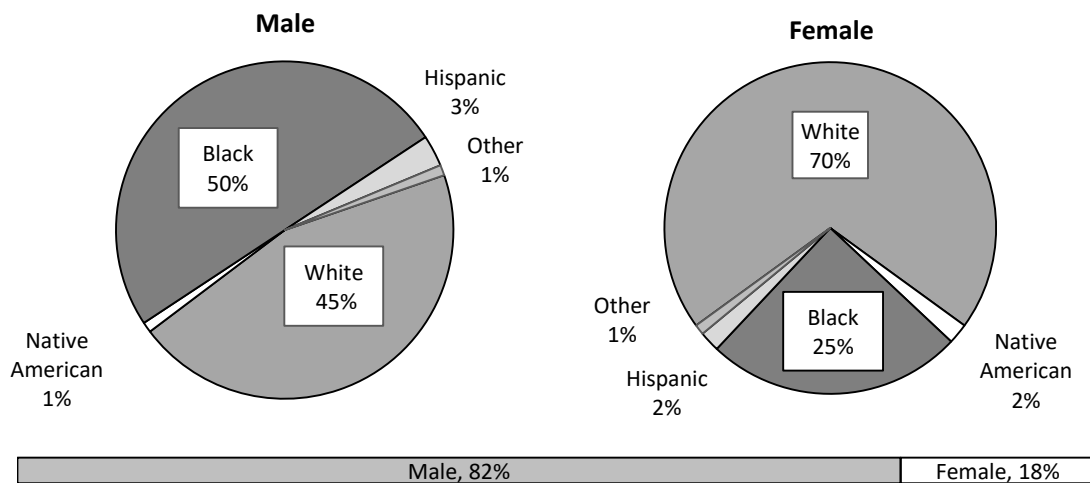


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

## II. CHARACTERISTICS OF OFFENDERS

This section provides a breakdown of convictions by offenders' sex, race, and age. Of the 29,623 felony convictions in FY 2018, 82% were for males (see Figure 5). Forty-nine percent of all felony offenders were White, 45% were Black, and a small percentage were Hispanic (3%), Native American (2%), or Other (1%).

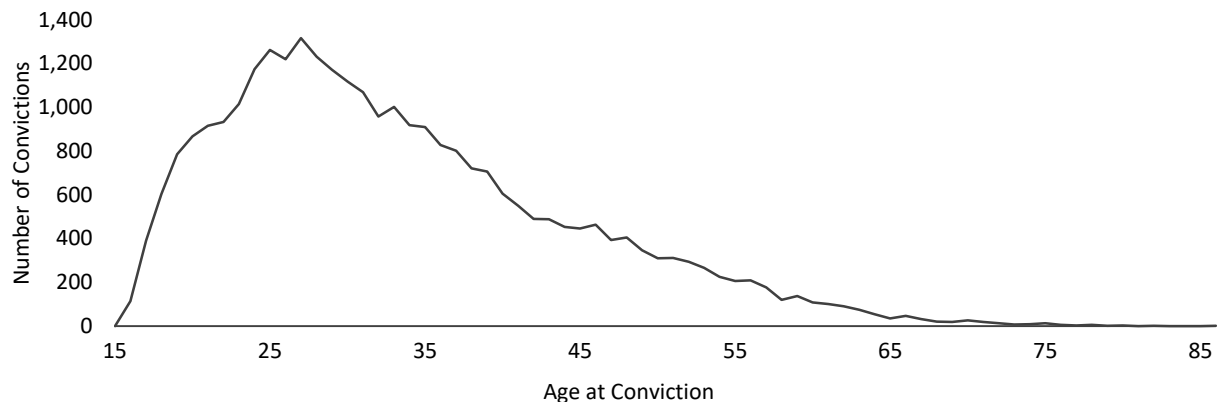
**Figure 5: Convictions by Sex and Race**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

Based on age at conviction, 9% of felony convictions were for offenders under the age of 21, 18% were 21-25 years of age, 20% were 26-30 years of age, 29% were 31-40 years of age, 15% were 41-50 years of age, and 9% were 51 years of age or older. The average age at conviction was 33 years. Figure 6 illustrates that the volume of offenders peaks in the mid-twenties, and then generally declines as age increases.

**Figure 6: Distribution of Convictions by Age**



Note: Of the 29,623 felony convictions in FY 2018, 45 convictions with missing values for offenders' age were excluded from the figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

Table 2 provides a summary of convictions by sex, race, and age of offenders. The lowest percentage of felony convictions for males was for offenders older than 50 (n=2,217 or 9%). For females, the lowest percentage of felony convictions was for offenders under the age of 21 (n=268 or 5%). Slightly less than half of felony convictions for males (n=11,780 or 49%) were for offenders 30 and under, while 43% (n=2,325) of felony convictions for females were for offenders 30 and under.

**Table 2: Convictions by Sex, Race, and Age**

Sex and Race		Total	Age at Conviction (%)					
			<21	21-25	26-30	31-40	41-50	>50
Male	White	10,796	6	14	21	33	16	10
	Black	12,084	14	21	19	24	13	9
	Hispanic	656	21	25	18	22	9	5
	Native American	344	7	18	23	34	13	5
	Other	319	14	24	21	26	10	5
	<b>Subtotal</b>	<b>24,199</b>	<b>10</b>	<b>19</b>	<b>20</b>	<b>28</b>	<b>14</b>	<b>9</b>
Female	White	3,784	4	15	22	35	17	7
	Black	1,346	8	20	22	26	14	10
	Hispanic	80	9	26	26	36	3	0
	Native American	103	5	14	21	38	18	4
	Other	66	15	26	17	30	9	3
	<b>Subtotal</b>	<b>5,379</b>	<b>5</b>	<b>16</b>	<b>22</b>	<b>33</b>	<b>16</b>	<b>8</b>
<b>Total</b>		<b>29,578</b>	<b>9</b>	<b>18</b>	<b>20</b>	<b>29</b>	<b>15</b>	<b>9</b>

Note: Of the 29,623 felony convictions in FY 2018, 45 convictions with missing values for offenders' age were excluded from the table.

SOURCE: NC Sentencing and Policy and Advisory Commission, FY 2018 Felony Statistical Report Data

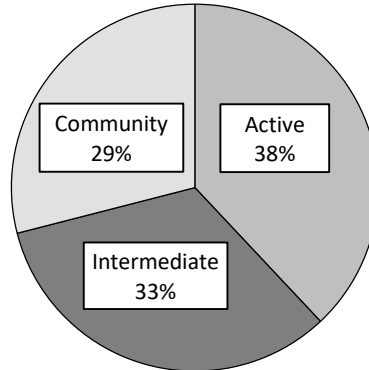
### III. PUNISHMENT IMPOSED

This section details the type of sentence imposed (Active, Intermediate, or Community) for convictions during FY 2018. 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.* Convictions that did not fit within the Felony Punishment Chart were excluded from this section (n=466 or 1.6%). These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation).

### A. Overall Punishment

An Active punishment was imposed for 38% of felony convictions, an Intermediate punishment was imposed for 33% of felony convictions, and a Community punishment was imposed for 29% of felony convictions (see Figure 7).<sup>3</sup>

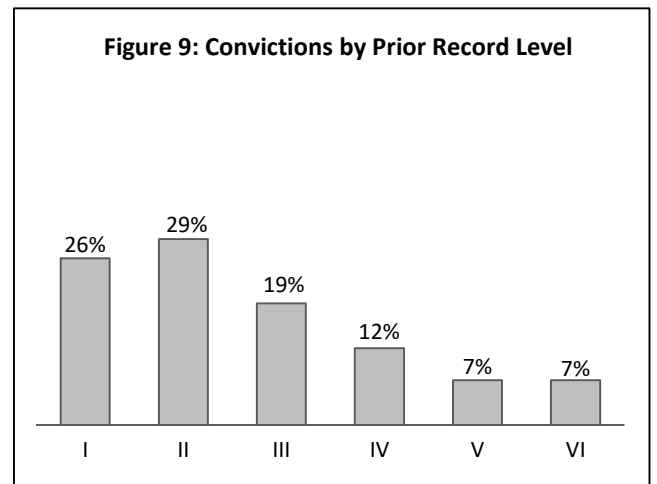
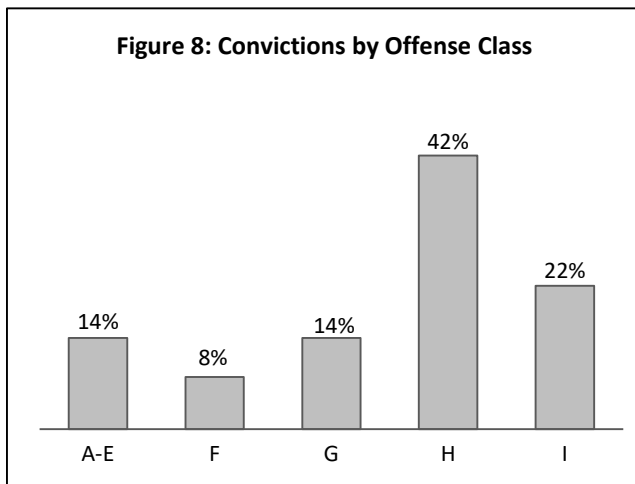
**Figure 7: Convictions by Type of Punishment**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

### B. Punishment Imposed by Offense Class and Prior Record Level

Figure 8 shows the percentage of convictions by offense class. The majority of felony convictions (64%) were for Class H and Class I offenses. (See Appendix B for sample offenses in each offense class and for the top five convictions in each offense class.) As shown in Figure 9, the majority of felony convictions (55%) were for offenders with Prior Record Levels I and II, including 18% for offenders with no prior record points. Fourteen percent of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).



SOURCE: NC Sentencing and Policy and Advisory Commission, FY 2018 Felony Statistical Report Data

<sup>3</sup> The type of punishment (Active, Intermediate, or Community) is reported as recorded in the AOC’s automated database and includes convictions for Intermediate or Community punishments in cells in which those dispositions are not authorized within the Felony Punishment Chart.

Table 3 presents felony convictions and sentences imposed within the context of the Felony Punishment Chart (see also Table 1). The detailed information provided allows for an examination of the overall number of convictions and type of punishment imposed (Active, Intermediate, or Community), as well as an examination of these data by offense class, by prior record level, and for each combination of offense class and prior record level (i.e., cell). The table also includes the average minimum and maximum sentences for convictions for which an Active sentence was imposed.<sup>4</sup>

Data provided in Table 3 indicate instances in which an Intermediate or Community punishment was imposed where it is not authorized under the Felony Punishment Chart (e.g., a Community punishment is not authorized for felony convictions in Class I with Prior Record Level III through Prior Record Level VI; an Intermediate punishment is not authorized for Class I with Prior Record Level I). These discrepancies are possibly a result of changes to Intermediate and Community punishments under the Justice Reinvestment Act. It is not clear whether these data reflect actual sentencing practices or how information is captured in the AOC's automated database.

With the exception of extraordinary mitigation for Class B2 through Class D convictions with 0 to 4 prior record points, a mandatory Active sentence is required for Class A through Class D convictions under Structured Sentencing. Class D has an additional exception to the Felony Punishment Chart – an Intermediate punishment can be imposed for Felony Death by Motor Vehicle if the conviction is in Prior Record Level I. In FY 2018, 10 Class D convictions for Felony Death by Motor Vehicle resulted in the imposition of an Intermediate punishment.

As shown in the vertical Total column in Table 3, the percentage of offenders receiving an Active sentence and the length of the Active sentence imposed both increase as offense seriousness increases. The average minimum sentence for all convictions resulting in an Active punishment (n=11,013) was 30 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 (235 months).

As shown in the horizontal Total row in Table 3, convictions for offenders in Prior Record Level I resulted in the highest average minimum sentence (50 months). The higher minimum sentences for Prior Record Level I can be attributed to the fact that over half of all Active sentences in that prior record level were for offenders convicted in the more serious offense classes (i.e., Class B1 through Class E felonies). For information on punishment imposed by judicial division and district, see Appendix C, Tables 1 and 2.

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<sup>4</sup> Death and life sentences were excluded from the calculation of the average minimum and maximum sentences.

**Table 3: Convictions and Sentences by Offense Class and Prior Record Level**

Offense Class	Prior Record Level						Total
	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
<b>A</b>	A A = 52 (100%) n = 52  Life/Death	A A = 4 (100%) n = 4  Life/Death	A A = 7 (100%) n = 7  Life/Death	A A = 2 (100%) n = 2  Life/Death	A A = 1 (100%) n = 1  Life/Death	A A = 3 (100%) n = 3  Life/Death	A A = 69 (100%) n = 69  Life/Death
<b>B1</b>	A A = 155 (100%) n = 155  212 min 287 max	A A = 64 (100%) n = 64  237 min 317 max	A A = 36 (100%) n = 36  272 min 351 max	A A = 18 (100%) n = 18  312 min 386 max	A A = 3 (100%) n = 3  306 min 380 max	A A = 5 (100%) n = 5  354 min 410 max	A A = 281 (100%) n = 281  235 min 311 max
<b>B2</b>	A A = 58 (100%) n = 58  131 min 185 max	A A = 26 (100%) n = 26  155 min 209 max	A A = 21 (100%) n = 21  173 min 220 max	A A = 9 (100%) n = 9  208 min 267 max	A A = 5 (100%) n = 5  213 min 268 max	A A = 9 (100%) n = 9  248 min 325 max	A A = 128 (100%) n = 128  160 min 215 max
<b>C</b>	A A = 148 (100%) n = 148  61 min 101 max	A A = 125 (100%) n = 125  67 min 102 max	A A = 114 (100%) n = 114  72 min 101 max	A A = 87 (100%) n = 87  86 min 120 max	A A = 85 (100%) n = 85  98 min 132 max	A A = 78 (100%) n = 78  113 min 151 max	A A = 637 (100%) n = 637  79 min 114 max
<b>D</b>	A I = 10 (3%) A = 288 (97%) n = 298  50 min 74 max	A A = 193 (100%) n = 193  57 min 83 max	A A = 161 (100%) n = 161  63 min 89 max	A A = 155 (100%) n = 155  73 min 99 max	A A = 107 (100%) n = 107  80 min 109 max	A A = 126 (100%) n = 126  92 min 123 max	A I = 10 (1%) A = 1,030 (99%) n = 1,040  65 min 92 max
<b>E</b>	I/A C = 95 (14%) I = 378 (57%) A = 188 (29%) n = 661  22 min 46 max	I/A C = 50 (11%) I = 211 (47%) A = 193 (42%) n = 454  24 min 42 max	A A = 227 (100%) n = 227  27 min 45 max	A A = 187 (100%) n = 187  30 min 48 max	A A = 149 (100%) n = 149  36 min 56 max	A A = 146 (100%) n = 146  40 min 61 max	I/A C = 145 (8%) I = 589 (32%) A = 1,090 (60%) n = 1,824  29 min 49 max
<b>F</b>	I/A C = 150 (19%) I = 392 (49%) A = 255 (32%) n = 797  14 min 26 max	I/A C = 92 (16%) I = 259 (45%) A = 229 (39%) n = 580  16 min 28 max	I/A C = 65 (14%) I = 161 (36%) A = 223 (50%) n = 449  18 min 31 max	A A = 205 (100%) n = 205  21 min 34 max	A A = 136 (100%) n = 136  23 min 37 max	A A = 124 (100%) n = 124  27 min 42 max	I/A C = 307 (13%) I = 812 (36%) A = 1,172 (51%) n = 2,291  19 min 32 max

*continued*

**Table 3: Convictions and Sentences by Offense Class and Prior Record Level**

Offense Class	Prior Record Level						Total
	I 0-1 Pts	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
<b>G</b>	I/A C = 174 (25%) I = 402 (59%) A = 111 (16%) n = 687  11 min 22 max	I/A C = 295 (22%) I = 709 (53%) A = 343 (25%) n = 1,347  12 min 24 max	I/A C = 165 (17%) I = 414 (42%) A = 402 (41%) n = 981  14 min 26 max	I/A C = 67 (11%) I = 225 (37%) A = 320 (52%) n = 612  16 min 29 max	A A = 207 (100%) n = 207  18 min 31 max	A A = 257 (100%) n = 257  22 min 35 max	I/A C = 701 (17%) I = 1,750 (43%) A = 1,640 (40%) n = 4,091  16 min 28 max
<b>H</b>	C/I/A C = 1,723 (58%) I = 976 (32%) A = 292 (10%) n = 2,991  5 min 16 max	I/A C = 1,165 (33%) I = 1,563 (44%) A = 796 (23%) n = 3,524  7 min 17 max	I/A C = 579 (24%) I = 980 (40%) A = 890 (36%) n = 2,449  8 min 19 max	I/A C = 234 (15%) I = 498 (32%) A = 820 (53%) n = 1,552  10 min 21 max	I/A C = 105 (12%) I = 240 (27%) A = 535 (61%) n = 880  13 min 24 max	A A = 830 (100%) n = 830  17 min 30 max	C/I/A C = 3,806 (31%) I = 4,257 (35%) A = 4,163 (34%) n = 12,226  10 min 22 max
<b>I</b>	C C = 1,461 (87%) I = 216 (13%) n = 1,677  N/A	C/I C = 1,285 (63%) I = 772 (37%) n = 2,057  N/A	I C = 461 (40%) I = 691 (60%) n = 1,152  N/A	I/A C = 172 (22%) I = 301 (39%) A = 308 (39%) n = 781  7 min 17 max	I/A C = 64 (16%) I = 123 (30%) A = 216 (54%) n = 403  8 min 18 max	I/A C = 62 (12%) I = 159 (32%) A = 279 (56%) n = 500  9 min 20 max	C/I/A C = 3,505 (53%) I = 2,262 (35%) A = 803 (12%) n = 6,570  8 min 18 max
<b>Total</b>	C/I/A C = 3,603 (48%) I = 2,374 (31%) A = 1,547 (21%) n = 7,524  50 min 76 max	C/I/A C = 2,887 (34%) I = 3,514 (42%) A = 1,973 (24%) n = 8,374  29 min 46 max	I/A C = 1,270 (23%) I = 2,246 (40%) A = 2,081 (37%) n = 5,597  27 min 43 max	I/A C = 473 (13%) I = 1,024 (28%) A = 2,111 (59%) n = 3,608  24 min 39 max	I/A C = 169 (9%) I = 363 (18%) A = 1,444 (73%) n = 1,976  27 min 43 max	I/A C = 62 (3%) I = 159 (8%) A = 1,857 (89%) n = 2,078  30 min 46 max	C/I/A C = 8,464 (29%) I = 9,680 (33%) A = 11,013 (38%) n = 29,157  30 min 48 max

Note: Of the 29,623 felony convictions in FY 2018, 466 (or 1.6%) were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Death and life sentences were excluded from the calculation of the average minimum and maximum sentences. This table includes convictions for Intermediate or Community punishments in cells in which those dispositions are not authorized within the Felony Punishment Chart. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

**C. Punishment Imposed in Discretionary Cells**

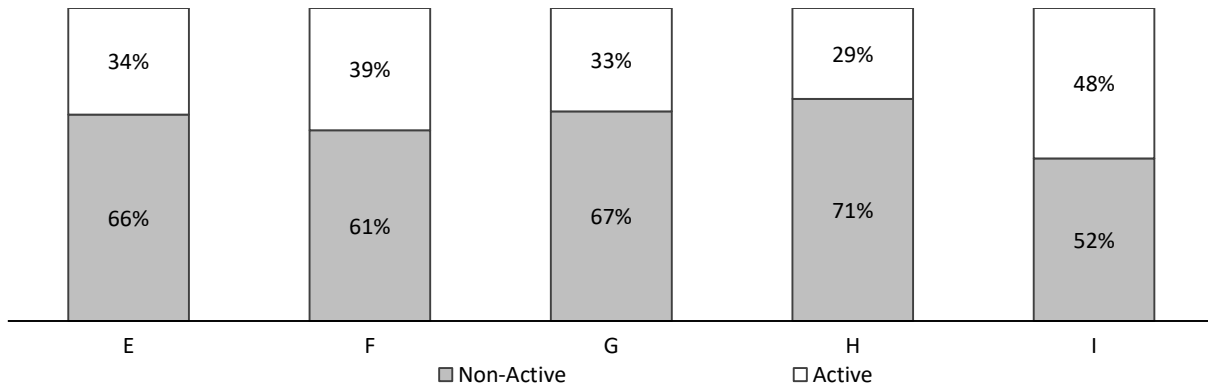
As shown in Table 3, where the judge had the option of imposing either an Active or non-Active punishment (i.e., Intermediate or Community punishment), the type of punishment imposed varied based on offense class and prior record level.

Figure 10 summarizes sentences imposed by offense class for discretionary cells with an Active punishment option. Class I convictions had the highest percentage (48%) of Active punishment imposed in discretionary cells, while Class H convictions had the lowest percentage (29%). The higher proportion



of Active punishment imposed in discretionary cells in Class I compared to other classes can likely be attributed to prior record level. Cells in Class I where an Active punishment is an option are limited to those offenders with the more serious criminal histories (Prior Record Levels IV – VI). While the more serious offense classes (Class E and Class F) have a lower percentage of Active punishment imposed in discretionary cells, the option to impose an Active punishment is limited to the less serious prior record levels.

**Figure 10: Punishment Imposed in Discretionary Cells**

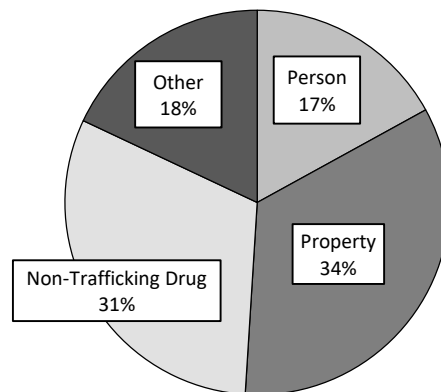


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

**D. Punishment Imposed by Crime Type**

During FY 2018, property offenses accounted for 34% of convictions, while convictions for non-trafficking drug offenses accounted for 31% of convictions (see Figure 11). For additional data on convictions by crime type, see Appendix D, Tables 1 and 2.

**Figure 11: Convictions by Crime Type**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

The type of punishment imposed by crime type is shown in Table 4. Relative to other crime types, convictions for person offenses had the highest percentage of Active punishment imposed (61%), while convictions for non-trafficking drug offenses had the lowest percentage of Active punishment imposed (21%). Of the four crime types, non-trafficking drug and property convictions had the highest percentage of Intermediate punishment sentences (37% and 34% respectively). Non-trafficking drug convictions had the highest percentage of Community punishment sentences (42%). Table 4 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 4: Convictions and Sentences by Crime Type**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	3,043	61	1,390	28	566	11	57	84	4,999
Property	3,349	33	3,432	34	3,287	33	13	25	10,068
Non-Trafficking Drug	1,884	21	3,311	37	3,771	42	14	27	8,966
Other Felony	2,737	54	1,547	30	840	16	34	51	5,124
<b>Total</b>	<b>11,013</b>	<b>38</b>	<b>9,680</b>	<b>33</b>	<b>8,464</b>	<b>29</b>	<b>30</b>	<b>48</b>	<b>29,157</b>

Note: Of the 29,623 felony convictions in FY 2018, 466 (or 1.6%) were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Death and life sentences were excluded from the calculation of the average minimum and maximum sentences.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

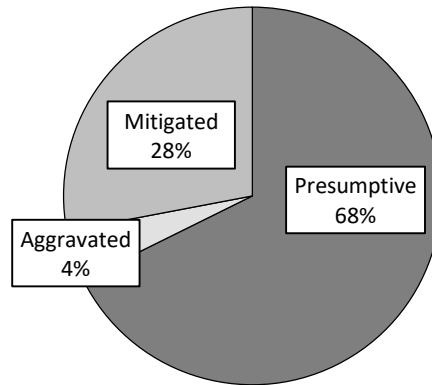
#### IV. ACTIVE PUNISHMENT

This section summarizes information about Active punishments. During FY 2018, there were 11,013 convictions for which an Active sentence was imposed. Class A convictions, which are subject to mandatory life or death sentences (n=69), as well as 1 Class B1 conviction sentenced to a life sentence without parole, were excluded from this section.

##### A. Sentencing Range

Figure 12 shows that 68% of all Active sentences were in the presumptive range, 28% were in the mitigated range, and 4% were in the aggravated range.

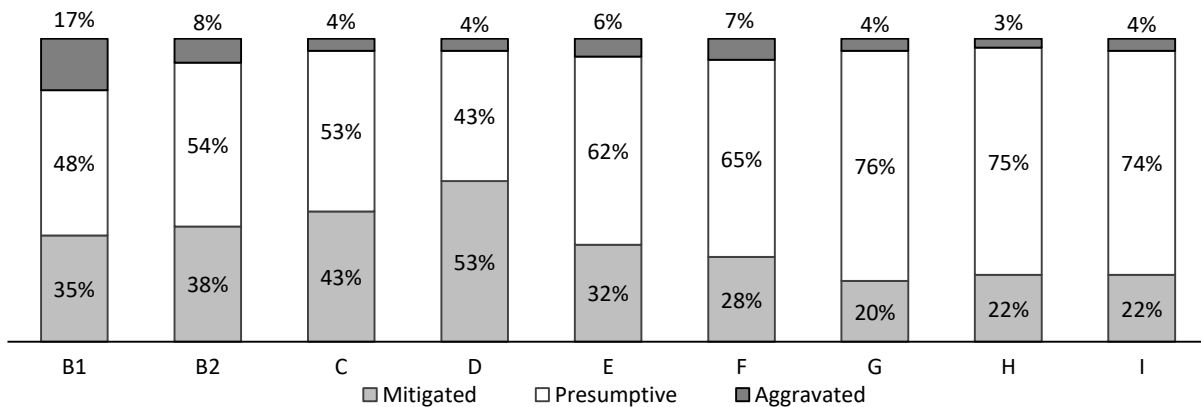
**Figure 12: Sentencing Range  
Active Sentences Only**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

Figure 13 and Table 5 show the distribution of Active sentences by offense class and sentencing range (mitigated, presumptive, and aggravated), while Table 5 also includes data by prior record level. The majority of sentences for felony convictions, except Class B1 and Class D felonies, were in the presumptive range. Class B1 felonies accounted for the highest percentage of sentences in the aggravated range (17%). Class C and Class D convictions had the largest percentage of sentences in the mitigated range (43% and 53% respectively), which largely reflects the sentencing of habitual felons (*see also* Figure 18 in Section VI). Convictions for Class B1 and Class D offenses had the lowest percentage of Active sentences in the presumptive range (48% and 43% respectively). Convictions for Class G, Class H, and Class I offenses had the highest percentage of Active sentences in the presumptive range (76%, 75%, and 74% respectively).

**Figure 13: Sentencing Range by Offense Class  
Active Sentences Only**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

**Table 5: Sentencing Range by Offense Class and Prior Record Level  
Active Sentences Only**

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
<b>B1</b>	Mitigated	49 32%	25 39%	11 30%	7 39%	2 100%	3 60%	97 35%
	Presumptive	78 50%	26 41%	20 56%	9 50%	0 0%	2 40%	135 48%
	Aggravated	28 18%	13 20%	5 14%	2 11%	0 0%	0 0%	48 17%
	<b>Subtotal</b>	<b>155</b>	<b>64</b>	<b>36</b>	<b>18</b>	<b>2</b>	<b>5</b>	<b>280</b>
<b>B2</b>	Mitigated	22 38%	9 35%	7 33%	3 33%	3 60%	5 56%	49 38%
	Presumptive	30 52%	16 61%	12 57%	5 56%	2 40%	4 44%	69 54%
	Aggravated	6 10%	1 4%	2 10%	1 11%	0 0%	0 0%	10 8%
	<b>Subtotal</b>	<b>58</b>	<b>26</b>	<b>21</b>	<b>9</b>	<b>5</b>	<b>9</b>	<b>128</b>
<b>C</b>	Mitigated	50 34%	47 38%	59 52%	35 40%	45 53%	39 50%	275 43%
	Presumptive	90 61%	71 57%	54 47%	50 58%	35 41%	35 45%	335 53%
	Aggravated	8 5%	7 5%	1 1%	2 2%	5 6%	4 5%	27 4%
	<b>Subtotal</b>	<b>148</b>	<b>125</b>	<b>114</b>	<b>87</b>	<b>85</b>	<b>78</b>	<b>637</b>
<b>D</b>	Mitigated	130 45%	85 44%	92 57%	90 58%	70 65%	84 67%	551 53%
	Presumptive	140 49%	102 53%	66 41%	59 38%	35 33%	40 32%	442 43%
	Aggravated	18 6%	6 3%	3 2%	6 4%	2 2%	2 1%	37 4%
	<b>Subtotal</b>	<b>288</b>	<b>193</b>	<b>161</b>	<b>155</b>	<b>107</b>	<b>126</b>	<b>1,030</b>
<b>E</b>	Mitigated	29 15%	56 29%	77 34%	77 41%	58 39%	55 38%	352 32%
	Presumptive	148 79%	119 62%	141 62%	104 56%	80 54%	87 59%	679 62%
	Aggravated	11 6%	18 9%	9 4%	6 3%	11 7%	4 3%	59 6%
	<b>Subtotal</b>	<b>188</b>	<b>193</b>	<b>227</b>	<b>187</b>	<b>149</b>	<b>146</b>	<b>1,090</b>

*continued*

**Table 5: Sentencing Range by Offense Class and Prior Record Level  
Active Sentences Only**

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
<b>F</b>	Mitigated	61 24%	59 26%	54 24%	65 32%	45 33%	44 35%	328 28%
	Presumptive	169 66%	160 70%	160 72%	123 60%	84 62%	70 57%	766 65%
	Aggravated	25 10%	10 4%	9 4%	17 8%	7 5%	10 8%	78 7%
	<b>Subtotal</b>	<b>255</b>	<b>229</b>	<b>223</b>	<b>205</b>	<b>136</b>	<b>124</b>	<b>1,172</b>
<b>G</b>	Mitigated	14 12%	64 19%	85 21%	61 19%	51 25%	53 21%	328 20%
	Presumptive	95 86%	271 79%	303 75%	243 76%	150 72%	183 71%	1,245 76%
	Aggravated	2 2%	8 2%	14 4%	16 5%	6 3%	21 8%	67 4%
	<b>Subtotal</b>	<b>111</b>	<b>343</b>	<b>402</b>	<b>320</b>	<b>207</b>	<b>257</b>	<b>1,640</b>
<b>H</b>	Mitigated	67 23%	155 19%	201 23%	167 21%	103 19%	213 26%	906 22%
	Presumptive	220 75%	628 79%	671 75%	625 76%	413 77%	588 71%	3,145 75%
	Aggravated	5 2%	13 2%	18 2%	28 3%	19 4%	29 3%	112 3%
	<b>Subtotal</b>	<b>292</b>	<b>796</b>	<b>890</b>	<b>820</b>	<b>535</b>	<b>830</b>	<b>4,163</b>
<b>I</b>	Mitigated	N/A	N/A	N/A	62 20%	49 23%	66 24%	177 22%
	Presumptive	N/A	N/A	N/A	231 75%	159 73%	201 72%	591 74%
	Aggravated	N/A	N/A	N/A	15 5%	8 4%	12 4%	35 4%
	<b>Subtotal</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>308</b>	<b>216</b>	<b>279</b>	<b>803</b>
<b>Total</b>	Mitigated	422 28%	500 25%	586 28%	567 27%	426 30%	562 30%	3,063 28%
	Presumptive	970 65%	1,393 71%	1,427 69%	1,449 69%	958 66%	1,210 65%	7,407 68%
	Aggravated	103 7%	76 4%	61 3%	93 4%	58 4%	82 5%	473 4%
	<b>Total</b>	<b>1,495</b>	<b>1,969</b>	<b>2,074</b>	<b>2,109</b>	<b>1,442</b>	<b>1,854</b>	<b>10,943</b>

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. Class A convictions, which are subject to mandatory life or death sentences (n=69), and 1 Class B1 conviction sentenced to life without parole were also excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

The sentencing range for Active sentences by crime type is presented in Table 6. Of the four crime types, convictions for person offenses accounted for the highest percentage of aggravated sentences (7%). Convictions for the other felony offenses category accounted for the lowest percentage of presumptive sentences (59%) and the highest percentage of mitigated sentences (38%) relative to the other crime types. Convictions under the habitual felon law, commonly sentenced in the mitigated range,<sup>5</sup> accounted for the largest number of other felony convictions in this category (36%).<sup>6</sup> For additional information regarding convictions by crime type, see Appendix D, Tables 1 and 2.

**Table 6: Sentencing Range by Crime Type  
Active Sentences Only**

Crime Type	Sentencing Range (Minimum Sentence)						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
<b>Person</b>	861	29	1,892	64	220	7	2,973
<b>Property</b>	755	22	2,507	75	87	3	3,349
<b>Non-Trafficking Drug</b>	411	22	1,400	74	73	4	1,884
<b>Other Felony</b>	1,036	38	1,608	59	93	3	2,737
<b>Total</b>	<b>3,063</b>	<b>28</b>	<b>7,407</b>	<b>68</b>	<b>473</b>	<b>4</b>	<b>10,943</b>

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. Class A convictions, which are subject to mandatory life or death sentences (n=69), and 1 Class B1 conviction sentenced to life without parole were also excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

Although the Felony Punishment Chart contains a range of minimum sentences for each combination of offense class and prior record level, over three-quarters (77%) of all Active minimum sentences were located on one of four specific spots of their respective sentencing ranges – the lowest spot of the mitigated range, the lowest spot of the presumptive range, the highest spot of the presumptive range, and the highest spot of the aggravated range (see Table 7 and Table 8).<sup>7</sup> Of all Active sentences, 19% were on the lowest spot of the mitigated range, 29% were on the lowest spot of the presumptive range, 26% were on the highest spot of the presumptive range, and 3% were on the highest spot of the aggravated range.

<sup>5</sup> See Figure 18 in Section VI for the breakdown of habitual felon convictions by sentencing range.

<sup>6</sup> This category does not reflect the substantive offense associated with a habitual felon conviction. Table 12 presents detailed information on the most common substantive offenses associated with habitual felon convictions.

<sup>7</sup> As an example, for Class E with PRL I the mitigated range includes minimum sentences from 15 months to 20 months, the presumptive range includes minimum sentences from 20 months to 25 months, and the aggravated range includes minimum sentences from 25 months to 31 months. In this case, the four specific spots of the minimum sentence range are 15 months (lowest mitigated sentence), 20 months (lowest spot of the presumptive range), 25 months (highest spot of the presumptive range), and 31 months (highest spot of the aggravated range).

Table 7 provides information regarding sentences imposed on one of the four specific spots of the sentencing range by offense class. Convictions for Class H and Class I offenses had the highest percentages of Active sentences located on one of four specific spots of the range (86% and 84% respectively). Convictions for Class B1 offenses had the lowest percentages of Active sentences located on one of the four specific spots of the sentencing range (53%). A large percentage of Class C and Class D convictions (which includes habitual felon convictions) were sentenced on the lowest spot of the mitigated range (26% and 33% respectively). The majority of sentences for Class F through Class I convictions were located on either the lowest spot of the presumptive range or the highest spot of the presumptive range.

**Table 7: Sentence Location within the Sentencing Range by Offense Class  
Active Sentences Only**

Offense Class	Location in the Sentencing Range (Minimum Sentence)				% on the Four Spots
	Mitigated	Presumptive		Aggravated	
	% Lowest Spot	% Lowest Spot	% Highest Spot	% Highest Spot	
<b>B1</b>	14	11	19	9	53
<b>B2</b>	20	15	20	5	60
<b>C</b>	26	17	13	2	58
<b>D</b>	33	16	9	2	60
<b>E</b>	21	26	20	4	71
<b>F</b>	17	26	25	5	73
<b>G</b>	13	36	28	3	80
<b>H</b>	17	34	33	2	86
<b>I</b>	17	29	35	3	84
<b>Total</b>	<b>19</b>	<b>29</b>	<b>26</b>	<b>3</b>	<b>77</b>

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. Class A convictions, which are subject to mandatory life or death sentences (n=69), and 1 Class B1 conviction sentenced to life without parole were also excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

Appendix D, Table 3 provides further information about the percentage of sentences in the mitigated range and at the lowest spot of the presumptive range by offense class. Class C and Class D convictions accounted for the highest percentage of sentences in the mitigated range or at the lowest spot of the presumptive range (60% and 70% respectively).

Table 8 shows the percentage of sentences imposed on each of the four specific spots of the sentencing range by crime type. Property and non-trafficking drug offenses accounted for the largest percentage of sentences on the four spots of the range (85% and 79% respectively). The majority of sentences for property and non-trafficking drug offenses were located on either the lowest spot of the presumptive range or the highest spot of the presumptive range, while sentences for other felony offenses, which includes sentences for habitual felons, were nearly equally likely to be located on the lowest spot of the mitigated range or the lowest spot of the presumptive range.

**Table 8: Sentence Location within the Sentencing Range by Crime Type  
Active Sentences Only**

Crime Type	Location in the Sentencing Range (Minimum Sentence)				% on the Four Spots
	Mitigated	Presumptive		Aggravated	
	% Lowest Spot	% Lowest Spot	% Highest Spot	% Highest Spot	
Person	17	23	24	5	69
Property	17	34	32	2	85
Non-Trafficking Drug	15	32	29	3	79
Other Felony	25	27	19	2	73
<b>Total</b>	<b>19</b>	<b>29</b>	<b>26</b>	<b>3</b>	<b>77</b>

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. Class A convictions, which are subject to mandatory life or death sentences (n=69), and 1 Class B1 conviction sentenced to life without parole were also excluded from this table.

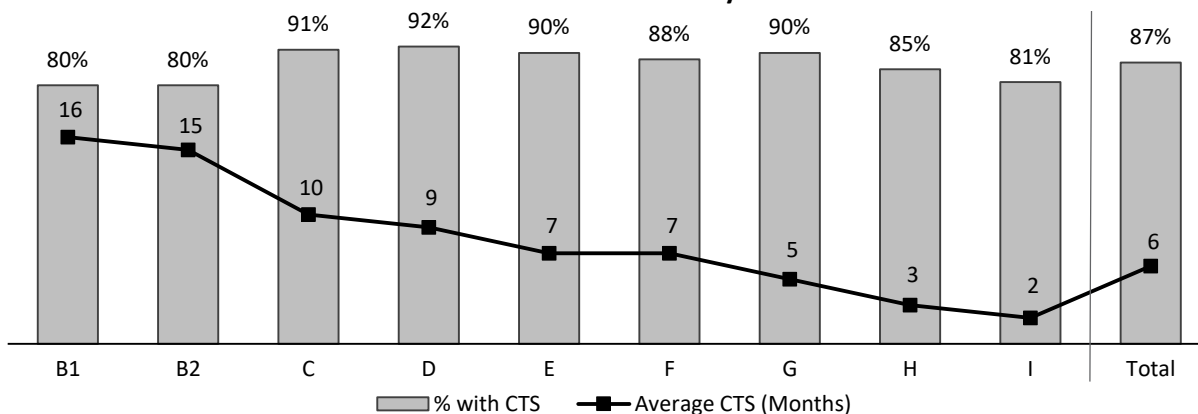
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

## B. Credit for Time Served

The vast majority (87%) of offenders with an Active sentence received credit for time served (CTS), which is the amount of time an offender has spent committed to or confined in a State or local correctional, mental, or another institution prior to trial. Figure 14 provides detail on credit for time served for offenders with an Active sentence by offense class. Class B1 and Class B2 offenses had the lowest percentage (80% each) of offenders with credit for time served and Class D offenses had the highest percentage (92%). For those with credit for time served, the average amount of credit ranged from 2 months (Class I) to 16 months (Class B1); overall, the average amount was 6 months. Generally, the length of credit for time served increased as offense seriousness increased. There was little difference between crime types in the percentage of offenders with credit for time served. Offenders convicted of person offenses had the greatest amount of credit for time served (9 months) of the crime types (see Figure 15).

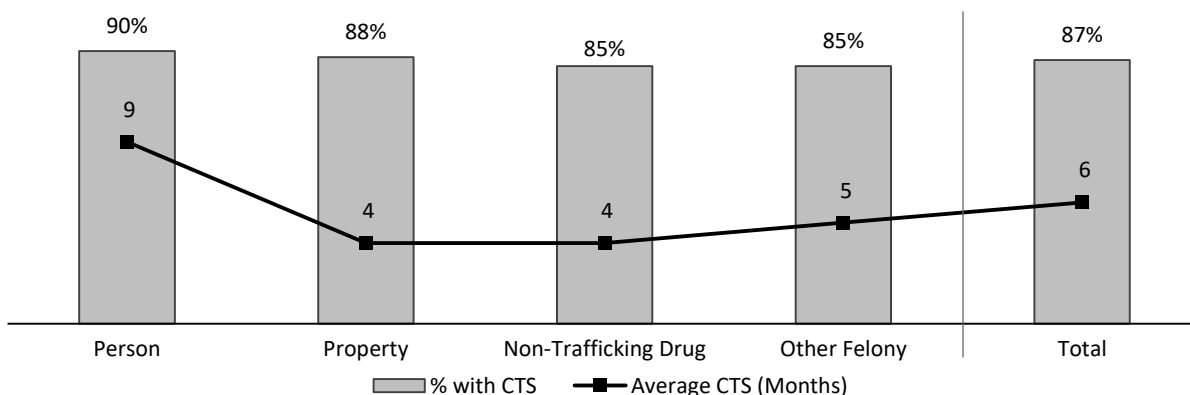


**Figure 14: Credit for Time Served by Offense Class**  
Active Sentences Only



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

**Figure 15: Credit for Time Served by Crime Type**  
Active Sentences Only



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

## V. INTERMEDIATE AND COMMUNITY PUNISHMENTS

This section summarizes information about Intermediate and Community punishments. Information presented in this section reflects conditions of Intermediate and Community punishments as defined by G.S. 15A-1340.11. An Intermediate punishment requires a sentence of supervised probation, whereas a Community punishment may consist of a sentence of supervised or unsupervised probation, but does not require it.

An Intermediate or Community punishment may include one or more of the following probation conditions: house arrest with electronic monitoring; community service; short-term jail confinements; substance abuse assessment, monitoring, or treatment; and education or vocational skills development. An Intermediate punishment may also include special probation and/or drug treatment court. Continuous alcohol monitoring (CAM) may be ordered if alcohol dependency has been identified by a substance abuse

assessment or satellite-based monitoring (SBM) may be ordered if the probationer is a sex offender (as described by G.S. 14-208.40(a)(2)). In addition, conditions may include payment of restitution, fines, or court costs. It should be noted that some conditions (e.g., drug treatment court) are not equally available across the state. A single conviction often results in the imposition of more than one probation condition.

This section only includes information on probation conditions that were imposed for Intermediate or Community punishments at sentencing. Probation conditions that are subsequently imposed as a result of modifications to probation are not included.

During FY 2018, Intermediate punishments were imposed for 9,680 felony convictions and Community punishments were imposed for 8,464 felony convictions for a total of 18,144 non-active sentences. Overall, 17,830 convictions received supervised probation, 270 received unsupervised probation, and 44 did not receive probation. Based on the statutory requirement, all offenders with an Intermediate punishment (100%) received supervised probation. Nearly all Community punishment convictions (96%) received supervised probation, with only 3% receiving unsupervised probation, and 1% having no probation ordered.

#### **A. Probation Length by Type of Punishment**

Table 9 provides the average length of probation by offense class and type of punishment for offenders sentenced to probation (n=18,100) in FY 2018. Nearly half of all probation sentences were in Class H (n=8,038 or 44%). Overall, the average probation length was 26 months. Class I felonies resulted in the shortest average probation sentence (23 months) and Class D felonies resulted in the longest (42 months). Probation sentences were slightly shorter for convictions with a Community punishment. Additionally, probation sentence length decreased as the severity of offense decreased.

Table 10 shows the average probation sentence length for Intermediate and Community punishment convictions by crime type. Property and non-trafficking drug offenses comprised 76% of probation sentences. Person and other felony offenses accounted for 11% and 13% respectively of probation sentences. Overall, person offenses resulted in the longest average probation sentence (31 months) and non-trafficking drug offenses resulted in the shortest average probation sentence (24 months).

**Table 9: Average Length of Probation by Offense Class and Type of Punishment**

Offense Class	Type of Punishment	Total	
		Months	#
D	Intermediate	42	10
	<b>Subtotal</b>	<b>42</b>	<b>10</b>
E	Intermediate	33	589
	Community	33	145
	<b>Subtotal</b>	<b>33</b>	<b>734</b>
F	Intermediate	32	812
	Community	31	306
	<b>Subtotal</b>	<b>31</b>	<b>1,118</b>
G	Intermediate	29	1,750
	Community	27	700
	<b>Subtotal</b>	<b>29</b>	<b>2,450</b>
H	Intermediate	27	4,257
	Community	25	3,781
	<b>Subtotal</b>	<b>26</b>	<b>8,038</b>
I	Intermediate	24	2,262
	Community	22	3,488
	<b>Subtotal</b>	<b>23</b>	<b>5,750</b>
<b>Total</b>		<b>26</b>	<b>18,100</b>

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table. This table includes convictions for Intermediate or Community punishments where not authorized under the Felony Punishment Chart. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

**Table 10: Average Length of Probation by Crime Type and Type of Punishment**

Crime Type	Type of Punishment	Total	
		Months	#
Person	Intermediate	31	1,390
	Community	29	561
	<b>Subtotal</b>	<b>31</b>	<b>1,951</b>
Property	Intermediate	28	3,432
	Community	26	3,272
	<b>Subtotal</b>	<b>27</b>	<b>6,704</b>
Non-Trafficking Drug	Intermediate	25	3,311
	Community	22	3,753
	<b>Subtotal</b>	<b>24</b>	<b>7,064</b>
Other Felony	Intermediate	28	1,547
	Community	24	834
	<b>Subtotal</b>	<b>27</b>	<b>2,381</b>
<b>Total</b>		<b>26</b>	<b>18,100</b>

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table. This table includes convictions for Intermediate or Community punishments where not authorized under the Felony Punishment Chart. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

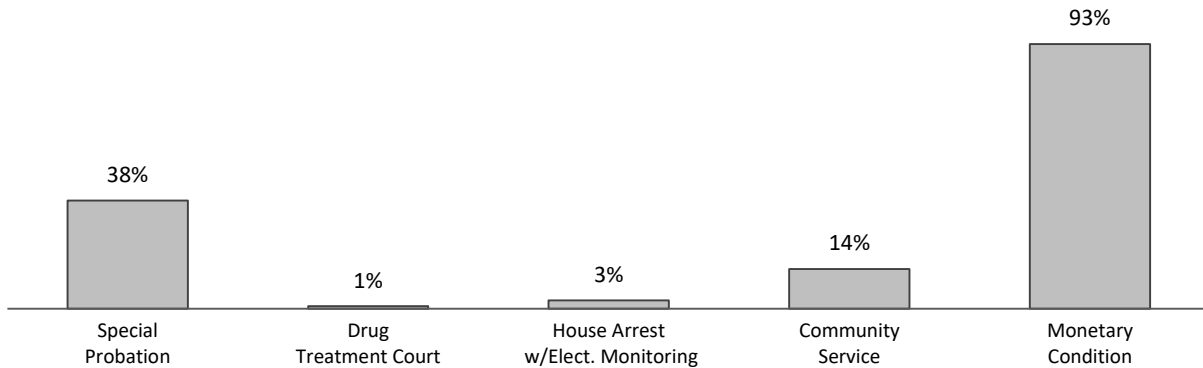
### **B. Conditions of Probation<sup>8</sup>**

In FY 2018, supervised probation was imposed for 17,830 convictions with an Intermediate or Community punishment. Figure 16 provides information on the conditions that were imposed for Community and Intermediate punishment convictions with supervised probation. Multiple probation conditions may have been ordered for a single conviction. As a result, the percentages provided in Figure 16 add to more than 100%. The most frequent condition imposed for supervised probation was a monetary condition (93%), which includes payment of fines, restitution, and/or court costs. Thirty-eight percent received special probation as a condition of supervised probation. Community service was imposed for 14% of Community and Intermediate punishment convictions with supervised probation. The least frequent conditions imposed were drug treatment court (1%) and house arrest with electronic monitoring (3%).

Table 11 provides detailed information about the conditions ordered at sentencing for Intermediate and Community punishment convictions with supervised probation, including the average length of probation.

<sup>8</sup> Information reported in this section includes data on select probation conditions captured in the AOC's automated database and does not reflect the full scope of available conditions for offenders sentenced to Intermediate or Community punishment.

**Figure 16: Probation Conditions for Convictions with Supervised Probation**



Note: This figure includes information on probation conditions that are captured in AOC’s automated database. A single conviction may result in the imposition of more than one probation condition. As a result, the percentages reported add to more than 100%.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

**Table 11: Probation Conditions for Convictions with Supervised Probation**

Type of Punishment	Conditions of Probation (Number and Average Probation Length)					Total
	Special Probation	Drug Treatment Court	House Arrest w/ Elect. Monitoring	Community Service	Monetary Condition	
Intermediate	6,592 <i>28 months</i>	148 <i>26 months</i>	446 <i>30 months</i>	1,066 <i>26 months</i>	8,985 <i>28 months</i>	9,680 <i>28 months</i>
Community	238 <i>27 months</i>	7 <i>26 months</i>	55 <i>30 months</i>	1,498 <i>25 months</i>	7,511 <i>25 months</i>	8,150 <i>25 months</i>
<b>Total</b>	<b>6,830</b> <b><i>28 months</i></b>	<b>155</b> <b><i>26 months</i></b>	<b>501</b> <b><i>30 months</i></b>	<b>2,564</b> <b><i>26 months</i></b>	<b>16,496</b> <b><i>26 months</i></b>	<b>17,830</b> <b><i>26 months</i></b>

Note: This table includes information on probation conditions that are captured in AOC’s automated database. Conditions ordered are reported regardless of possible errors in the automated database (i.e., special probation or drug treatment court are not authorized conditions for a Community punishment). A single conviction may result in the imposition of more than one probation condition. The row totals equal the total number of convictions with supervised probation, rather than total number of conditions.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

Overall, 9,680 Intermediate punishment convictions and 8,150 Community punishment convictions resulted in supervised probation sentences. The average length of probation imposed was 28 months for convictions with an Intermediate punishment and 25 months for convictions with a Community punishment. Other than a monetary condition, special probation was the condition of probation most frequently ordered for Intermediate punishment convictions (n=6,592), while community service was the condition of probation most frequently ordered for Community punishment convictions (n=1,498).

Convictions with house arrest with electronic monitoring had the longest average length of supervision (30 months) relative to other conditions of probation.

In FY 2018, unsupervised probation was imposed for 270 convictions with a Community punishment. Of these convictions, 4% (n=12) included community service as a condition of probation and 68% (n=183) were ordered to pay monetary obligations (i.e., fine, restitution, or court costs) as a condition of probation.

### **C. No Probation Sentence Ordered**

A probation sentence is not required for Community punishment convictions. In FY 2018, 44 convictions with a Community punishment had no probation sentence ordered. As part of the sentence imposed, 7% (n=3) of these convictions included an order to perform community service and 77% (n=34) included payment of monetary obligations (i.e., fine, restitution, or court costs).

## **VI. SPECIAL ISSUES**

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This section reviews sentencing issues of interest including death and life sentences, habitual status offenders, firearm enhancements, drug trafficking convictions, and Advanced Supervised Release.

### **A. Death and Life Sentences**

Offenders convicted of first-degree murder may receive a sentence of either death or life without parole. A sentence of life without parole is also required for offenders convicted of Class B1 felonies who are sentenced in the aggravated range in Prior Record Levels V and VI, certain offenders convicted of second or subsequent Class B1 felonies, and offenders found to be violent habitual felons (*see* Habitual Status Offenders). During FY 2018, 66 life without parole sentences were imposed – 64 for first-degree murder (Class A offense), 1 for a first-degree rape conviction (Class B1 offense with Prior Record Level VI), and 1 for a violent habitual felon conviction. There were no death sentences imposed.

Minors (defined as offenders under the age of 18 at the time of the offense) convicted of first-degree murder may receive a sentence of either life with or without parole. There were 5 minors convicted of first-degree murder who received a sentence of life with parole in FY 2018.

### **B. Habitual Status Offenders**

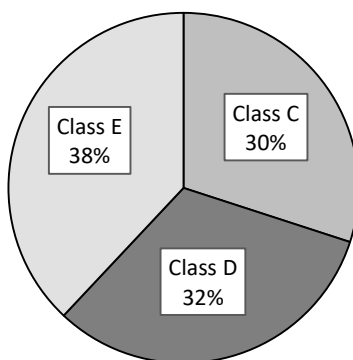
A violent habitual felon is an offender with at least two prior Class A, B1, B2, C, D, or E felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a Class A, B1, B2, C, D, or E felony offense and who has been found by a jury to be a violent habitual felon. A violent habitual felon is sentenced to life without parole. (G.S. 14-7.7 to -7.12). During FY 2018, there was 1 life without parole sentence imposed for a violent habitual felon conviction (*see* Death and Life Sentences). The most serious substantive offense associated with the violent habitual felon conviction was first-degree forcible rape.

A habitual felon is an offender with at least three prior felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a felony offense and

who has been found by a jury to be a habitual felon. (G.S. 14- 7.1 to -7.6). A habitual felon is sentenced as a Class C felon if the substantive felony offense was committed prior to December 1, 2011. For substantive felony offenses committed on or after December 1, 2011, a habitual felon is sentenced at a felony class that is four classes higher than the substantive felony for which the person was convicted, but under no circumstances higher than Class C.

Figure 17 shows the breakdown of habitual felon convictions by offense class. The largest proportion (38%) were sentenced as Class E felons. Overall, 95% (n=1,005) were sentenced to an Active punishment, 5% (n=54) were sentenced to an Intermediate punishment.

**Figure 17: Habitual Felon Convictions by Offense Class**



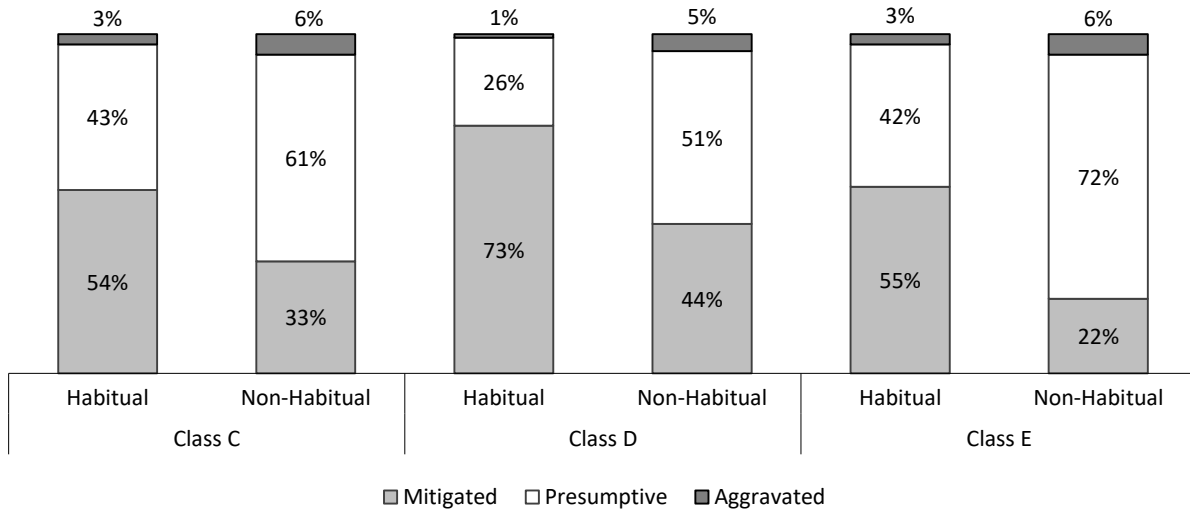
Note: Of the 1,059 habitual felon convictions, 5 convictions (<1%) were in Class A (1 conviction), Class B1 (1 conviction), and Class B2 (3 convictions).

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

Figure 18 shows the breakdown of habitual felon convictions by sentencing range (mitigated, presumptive, and aggravated) as compared to non-habitual felons in the same offense classes. Overall, habitual felons were more likely to be sentenced in the mitigated range, whereas non-habitual felons were more likely to be sentenced in the presumptive range. Class D habitual felons received the highest percentage of mitigated sentences (73%) compared to Class C (54%) and Class E habitual felons (55%).

Figure 19 shows the offense class of the most serious substantive felony offense associated with habitual felon convictions. The most serious substantive offense represents the most serious current conviction for which the offender was sentenced as a habitual felon and does not take into account the offense class of the three previous felony convictions. Nearly two-thirds of habitual felon convictions were for offenders with a Class H (n=352 or 33%) or Class I (n=351 or 33%) felony as their most serious substantive offense.

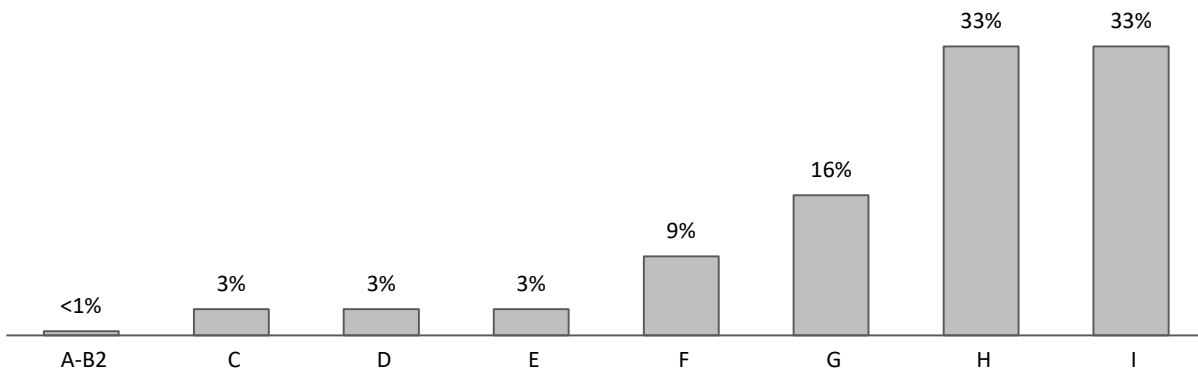
**Figure 18: Sentencing Range by Offense Class for Habitual and Non-Habitual Felons (Active Sentences Only)**



Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

**Figure 19: Offense Class of the Most Serious Substantive Offense Associated with Habitual Felon Convictions**



Note: The most serious substantive offense may not be the conviction used to establish habitual felon status.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

Table 12 shows the top five most serious substantive offenses associated with habitual felon convictions. It should be noted that the most serious substantive offense may not be the conviction used to establish habitual felon status. It currently is not possible to determine the substantive conviction used to establish habitual felon status using data from the AOC’s information management system. Breaking or Entering Buildings was the most serious substantive conviction that occurred most frequently (n=99).



**Table 12: Top Five Most Serious Substantive Offenses Associated with Habitual Felon Convictions**

<b>Substantive Offense</b>	<b>Offense Class</b>	<b>#</b>	<b>% of Habitual Felon Convictions</b>
Breaking or Entering Buildings	H	99	9
Possession of a Firearm by a Felon	G	84	8
Felony Possession of Cocaine	I	64	6
Possess Methamphetamine	I	44	4
Felony Possession of Sch. II Controlled Substance	I	26	2

Note: The most serious substantive offense may not be the conviction used to establish habitual felon status.  
 SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

**C. Firearm Enhancement**

The firearm enhancement requires the judge to increase an offender’s active sentence if the offender is convicted of a 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. (G.S. 15A-1340.16A). For offenses committed on or after October 1, 2013, the firearm enhancement requires the judge to increase an offender’s active sentence by seventy-two months if the offender is convicted of a Class A, B1, B2, C, D or E felony, thirty-six months if the offender is convicted of a Class F or Class G felony, or 12 months if the offender is convicted of a Class H or Class I felony. Previously, the firearm enhancement was for sixty months and only applied to Class A, B1, B2, C, D or E felonies. The firearm enhancement was not applied to any felony convictions in FY 2018.

**D. Drug Trafficking Convictions**

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

<u>Drug Trafficking</u>	<u>Minimum</u>	<u>Maximum</u>
Class C	225	282
Class D	175	222
Class E	90	120
Class F	70	93
Class G	35	51
Class H	25	39

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. (G.S. 90-95(h)(5)).

As shown in Table 13, there were 481 convictions for drug trafficking offenses in FY 2018.<sup>9</sup> The most frequently occurring drug trafficking convictions were in Class F (n=237), followed by Class G (n=106).

**Table 13: Drug Trafficking Convictions**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
<b>C</b>	Traffic Methamphetamine	2	100	.	.	.	.	57	79	2
	Traffic Heroin	10	91	.	.	1	9	132	170	11
	Consp. Traffic Heroin	2	67	1	33	.	.	110	144	3
	Other Trafficking	12	86	2	14	.	.	114	149	14
	<b>Subtotal</b>	<b>26</b>	<b>87</b>	<b>3</b>	<b>10</b>	<b>1</b>	<b>3</b>	<b>116</b>	<b>151</b>	<b>30</b>
<b>D</b>	Traffic Cocaine	4	100	.	.	.	.	142	182	4
	Consp. Traffic Cocaine	1	100	.	.	.	.	25	42	1
	Other Trafficking	9	90	1	10	.	.	103	135	10
	<b>Subtotal</b>	<b>14</b>	<b>93</b>	<b>1</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>108</b>	<b>142</b>	<b>15</b>
<b>E</b>	Consp. Traffic Meth.	2	100	.	.	.	.	90	120	2
	Traffic Methamphetamine	7	88	1	12	.	.	82	110	8
	Traffic Heroin	35	92	3	8	.	.	86	115	38
	Other Trafficking	21	81	4	15	1	4	82	110	26
	<b>Subtotal</b>	<b>65</b>	<b>88</b>	<b>8</b>	<b>11</b>	<b>1</b>	<b>1</b>	<b>84</b>	<b>113</b>	<b>74</b>
<b>F</b>	Consp. Traffic Meth.	1	50	1	50	.	.	42	59	2
	Traffic Methamphetamine	34	85	5	13	1	2	60	81	40
	Traffic Cocaine	15	100	.	.	.	.	64	86	15
	Traffic Heroin	86	86	8	8	6	6	64	85	100
	Consp. Traffic Cocaine	.	.	1	100	.	.	70	93	1
	Consp. Traffic Heroin	4	50	2	25	2	25	26	40	8
	Other Trafficking	60	85	6	8	5	7	62	84	71
	<b>Subtotal</b>	<b>200</b>	<b>84</b>	<b>23</b>	<b>10</b>	<b>14</b>	<b>6</b>	<b>61</b>	<b>82</b>	<b>237</b>
<b>G</b>	Traffic LSD	1	100	.	.	.	.	35	51	1
	Traffic MDA/MDMA	1	100	.	.	.	.	35	51	1
	Traffic Marijuana	1	33	.	.	2	67	28	43	3
	Traffic Cocaine	51	90	2	3	4	7	35	50	57
	Consp. Traffic Marijuana	.	.	1	100	.	.	35	51	1
	Consp. Traffic Cocaine	.	.	1	50	1	50	11	23	2
	Consp. Traffic Heroin	.	.	.	.	1	100	14	26	1
	Other Trafficking	30	75	7	18	3	7	32	48	40
	<b>Subtotal</b>	<b>84</b>	<b>79</b>	<b>11</b>	<b>11</b>	<b>11</b>	<b>10</b>	<b>33</b>	<b>48</b>	<b>106</b>

*continued*

<sup>9</sup> Information presented in Table 13 includes drug trafficking and conspiracy convictions only. Other drug trafficking offenses, such as attempts, are sentenced under the Felony Punishment Chart and are not included in Table 13.

**Table 13: Drug Trafficking Convictions**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
H	Traffic Amphetamine	.	.	.	.	2	100	16	28	2
	Traffic Marijuana	3	50	1	17	2	33	22	36	6
	Other Trafficking	4	36	3	27	4	36	29	44	11
	<b>Subtotal</b>	<b>7</b>	<b>37</b>	<b>4</b>	<b>21</b>	<b>8</b>	<b>42</b>	<b>25</b>	<b>40</b>	<b>19</b>
<b>Total</b>		<b>396</b>	<b>82</b>	<b>50</b>	<b>11</b>	<b>35</b>	<b>7</b>	<b>62</b>	<b>84</b>	<b>481</b>

Note: This table reflects all drug trafficking convictions regardless of whether the offense classes are correct or whether the sentences are consistent with the minimum and maximum sentences set forth in G.S. 90-95(h). Non-active sentences and those shorter than mandatory active sentences may reflect the use of the substantial assistance provision or incorrect offense identification. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

**E. Advanced Supervised Release**

Advanced Supervised Release (ASR) is a sentencing option available for certain offenders receiving active sentences. (G.S. 15A-1340.18). The following offense classes and prior record levels detail eligibility.

<u>Eligible Felony Class</u>	<u>Eligible Prior Record Levels</u>
Class D	I through III
Class E	I through IV
Class F	I through V
Class G	I through V
Class H	I through V

Unless there is objection from the prosecutor, judges may decide at sentencing to order eligible offenders to the ASR program. Upon completion of certain requirements while in prison, the offender may be released at a reduced minimum sentence (i.e., the lowest mitigated sentence if the sentence imposed was in the presumptive range or 80% of the minimum sentence if the sentence imposed was in the mitigated range).

There were 105 convictions with an ASR sentence in FY 2018. Overall, there were 37 ASR sentences imposed in Class D, 12 in Class E, 16 in Class F, 15 in Class G, and 24 in Class H. In addition, 1 ASR sentence was imposed in an offense class and/or prior record level in which ASR is not authorized (1 in Class I).

**SECTION II**

**MISDEMEANOR CONVICTIONS  
IN FY 2018**

## I. MISDEMEANOR CONVICTIONS IN FY 2018

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### A. Definition of the Unit of Analysis

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

#### Definition of a Sentencing Episode:

A *sentencing episode* is identified from court records as the sentence 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 “conviction.”

### B. Misdemeanor Convictions

This section contains detailed information about misdemeanor convictions and sentences imposed under Structured Sentencing during FY 2018 (July 1, 2017 through June 30, 2018).<sup>10</sup> Overall, sentences for 92,855 misdemeanor convictions were imposed. For many of the tables, information on 2,197 convictions (or 2.4%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table.

The information in this report reflects the laws and practices in place during FY 2018. Sentences imposed for misdemeanor convictions are based on the Misdemeanor Punishment Chart, which takes into account offense seriousness and the offender’s prior criminal record. The current Misdemeanor Punishment Chart (for offenses committed on or after December 1, 2013) is printed on the inside back cover of the report. Current and previous misdemeanor punishment charts can also be found on the Commission’s website.

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) Local ordinance offenses.

### C. Distribution of Convictions within the Misdemeanor Punishment Chart

Table 14 shows the distribution of convictions within the Misdemeanor Punishment Chart. Overall, 11% of misdemeanor convictions were in Class A1, 50% were in Class 1, 14% were in Class 2, and 25% were in Class 3. Twenty-eight percent of convictions were in Prior Conviction Level I, 38% were in Prior Conviction Level II, and 34% were in Prior Conviction Level III. Relative to other cells within the Misdemeanor Punishment Chart, the greatest number of convictions were in Class 1 with Prior Conviction Level II (n=18,313 or 20%).

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<sup>10</sup> Effective for offenses committed on or after December 1, 2013, the North Carolina General Assembly reclassified a number of misdemeanor offenses to lower classes or infractions.

**Table 14: Distribution of Convictions within the Misdemeanor Punishment Chart**

Offense Class	Prior Conviction Level			Total
	I 0 Prior Convictions	II 1-4 Prior Convictions	III 5+ Prior Convictions	
<b>A1</b>	2,168 2%	3,627 4%	3,815 4%	<b>9,610</b> <b>11%</b>
<b>1</b>	10,696 12%	18,313 20%	16,680 18%	<b>45,689</b> <b>50%</b>
<b>2</b>	3,702 4%	4,896 5%	4,153 5%	<b>12,751</b> <b>14%</b>
<b>3</b>	9,163 10%	7,543 8%	5,902 7%	<b>22,608</b> <b>25%</b>
<b>Total</b>	<b>25,729</b> <b>28%</b>	<b>34,379</b> <b>38%</b>	<b>30,550</b> <b>34%</b>	<b>90,658</b> <b>100%</b>

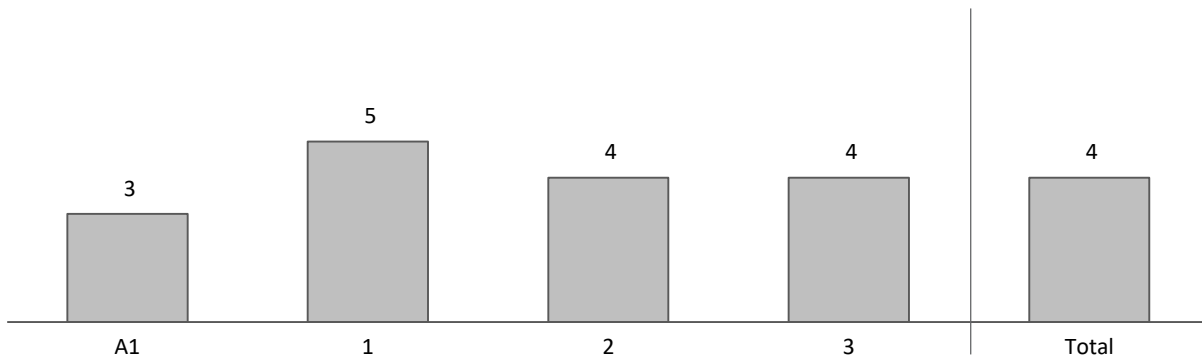
Note: Of the 92,855 misdemeanor convictions in FY 2018, 2,197 (or 2.4%) were excluded from this table. These convictions did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons. Percentages may not add to totals due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Misdemeanor Statistical Report Data

**D. Time to Sentencing**

Time to sentencing refers to the amount of time between the date the warrant was served for the most serious offense and the date the sentence was imposed. As Figure 20 shows, the median time to sentencing for misdemeanor convictions was 4 months. Class 1 misdemeanor convictions had the longest median time to sentencing (5 months).

**Figure 20: Median Time to Sentencing (Months)**



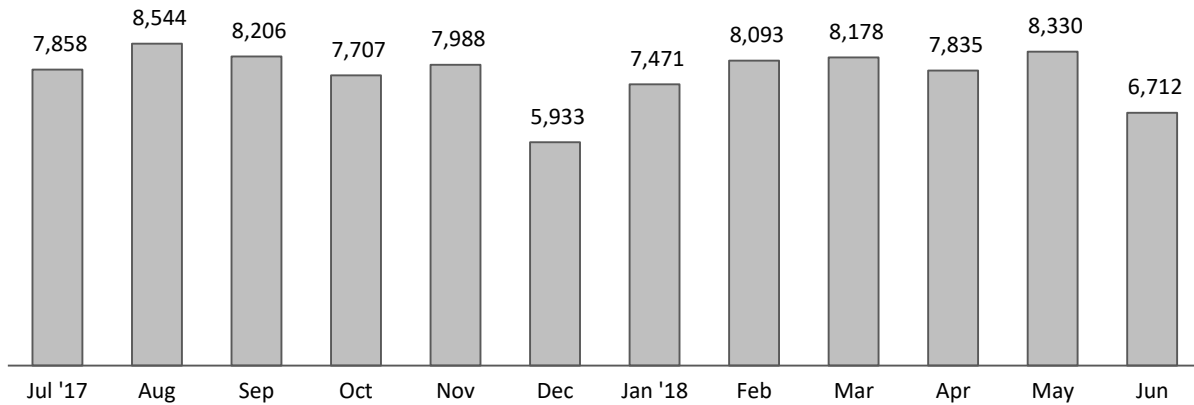
Note: Of the 92,855 misdemeanor convictions, 166 with negative time to sentencing values were excluded.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Misdemeanor Statistical Report Data

### E. Convictions by Month of Sentencing

Figure 21 shows the number of misdemeanor convictions (N=92,855) by month of sentencing during FY 2018. Convictions were highest in August and lowest in December.

**Figure 21: Convictions by Month of Sentencing**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Misdemeanor Statistical Report Data

### F. Convictions by Judicial District

Figure 22 shows the number of misdemeanor convictions for each judicial district. Out of 92,855 convictions, there were 86,389 guilty pleas/bench trials in District Court, and 6,342 guilty pleas and 124 jury trials in Superior Court.<sup>11</sup> (See Appendix E, Table 1 for a detailed table of the total number of misdemeanor convictions for each judicial district and county within the context of county population.)

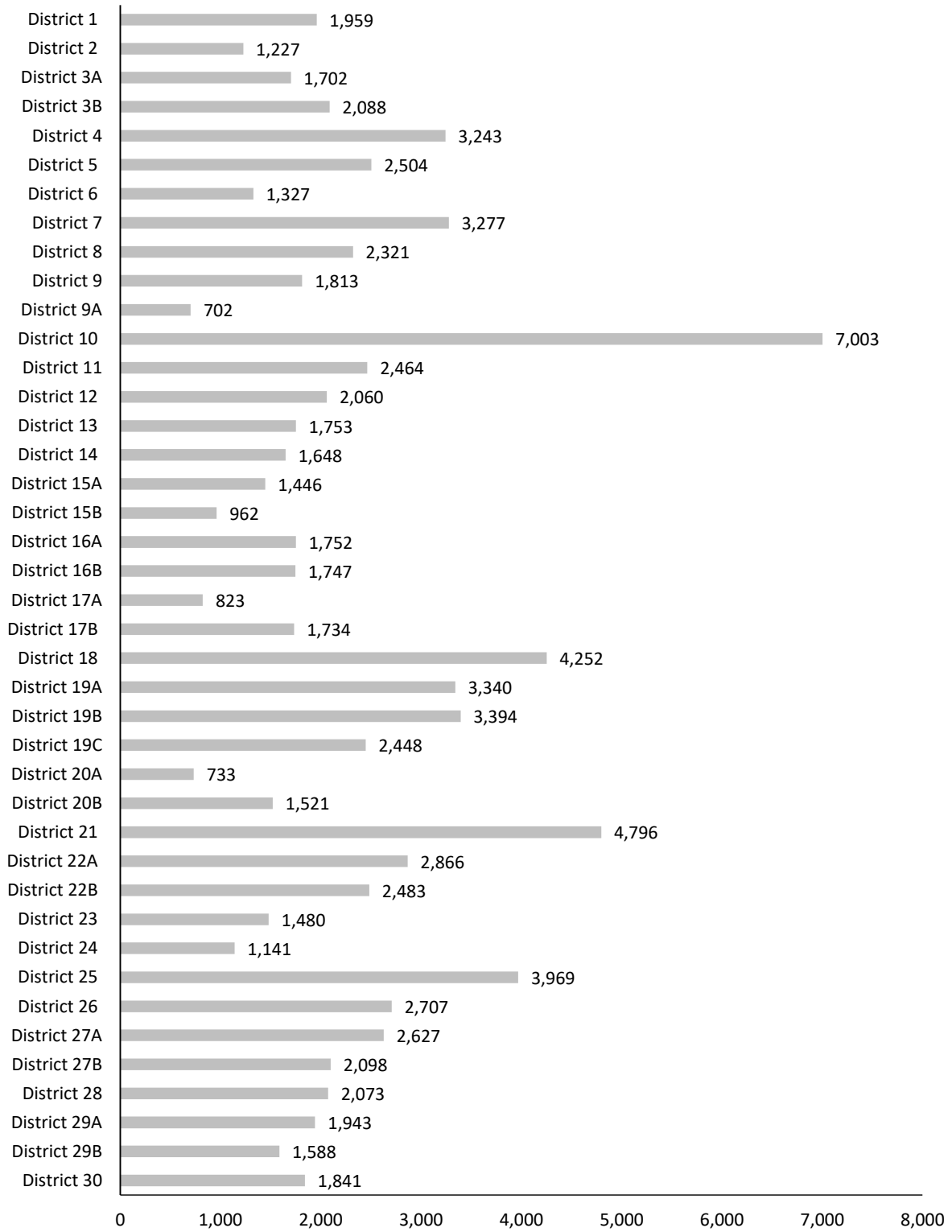
## II. CHARACTERISTICS OF OFFENDERS

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This section provides a summary of misdemeanor convictions by offenders' sex, race, and age. As shown in Figure 23, the majority of misdemeanor convictions were for males (73%). Fifty-two percent of all misdemeanor offenders were White and 41% were Black. Only a small percentage were Hispanic (3%), Native American (2%), or Other (2%).

<sup>11</sup> For misdemeanor convictions in Superior Court, see G.S. 7A-271(a).

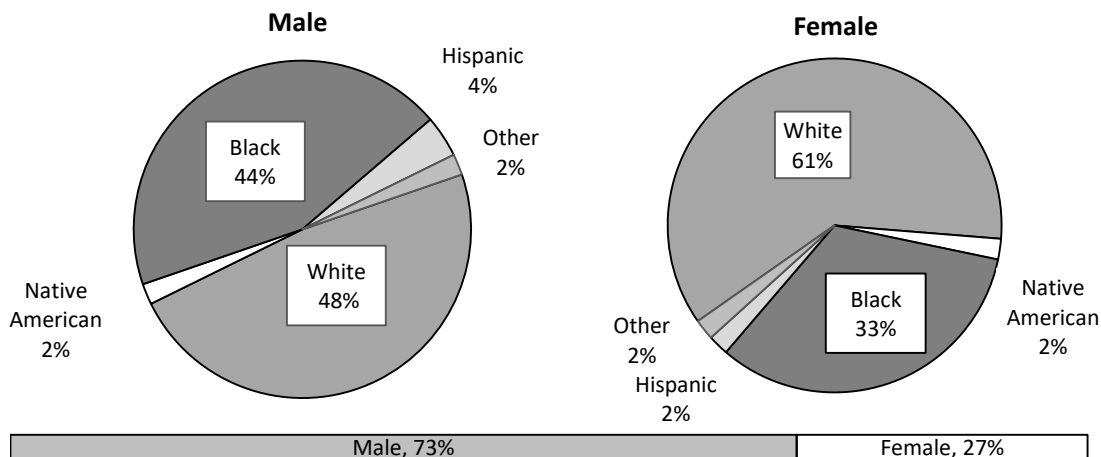
**Figure 22: Convictions by Judicial District**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Misdemeanor Statistical Report Data



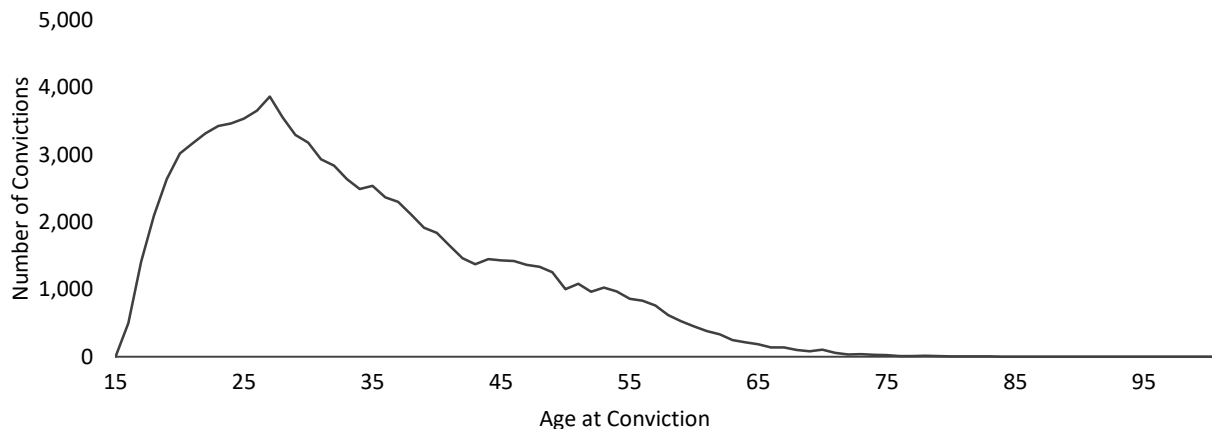
**Figure 23: Convictions by Sex and Race**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Misdemeanor Statistical Report Data

Based on age at conviction, 11% of misdemeanor convictions were for offenders under the age of 21, 18% were 21-25 years of age, 19% were 26-30 years of age, 26% were 31-40 years of age, 15% were 41-50 years of age, and 11% were over 50 years of age. The average age at conviction was 34 years. Figure 24 illustrates the age distribution of misdemeanor offenders at conviction. The volume of offenders peaks in the mid-twenties and then generally declines.

**Figure 24: Distribution of Convictions by Age**



Note: Of the 92,855 misdemeanor convictions in FY 2018, 690 convictions with missing values for offenders’ age were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Misdemeanor Statistical Report Data

Table 15 provides a summary of misdemeanor convictions by sex, race, and age of offenders. The lowest percentage of misdemeanor convictions for males was for offenders under age 21 (11%). For females, the lowest percentage of misdemeanor convictions was for offenders over age 50 (8%). Forty-eight percent of misdemeanor convictions were for offenders age 30 and under.

**Table 15: Convictions by Sex, Race, and Age**

Sex and Race		Total	Age at Conviction (%)					
			<21	21-25	26-30	31-40	41-50	>50
Male	White	32,747	10	16	18	28	16	12
	Black	29,741	11	21	19	22	14	13
	Hispanic	2,616	19	27	17	23	10	4
	Native Amer.	1,147	10	16	17	28	19	10
	Other	1,284	19	24	19	21	10	7
	<b>Subtotal</b>	<b>67,535</b>	<b>11</b>	<b>19</b>	<b>18</b>	<b>25</b>	<b>15</b>	<b>12</b>
Female	White	15,160	7	15	21	32	17	8
	Black	8,188	12	21	21	24	13	9
	Hispanic	393	19	25	18	24	12	2
	Native Amer.	504	5	20	20	29	18	8
	Other	385	18	26	14	24	10	8
	<b>Subtotal</b>	<b>24,630</b>	<b>9</b>	<b>18</b>	<b>21</b>	<b>29</b>	<b>15</b>	<b>8</b>
<b>Total</b>		<b>92,165</b>	<b>11</b>	<b>18</b>	<b>19</b>	<b>26</b>	<b>15</b>	<b>11</b>

Note: Of the 92,855 misdemeanor convictions in FY 2018, 690 convictions with missing values for offenders' age were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Misdemeanor Statistical Report Data

### III. PUNISHMENT IMPOSED

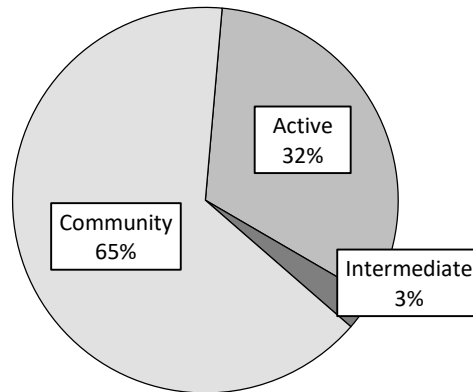
This section summarizes information about the types of punishment imposed (Active, Intermediate, or Community) for misdemeanor convictions. It also shows the average sentence imposed and the average time to be served – adjusting for credit for time served – for misdemeanants who received an Active punishment.

#### A. Overall Punishment

As shown in Figure 25, an Active punishment was imposed for 32% of misdemeanor convictions, an Intermediate punishment was imposed for 3% of misdemeanor convictions, and a Community punishment was imposed for 65% of misdemeanor convictions.<sup>12</sup>

<sup>12</sup> Class 3 misdemeanor offenses committed on or after December 1, 2013 for offenders with three or fewer prior convictions are punishable by a fine only. Of the 22,608 Class 3 misdemeanor convictions, 13% (n=2,857) were identified as receiving a fine only, with no probation or additional sanctions ordered.

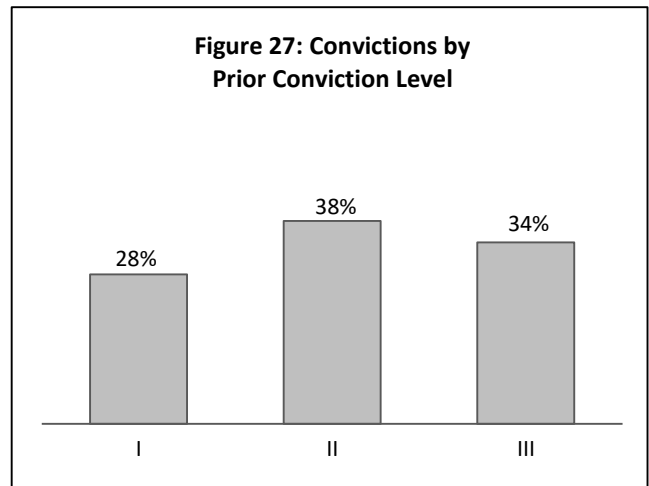
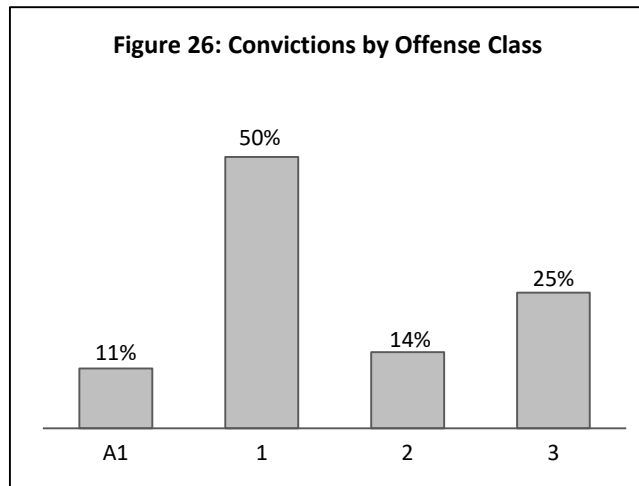
**Figure 25: Convictions by Type of Punishment**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Misdemeanor Statistical Report Data

**B. Punishment Imposed by Offense Class and Prior Conviction Level**

Figure 26 shows the percentage of convictions by offense class. Half of misdemeanor convictions (50%) were for Class 1 offenses. (See Appendix B for sample offenses in each offense class and for the top five convictions in each offense class.) As shown in Figure 27, Prior Conviction Level I had the smallest percentage of convictions (28%) and Prior Conviction Level II had the highest percentage (38%).



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Misdemeanor Statistical Report Data

Misdemeanor convictions and sentences imposed are presented within the context of the Misdemeanor Punishment Chart in Table 16. Most convictions – regardless of the offense class or prior conviction level – resulted in the imposition of a Community punishment (n=58,421 or 65%). The detailed information provided allows for examination of the overall number of convictions and type of punishment imposed (Active, Intermediate, or Community), as well as an examination of these data by offense class, by prior conviction level, and for each combination of offense class and prior conviction level (i.e., cell). The table also includes the average sentence length for convictions for which an Active sentence was imposed. Convictions for Class A1 and Class 2 misdemeanors accounted for the highest percentages of Active

sentences imposed relative to other offense classes (37% and 39% respectively). The likelihood of receiving an Active punishment increased as prior conviction level increased. Active sentences in cells in which an Active punishment is not a sentencing option may be due to the use of credit for time served.

**Table 16: Convictions and Sentences by Offense Class and Prior Conviction Level**

Offense Class	Prior Conviction Level			Total
	I 0 Prior Convictions	II 1-4 Prior Convictions	III 5+ Prior Convictions	
<b>A1</b>	<b>C/I/A</b>  C = 1,472 (68%) I = 149 (7%) A = 547 (25%) n = 2,168  35 days	<b>C/I/A</b>  C = 2,083 (58%) I = 371 (10%) A = 1,173 (32%) n = 3,627  49 days	<b>C/I/A</b>  C = 1,481 (39%) I = 492 (13%) A = 1,842 (48%) n = 3,815  90 days	<b>C/I/A</b>  C = 5,036 (52%) I = 1,012 (11%) A = 3,562 (37%) n = 9,610  68 days
<b>1</b>	<b>C</b>  C = 8,462 (79%) I = 126 (1%) A = 2,108 (20%) n = 10,696  22 days	<b>C/I/A</b>  C = 12,048 (66%) I = 612 (3%) A = 5,653 (31%) n = 18,313  28 days	<b>C/I/A</b>  C = 7,928 (48%) I = 1,002 (6%) A = 7,750(46%) n = 16,680  57 days	<b>C/I/A</b>  C = 28,438 (62%) I = 1,740 (4%) A = 15,511 (34%) n = 45,689  42 days
<b>2</b>	<b>C</b>  C = 2,686 (73%) I = 45 (1%) A = 971 (26%) n = 3,702  14 days	<b>C/I</b>  C = 3,142 (64%) I = 130 (3%) A = 1,624 (33%) n = 4,896  18 days	<b>C/I/A</b>  C = 1,730 (42%) I = 113 (3%) A = 2,310 (55%) n = 4,153  28 days	<b>C/I/A</b>  C = 7,558 (59%) I = 288 (2%) A = 4,905 (39%) n = 12,751  22 days
<b>3</b>	<b>C</b>  C = 8,080 (88%) I = 5 (0%) A = 1,078 (12%) n = 9,163  7 days	<b>C/I</b>  C = 6,126 (81%) I = 19 (0%) A = 1,398 (19%) n = 7,543  9 days	<b>C/I/A</b>  C = 3,183 (54%) I = 56 (1%) A = 2,663 (45%) n = 5,902  11 days	<b>C/I/A</b>  C = 17,389 (77%) I = 80 (0%) A = 5,139 (23%) n = 22,608  9 days
<b>Total</b>	<b>C/I/A</b>  C = 20,700 (81%) I = 325 (1%) A = 4,704 (18%) n = 25,729  19 days	<b>C/I/A</b>  C = 23,399 (68%) I = 1,132 (3%) A = 9,848 (29%) n = 34,379  26 days	<b>C/I/A</b>  C = 14,322 (47%) I = 1,663 (5%) A = 14,565 (48%) n = 30,550  48 days	<b>C/I/A</b>  C = 58,421 (65%) I = 3,120 (3%) A = 29,117 (32%) n = 90,658  36 days

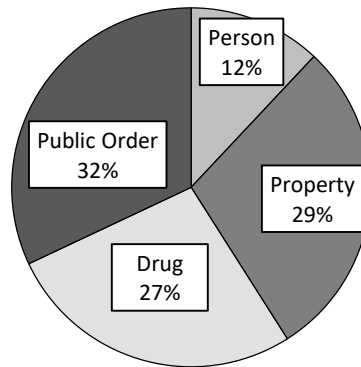
Note: Of the 92,855 misdemeanor convictions in FY 2018, 2,197 (or 2.4%) were excluded from this table. These convictions did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons. Active sentences in cells in which an Active punishment is not a sentencing option may be attributed to the use of credit for time served.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Misdemeanor Statistical Report Data

### C. Punishment Imposed by Crime Type

As shown in Figure 28, public order (32%) accounted for the largest proportion of misdemeanor convictions, while person offenses accounted for the smallest proportion of misdemeanor convictions (12%).

**Figure 28: Convictions by Crime Type**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Misdemeanor Statistical Report Data

Table 17 contains information about the type of punishment imposed by crime type for misdemeanor convictions, as well as the average sentence imposed and average time to be served for offenders who received an Active punishment. The average Active sentence imposed and average time to be served were longest for convictions for person offenses (59 days and 26 days respectively) and shortest for public order offenses (26 days and 11 days respectively).

**Table 17: Convictions and Sentences by Crime Type**

Crime Type	Type of Punishment						Average Active Sentence (Days)	Credit for Time Served (Days)	Time to be Served (Days)	Total
	Active		Intermediate		Community					
	#	%	#	%	#	%				
<b>Person</b>	3,845	35	1,000	9	6,134	56	59	33	26	10,979
<b>Property</b>	9,219	35	927	4	15,954	61	42	25	17	26,100
<b>Drug</b>	5,629	23	467	2	18,150	75	30	17	12	24,246
<b>Public Order</b>	10,424	36	726	2	18,183	62	26	15	11	29,333
<b>Total</b>	<b>29,117</b>	<b>32</b>	<b>3,120</b>	<b>3</b>	<b>58,421</b>	<b>65</b>	<b>36</b>	<b>21</b>	<b>15</b>	<b>90,658</b>

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table. The average time to be served is calculated by averaging the differences between the days ordered for each Active sentence and that sentence's corresponding credit for time served. Since it is an average of all the differences, the average time to be served may not equal the average Active sentence minus the average credit for time served. All misdemeanor active sentences are included in the average Credit for Time Served, including those with zero days.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Misdemeanor Statistical Report Data

## IV. ACTIVE PUNISHMENT

During FY 2018, there were 29,117 convictions for which an Active sentence was imposed. As mentioned earlier, the likelihood of receiving an Active punishment increased as prior conviction level increased, as did the average active sentence length.

### A. Average Length of Active Sentences

Table 18 shows the average sentence imposed, average credit for time served, and average time to be served for misdemeanor convictions resulting in an Active punishment. The length of Active sentences

**Table 18: Average Length of Active Sentences by Offense Class and Prior Conviction Level**

Offense Class		Prior Conviction Level			Total
		I 0 Prior Convictions	II 1-4 Prior Convictions	III 5+ Prior Convictions	
A1	Average Active Sentence (Days)	35	49	90	68
	Average Credit for Time Served (Days)	28	33	40	36
	Average Time to be Served (Days)	7	16	51	33
	Number of Active Sentences	547	1,173	1,842	3,562
1	Average Active Sentence (Days)	22	28	57	42
	Average Credit for Time Served (Days)	22	20	26	23
	Average Time to be Served (Days)	0	8	31	18
	Number of Active Sentences	2,108	5,653	7,750	15,511
2	Average Active Sentence (Days)	14	18	28	22
	Average Credit for Time Served (Days)	14	18	18	17
	Average Time to be Served (Days)	0	0	11	5
	Number of Active Sentences	971	1,624	2,310	4,905
3	Average Active Sentence (Days)	7	9	11	9
	Average Credit for Time Served (Days)	7	9	8	8
	Average Time to be Served (Days)	0	0	3	2
	Number of Active Sentences	1,078	1,398	2,663	5,139
Total	Average Active Sentence (Days)	19	26	48	36
	Average Credit for Time Served (Days)	18	19	23	21
	Average Time to be Served (Days)	1	6	25	15
	Number of Active Sentences	4,704	9,848	14,565	29,117

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table. 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. Due to rounding, the average time to be served may not equal the average Active sentence minus the average credit for time served. All misdemeanor active sentences are included in the average Credit for Time Served, including those with zero days.

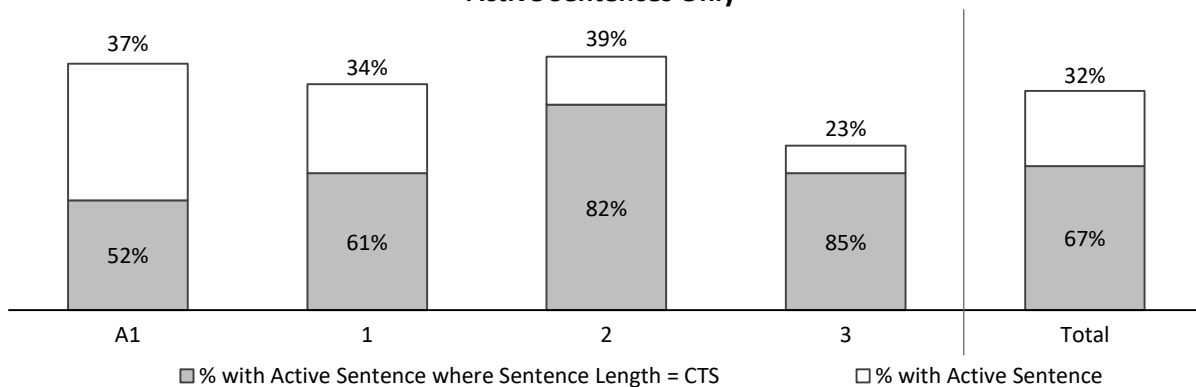
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Misdemeanor Statistical Report Data

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 (33 days). Overall, the average time to be served for misdemeanor convictions was 15 days.

### B. Credit for Time Served

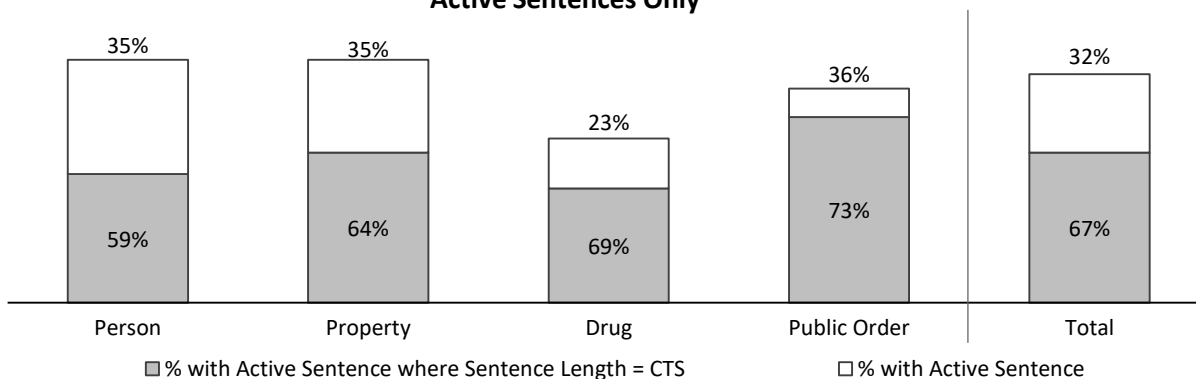
Credit for time served refers to the amount of time an offender spent committed to or confined in a State or local correctional, mental, or other institution prior to trial. A misdemeanor offender can be sentenced to time served when an Active punishment is imposed if the term of imprisonment is equal to or less than the total amount of time the offender has spent in pretrial confinement. Therefore, the examination of credit for time served is important when considering its interplay with the imposition of active sentences. The vast majority of offenders (86%) with Active sentences received credit for time served. Figure 29 provides detail on credit for time served for convictions by offense class. Of offenders receiving an active punishment who had credit for time served, 67% received a sentence equal to their credit for time served, potentially indicating a sentence to time served. Class 3 offenses had the highest percentage (85%) of Active sentences equal to credit for time served. When examined by crime type (see Figure 30), public order offenses had the highest percentage (73%) of Active sentences equal to credit for time served; person offenses had the lowest (59%).

**Figure 29: Credit for Time Served by Offense Class  
Active Sentences Only**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Misdemeanor Statistical Report Data

**Figure 30: Credit for Time Served by Crime Type  
Active Sentences Only**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Misdemeanor Statistical Report Data

## V. INTERMEDIATE AND COMMUNITY PUNISHMENTS

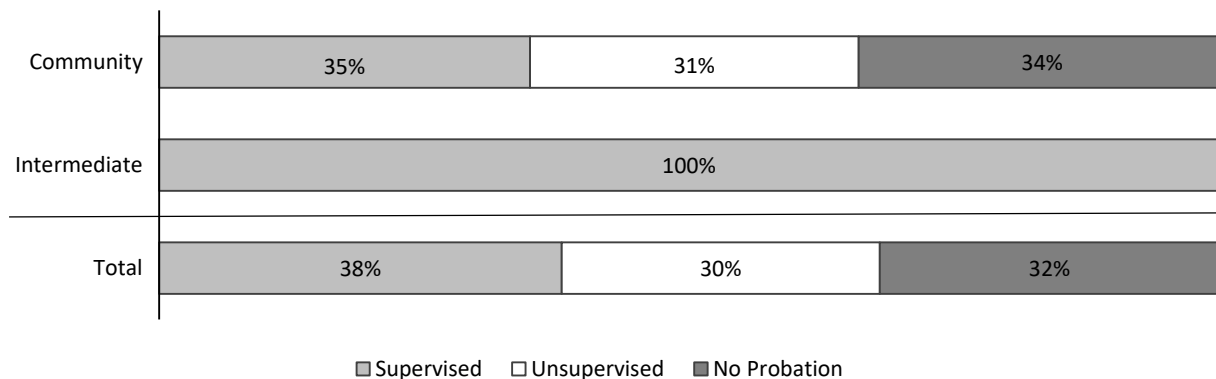
This section summarizes information about Intermediate and Community punishments. Information presented in this section reflects conditions of Intermediate and Community punishment as defined by G.S. 15A-1340.11. An Intermediate punishment requires a sentence of supervised probation, whereas a Community punishment may consist of a sentence of supervised or unsupervised probation, but does not require it.

An Intermediate or Community punishment may include one or more of the following probation conditions: house arrest with electronic monitoring; community service; short-term jail confinements; substance abuse assessment, monitoring, or treatment; and education or vocational skills development. An Intermediate punishment may also include special probation and/or drug treatment court. Continuous alcohol monitoring (CAM) may be ordered if alcohol dependency has been identified by a substance abuse assessment or satellite-based monitoring (SBM) may be ordered if the probationer is a sex offender (as described by G.S. 14-208.40(a)(2)). In addition, conditions may include payment of restitution, fines, or court costs. It should be noted that some conditions (e.g., drug treatment court) are not equally available across the state.

This section only includes information on probation conditions that were imposed for Intermediate or Community punishments at sentencing. A single conviction often results in the imposition of more than one probation condition. Probation conditions that are subsequently imposed as a result of modifications to probation are not included. During FY 2018, Intermediate punishments were imposed for 3,120 misdemeanor convictions and Community punishments were imposed for 58,421 misdemeanor convictions for a total of 61,541 non-active sentences. Overall, 23,517 convictions received supervised probation, 18,358 received unsupervised probation, and 19,666 did not receive probation.

Figure 31 provides information regarding the type of probation imposed for Intermediate and Community punishment convictions. Based on statutory requirements, all offenders with an Intermediate punishment (100%) received supervised probation. Among offenders receiving a Community punishment, 35% received supervised probation, 31% received unsupervised probation, and 34% had no probation sentence ordered.

**Figure 31: Probation Ordered by Type of Punishment**

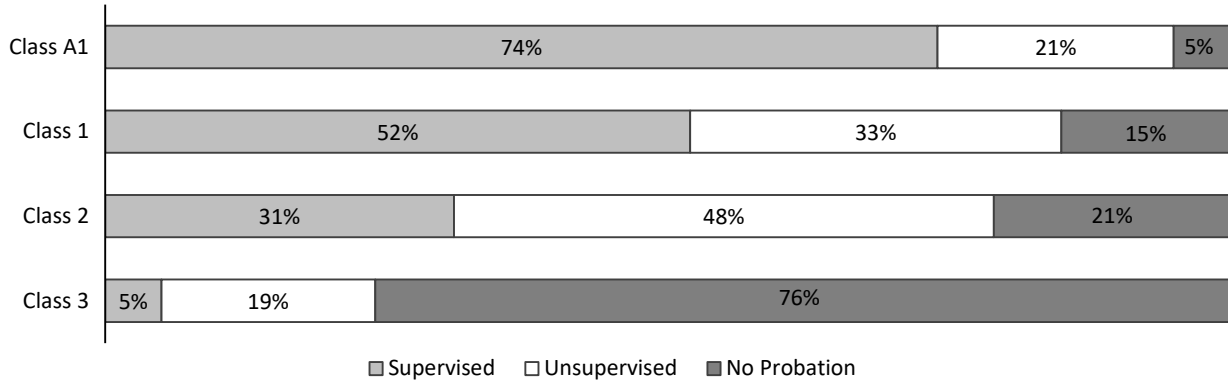


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Misdemeanor Statistical Report Data



Figure 32 examines the type of probation ordered by offense class for convictions resulting in an Intermediate or Community punishment. The majority of Class A1 and Class 1 misdemeanor convictions received supervised probation (74% and 52% respectively). Just under half of Class 2 misdemeanors received unsupervised probation (48%). Class 3 misdemeanor convictions had the largest percentage with no probation ordered (76%).

**Figure 32: Probation Ordered by Offense Class**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Misdemeanor Statistical Report Data

**A. Probation Length by Type of Punishment**

Table 19 provides the average length of probation by offense class and type of punishment for offenders sentenced to probation (n=41,875) in FY 2018. Overall, the average probation length for Intermediate and Community punishment convictions was 15 months. Class 3 misdemeanors resulted in the shortest average probation length (13 months) and Class A1 misdemeanors resulted in the longest (16 months). Probation lengths were slightly shorter for convictions with a Community punishment or with unsupervised probation. The greatest number of overall probation sentences were in Class 1 (n=25,665 or 61%). Class 1 misdemeanors also accounted for the largest proportion of convictions resulting in supervised probation (n=15,612 or 66%) and unsupervised probation (n=10,053 or 55%).

**Table 19: Average Length of Probation by Offense Class and Type of Punishment**

Offense Class	Type of Punishment	Average Length of Probation					
		Supervised Probation		Unsupervised Probation		Total	
		Months	#	Months	#	Months	#
A1	Intermediate	18	1,012	N/A	N/A	18	1,012
	Community	16	3,466	15	1,298	16	4,764
	<b>Subtotal</b>	<b>17</b>	<b>4,478</b>	<b>15</b>	<b>1,298</b>	<b>16</b>	<b>5,776</b>
1	Intermediate	17	1,740	N/A	N/A	17	1,740
	Community	15	13,872	14	10,053	15	23,925
	<b>Subtotal</b>	<b>16</b>	<b>15,612</b>	<b>14</b>	<b>10,053</b>	<b>15</b>	<b>25,665</b>
2	Intermediate	15	288	N/A	N/A	15	288
	Community	14	2,187	13	3,749	14	5,936
	<b>Subtotal</b>	<b>14</b>	<b>2,475</b>	<b>13</b>	<b>3,749</b>	<b>14</b>	<b>6,224</b>
3	Intermediate	14	80	N/A	N/A	14	80
	Community	13	872	12	3,258	12	4,130
	<b>Subtotal</b>	<b>13</b>	<b>952</b>	<b>12</b>	<b>3,258</b>	<b>13</b>	<b>4,210</b>
<b>Total</b>		<b>16</b>	<b>23,517</b>	<b>13</b>	<b>18,358</b>	<b>15</b>	<b>41,875</b>

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Misdemeanor Statistical Report Data

Table 20 shows the average length of probation for Intermediate and Community punishment convictions by crime type. While little variation was found in the length of probation overall, person offenses resulted in the longest average probation sentence (16 months) and drug and public order offenses resulted in the shortest average probation sentences (14 months each). Consistent with the findings for offense class, probation sentences were slightly shorter for convictions with a Community punishment or with unsupervised probation. Of convictions in which probation sentences were imposed, over one-third (n=14,335 or 34%) were for property offenses. The greatest number of convictions resulting in supervised probation occurred for property offenses (n=8,862 or 38%) with an average probation length of 16 months, whereas the greatest number of convictions resulting in unsupervised probation were for public order offenses (n=6,998 or 38%) with an average probation length of 13 months.

**Table 20: Average Length of Probation by Crime Type and Type of Punishment**

Crime Type	Type of Punishment	Average Length of Probation					
		Supervised Probation		Unsupervised Probation		Total	
		Months	#	Months	#	Months	#
Person	Intermediate	18	1,000	N/A	N/A	18	1,000
	Community	16	3,631	14	1,999	16	5,630
	<b>Subtotal</b>	<b>16</b>	<b>4,631</b>	<b>14</b>	<b>1,999</b>	<b>16</b>	<b>6,630</b>
Property	Intermediate	17	927	N/A	N/A	17	927
	Community	16	7,935	14	5,473	15	13,408
	<b>Subtotal</b>	<b>16</b>	<b>8,862</b>	<b>14</b>	<b>5,473</b>	<b>15</b>	<b>14,335</b>
Drug	Intermediate	16	467	N/A	N/A	16	467
	Community	14	3,635	13	3,888	14	7,523
	<b>Subtotal</b>	<b>15</b>	<b>4,102</b>	<b>13</b>	<b>3,888</b>	<b>14</b>	<b>7,990</b>
Public Order	Intermediate	16	726	N/A	N/A	16	726
	Community	15	5,196	13	6,998	14	12,194
	<b>Subtotal</b>	<b>15</b>	<b>5,922</b>	<b>13</b>	<b>6,998</b>	<b>14</b>	<b>12,920</b>
<b>Total</b>		<b>16</b>	<b>23,517</b>	<b>13</b>	<b>18,358</b>	<b>15</b>	<b>41,875</b>

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table.

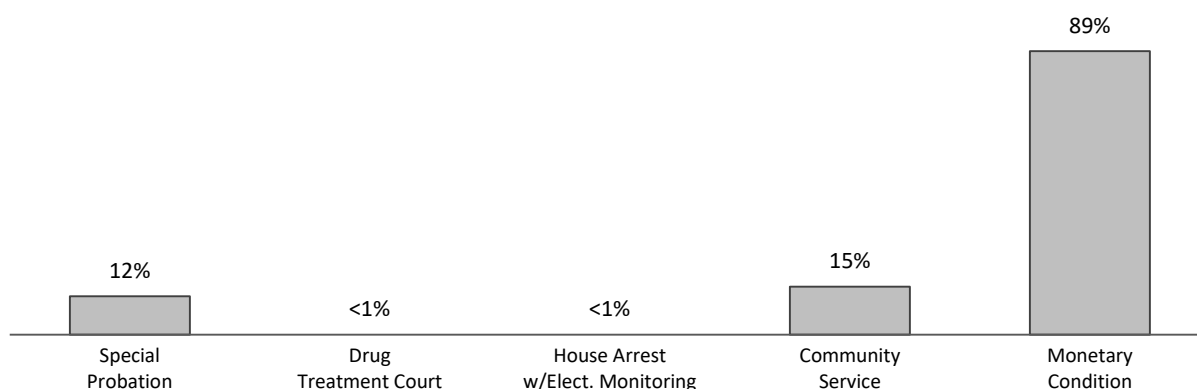
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Misdemeanor Statistical Report Data

### B. Conditions of Probation<sup>13</sup>

In FY 2018, supervised probation was imposed for 23,517 convictions with an Intermediate or Community punishment. Figure 33 provides information on the conditions that were imposed for convictions with supervised probation. Multiple probation conditions may have been ordered for a single conviction. As a result, the percentages provided in Figure 33 add to more than 100%. The most frequent condition imposed for supervised probation was a monetary condition (89%), which includes payment of fines, restitution, and/or court costs. Community service was imposed for 15% of convictions with supervised probation. The least frequent conditions imposed were drug treatment court and house arrest with electronic monitoring (less than 1% each).

<sup>13</sup> Information reported in this section includes information on select probation conditions captured in the AOC's automated database and does not reflect the full scope of available conditions for offenders sentenced to Intermediate or Community punishment.

**Figure 33: Probation Conditions for Convictions with Supervised Probation**



Note: This figure includes information on select probation conditions that are captured in AOC’s automated database. A single conviction may result in the imposition of more than one probation condition. As a result, the percentages reported add to more than 100%.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Misdemeanor Statistical Report Data

Table 21 provides detailed information about the conditions ordered at sentencing for punishment convictions with supervised probation, including the average length of probation. Conditions ordered are reported regardless of possible errors in the AOC’s information management system (i.e., special probation or drug treatment court are not authorized conditions for a Community punishment). Overall, 3,120 Intermediate punishment convictions and 20,397 Community punishment convictions resulted in supervised probation sentences. The average length of supervised probation imposed was 17 months for convictions with an Intermediate punishment and 15 months for convictions with a Community punishment. Other than a monetary condition, special probation was the condition of probation most frequently ordered for Intermediate punishment convictions (n=2,104), while community service was the condition of probation most frequently ordered for Community punishment convictions (n=3,216). Convictions with house arrest with electronic monitoring as a condition of probation had the longest average length of supervision (21 months) relative to other conditions of probation.

In FY 2018, unsupervised probation was imposed for 18,358 convictions with a Community punishment. Of these convictions, 6% (n=1,138) included community service as a condition of probation and 92% (n=16,952) were ordered to pay monetary obligations (i.e., fine, restitution, or court costs) as a condition of probation.

### **C. No Probation Sentence Ordered**

A probation sentence is not required for Community punishment convictions. In FY 2018, 19,666 convictions with a Community punishment had no probation sentence ordered. As part of the sentence imposed, 1% (n=105) of these convictions included an order to perform community service and 88% (n=17,259) included payment of monetary obligations (i.e., fine, restitution, or court costs).

**Table 21: Probation Conditions for Convictions with Supervised Probation**

Type of Punishment	Conditions of Probation (Number and Average Probation Length)					Total
	Special Probation	Drug Treatment Court	House Arrest w/ Elect. Monitoring	Community Service	Monetary Condition	
Intermediate	2,104 <i>17 months</i>	53 <i>20 months</i>	54 <i>22 months</i>	287 <i>18 months</i>	2,774 <i>17 months</i>	3,120 <i>17 months</i>
Community	706 <i>17 months</i>	20 <i>16 months</i>	29 <i>20 months</i>	3,216 <i>16 months</i>	18,164 <i>15 months</i>	20,397 <i>15 months</i>
<b>Total</b>	<b>2,810</b> <b><i>17 months</i></b>	<b>73</b> <b><i>18 months</i></b>	<b>83</b> <b><i>21 months</i></b>	<b>3,503</b> <b><i>16 months</i></b>	<b>20,938</b> <b><i>16 months</i></b>	<b>23,517</b> <b><i>16 months</i></b>

Note: This table includes information on probation conditions that are captured in AOC's automated database. Conditions ordered are reported regardless of possible errors in the automated database (i.e., special probation or drug treatment court are not authorized conditions for a Community punishment). A single conviction may result in the imposition of more than one probation condition. The row totals equal the total number of convictions with supervised probation, rather than the total number of conditions.

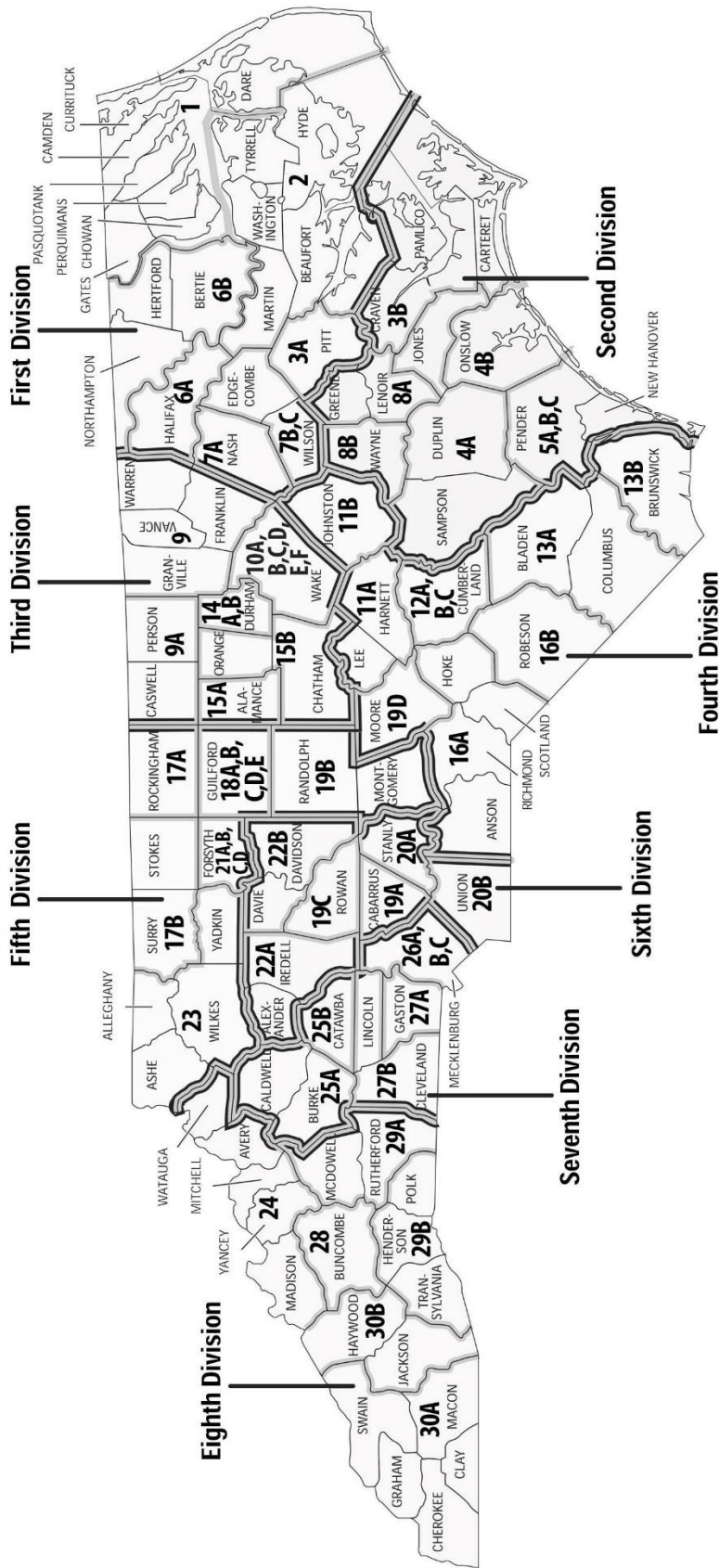
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Misdemeanor Statistical Report Data

## **APPENDIX A**

### **MAPS OF JUDICIAL DIVISIONS AND DISTRICTS**

# North Carolina Superior Court

## Effective January 1, 2015

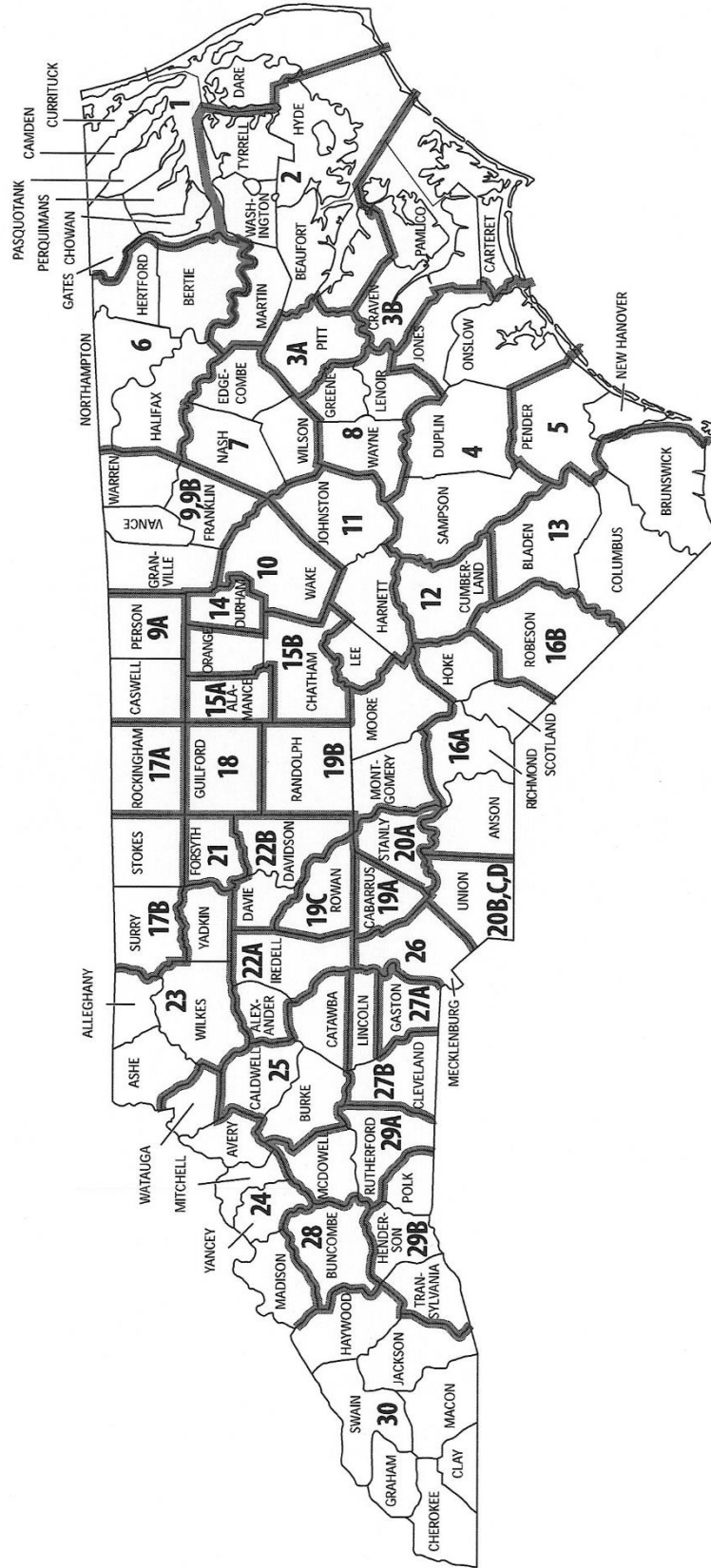


Note: Districts that have more than one letter associated with the district number (i.e., 10A, B, C, D) are divided into separate districts for electoral purposes. For administrative purposes, they are combined into a single district.

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# North Carolina District Court Districts

Effective January 1, 2015



Note: Districts 9 and 9B, and districts 20B, 20C, and 20D are districts for electoral purposes only. They are combined for administrative purposes.

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## **APPENDIX B**

### **SAMPLE OFFENSES AND TOP FIVE CONVICTIONS BY OFFENSE CLASS**

**Appendix B, Table 1: Classification of a Sample of Offenses  
(Effective 12/1/17)**

<b>Class A Felonies</b>		<b>Maximum Punishment of Death or Life Without Parole</b>
First-Degree Murder. (14-17)		
<b>Class B1 Felonies</b>		<b>Maximum Punishment of Life Without Parole</b>
Second-Degree Murder. (14-17(b))	First-Degree Forcible Sexual Offense. (14-27.26)/First-Degree Statutory Sexual Offense. (14-27.29)	
First-Degree Forcible Rape. (14-27.21)/First-Degree Statutory Rape (14-27.24)		
<b>Class B2 Felonies</b>		<b>Maximum Punishment of 484* Months</b>
Second-Degree Murder. (14-17(b)(1) and (2))		
<b>Class C Felonies</b>		<b>Maximum Punishment of 231* Months</b>
Second-Degree Forcible Rape. (14-27.22)	First-Degree Kidnapping. (14-39)	
Second-Degree Forcible Sexual Offense. (14-27.27)	Embezzlement (amount involved \$100,000 or more). (14-90)	
Assault W/D/W/I/K/I/S/I. (14-32(a))		
<b>Class D Felonies</b>		<b>Maximum Punishment of 204* Months</b>
Voluntary Manslaughter. (14-18)	Child Abuse Inflicting Serious Physical Injury. (14-318.4(a))	
First-Degree Burglary. (14-51)	Death by Vehicle. (20-141.4(a)(1))	
First-Degree Arson. (14-58)	Sell or Deliver a Controlled Substance to a Person Under 16 But More than 13 Years of Age. (90-95(e)(5))	
Armed Robbery. (14-87)		
<b>Class E Felonies</b>		<b>Maximum Punishment of 88* Months</b>
Sexual Activity by a Substitute Parent or Custodian. (14-27.31)	Assault with a Firearm on a Law Enforcement Officer. (14-34.5)	
Assault W/D/W/I/S/I. (14-32(b))	Second-Degree Kidnapping. (14-39)	
Assault W/D/W/I/K. (14-32(c))	Sell or Deliver a Controlled Substance Within 1,000 Feet of a School. (90-95(e)(8))	
Discharging Weapon Into Occupied Property. (14-34.1(a))		
<b>Class F Felonies</b>		<b>Maximum Punishment of 59 Months</b>
Involuntary Manslaughter. (14-18)	Burning of Certain Other Buildings. (14-62)	
Assault Inflicting Serious Bodily Injury. (14-32.4)	Taking Indecent Liberties with Children. (14-202.1)	
Assault W/D/W on Governmental Officer or Employee. (14-34.2)	Patronizing a Prostitute (minor). (14-205.2(a))	
Assault I/S/B/I on a Law Enforcement Officer. (14-34.7)	Possess Weapon of Mass Destruction. (14-288.8)	
Felonious Restraint. (14-43.3)	Habitual Impaired Driving. (20-138.5)	
<b>Class G Felonies</b>		<b>Maximum Punishment of 47 Months</b>
Second-Degree Burglary. (14-51)	Identity Theft. (14-113.20)	
Second-Degree Arson. (14-58)	Possession of Firearms, etc., by Felon. (14-415.1)	
Common Law Robbery. (14-87.1)	Sale of a Schedule I or II Controlled Substance. (90-95(a)(1))	
<b>Class H Felonies</b>		<b>Maximum Punishment of 39 Months</b>
Assault by Strangulation. (14-32.4(b))	Embezzlement (amount involved less than \$100,000). (14-90)	
Habitual Misdemeanor Assault. (14-33.2)	Obtaining Property by False Pretenses (amount involved less than \$100,000). (14-100)	
Breaking or Entering Buildings (w/felonious intent). (14-54(a))	Hit and Run (resulted in injury). (20-166(a1))	
Fraudulently Setting Fire to Dwelling Houses. (14-65)	Sale of a Schedule III, IV, V, or VI Controlled Substance. (90-95(a)(1))	
Possessing Stolen Goods. (14-71.1)	Possession W/I/M/S/D Cocaine. (90-95(a)(1))	
Larceny of Property (worth more than \$1,000). (14-72)	Escaping From State Prison System (felon). (148-45(b))	

\* For a Class B1 through E felony that is subject to the registration requirements of G.S. Chapter 14, Article 27A, add 48 months.

*continued*

**Appendix B, Table 1: Classification of a Sample of Offenses  
(Effective 12/1/17)**

<b>Class I Felonies</b>	<b>Maximum Punishment of 24 Months</b>
Breaking or Entering Motor Vehicles. (14-56)	Possession W/I/M/S/D Marijuana. (90-95(a)(1))
Financial Transaction Card Theft. (14-113.9)	Possess Cocaine. (90-95(a)(3))
Forgery of Notes, Checks, Securities. (14-119(a))	Maintain Dwelling or Motor Vehicle for Keeping or Selling a Controlled Substance. (90-108(a)(7), (b))
Uttering Forged Paper or Instrument. (14-120)	Obtain a Controlled Substance by Fraud. (90-108(a)(10), (b))
<b>Class A1 Misdemeanors</b>	<b>Maximum Punishment of 150 Days</b>
Assault Inflicting Serious Injury or Using a Deadly Weapon. (14-33(c)(1))	Assault on a State Officer or Employee. (14-33(c)(4))
Assault on a Female. (14-33(c)(2))	Assault by Pointing a Gun. (14-34)
Assault on a Child Under 12 Years of Age. (14-33(c)(3))	Violation of a Valid Protective Order. (50B-4.1(a))
<b>Class 1 Misdemeanors</b>	<b>Maximum Punishment of 120 Days</b>
Breaking or Entering Buildings. (14-54(b))	Willful and Wanton 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 Checks for \$2,000 or Less (closed account). (14-107(d)(4))	Misrepresentation to Obtain Employment Security Benefits (worth \$400 or less). (96-18(a))
<b>Class 2 Misdemeanors</b>	<b>Maximum Punishment of 60 Days</b>
Simple Assault/Assault and Battery. (14-33(a))	Using Profane, Indecent or Threatening Language to Any Person Over Telephone. (14-196)
Financial Transaction Card Fraud. (14-113.13)	Cyberstalking. (14-196.3)
First-Degree Trespass. (14-159.12)	Resisting Officers. (14-223)
Willful and Wanton Injury to Personal Property (damage of \$200 or less). (14-160(a))	Carrying Concealed Weapons. (14-269(a), (a1))/first offense)
Indecent Exposure. (14-190.9)	Disorderly Conduct. (14-288.4)
<b>Class 3 Misdemeanors</b>	<b>Maximum Punishment of 20 Days</b>
Concealment of merchandise in mercantile establishments (first conviction). (14-72.1)	Unsealed Wine/Liquor in Passenger Area. (18B-401)
Worthless Check for \$2,000 or Less. (14-107(d)(1))	Possess Marijuana (1/2 ounce or less). (90-95(a)(3))
Second-Degree Trespass. (14-159.13)	Possession of Marijuana Drug Paraphernalia (90-113.22A)
Failure to Return Rental Property. (14-167)	Hunting Without a License (first offense). (113-270.2)
Intoxicated and Disruptive in Public. (14-444)	Fishing Without a License (first offense). (113-271)
<b>CONSPIRACY</b> to commit an offense is classified as one class lower than the offense the person conspired to commit. (14-2.4)	
<b>ATTEMPT</b> to commit an offense is classified as one class lower than the offense the person attempted to commit. (14-2.5)	
<b>SOLICITATION</b> to commit an offense is classified as two classes lower than the offense the person solicited the other person to commit. (14-2.6)	
<b>ACCESSORY BEFORE THE FACT</b> punishable as the principal felon. (14-5.2)	
<b>ACCESSORY AFTER THE FACT</b> punishable as two classes lower than the felony the principal felon committed. (14-7)	

**Appendix B, Table 2: Top Five Convictions by Offense Class**

<b>Class A Felonies</b>		<b>Total Convictions = 69</b>	
	#	#	%
First-Degree Murder	69	100	100
<b>Class B1 Felonies</b>		<b>Total Convictions = 281</b>	
	#	#	%
Second-Degree Murder	154	55	55
Statutory Rape of a Child 15 or Younger	29	10	10
First-Degree Statutory Sex Offense	24	9	9
First-Degree Forcible Rape	15	5	5
Statutory Sex Offense with a Child 15 or Younger	9	3	3
<b>Class B2 Felonies</b>		<b>Total Convictions = 128</b>	
	#	#	%
Attempted First-Degree Murder	21	16	16
Second-Degree Murder without Regard for Human Life	19	15	15
Second-Degree Murder	17	13	13
Child Abuse Inflicting Serious Bodily Injury	8	6	6
Second-Degree Murder by Distribution of Drugs	1	1	1
<b>Class C Felonies</b>		<b>Total Convictions = 637</b>	
	#	#	%
Habitual Felon	309	49	49
AWDW Intent to Kill Inflicting Serious Injury	83	13	13
Second-Degree Forcible Rape	45	7	7
First-Degree Kidnapping	39	6	6
Manufacture Methamphetamine	31	5	5
<b>Class D Felonies</b>		<b>Total Convictions = 1,040</b>	
	#	#	%
Robbery with a Dangerous Weapon	349	34	34
Habitual Felon	333	32	32
Voluntary Manslaughter	82	8	8
First-Degree Burglary	61	6	6
Felony Death by Vehicle	46	4	4
<b>Class E Felonies</b>		<b>Total Convictions = 1,824</b>	
	#	#	%
Habitual Felon	395	22	22
AWDW Inflicting Serious Injury	302	17	17
Conspiracy to Commit Robbery with a Dangerous Weapon	262	14	14
Second-Degree Kidnapping	140	8	8
Habitual Breaking and Entering	112	6	6

*continued*

**Appendix B, Table 2: Top Five Convictions by Offense Class**

<b>Class F Felonies</b>		<b>Total Convictions = 2,291</b>	
	#	%	
Taking Indecent Liberties with a Child	405	18	
Failure to Report New Address as a Sex Offender	243	11	
Habitual Impaired Driving	152	7	
Assault Inflicting Serious Bodily Injury	149	7	
Possess or Distribute a Methamphetamine Precursor	131	6	
<b>Class G Felonies</b>		<b>Total Convictions = 4,091</b>	
	#	%	
Possession of a Firearm by a Felon	1,691	41	
Common Law Robbery	570	14	
Identity Theft	334	8	
Sell Cocaine	215	5	
Sell Schedule II Controlled Substance	162	4	
<b>Class H Felonies</b>		<b>Total Convictions = 12,226</b>	
	#	%	
Breaking or Entering Buildings	2,218	18	
Obtaining Property by False Pretense (worth less than \$100,000)	1,549	13	
Larceny of Property (worth more than \$1,000)	936	8	
PWISD Cocaine	452	4	
Larceny of a Motor Vehicle	402	3	
<b>Class I Felonies</b>		<b>Total Convictions = 6,570</b>	
	#	%	
Possess Methamphetamine	1,201	18	
Possess Cocaine	970	15	
Possess Heroin	627	10	
Possess Schedule II Controlled Substance	488	7	
Breaking or Entering a Motor Vehicle	466	7	
<b>Class A1 Misdemeanors</b>		<b>Total Convictions = 9,610</b>	
	#	%	
Assault on a Female	4,481	47	
Domestic Violence Protective Order Violation	1,254	13	
Assault on a Government Official or Employee	1,121	12	
Assault with a Deadly Weapon	754	8	
Assault Inflicting Serious Injury	504	5	

*continued*

**Appendix B, Table 2: Top Five Convictions by Offense Class**

<b>Class 1 Misdemeanors</b>		<b>Total Convictions = 45,689</b>	
	#		%
Larceny of Property (worth \$1,000 or less)	14,009		31
Possess Drug Paraphernalia	6,945		15
Driving while Licensed Revoked for Impaired Driving	5,400		12
Breaking or Entering Buildings	1,613		4
Communicating Threats	1,559		3
<b>Class 2 Misdemeanors</b>		<b>Total Convictions = 12,751</b>	
	#		%
Resisting Public Officer	4,774		37
Simple Assault	2,270		18
Carrying a Concealed Gun	746		6
Disorderly Conduct	742		6
Injury to Personal Property	430		3
<b>Class 3 Misdemeanors</b>		<b>Total Convictions = 22,608</b>	
	#		%
Possess Marijuana (1/2 ounce or less)	7,474		33
Second-Degree Trespass	4,113		18
Possess Marijuana Paraphernalia	3,137		14
Simple Possession of Schedule VI Controlled Substance	2,645		12
Shoplifting/Concealment of Goods	1,992		9

Note: This table includes only the convictions for which an AOC offense-specific offense code was used to record the convicted offense. Convictions that did not fit within the appropriate cell in the Felony or Misdemeanor Punishment Charts due to discrepant offense classes, prior record/convictions levels, or for other reasons were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Statistical Report Data

## **APPENDIX C**

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

Appendix C, Table 1: Convictions by Judicial Division and District

Judicial Division, Judicial District, and County		Felony Convictions	Convictions per 1,000 Adults (16+)
<b>First Judicial Division</b>		<b>2,558</b>	<b>4</b>
<b>District 1</b>	Camden	14	2
	Chowan	46	4
	Currituck	60	3
	Dare	151	5
	Gates	10	1
	Pasquotank	143	5
	Perquimans	27	2
	<b>Total</b>	<b>451</b>	<b>4</b>
<b>District 2</b>	Beaufort	235	6
	Hyde	11	2
	Martin	71	4
	Tyrrell	20	6
	Washington	31	3
	<b>Total</b>	<b>368</b>	<b>5</b>
<b>District 3A</b>	Pitt	648	4
	<b>Total</b>	<b>648</b>	<b>4</b>
<b>District 6A</b>	Halifax	167	4
	<b>Total</b>	<b>167</b>	<b>4</b>
<b>District 6B</b>	Bertie	120	7
	Hertford	73	4
	Northampton	34	2
	<b>Total</b>	<b>227</b>	<b>4</b>
<b>District 7A</b>	Nash	329	4
	<b>Total</b>	<b>329</b>	<b>4</b>
<b>District 7B</b>	Edgecombe	156	4
	Wilson	212	3
	<b>Total</b>	<b>368</b>	<b>3</b>
<b>Second Judicial Division</b>		<b>3,550</b>	<b>4</b>
<b>District 3B</b>	Carteret	232	4
	Craven	409	5
	Pamlico	96	8
	<b>Total</b>	<b>737</b>	<b>5</b>
<b>District 4A</b>	Duplin	276	6
	Jones	42	5
	Sampson	306	6
	<b>Total</b>	<b>624</b>	<b>6</b>
<b>District 4B</b>	Onslow	498	3
	<b>Total</b>	<b>498</b>	<b>3</b>
<b>District 5</b>	New Hanover	993	5
	Pender	119	2
	<b>Total</b>	<b>1,112</b>	<b>5</b>

Judicial Division, Judicial District, and County		Felony Convictions	Convictions per 1,000 Adults (16+)
<b>District 8A</b>	Greene	46	3
	Lenoir	223	5
	<b>Total</b>	<b>269</b>	<b>4</b>
<b>District 8B</b>	Wayne	310	3
	<b>Total</b>	<b>310</b>	<b>3</b>
<b>Third Judicial Division</b>		<b>4,402</b>	<b>3</b>
<b>District 9</b>	Franklin	123	2
	Granville	151	3
	Vance	174	5
	Warren	65	4
	<b>Total</b>	<b>513</b>	<b>3</b>
<b>District 9A</b>	Caswell	82	4
	Person	201	6
	<b>Total</b>	<b>283</b>	<b>5</b>
<b>District 10</b>	Wake	2,275	3
	<b>Total</b>	<b>2,275</b>	<b>3</b>
<b>District 14</b>	Durham	534	2
	<b>Total</b>	<b>534</b>	<b>2</b>
<b>District 15A</b>	Alamance	522	4
	<b>Total</b>	<b>522</b>	<b>4</b>
<b>District 15B</b>	Chatham	106	2
	Orange	169	1
	<b>Total</b>	<b>275</b>	<b>1</b>
<b>Fourth Judicial Division</b>		<b>4,419</b>	<b>4</b>
<b>District 11A</b>	Harnett	323	3
	Lee	242	5
	<b>Total</b>	<b>565</b>	<b>4</b>
<b>District 11B</b>	Johnston	687	4
	<b>Total</b>	<b>687</b>	<b>4</b>
<b>District 12</b>	Cumberland	1,016	4
	<b>Total</b>	<b>1,016</b>	<b>4</b>
<b>District 13A</b>	Bladen	159	6
	Columbus	165	4
	<b>Total</b>	<b>324</b>	<b>4</b>
<b>District 13B</b>	Brunswick	479	4
	<b>Total</b>	<b>479</b>	<b>4</b>
<b>District 16A</b>	Anson	180	9
	Hoke	238	6
	Richmond	192	5
	Scotland	137	5
	<b>Total</b>	<b>747</b>	<b>6</b>

continued



Appendix C, Table 1: Convictions by Judicial Division and District

Judicial Division, Judicial District, and County	Felony Convictions	Convictions per 1,000 Adults (16+)
District 16B Robeson	260	3
<b>Total</b>	<b>260</b>	<b>3</b>
District 19D Moore	341	4
<b>Total</b>	<b>341</b>	<b>4</b>
<b>Fifth Judicial Division</b>	<b>4,152</b>	<b>4</b>
District 17A Rockingham	290	4
<b>Total</b>	<b>290</b>	<b>4</b>
District 17B Stokes	133	3
Surry	170	3
<b>Total</b>	<b>303</b>	<b>3</b>
District 18 Guilford	1,487	3
<b>Total</b>	<b>1,487</b>	<b>3</b>
District 19B Montgomery	63	3
Randolph	388	3
<b>Total</b>	<b>451</b>	<b>3</b>
District 21 Forsyth	990	3
<b>Total</b>	<b>990</b>	<b>3</b>
District 23 Alleghany	52	5
Ashe	82	4
Wilkes	321	6
Yadkin	176	6
<b>Total</b>	<b>631</b>	<b>5</b>
<b>Sixth Judicial Division</b>	<b>3,300</b>	<b>4</b>
District 19A Cabarrus	788	5
<b>Total</b>	<b>788</b>	<b>5</b>
District 19C Rowan	601	5
<b>Total</b>	<b>601</b>	<b>5</b>
District 20A Stanly	218	4
<b>Total</b>	<b>218</b>	<b>4</b>
District 20B Union	442	2
<b>Total</b>	<b>442</b>	<b>2</b>
District 22A Alexander	90	3
Iredell	575	4
<b>Total</b>	<b>665</b>	<b>4</b>
District 22B Davidson	479	4
Davie	107	3
<b>Total</b>	<b>586</b>	<b>3</b>
<b>Seventh Judicial Division</b>	<b>4,616</b>	<b>3</b>
District 25A Burke	343	5
Caldwell	239	3
<b>Total</b>	<b>582</b>	<b>4</b>

Judicial Division, Judicial District, and County	Felony Convictions	Convictions per 1,000 Adults (16+)
District 25B Catawba	586	5
<b>Total</b>	<b>586</b>	<b>5</b>
District 26 Mecklenburg	1,483	2
<b>Total</b>	<b>1,483</b>	<b>2</b>
District 27A Gaston	940	5
<b>Total</b>	<b>940</b>	<b>5</b>
District 27B Cleveland	648	8
Lincoln	377	5
<b>Total</b>	<b>1,025</b>	<b>7</b>
<b>Eighth Judicial Division</b>	<b>2,626</b>	<b>4</b>
District 24 Avery	60	4
Madison	101	5
Mitchell	52	4
Watauga	114	2
Yancey	60	4
<b>Total</b>	<b>387</b>	<b>3</b>
District 28 Buncombe	535	2
<b>Total</b>	<b>535</b>	<b>2</b>
District 29A McDowell	308	8
Rutherford	378	7
<b>Total</b>	<b>686</b>	<b>7</b>
District 29B Henderson	331	3
Polk	45	2
Transylvania	68	2
<b>Total</b>	<b>444</b>	<b>3</b>
District 30A Cherokee	64	3
Clay	18	2
Graham	6	1
Macon	133	4
Swain	35	3
<b>Total</b>	<b>256</b>	<b>3</b>
District 30B Haywood	208	4
Jackson	110	3
<b>Total</b>	<b>318</b>	<b>4</b>
<b>State Total</b>	<b>29,623</b>	<b>4</b>

SOURCES: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data and NC Office of State Management and Budget, 2018 Population Projections from <https://www.osbm.nc.gov/demog/county-projections>.

**Appendix C, Table 2: Type of Punishment and Average Length of Active Sentence  
by Judicial Division and District**

Judicial Division and District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<b>First Judicial Division</b>	<b>899</b>	<b>36</b>	<b>592</b>	<b>24</b>	<b>1,019</b>	<b>41</b>	<b>28</b>	<b>43</b>	<b>2,510</b>
District 1	119	27	81	18	240	55	30	46	440
District 2	135	37	154	43	73	20	31	49	362
District 3A	194	30	155	24	294	46	29	45	643
District 6A	62	38	2	1	99	61	29	45	163
District 6B	108	49	36	16	75	34	23	38	219
District 7A	138	43	100	31	80	25	16	30	318
District 7B, C	143	39	64	18	158	43	33	46	365
<b>Second Judicial Division</b>	<b>1,278</b>	<b>37</b>	<b>803</b>	<b>23</b>	<b>1,397</b>	<b>40</b>	<b>32</b>	<b>49</b>	<b>3,478</b>
District 3B	270	37	48	7	407	56	24	39	725
District 4A	193	32	123	20	295	48	34	53	611
District 4B	186	38	83	17	220	45	36	55	489
District 5	386	36	405	37	291	27	31	47	1,082
District 8A	133	50	78	29	55	21	35	55	266
District 8B	110	36	66	22	129	42	44	64	305
<b>Third Judicial Division</b>	<b>1,992</b>	<b>46</b>	<b>752</b>	<b>17</b>	<b>1,598</b>	<b>37</b>	<b>28</b>	<b>45</b>	<b>4,342</b>
District 9	209	42	48	10	237	48	30	47	494
District 9A	107	38	94	34	78	28	17	31	279
District 10	1,122	50	342	15	795	35	24	41	2,259
District 14	239	46	144	28	134	26	34	54	517
District 15A	191	37	97	19	232	45	38	57	520
District 15B	124	45	27	10	122	45	35	56	273

*continued*

**Appendix C, Table 2: Type of Punishment and Average Length of Active Sentence  
by Judicial Division and District**

Judicial Division and District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<b>Fourth Judicial Division</b>	<b>1,607</b>	<b>37</b>	<b>1,464</b>	<b>34</b>	<b>1,272</b>	<b>29</b>	<b>29</b>	<b>46</b>	<b>4,343</b>
District 11A	179	32	180	33	194	35	28	44	553
District 11B	222	33	214	32	234	35	31	49	670
District 12	430	43	363	36	210	21	30	48	1,003
District 13A	112	35	103	32	102	32	37	55	317
District 13B	154	33	151	32	161	35	27	43	466
District 16A	297	40	233	32	204	28	23	38	734
District 16B	95	37	132	51	32	12	45	65	259
District 19D	118	35	88	26	135	40	20	35	341
<b>Fifth Judicial Division</b>	<b>1,621</b>	<b>40</b>	<b>1,624</b>	<b>40</b>	<b>837</b>	<b>21</b>	<b>31</b>	<b>49</b>	<b>4,082</b>
District 17A	111	39	128	45	47	16	31	49	286
District 17B	118	40	76	26	102	34	23	38	296
District 18	639	43	668	45	164	11	33	51	1,471
District 19B	135	30	212	48	98	22	30	47	445
District 21	443	46	306	32	222	23	32	50	971
District 23	175	29	234	38	204	33	30	47	613
<b>Sixth Judicial Division</b>	<b>1,144</b>	<b>35</b>	<b>1,399</b>	<b>43</b>	<b>727</b>	<b>22</b>	<b>29</b>	<b>45</b>	<b>3,270</b>
District 19A	243	31	373	48	167	21	24	40	783
District 19C	238	40	260	44	97	16	31	49	595
District 20A	71	33	66	30	80	37	22	37	217
District 20B	136	31	144	33	154	35	34	53	434
District 22A	226	34	310	47	124	19	31	48	660
District 22B	230	40	246	42	105	18	27	43	581

*continued*

**Appendix C, Table 2: Type of Punishment and Average Length of Active Sentence  
by Judicial Division and District**

Judicial Division and District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<b><i>Seventh Judicial Division</i></b>	<b>1,604</b>	<b>35</b>	<b>1,962</b>	<b>43</b>	<b>977</b>	<b>22</b>	<b>36</b>	<b>55</b>	<b>4,543</b>
District 25A	145	25	316	55	110	19	38	54	571
District 25B	164	28	265	46	149	26	46	69	578
District 26	636	44	580	40	239	16	38	59	1,455
District 27A	341	37	335	36	244	27	25	41	920
District 27B	318	31	466	46	235	23	37	57	1,019
<b><i>Eighth Judicial Division</i></b>	<b>868</b>	<b>34</b>	<b>1,084</b>	<b>42</b>	<b>637</b>	<b>25</b>	<b>30</b>	<b>46</b>	<b>2,589</b>
District 24	103	27	240	63	35	9	41	62	378
District 28	224	42	261	49	47	9	23	38	532
District 29A	256	38	181	27	238	35	26	42	675
District 29B	138	32	83	19	214	49	28	43	435
District 30A	62	24	152	59	42	16	46	69	256
District 30B	85	27	167	53	61	19	35	53	313
<b><i>State Total</i></b>	<b>11,013</b>	<b>38</b>	<b>9,680</b>	<b>33</b>	<b>8,464</b>	<b>29</b>	<b>30</b>	<b>48</b>	<b>29,157</b>

Note: Of the 29,623 felony convictions in FY 2018, 466 (or 1.6%) were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Death and life sentences were excluded from the calculation of the average minimum and maximum sentences. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

**Appendix C, Table 3: Sentencing Range by Judicial Division and District  
Active Sentences Only**

Judicial Division and District	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
<b><i>First Judicial Division</i></b>	<b>148</b>	<b>17</b>	<b>724</b>	<b>81</b>	<b>21</b>	<b>2</b>	<b>893</b>
District 1	10	9	102	88	4	3	116
District 2	41	30	93	69	1	1	135
District 3A	42	22	145	75	7	4	194
District 6A	12	19	49	79	1	2	62
District 6B	20	19	86	80	2	2	108
District 7A	11	8	125	91	1	1	137
District 7B, C	12	9	124	88	5	4	141
<b><i>Second Judicial Division</i></b>	<b>274</b>	<b>22</b>	<b>961</b>	<b>76</b>	<b>34</b>	<b>3</b>	<b>1,269</b>
District 3B	50	19	215	80	4	1	269
District 4A	41	21	145	75	7	4	193
District 4B	20	11	160	87	4	2	184
District 5	94	24	281	73	10	3	385
District 8A	35	27	92	71	3	2	130
District 8B	34	31	68	63	6	6	108
<b><i>Third Judicial Division</i></b>	<b>624</b>	<b>32</b>	<b>1,260</b>	<b>64</b>	<b>93</b>	<b>5</b>	<b>1,977</b>
District 9	36	18	166	81	3	1	205
District 9A	15	14	86	80	6	6	107
District 10	382	34	685	61	51	5	1,118
District 14	86	36	139	59	11	5	236
District 15A	67	35	111	59	11	6	189
District 15B	38	31	73	60	11	9	122

*continued*

**Appendix C, Table 3: Sentencing Range by Judicial Division and District  
Active Sentences Only**

Judicial Division and District	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
<b><i>Fourth Judicial Division</i></b>	<b>501</b>	<b>31</b>	<b>1,030</b>	<b>65</b>	<b>62</b>	<b>4</b>	<b>1,593</b>
District 11A	49	28	114	65	13	7	176
District 11B	121	55	95	43	5	2	221
District 12	130	30	290	68	8	2	428
District 13A	33	31	69	65	4	4	106
District 13B	46	30	104	68	4	3	154
District 16A	65	22	217	73	14	5	296
District 16B	28	29	59	62	8	8	95
District 19D	29	25	82	70	6	5	117
<b><i>Fifth Judicial Division</i></b>	<b>538</b>	<b>33</b>	<b>996</b>	<b>62</b>	<b>79</b>	<b>5</b>	<b>1,613</b>
District 17A	40	36	64	58	7	6	111
District 17B	36	31	80	68	2	2	118
District 18	157	25	441	70	36	6	634
District 19B	26	19	101	75	8	6	135
District 21	240	54	190	43	11	2	441
District 23	39	22	120	69	15	9	174
<b><i>Sixth Judicial Division</i></b>	<b>365</b>	<b>32</b>	<b>727</b>	<b>64</b>	<b>49</b>	<b>4</b>	<b>1,141</b>
District 19A	109	45	129	53	4	2	242
District 19C	77	33	147	62	12	5	236
District 20A	16	23	53	75	2	3	71
District 20B	33	24	100	74	3	2	136
District 22A	56	25	153	68	17	8	226
District 22B	74	32	145	63	11	5	230

*continued*

**Appendix C, Table 3: Sentencing Range by Judicial Division and District  
Active Sentences Only**

Judicial Division and District	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
<b><i>Seventh Judicial Division</i></b>	<b>405</b>	<b>25</b>	<b>1,080</b>	<b>68</b>	<b>107</b>	<b>7</b>	<b>1,592</b>
District 25A	48	33	92	64	4	3	144
District 25B	69	42	90	55	4	2	163
District 26	172	27	432	69	26	4	630
District 27A	50	15	262	77	27	8	339
District 27B	66	21	204	65	46	15	316
<b><i>Eighth Judicial Division</i></b>	<b>208</b>	<b>24</b>	<b>629</b>	<b>73</b>	<b>28</b>	<b>3</b>	<b>865</b>
District 24	35	34	65	63	3	3	103
District 28	57	26	156	70	9	4	222
District 29A	53	21	195	76	7	3	255
District 29B	28	20	107	78	3	2	138
District 30A	12	19	49	79	1	2	62
District 30B	23	27	57	67	5	6	85
<b><i>State Total</i></b>	<b>3,063</b>	<b>28</b>	<b>7,407</b>	<b>68</b>	<b>473</b>	<b>4</b>	<b>10,943</b>

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. Class A convictions, which are subject to mandatory life or death sentences (n=69), and 1 Class B1 conviction sentenced to life without parole were also excluded from this table. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

## **APPENDIX D**

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



**Appendix D, Table 1: Type of Punishment and Average Length of Active Sentence  
by Crime Type and Offense**

Crime Type and Offense	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<b>Person</b>	<b>3,043</b>	<b>61</b>	<b>1,390</b>	<b>28</b>	<b>566</b>	<b>11</b>	<b>57</b>	<b>84</b>	<b>4,999</b>
1 <sup>st</sup> Degree Murder	69	100	.	.	.	.	.	.	69
2 <sup>nd</sup> Degree Murder	221	100	.	.	.	.	214	269	221
Attempted/Solicited Murder	22	100	.	.	.	.	172	218	22
Voluntary Manslaughter	93	98	2	2	.	.	66	91	95
Involuntary Manslaughter	48	69	17	24	5	7	19	32	70
Felony Death by Vehicle	40	80	10	20	.	.	63	88	50
Armed Robbery	351	100	.	.	.	.	61	86	351
Att./Consp. Armed Robbery	156	50	116	38	37	12	35	54	309
Common Law Robbery	290	51	226	40	54	9	16	28	570
Att. Common Law Robbery	44	54	19	23	19	23	10	22	82
Other Robbery	25	28	39	44	24	27	15	28	88
AWDWIKISI	83	100	.	.	.	.	77	104	83
AWDW Intent to Kill	40	61	23	35	3	5	28	46	66
AWDW Serious Injury	148	49	125	41	29	10	29	47	302
Assault Govt. Official with Firearm	42	59	20	28	9	13	21	35	71
Assault Govt. Official	50	46	30	28	28	26	12	24	108
Assault by Strangulation	67	32	93	45	47	23	10	21	207
Other Felony Assaults	124	50	73	30	50	20	20	34	247
1 <sup>st</sup> Degree Rape/Sex Offense	66	100	.	.	.	.	246	341	66
Attempted 1 <sup>st</sup> Degree Rape/Sex Offense	2	100	.	.	.	.	141	229	2
2 <sup>nd</sup> Degree Rape/Sex Offense	71	100	.	.	.	.	76	149	71
Attempted 2 <sup>nd</sup> Degree Rape/Sex Offense	9	100	.	.	.	.	58	130	9
Statutory Rape/Sex Offense Against Child 15 or Younger	42	100	.	.	.	.	197	281	42

*continued*

**Appendix D, Table 1: Type of Punishment and Average Length of Active Sentence  
by Crime Type and Offense**

Crime Type and Offense	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Indecent Liberties with Child	201	50	160	40	44	11	17	29	405
Crime Against Nature, Incest, Bigamy	8	14	13	22	38	64	30	52	59
Sexual Exploitation of a Minor	49	44	40	36	22	20	21	63	111
Child Abuse	48	56	31	36	7	8	63	92	86
Registered Sex Off. Offenses	228	59	104	27	54	14	21	34	386
Other Sex Crimes	110	53	65	31	32	15	92	149	207
Kidnap/Abduction	125	60	62	30	22	11	43	68	209
Att./Consp. Kidnapping	3	100	.	.	.	.	45	66	3
Habitual Misdemeanor Assault	95	58	52	32	16	10	11	22	163
All Other Person Felonies	73	43	70	41	26	15	18	31	169
<b>Property</b>	<b>3,349</b>	<b>33</b>	<b>3,432</b>	<b>34</b>	<b>3,287</b>	<b>33</b>	<b>13</b>	<b>25</b>	<b>10,068</b>
1 <sup>st</sup> Degree Burglary	61	100	.	.	.	.	61	85	61
Attempted 1 <sup>st</sup> Degree Burglary	22	73	6	20	2	7	28	46	30
2 <sup>nd</sup> Degree Burglary	46	38	56	47	18	15	15	27	120
Breaking/Entering	985	34	1,008	35	885	31	10	21	2,878
Attempted Breaking/Entering	5	7	31	44	35	49	8	19	71
Larceny	847	34	888	35	793	31	11	22	2,528
Attempted Larceny	14	20	25	36	30	43	8	19	69
Possess/Receive Stolen Goods/Property	249	32	267	34	266	34	10	21	782
1 <sup>st</sup> Degree Arson	8	100	.	.	.	.	75	102	8
2 <sup>nd</sup> Degree Arson	13	52	8	32	4	16	16	28	25
Other Arson/Burning	25	33	19	25	31	41	15	28	75
Forgery	57	19	95	31	151	50	9	20	303
Fraud	164	29	215	38	183	33	14	27	562

*continued*

**Appendix D, Table 1: Type of Punishment and Average Length of Active Sentence  
by Crime Type and Offense**

Crime Type and Offense	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Embezzlement	31	16	62	32	99	52	27	42	192
Obtain Property by False Pretenses	434	28	540	35	580	37	10	22	1,554
Att./Consp. Obtain Property by False Pretenses	48	29	57	34	63	38	10	21	168
Habitual Breaking and Entering	104	93	5	4	3	3	31	50	112
Habitual Misdemeanor Larceny	207	66	77	24	32	10	13	25	316
All Other Property Felonies	29	14	73	34	112	52	10	21	214
<b>Non-Trafficking Drug</b>	<b>1,884</b>	<b>21</b>	<b>3,311</b>	<b>37</b>	<b>3,771</b>	<b>42</b>	<b>14</b>	<b>27</b>	<b>8,966</b>
Sell/Deliver Drugs	374	30	513	41	368	29	15	27	1,255
Consp. To Sell/Deliver Drugs	23	23	40	40	38	38	12	24	101
Manufacture Drugs	36	42	16	19	34	40	59	83	86
Possession with Intent	402	23	600	35	724	42	10	21	1,726
Drug Possession	421	11	1,422	37	1,997	52	7	18	3,840
All Other Drug Felonies	628	32	720	37	610	31	19	32	1,958
<b>Other Felony</b>	<b>2,737</b>	<b>53</b>	<b>1,547</b>	<b>30</b>	<b>840</b>	<b>16</b>	<b>34</b>	<b>51</b>	<b>5,124</b>
Habitual Felon	983	95	54	5	.	.	62	87	1,037
Habitual Impaired Driving	152	100	.	.	.	.	17	29	152
Weapon Offenses	936	43	873	40	367	17	18	31	2,176
Motor Vehicle Offenses	255	34	296	40	192	26	11	23	743
Crimes Against Admin. Justice	75	55	39	29	22	16	13	25	136
All Other Felonies	336	38	285	32	259	29	25	42	880
<b>Total</b>	<b>11,013</b>	<b>38</b>	<b>9,680</b>	<b>33</b>	<b>8,464</b>	<b>29</b>	<b>30</b>	<b>48</b>	<b>29,157</b>

Note: Of the 29,623 felony convictions in FY 2018, 466 (or 1.6%) were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

**Appendix D, Table 2: Sentencing Range by Crime Type and Offense  
Active Sentences Only**

Crime Type and Offense	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
<b>Person</b>	<b>861</b>	<b>29</b>	<b>1,892</b>	<b>64</b>	<b>220</b>	<b>7</b>	<b>2,973</b>
2 <sup>nd</sup> Degree Murder	78	35	114	52	29	13	221
Attempted/Solicited Murder	5	23	14	64	3	14	22
Voluntary Manslaughter	27	29	54	58	12	13	93
Involuntary Manslaughter	6	13	31	65	11	23	48
Felony Death by Vehicle	13	33	19	48	8	20	40
Armed Robbery	167	48	176	50	8	2	351
Att./Consp. Armed Robbery	38	24	112	72	6	4	156
Common Law Robbery	42	14	228	79	20	7	290
Att. Common Law Robbery	15	34	27	61	2	5	44
Other Robbery	10	40	15	60	.	.	25
AWDWIKISI	27	33	47	57	9	11	83
AWDW Intent to Kill	8	20	31	78	1	3	40
AWDW Serious Injury	37	25	97	66	14	9	148
Assault Govt. Official with Firearm	9	21	32	76	1	2	42
Assault Govt. Official	6	12	43	86	1	2	50
Assault by Strangulation	11	16	56	84	.	.	67
Other Felony Assaults	35	28	81	65	8	6	124
1 <sup>st</sup> Degree Rape/Sex Offense	20	31	28	43	17	26	65
Attempted 1 <sup>st</sup> Degree Rape/Sex Offense	.	.	2	100	.	.	2
2 <sup>nd</sup> Degree Rape/Sex Offense	15	21	50	70	6	8	71
Attempted 2 <sup>nd</sup> Degree Rape/Sex Offense	5	56	3	33	1	11	9
Statutory Rape/Sex Offense Against Child 15 or Younger	20	48	21	50	1	2	42
Indecent Liberties with Child	31	15	153	76	17	8	201

*continued*

**Appendix D, Table 2: Sentencing Range by Crime Type and Offense  
Active Sentences Only**

Crime Type and Offense	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
<b>Crime Against Nature, Incest, Bigamy</b>	2	25	6	75	.	.	8
<b>Sexual Exploitation of a Minor</b>	6	12	41	84	2	4	49
<b>Child Abuse</b>	6	13	38	79	4	8	48
<b>Registered Sex Off. Offenses</b>	106	46	111	49	11	5	228
<b>Other Sex Crimes</b>	34	31	67	61	9	8	110
<b>Kidnap/Abduction</b>	31	25	85	68	9	7	125
<b>Att./Consp. Kidnapping</b>	2	67	1	33	.	.	3
<b>Habitual Misdemeanor Assault</b>	28	29	61	64	6	6	95
<b>All Other Person Felonies</b>	21	29	48	66	4	5	73
<b><i>Property</i></b>	<b>755</b>	<b>23</b>	<b>2,507</b>	<b>75</b>	<b>87</b>	<b>3</b>	<b>3,349</b>
<b>1<sup>st</sup> Degree Burglary</b>	29	48	31	51	1	2	61
<b>Attempted 1<sup>st</sup> Degree Burglary</b>	7	32	12	55	3	14	22
<b>2<sup>nd</sup> Degree Burglary</b>	3	7	43	93	.	.	46
<b>Breaking/Entering</b>	166	17	793	81	26	3	985
<b>Attempted Breaking/Entering</b>	2	40	2	40	1	20	5
<b>Larceny</b>	186	22	641	76	20	2	847
<b>Attempted Larceny</b>	6	43	8	57	.	.	14
<b>Possess/Receive Stolen Goods/Property</b>	64	26	183	73	2	1	249
<b>1<sup>st</sup> Degree Arson</b>	4	50	3	38	1	13	8
<b>2<sup>nd</sup> Degree Arson</b>	3	23	10	77	.	.	13
<b>Other Arson/Burning</b>	5	20	18	72	2	8	25
<b>Forgery</b>	9	16	44	77	4	7	57
<b>Fraud</b>	42	26	117	71	5	3	164
<b>Embezzlement</b>	7	23	23	74	1	3	31

*continued*

**Appendix D, Table 2: Sentencing Range by Crime Type and Offense  
Active Sentences Only**

Crime Type and Offense	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
Obtain Property by False Pretenses	100	23	324	75	10	2	434
Att./Consp. Obtain Property by False Pretenses	13	27	35	73	.	.	48
Habitual Breaking and Entering	34	33	67	64	3	3	104
Habitual Misdemeanor Larceny	69	33	131	63	7	3	207
All Other Property Felonies	6	21	22	76	1	3	29
<b>Non-Trafficking Drug</b>	<b>411</b>	<b>22</b>	<b>1,400</b>	<b>74</b>	<b>73</b>	<b>4</b>	<b>1,884</b>
Sell/Deliver Drugs	59	16	301	80	14	4	374
Consp. To Sell/Deliver Drugs	7	30	16	70	.	.	23
Manufacture Drugs	18	50	18	50	.	.	36
Possession with Intent	90	22	300	75	12	3	402
Drug Possession	95	23	306	73	20	5	421
All Other Drug Felonies	142	23	459	73	27	4	628
<b>Other Felony</b>	<b>1,036</b>	<b>38</b>	<b>1,608</b>	<b>59</b>	<b>93</b>	<b>3</b>	<b>2,737</b>
Habitual Felon	602	61	361	37	20	2	983
Habitual Impaired Driving	70	46	77	51	5	3	152
Weapon Offenses	217	23	689	74	30	3	936
Motor Vehicle Offenses	46	18	195	76	14	5	255
Crimes Against Admin. Justice	20	27	45	60	10	13	75
All Other Felonies	81	24	241	72	14	4	336
<b>Total</b>	<b>3,063</b>	<b>28</b>	<b>7,407</b>	<b>68</b>	<b>473</b>	<b>4</b>	<b>10,943</b>

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. Class A convictions, which are subject to mandatory life or death sentences (n=69), and 1 Class B1 conviction sentenced to life without parole were also excluded from this table. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

**Appendix D, Table 3: Sentencing Range by Offense Class  
 Percentage in the Mitigated Range and at the Lowest Spot of the Presumptive Range  
 Active Sentences Only**

<b>Offense Class</b>	<b>% Mitigated</b>	<b>% Mitigated and Lowest Spot in Presumptive Range</b>
<b>B1</b>	35	46
<b>B2</b>	38	53
<b>C</b>	43	60
<b>D</b>	53	70
<b>E</b>	32	58
<b>F</b>	28	53
<b>G</b>	20	56
<b>H</b>	22	56
<b>I</b>	22	51
<b>Total</b>	<b>28</b>	<b>57</b>

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as extraordinary mitigation) were excluded from this table. Class A convictions, which are subject to mandatory life or death sentences (n=69), and 1 Class B1 conviction sentenced to life without parole were also excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Felony Statistical Report Data

**APPENDIX E**

**ADDITIONAL MISDEMEANOR CONVICTION DATA  
BY JUDICIAL DISTRICT AND COUNTY**



Appendix E, Table 1: Convictions by Judicial District and County

Judicial District and County		Misd. Convictions	Convictions per 1,000 Adults (16+)
<b>District 1</b>	Camden	58	7
	Chowan	135	12
	Currituck	268	12
	Dare	754	24
	Gates	76	8
	Pasquotank	554	18
	Perquimans	114	10
<b>Total</b>	<b>1,959</b>	<b>15</b>	
<b>District 2</b>	Beaufort	637	16
	Hyde	60	13
	Martin	270	14
	Tyrrell	106	30
	Washington	154	16
<b>Total</b>	<b>1,227</b>	<b>16</b>	
<b>District 3A</b>	Pitt	1,702	12
	<b>Total</b>	<b>1,702</b>	<b>12</b>
<b>District 3B</b>	Carteret	679	11
	Craven	1,255	16
	Pamlico	154	13
<b>Total</b>	<b>2,088</b>	<b>14</b>	
<b>District 4</b>	Duplin	633	13
	Jones	133	16
	Onslow	1,739	12
	Sampson	738	15
<b>Total</b>	<b>3,243</b>	<b>13</b>	
<b>District 5</b>	New Hanover	2,100	11
	Pender	404	8
<b>Total</b>	<b>2,504</b>	<b>10</b>	
<b>District 6</b>	Bertie	151	9
	Halifax	763	18
	Hertford	276	14
	Northampton	137	8
<b>Total</b>	<b>1,327</b>	<b>14</b>	
<b>District 7</b>	Edgecombe	942	22
	Nash	1,452	19
	Wilson	883	13
<b>Total</b>	<b>3,277</b>	<b>18</b>	
<b>District 8</b>	Greene	138	8
	Lenoir	731	16
	Wayne	1,452	15
<b>Total</b>	<b>2,321</b>	<b>14</b>	

Judicial District and County		Misd. Convictions	Convictions per 1,000 Adults (16+)
<b>District 9</b>	Franklin	652	12
	Granville	468	9
	Vance	569	16
	Warren	124	7
	<b>Total</b>	<b>1,813</b>	<b>11</b>
<b>District 9A</b>	Caswell	198	10
	Person	504	15
<b>Total</b>	<b>702</b>	<b>13</b>	
<b>District 10</b>	Wake	7,003	8
	<b>Total</b>	<b>7,003</b>	<b>8</b>
<b>District 11</b>	Harnett	755	7
	Johnston	1,199	8
	Lee	510	11
<b>Total</b>	<b>2,464</b>	<b>8</b>	
<b>District 12</b>	Cumberland	2,060	8
	<b>Total</b>	<b>2,060</b>	<b>8</b>
<b>District 13</b>	Bladen	399	14
	Brunswick	789	7
	Columbus	565	12
<b>Total</b>	<b>1,753</b>	<b>9</b>	
<b>District 14</b>	Durham	1,648	7
	<b>Total</b>	<b>1,648</b>	<b>7</b>
<b>District 15A</b>	Alamance	1,446	11
	<b>Total</b>	<b>1,446</b>	<b>11</b>
<b>District 15B</b>	Chatham	382	6
	Orange	580	5
<b>Total</b>	<b>962</b>	<b>5</b>	
<b>District 16A</b>	Anson	356	17
	Hoke	325	8
	Richmond	568	16
	Scotland	503	18
<b>Total</b>	<b>1,752</b>	<b>14</b>	
<b>District 16B</b>	Robeson	1,747	17
	<b>Total</b>	<b>1,747</b>	<b>17</b>
<b>District 17A</b>	Rockingham	823	11
	<b>Total</b>	<b>823</b>	<b>11</b>
<b>District 17B</b>	Stokes	558	14
	Surry	1,176	20
<b>Total</b>	<b>1,734</b>	<b>18</b>	

*continued*

**Appendix E, Table 1: Convictions by Judicial District and County**

Judicial District and County		Misd. Convictions	Convictions per 1,000 Adults (16+)
<b>District 18</b>	Guilford	4,252	10
	<b>Total</b>	<b>4,252</b>	<b>10</b>
<b>District 19A</b>	Cabarrus	3,340	20
	<b>Total</b>	<b>3,340</b>	<b>20</b>
<b>District 19B</b>	Montgomery	475	21
	Moore	969	12
	Randolph	1,950	17
	<b>Total</b>	<b>3,394</b>	<b>15</b>
<b>District 19C</b>	Rowan	2,448	21
	<b>Total</b>	<b>2,448</b>	<b>21</b>
<b>District 20A</b>	Stanly	733	14
	<b>Total</b>	<b>733</b>	<b>14</b>
<b>District 20B</b>	Union	1,521	8
	<b>Total</b>	<b>1,521</b>	<b>8</b>
<b>District 21</b>	Forsyth	4,796	16
	<b>Total</b>	<b>4,796</b>	<b>16</b>
<b>District 22A</b>	Alexander	377	12
	Iredell	2,489	17
	<b>Total</b>	<b>2,866</b>	<b>16</b>
<b>District 22B</b>	Davidson	2,091	15
	Davie	392	11
	<b>Total</b>	<b>2,483</b>	<b>14</b>
<b>District 23</b>	Alleghany	153	16
	Ashe	250	11
	Wilkes	703	12
	Yadkin	374	12
	<b>Total</b>	<b>1,480</b>	<b>12</b>
<b>District 24</b>	Avery	170	11
	Madison	283	15
	Mitchell	110	9
	Watauga	457	9
	Yancey	121	8
	<b>Total</b>	<b>1,141</b>	<b>10</b>

Judicial District and County		Misd. Convictions	Convictions per 1,000 Adults (16+)
<b>District 25</b>	Burke	1,165	15
	Caldwell	966	14
	Catawba	1,838	14
	<b>Total</b>	<b>3,969</b>	<b>15</b>
<b>District 26</b>	Mecklenburg	2,707	3
	<b>Total</b>	<b>2,707</b>	<b>3</b>
<b>District 27A</b>	Gaston	2,627	15
	<b>Total</b>	<b>2,627</b>	<b>15</b>
<b>District 27B</b>	Cleveland	1,380	17
	Lincoln	718	10
	<b>Total</b>	<b>2,098</b>	<b>14</b>
<b>District 28</b>	Buncombe	2,073	9
	<b>Total</b>	<b>2,073</b>	<b>9</b>
<b>District 29A</b>	McDowell	685	18
	Rutherford	1,258	22
	<b>Total</b>	<b>1,943</b>	<b>20</b>
<b>District 29B</b>	Henderson	1,042	11
	Polk	202	11
	Transylvania	344	11
	<b>Total</b>	<b>1,588</b>	<b>11</b>
<b>District 30</b>	Cherokee	316	13
	Clay	46	5
	Graham	69	10
	Haywood	692	13
	Jackson	292	8
	Macon	267	9
	Swain	159	13
	<b>Total</b>	<b>1,841</b>	<b>11</b>
<b>State Total</b>		<b>92,855</b>	<b>11</b>

SOURCES: NC Sentencing and Policy Advisory Commission, FY 2018 Misdemeanor Statistical Report Data and NC Office of State Management and Budget, 2018 Population Projections from <https://www.osbm.nc.gov/demog/county-projections>

#### Disclaimer for AOC Data

These data are from the Administrative Office of the Courts' (AOC) Automated Criminal Infraction System (ACIS). These data are a snapshot in time and are subject to change from such factors as the sealing or expungement of records, corrections made to data entry, motions, appeals, or other legal actions that may change the nature, status or outcome of a case, and other factors. Data maintained in ACIS are intended for management of caseloads, basic record-keeping, and general statistics. These data reveal nothing about evidence presented or its weight or credibility, the reasons or validity of factual or legal arguments or conclusions presented or made, or any other of the myriad circumstances relevant to the results of any particular case. Therefore, the data should not be used or represented to reflect on the merits of the facts or the outcomes of cases. For that and many analytic purposes, it would be inappropriate and misleading to use these data as a substitute for a review of actual case files and/or transcripts. No analysis of or conclusions drawn from these data may be attributed to the AOC. Neither the analysis nor any conclusions in this report are accepted as accurate or endorsed by the AOC.

## Offenses Committed on or after December 1, 2013

### Misdemeanor Sentences and Dispositions

Offense Class	Prior Conviction Level			
	I No Prior Convictions	II One to Four Prior Convictions	III Five or More Prior Convictions	
A1	C/I/A 1 - 60 days	C/I/A 1 - 75 days	C/I/A 1 - 150 days	
1	C 1 - 45 days	C/I/A 1 - 45 days	C/I/A 1 - 120 days	
2	C 1 - 30 days	C/I 1 - 45 days	C/I/A 1 - 60 days	
3	C Fine Only* 1 - 10 days	One to Three Prior Convictions	Four Prior Convictions	C/I/A 1 - 20 days
		C Fine Only* 1-15 days	C/I 1 - 15 days	

<b>DISPOSITION</b> C – Community I – Intermediate A – Active
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\* Unless otherwise provided for a specific offense, the judgment for a person convicted of a Class 3 misdemeanor who has no more than three prior convictions shall consist only of a fine.

# Offenses Committed on or after October 1, 2013

## Felony Minimum Sentences (in Months) and Dispositions

Offense Class	Prior Record Level					
	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts
<b>A</b>	<b>Death or Life Without Parole</b>					
	<b>Defendant Under 18 at Time of Offense: Life With or Without Parole</b>					
<b>B1</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
	240 - 300	276 - 345	317 - 397	365 - 456	Life Without Parole	Life Without Parole
	<b>192 - 240</b>	<b>221 - 276</b>	<b>254 - 317</b>	<b>292 - 365</b>	<b>336 - 420</b>	<b>386 - 483</b>
	144 - 192	166 - 221	190 - 254	219 - 292	252 - 336	290 - 386
<b>B2</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
	157 - 196	180 - 225	207 - 258	238 - 297	273 - 342	314 - 393
	<b>125 - 157</b>	<b>144 - 180</b>	<b>165 - 207</b>	<b>190 - 238</b>	<b>219 - 273</b>	<b>251 - 314</b>
	94 - 125	108 - 144	124 - 165	143 - 190	164 - 219	189 - 251
<b>C</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
	73 - 92	83 - 104	96 - 120	110 - 138	127 - 159	146 - 182
	<b>58 - 73</b>	<b>67 - 83</b>	<b>77 - 96</b>	<b>88 - 110</b>	<b>101 - 127</b>	<b>117 - 146</b>
	44 - 58	50 - 67	58 - 77	66 - 88	76 - 101	87 - 117
<b>D</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
	64 - 80	73 - 92	84 - 105	97 - 121	111 - 139	128 - 160
	<b>51 - 64</b>	<b>59 - 73</b>	<b>67 - 84</b>	<b>78 - 97</b>	<b>89 - 111</b>	<b>103 - 128</b>
	38 - 51	44 - 59	51 - 67	58 - 78	67 - 89	77 - 103
<b>E</b>	<b>I/A</b>	<b>I/A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
	25 - 31	29 - 36	33 - 41	38 - 48	44 - 55	50 - 63
	<b>20 - 25</b>	<b>23 - 29</b>	<b>26 - 33</b>	<b>30 - 38</b>	<b>35 - 44</b>	<b>40 - 50</b>
	15 - 20	17 - 23	20 - 26	23 - 30	26 - 35	30 - 40
<b>F</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>A</b>	<b>A</b>	<b>A</b>
	16 - 20	19 - 23	21 - 27	25 - 31	28 - 36	33 - 41
	<b>13 - 16</b>	<b>15 - 19</b>	<b>17 - 21</b>	<b>20 - 25</b>	<b>23 - 28</b>	<b>26 - 33</b>
	10 - 13	11 - 15	13 - 17	15 - 20	17 - 23	20 - 26
<b>G</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>A</b>	<b>A</b>
	13 - 16	14 - 18	17 - 21	19 - 24	22 - 27	25 - 31
	<b>10 - 13</b>	<b>12 - 14</b>	<b>13 - 17</b>	<b>15 - 19</b>	<b>17 - 22</b>	<b>20 - 25</b>
	8 - 10	9 - 12	10 - 13	11 - 15	13 - 17	15 - 20
<b>H</b>	<b>C/I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>A</b>
	6 - 8	8 - 10	10 - 12	11 - 14	15 - 19	20 - 25
	<b>5 - 6</b>	<b>6 - 8</b>	<b>8 - 10</b>	<b>9 - 11</b>	<b>12 - 15</b>	<b>16 - 20</b>
	4 - 5	4 - 6	6 - 8	7 - 9	9 - 12	12 - 16
<b>I</b>	<b>C</b>	<b>C/I</b>	<b>I</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>
	6 - 8	6 - 8	6 - 8	8 - 10	9 - 11	10 - 12
	<b>4 - 6</b>	<b>4 - 6</b>	<b>5 - 6</b>	<b>6 - 8</b>	<b>7 - 9</b>	<b>8 - 10</b>
	3 - 4	3 - 4	4 - 5	4 - 6	5 - 7	6 - 8

RANGE
Aggravated
<b>PRESUMPTIVE</b>
Mitigated

DISPOSITION
C – Community
I – Intermediate
A – Active