

*North Carolina*  
*Sentencing and Policy Advisory Commission*



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

**Fiscal Year 2008/09  
(July 1, 2008 – June 30, 2009)**

**March 2010**

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**NC Sentencing and Policy Advisory Commission**

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**North Carolina Sentencing and Policy Advisory Commission**

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# **INTRODUCTION**

## INTRODUCTION

This report provides detailed information about felony and misdemeanor convictions under Structured Sentencing during Fiscal Year 2008/09 (July 1, 2008 through June 30, 2009). This report only includes cases where an offender was convicted and sentenced for a crime which was committed on or after October 1, 1994 – the effective date of Structured Sentencing. The report presents information on the number of felony and misdemeanor convictions, the distribution of felony and misdemeanor convictions within their respective punishment 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*. Information regarding the substance and application of the sentencing laws under Structured Sentencing is provided in the North Carolina Sentencing and Policy Advisory Commission’s *Structured Sentencing Training and Reference Manual*.

## REPORTING OF CONVICTIONS AND SENTENCES

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

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

### **Definition of a Sentencing Episode:**

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

**SUMMARY OF FINDINGS**

**FELONY AND MISDEMEANOR CONVICTIONS**  
**IN FISCAL YEAR 2008/09**

**STRUCTURED SENTENCING STATISTICAL REPORT  
SUMMARY OF FINDINGS  
FISCAL YEAR 2008/09 CONVICTIONS**

**Felony Convictions**

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- During Fiscal Year 2008/09, sentences for 32,266 felony convictions were imposed under Structured Sentencing. (Note: This number excludes sentences imposed for drug trafficking and violent habitual felon convictions, which are subject to mandatory penalties.)
- The greatest number of convictions fell into Offense Class H with Prior Record Level II (n=3,924 or 13%).
- The majority of felony convictions (57%) were for offenders with Prior Record Levels I and II. Eight percent of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).
- Eighty-five percent of convictions were for male offenders; 37% of convictions were for offenders under the age of 26; and 53% of convictions were for Black offenders.
- Thirty-nine percent of felony convictions resulted in an Active punishment, 45% resulted in an Intermediate punishment, and 16% resulted in a Community punishment.
- Of the four crime types, property offenses (36%) and non-trafficking drug offenses (32%) accounted for the largest group of felony convictions. Person offenses represented 18% of convictions and other felonies accounted for 14% of convictions.
- Sixty-nine percent of all Active sentences fell within the presumptive range; 27% fell within the mitigated range; and 4% fell within the aggravated range.
- Where a specific intermediate sanction was indicated in the AOC database, Intensive Supervision Probation was the most frequently invoked punishment (56%). Offenders who received an Intermediate punishment were most frequently convicted of a Class H offense (n=7,107).
- Of all felony offenders who received a Community punishment, 96% received supervised probation; 3% received unsupervised probation; and less than 1% were ordered to perform community service, pay restitution and/or a fine as their most serious punishment. The remainder had no sanction specified.
- Other information of interest includes: 3 death sentences and 86 life without parole sentences were imposed; there were 6 violent habitual felon convictions; there were 808 habitual felon convictions; there were 944 convictions for drug trafficking offenses; performance of community service was ordered for nearly 13% of all felony convictions; and payment of restitution was ordered for 31% of all felony convictions.

## **Misdemeanor Convictions**

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- During Fiscal Year 2008/09, sentences for 158,482 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.)
- Eight percent of misdemeanor convictions fell into Offense Class A1, 59% fell into Offense Class 1, 17% fell into Offense Class 2, and 16% fell into Offense Class 3.
- Forty percent of misdemeanor convictions fell into Prior Conviction Level I (0 points), about 38% fell into Prior Conviction Level II (1-4 points), and 22% fell into Prior Conviction Level III (5 or more points).
- The greatest number of misdemeanor convictions fell into Offense Class 1 with Prior Conviction Level II (n=36,056 or 23%), followed by Offense Class 1 with Prior Conviction Level I (n=33,281 or 22%).
- Seventy-six percent of convictions were for male offenders; 36% of convictions were for offenders under the age of 26; and 46% of convictions were for Black offenders.
- Twenty-four percent of misdemeanor convictions resulted in an Active punishment, 2% resulted in an Intermediate punishment, and 74% resulted in a Community punishment.
- Public order offenses accounted for the majority of misdemeanor convictions (48%), while misdemeanor person offenses accounted for the lowest proportion (10%). Convictions for person offenses were most likely to result in an Active punishment (28%). Person offenses resulted in the longest average Active sentences.
- Where a specific intermediate sanction was indicated in the AOC database, Special Probation was the most frequently invoked punishment (61%). Offenders who received Special Probation were most likely convicted of a Class 1 offense with Prior Conviction Level III.
- Of all misdemeanor offenders who received a Community punishment, 45% received unsupervised probation; 35% received supervised probation; and 11% were ordered to perform community service, pay restitution and/or a fine as their most serious punishment. The remainder had no sanction specified.
- Eight percent of all misdemeanor offenders were ordered to perform community service and 13% were ordered to pay restitution.

**SECTION I**

**FELONY CONVICTIONS  
IN FISCAL YEAR 2008/09**

## **I. FELONY CONVICTIONS IN FY 2008/09**

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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 Fiscal Year 2008/09. Overall, sentences for 32,266 felony convictions were imposed. (This number excludes sentences imposed for drug trafficking and violent habitual felon convictions, which are subject to mandatory penalties. Information regarding convictions for these offenses is summarized in *Section VII: Special Issues*.) For many of the tables, information on 2,517 convictions (or almost 8%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table. Efforts are ongoing to understand the nature of the data discrepancies and to resolve reporting problems.

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

*Table 1* shows the distribution of felony convictions within the Felony Punishment Chart. Overall, the greatest number of convictions fell into Offense Class H (n=12,288 or 41%) and into Prior Record Level II (n=9,993 or 34%). Relative to other cells in the Felony Punishment Chart, the greatest number of convictions fell into Offense Class H with Prior Record Level II (n=3,924 or 13%). Sentences imposed for Offense Classes A through E accounted for 12% of felony convictions during FY 2008/09. Sixty-six percent of sentences imposed were for Class H and Class I felony convictions.



**Table 1: Distribution of Convictions within the Felony Punishment Chart  
FY 2008/09 Felonies**

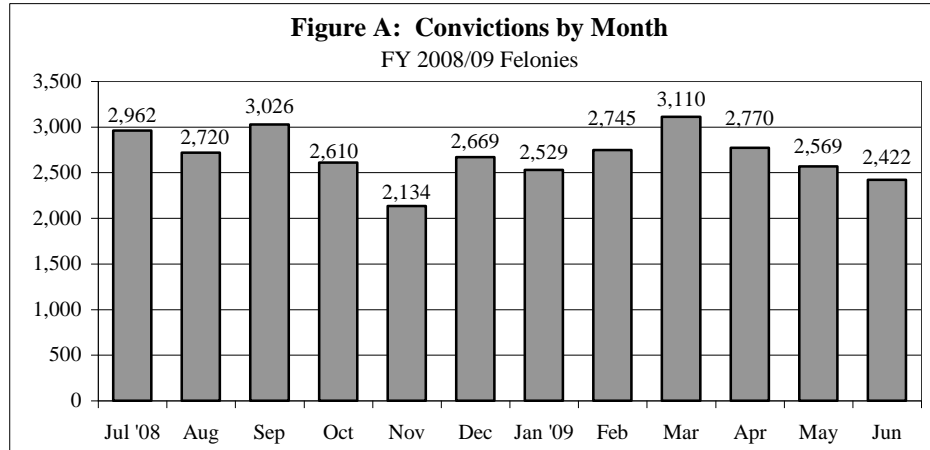
Offense Class	Prior Record Level						Total
	I 0 Points	II 1-4 Points	III 5-8 Points	IV 9-14 Points	V 15-18 Points	VI 19+ Points	
<b>A</b>	44 (0.2%)	20 (0.1%)	14 (0.1%)	6 (0.0%)	4 (0.0%)	1 (0.0%)	89 (0.3%)
<b>B1</b>	72 (0.2%)	41 (0.1%)	18 (0.1%)	19 (0.1%)	3 (0.0%)	1 (0.0%)	154 (0.5%)
<b>B2</b>	117 (0.4%)	109 (0.4%)	48 (0.2%)	31 (0.1%)	6 (0.0%)	5 (0.0%)	316 (1.1%)
<b>C</b>	84 (0.3%)	169 (0.6%)	201 (0.7%)	340 (1.1%)	116 (0.4%)	137 (0.5%)	1,047 (3.5%)
<b>D</b>	326 (1.1%)	256 (0.9%)	144 (0.5%)	78 (0.3%)	32 (0.1%)	25 (0.1%)	861 (2.9%)
<b>E</b>	523 (1.8%)	473 (1.6%)	121 (0.4%)	105 (0.4%)	35 (0.1%)	24 (0.1%)	1,281 (4.3%)
<b>F</b>	626 (2.1%)	695 (2.3%)	490 (1.7%)	284 (1.0%)	88 (0.3%)	78 (0.3%)	2,261 (7.6%)
<b>G</b>	711 (2.4%)	1,333 (4.5%)	969 (3.3%)	751 (2.5%)	137 (0.5%)	136 (0.5%)	4,037 (13.6%)
<b>H</b>	3,012 (10.1%)	3,924 (13.2%)	2,337 (7.9%)	1,951 (6.6%)	564 (1.9%)	500 (1.7%)	12,288 (41.3%)
<b>I</b>	1,596 (5.4%)	2,973 (10.0%)	1,284 (4.3%)	1,020 (3.4%)	252 (0.9%)	290 (1.0%)	7,415 (24.9%)
<b>TOTAL</b>	7,111 (23.9%)	9,993 (33.6%)	5,626 (18.9%)	4,585 (15.4%)	1,237 (4.2%)	1,197 (4.0%)	29,749 (100.0%)

Note: Of the 32,266 felony convictions in FY 2008/09, 2,517 convictions 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 2008/09 Statistical Report Data

## D. Convictions by Month of Sentencing

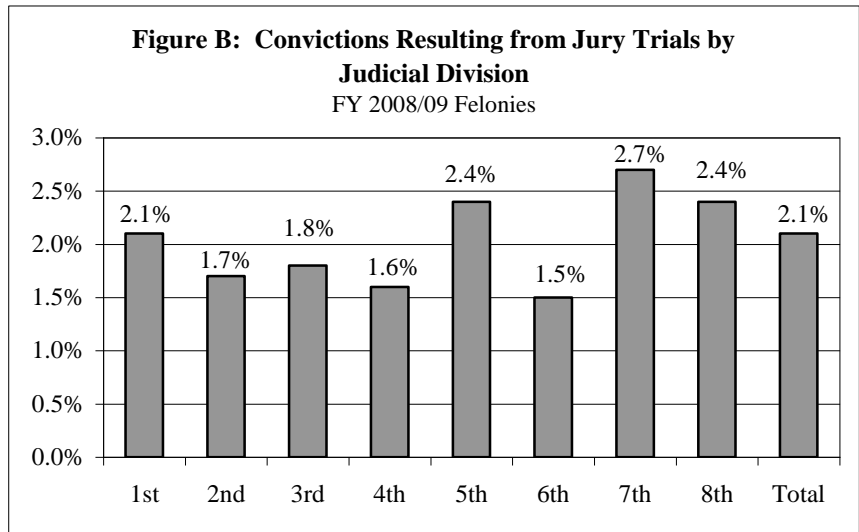
Figure A shows the total number of felony convictions by month of sentencing during Fiscal Year 2008/09 (N=32,266). Convictions peaked in March and were lowest in November.



Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

## E. Convictions by Judicial Division, District, and County

Table 2 displays the total number of convictions by judicial division, judicial district, and county. (See Appendix A for a map of judicial divisions and districts.) The distribution of convictions by judicial division ranged from a low of 8% in the eighth judicial division to a high of almost 17% in both the fifth and seventh judicial divisions. This table also indicates whether the conviction resulted from a guilty plea or jury trial. Overall, 2.1% of convictions statewide resulted from jury trials (see Figure B). The percentage of jury trials varied slightly by judicial division with a low of 1.5% in the sixth division and a high of 2.7% in the seventh division.



Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

**Table 2: Convictions by Judicial Division, Judicial District,  
County, and Mode of Disposition  
FY 2008/09 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
<b><i>First Judicial Division</i></b>		<b>3,019</b>	<b>64</b>	<b>3,083</b>
District 1	Camden	8	1	9
	Chowan	50	0	50
	Currituck	110	0	110
	Dare	174	0	174
	Gates	14	0	14
	Pasquotank	136	0	136
	Perquimans	23	1	24
	<b>Total</b>	<b>515</b>	<b>2</b>	<b>517</b>
District 2	Beaufort	400	9	409
	Hyde	6	0	6
	Martin	73	4	77
	Tyrrell	14	1	15
	Washington	23	2	25
	<b>Total</b>	<b>516</b>	<b>16</b>	<b>532</b>
District 3A	Pitt	759	18	777
<b>Total</b>	<b>759</b>	<b>18</b>	<b>777</b>	
District 6A	Halifax	189	6	195
<b>Total</b>	<b>189</b>	<b>6</b>	<b>195</b>	
District 6B	Bertie	85	1	86
	Hertford	103	2	105
	Northampton	47	1	48
	<b>Total</b>	<b>235</b>	<b>4</b>	<b>239</b>
District 7A	Nash	283	6	289
<b>Total</b>	<b>283</b>	<b>6</b>	<b>289</b>	
District 7B, C	Edgecombe	250	10	260
	Wilson	272	2	274
	<b>Total</b>	<b>522</b>	<b>12</b>	<b>534</b>
<b><i>Second Judicial Division</i></b>		<b>3,771</b>	<b>64</b>	<b>3,835</b>
District 3B	Carteret	260	2	262
	Craven	316	5	321
	Pamlico	32	0	32
	<b>Total</b>	<b>608</b>	<b>7</b>	<b>615</b>
District 4A	Duplin	294	1	295
	Jones	26	0	26
	Sampson	347	9	356
	<b>Total</b>	<b>667</b>	<b>10</b>	<b>677</b>

**Table 2: Convictions by Judicial Division, Judicial District,  
County, and Mode of Disposition (continued)  
FY 2008/09 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 4B	Onslow	499	17	516
	<b>Total</b>	<b>499</b>	<b>17</b>	<b>516</b>
District 5	New Hanover	1,128	14	1,142
	Pender	141	1	142
	<b>Total</b>	<b>1,269</b>	<b>15</b>	<b>1,284</b>
District 8A	Greene	49	1	50
	Lenoir	261	5	266
	<b>Total</b>	<b>310</b>	<b>6</b>	<b>316</b>
District 8B	Wayne	418	9	427
<b>Total</b>	<b>418</b>	<b>9</b>	<b>427</b>	
<b>Third Judicial Division</b>		<b>4,937</b>	<b>90</b>	<b>5,027</b>
District 9	Franklin	108	2	110
	Granville	173	3	176
	Vance	265	2	267
	Warren	48	0	48
	<b>Total</b>	<b>594</b>	<b>7</b>	<b>601</b>
District 9A	Caswell	44	3	47
	Person	117	4	121
	<b>Total</b>	<b>161</b>	<b>7</b>	<b>168</b>
District 10	Wake	2,405	49	2,454
<b>Total</b>	<b>2,405</b>	<b>49</b>	<b>2,454</b>	
District 14	Durham	806	16	822
<b>Total</b>	<b>806</b>	<b>16</b>	<b>822</b>	
District 15A	Alamance	637	7	644
<b>Total</b>	<b>637</b>	<b>7</b>	<b>644</b>	
District 15B	Chatham	121	1	122
	Orange	213	3	216
	<b>Total</b>	<b>334</b>	<b>4</b>	<b>338</b>
<b>Fourth Judicial Division</b>		<b>3,716</b>	<b>59</b>	<b>3,775</b>
District 11A	Harnett	380	4	384
	Lee	183	2	185
	<b>Total</b>	<b>563</b>	<b>6</b>	<b>569</b>
District 11B	Johnston	564	11	575
<b>Total</b>	<b>564</b>	<b>11</b>	<b>575</b>	
District 12	Cumberland	1,044	10	1,054
<b>Total</b>	<b>1,044</b>	<b>10</b>	<b>1,054</b>	

**Table 2: Convictions by Judicial Division, Judicial District,  
County, and Mode of Disposition (continued)  
FY 2008/09 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 13A	Bladen	133	3	136
	Columbus	205	8	213
	<b>Total</b>	<b>338</b>	<b>11</b>	<b>349</b>
District 13B	Brunswick	346	10	356
	<b>Total</b>	<b>346</b>	<b>10</b>	<b>356</b>
District 16A	Hoke	199	1	200
	Scotland	238	4	242
	<b>Total</b>	<b>437</b>	<b>5</b>	<b>442</b>
District 16B	Robeson	424	6	430
	<b>Total</b>	<b>424</b>	<b>6</b>	<b>430</b>
<b><i>Fifth Judicial Division</i></b>		<b><i>5,311</i></b>	<b><i>133</i></b>	<b><i>5,444</i></b>
District 17A	Rockingham	406	13	419
	<b>Total</b>	<b>406</b>	<b>13</b>	<b>419</b>
District 17B	Stokes	130	0	130
	Surry	238	3	241
	<b>Total</b>	<b>368</b>	<b>3</b>	<b>371</b>
District 18	Guilford	2,128	37	2,165
	<b>Total</b>	<b>2,128</b>	<b>37</b>	<b>2,165</b>
District 19B	Montgomery	74	0	74
	Randolph	306	10	316
	<b>Total</b>	<b>380</b>	<b>10</b>	<b>390</b>
District 19D	Moore	381	8	389
	<b>Total</b>	<b>381</b>	<b>8</b>	<b>389</b>
District 21	Forsyth	1,132	57	1,189
	<b>Total</b>	<b>1,132</b>	<b>57</b>	<b>1,189</b>
District 23	Alleghany	47	1	48
	Ashe	62	1	63
	Wilkes	279	3	282
	Yadkin	128	0	128
	<b>Total</b>	<b>516</b>	<b>5</b>	<b>521</b>
<b><i>Sixth Judicial Division</i></b>		<b><i>3,127</i></b>	<b><i>48</i></b>	<b><i>3,175</i></b>
District 19A	Cabarrus	570	12	582
	<b>Total</b>	<b>570</b>	<b>12</b>	<b>582</b>
District 19C	Rowan	529	6	535
	<b>Total</b>	<b>529</b>	<b>6</b>	<b>535</b>

**Table 2: Convictions by Judicial Division, Judicial District,  
County, and Mode of Disposition (continued)  
FY 2008/09 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 20A	Anson	91	3	94
	Richmond	227	3	230
	Stanly	194	7	201
	<b>Total</b>	<b>512</b>	<b>13</b>	<b>525</b>
District 20B	Union	330	2	332
	<b>Total</b>	<b>330</b>	<b>2</b>	<b>332</b>
District 22A	Alexander	69	1	70
	Iredell	387	5	392
	<b>Total</b>	<b>456</b>	<b>6</b>	<b>462</b>
District 22B	Davidson	651	7	658
	Davie	79	2	81
	<b>Total</b>	<b>730</b>	<b>9</b>	<b>739</b>
<b><i>Seventh Judicial Division</i></b>		<b>5,202</b>	<b>143</b>	<b>5,345</b>
District 25A	Burke	410	4	414
	Caldwell	185	7	192
	<b>Total</b>	<b>595</b>	<b>11</b>	<b>606</b>
District 25B	Catawba	428	9	437
	<b>Total</b>	<b>428</b>	<b>9</b>	<b>437</b>
District 26	Mecklenburg	2,493	71	2,564
	<b>Total</b>	<b>2,493</b>	<b>71</b>	<b>2,564</b>
District 27A	Gaston	981	14	995
	<b>Total</b>	<b>981</b>	<b>14</b>	<b>995</b>
District 27B	Cleveland	446	26	472
	Lincoln	259	12	271
	<b>Total</b>	<b>705</b>	<b>38</b>	<b>743</b>
<b><i>Eighth Judicial Division</i></b>		<b>2,519</b>	<b>63</b>	<b>2,582</b>
District 24	Avery	76	1	77
	Madison	101	2	103
	Mitchell	84	0	84
	Watauga	108	5	113
	Yancey	56	1	57
	<b>Total</b>	<b>425</b>	<b>9</b>	<b>434</b>
District 28	Buncombe	804	18	822
	<b>Total</b>	<b>804</b>	<b>18</b>	<b>822</b>
District 29A	McDowell	116	0	116
	Rutherford	307	6	313
	<b>Total</b>	<b>423</b>	<b>6</b>	<b>429</b>

**Table 2: Convictions by Judicial Division, Judicial District,  
County, and Mode of Disposition (continued)  
FY 2008/09 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 29B	Henderson	312	5	317
	Polk	32	2	34
	Transylvania	58	3	61
	<b>Total</b>	<b>402</b>	<b>10</b>	<b>412</b>
District 30A	Cherokee	55	2	57
	Clay	17	2	19
	Graham	20	2	22
	Macon	68	2	70
	Swain	33	1	34
	<b>Total</b>	<b>193</b>	<b>9</b>	<b>202</b>
District 30B	Haywood	177	6	183
	Jackson	95	5	100
	<b>Total</b>	<b>272</b>	<b>11</b>	<b>283</b>
<b>STATE TOTAL</b>		<b>31,602</b>	<b>664</b>	<b>32,266</b>

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

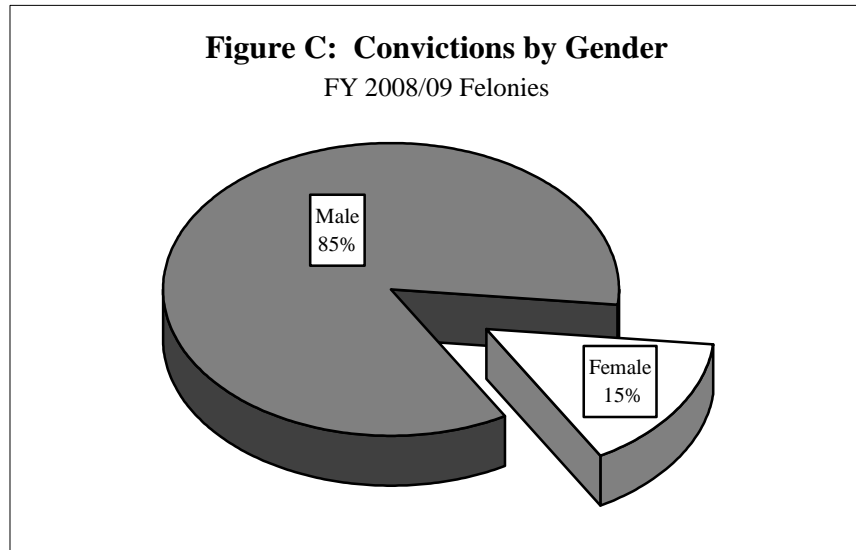
### **F. Felony Pleas in District Court**

Under G.S. 15A-1029.1(a), the District Court is authorized to accept a defendant's plea of guilty (or no contest) to a Class H or I felony. With the consent of both parties, the Superior Court may transfer a Class H or I felony to District Court for entry of the defendant's plea. In Fiscal Year 2008/09, 3,148 Class H (or 24% of Class H convictions) and 1,931 Class I (or 23% of Class I convictions) felony pleas were accepted in District Court for a total of 5,079 pleas (23.5% of all Class H and I felony convictions).

## II. CHARACTERISTICS OF OFFENDERS

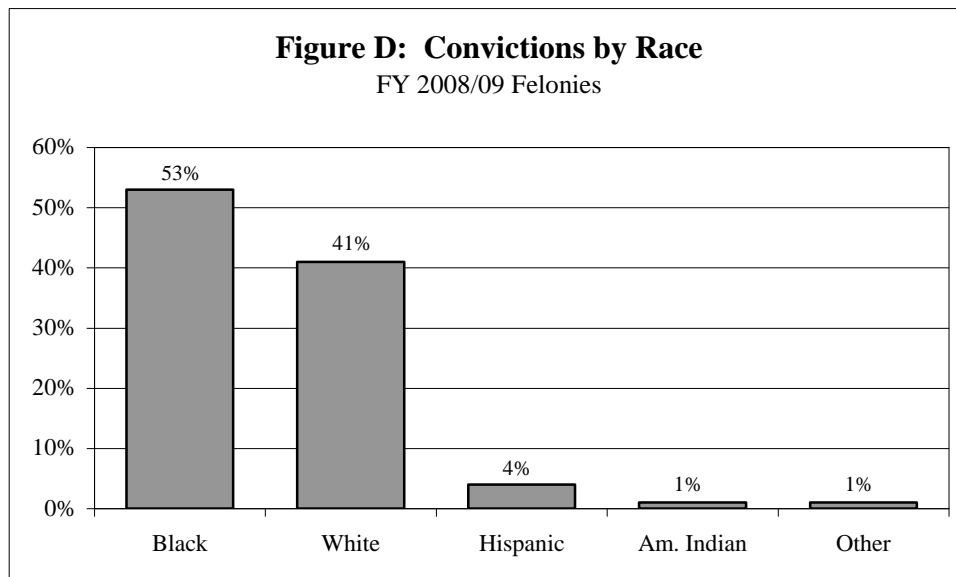
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This section provides a breakdown of convictions by offenders' gender, race, and age. Of the 32,266 felony convictions, 85% were for males (see *Figure C*).



Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

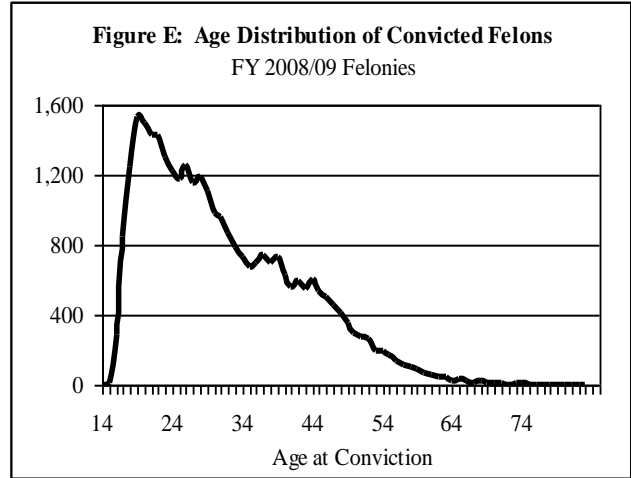
*Figure D* shows that 53% of all felony offenders were Black, 41% were White, and a small percentage were Hispanic (4%), American Indian (1%), or Other (1%).



Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data



Based on age at conviction, 17% of felony convictions were for offenders under the age of 21, 20% were 21-25 years of age, 15% were 26-29 years of age, 25% were 30-39 years of age, 16% were 40-49 years of age, and 7% were 50 years of age or older. The average age at conviction was 31 years. *Figure E* illustrates that the volume of offenders peaks in the late teens and early twenties, and then generally declines as age increases. *Table 3* provides a summary of convictions by gender, race, and age of offenders.



Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

**Table 3: Convictions by Gender, Race, and Age  
FY 2008/09 Felonies**

Gender and Race		Age at Conviction						Total
		<21	21-25	26-29	30-39	40-49	>49	
Male	White	1,563	2,049	1,487	2,638	1,888	851	10,476
	Black	3,203	3,352	2,147	3,302	2,158	990	15,152
	Hispanic	209	278	224	277	83	20	1,091
	Amer. Indian	44	74	58	103	51	17	347
	Other	30	34	31	33	11	8	147
	<b>Subtotal</b>	<b>5,049</b>	<b>5,787</b>	<b>3,947</b>	<b>6,353</b>	<b>4,191</b>	<b>1,886</b>	<b>27,213</b>
Female	White	190	426	434	926	604	202	2,782
	Black	168	322	304	537	391	125	1,847
	Hispanic	10	16	14	21	11	2	74
	Amer. Indian	3	7	10	38	12	2	72
	Other	2	7	4	5	3	3	24
	<b>Subtotal</b>	<b>373</b>	<b>778</b>	<b>766</b>	<b>1,527</b>	<b>1,021</b>	<b>334</b>	<b>4,799</b>
<b>TOTAL</b>		<b>5,422</b>	<b>6,565</b>	<b>4,713</b>	<b>7,880</b>	<b>5,212</b>	<b>2,220</b>	<b>32,012</b>

Note: Of the 32,266 felony convictions in FY 2008/09, 254 convictions with missing values for offenders' age were excluded from this table.

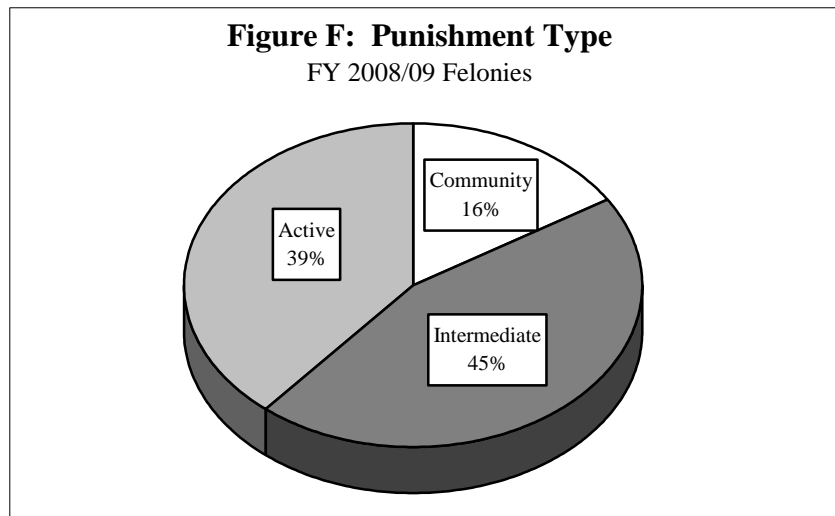
Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

### III. PUNISHMENT IMPOSED FOR FELONIES

This section details the type of sentence imposed (Active, Intermediate, or Community) for convictions during Fiscal Year 2008/09. The tables in this section also show the average minimum and maximum sentences for convictions for which an Active punishment was imposed. *The reader should note that this information is based on the most serious sentence an offender received.*<sup>1</sup>

#### A. Overall Punishment

An Active punishment was imposed for 39% of felony convictions, an Intermediate punishment was imposed for 45% of felony convictions, and a Community punishment was imposed for 16% of felony convictions (see *Figure F*).

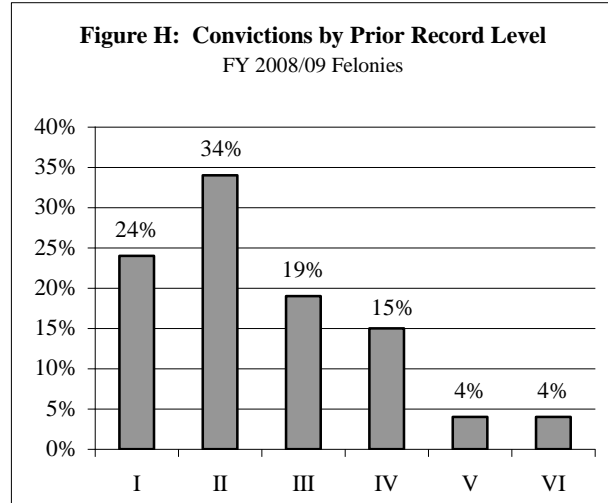
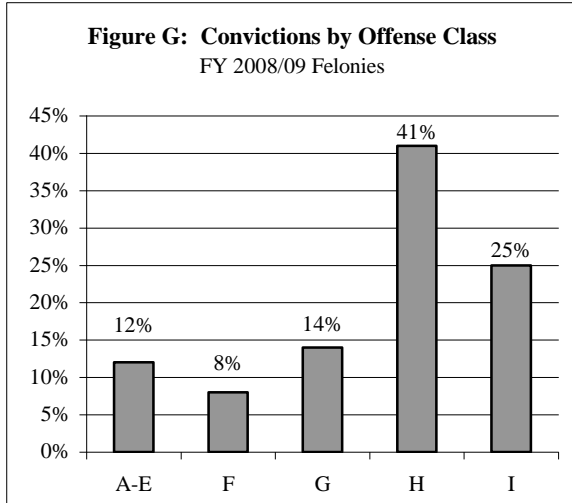


Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

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

*Figure G* shows the percentage of convictions by offense class. The majority of felony convictions (66%) were for Class H and Class I offenses. (See *Appendix B* for sample offenses for each offense class.) As shown in *Figure H*, the majority of felony convictions (58%) were for offenders with Prior Record Levels I and II, indicating little or no prior criminal record. Eight percent of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).

<sup>1</sup> Convictions that did not fit within the Felony Punishment Chart were excluded from this section (n=2,517 or almost 8%). 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).



Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

Table 4 presents felony convictions and sentences imposed within the context of the Felony Punishment Chart (see also Table 1). The table also includes the average minimum and maximum sentences for convictions for which an Active sentence was imposed.<sup>2</sup> The greatest number of convictions fell within Offense Class H with Prior Record Level II (n=3,924 or 13%).

The data presented in Table 4 indicate that the percentage of offenders receiving an Active sentence typically increases as the offense seriousness increases. As shown in the vertical “Total” column in Table 4, the average minimum and maximum sentences imposed increase as offense class increases. The average minimum sentence for all convictions resulting in an Active punishment (n=11,492) was 32 months. The lowest average minimum sentence was imposed for Class I convictions (7 months). Excluding life and death sentences, the highest average minimum sentence was imposed for Class B1 convictions (241 months).

Convictions for offenders falling into Prior Record Levels I and VI resulted in the highest average minimum sentences (40 months and 35 months respectively). The higher minimum sentences for Prior Record Level I can be attributed to the fact that the majority of offenders eligible for an Active sentence in these prior record levels are those convicted in the more serious offense classes (i.e., Class B1 through E felonies). For information on punishment imposed by judicial division, see Appendix C.

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

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level  
FY 2008/09 Felonies**

Offense Class	Prior Record Level						Total
	I 0 Points	II 1-4 Points	III 5-8 Points	IV 9-14 Points	V 15-18 Points	VI 19+ Points	
<b>A</b>	A A = 44 (100%) (n = 44)  Life/Death	A A = 20 (100%) (n = 20)  Life/Death	A A = 14 (100%) (n = 14)  Life/Death	A A = 6 (100%) (n = 6)  Life/Death	A A = 4 (100%) (n = 4)  Life/Death	A A = 1 (100%) (n = 1)  Life/Death	A A = 89 (100%) (n = 89)  Life/Death
<b>B1</b>	A A = 72 (100%) (n = 72)  202 min 252 max	A A = 41 (100%) (n = 41)  241 min 298 max	A A = 18 (100%) (n = 18)  278 min 343 max	A A = 19 (100%) (n = 19)  332 min 407 max	A A = 3 (100%) (n = 3)  323 min 397 max	A A = 1 (100%) (n = 1)  420 min 513 max	A A = 154 (100%) (n = 154)  241 min 299 max
<b>B2</b>	A A = 117 (100%) (n = 117)  135 min 172 max	A A = 109 (100%) (n = 109)  164 min 207 max	A A = 48 (100%) (n = 48)  196 min 244 max	A A = 31 (100%) (n = 31)  225 min 280 max	A A = 6 (100%) (n = 6)  214 min 266 max	A A = 5 (100%) (n = 5)  255 min 315 max	A A = 316 (100%) (n = 316)  167 min 210 max
<b>C</b>	A A = 84 (100%) (n = 84)  62 min 83 max	A A = 169 (100%) (n = 169)  79 min 103 max	A A = 201 (100%) (n = 201)  85 min 111 max	A A = 340 (100%) (n = 340)  95 min 123 max	A A = 116 (100%) (n = 116)  109 min 139 max	A A = 137 (100%) (n = 137)  122 min 155 max	A A = 1,047 (100%) (n = 1,047)  93 min 120 max
<b>D</b>	A A = 326 (100%) (n = 326)  50 min 69 max	A A = 256 (100%) (n = 256)  59 min 80 max	A A = 144 (100%) (n = 144)  80 min 106 max	A A = 78 (100%) (n = 78)  95 min 123 max	A A = 32 (100%) (n = 32)  108 min 139 max	A A = 25 (100%) (n = 25)  116 min 149 max	A A = 861 (100%) (n = 861)  66 min 88 max
<b>E</b>	I/A I = 359 (69%) A = 164 (31%) (n = 523)  21 min 34 max	I/A I = 284 (60%) A = 189 (40%) (n = 473)  25 min 39 max	A A = 121 (100%) (n = 121)  30 min 45 max	A A = 105 (100%) (n = 105)  40 min 58 max	A A = 35 (100%) (n = 35)  45 min 63 max	A A = 24 (100%) (n = 24)  48 min 67 max	I/A I = 643 (50%) A = 638 (50%) (n = 1,281)  29 min 44 max
<b>F</b>	I/A I = 386 (62%) A = 240 (38%) (n = 626)  14 min 17 max	I/A I = 383 (55%) A = 312 (45%) (n = 695)  16 min 19 max	I/A I = 219 (45%) A = 271 (55%) (n = 490)  18 min 22 max	A A = 284 (100%) (n = 284)  20 min 24 max	A A = 88 (100%) (n = 88)  28 min 34 max	A A = 78 (100%) (n = 78)  32 min 39 max	I/A I = 988 (44%) A = 1,273 (56%) (n = 2,261)  19 min 23 max

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level (continued)  
FY 2008/09 Felonies**

Offense Class	Prior Record Level						Total
	I 0 Points	II 1-4 Points	III 5-8 Points	IV 9-14 Points	V 15-18 Points	VI 19+ Points	
<b>G</b>	I/A  I = 541 (76%) A = 170 (24%) (n = 711)  11 min 14 max	I/A  I = 970 (73%) A = 363 (27%) (n = 1,333)  13 min 16 max	I/A  I = 529 (55%) A = 440 (45%) (n = 969)  14 min 17 max	I/A  I = 298 (40%) A = 453 (60%) (n = 751)  17 min 21 max	A  A = 137 (100%) (n = 137)  18 min 23 max	A  A = 136 (100%) (n = 136)  25 min 31 max	I/A  I = 2,338 (58%) A = 1,699 (42%) (n = 4,037)  15 min 19 max
<b>H</b>	C/I/A  C = 1,431 (48%) I = 1,204 (40%) A = 377 (12%) (n = 3,012)  5 min 7 max	I/A  I = 2,917 (74%) A = 1,007 (26%) (n = 3,924)  6 min 8 max	I/A  I = 1,319 (56%) A = 1,018 (44%) (n = 2,337)  8 min 11 max	I/A  I = 737 (38%) A = 1,214 (62%) (n = 1,951)  10 min 12 max	I/A  I = 134 (24%) A = 430 (76%) (n = 564)  13 min 16 max	A  A = 500 (100%) (n = 500)  18 min 22 max	C/I/A  C = 1,431 (12%) I = 6,311 (51%) A = 4,546 (37%) (n = 12,288)  10 min 12 max
<b>I</b>	C  C = 1,596 (100%) (n = 1,596)  N/A	C/I  C = 1,704 (57%) I = 1,269 (43%) (n = 2,973)  N/A	I  I = 1,284 (100%) (n = 1,284)  N/A	I/A  I = 524 (51%) A = 496 (49%) (n = 1,020)  6 min 8 max	I/A  I = 95 (38%) A = 157 (62%) (n = 252)  8 min 10 max	I/A  I = 74 (25%) A = 216 (75%) (n = 290)  9 min 11 max	C/I/A  C = 3,300 (44%) I = 3,246 (44%) A = 869 (12%) (n = 7,415)  7 min 9 max
<b>TOTAL</b>	C/I/A  C = 3,027 (43%) I = 2,490 (35%) A = 1,594 (22%) (n = 7,111)  40 min 53 max	C/I/A  C = 1,704 (17%) I = 5,823 (58%) A = 2,466 (25%) (n = 9,993)  32 min 41 max	I/A  I = 3,351 (60%) A = 2,275 (40%) (n = 5,626)  29 min 38 max	I/A  I = 1,559 (34%) A = 3,026 (66%) (n = 4,585)  28 min 36 max	I/A  I = 229 (18%) A = 1,008 (82%) (n = 1,237)  32 min 40 max	I/A  I = 74 (6%) A = 1,123 (94%) (n = 1,197)  35 min 44 max	C/I/A  C = 4,731 (16%) I = 13,526 (45%) A = 11,492 (39%) (n = 29,749)  32 min 41 max

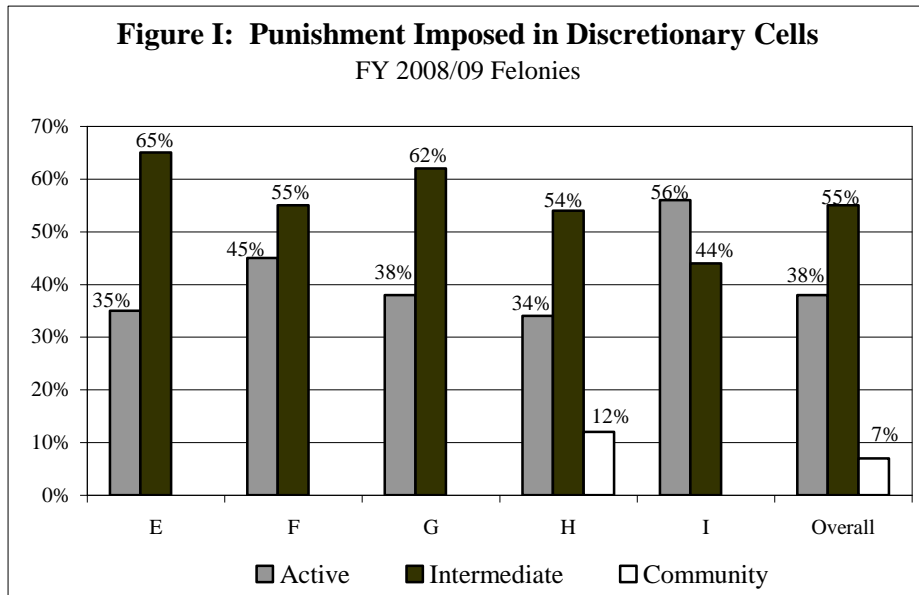
Note: Of the 32,266 felony convictions in FY 2008/09, 2,517 convictions were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Death and life without parole sentences were excluded from the calculation of the average minimum and maximum sentences.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

### C. Punishment Imposed in Discretionary Cells

As shown in *Table 4*, where the judge had the option of imposing either an Active or community-based punishment (*i.e.*, either an Intermediate or Community punishment), an Intermediate punishment was most likely to be imposed for convictions falling within Offense Class G with Prior Record Level I (76%), while an Active sentence was most likely to be imposed for convictions falling within Offense Class H with Prior Record Level V (76%).

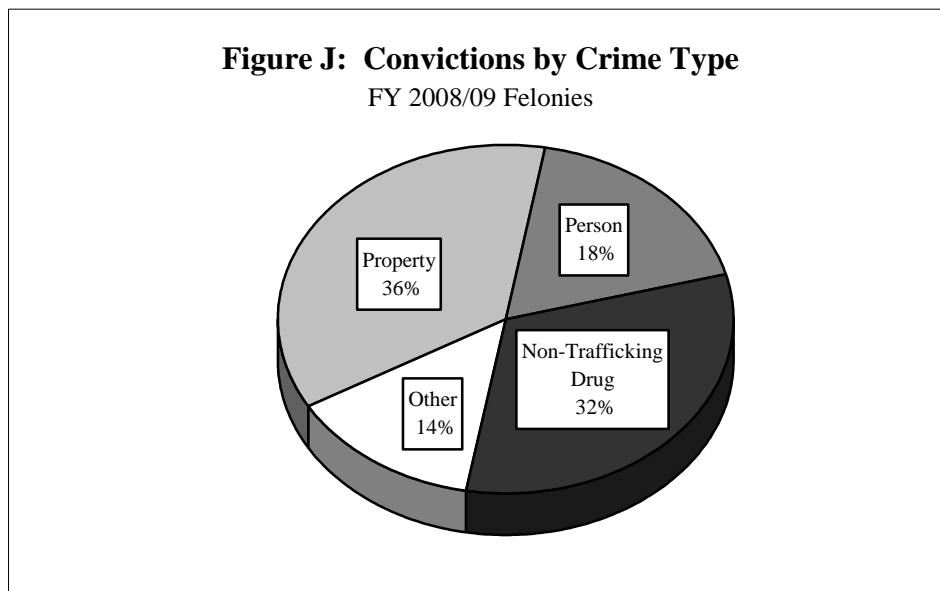
Figure I summarizes sentences imposed by offense class for discretionary cells with an Active punishment option.



Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

#### D. Punishment Imposed by Crime Type

During Fiscal Year 2008/09, property offenses accounted for 36% of convictions, while convictions for non-trafficking drug accounted for 32%. (See Figure J.) For additional data on convictions by crime type, see Appendix D.



Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

The type of punishment imposed by crime type is shown in *Table 5*. Relative to other crime types, convictions for person offenses were most likely to result in the imposition of an Active punishment (64%), while convictions for non-trafficking drug offenses were least likely to result in the imposition of an Active punishment (22%). Of the four crime types, non-trafficking drug and property convictions had the highest percentage of Intermediate punishment sentences (50% each); non-trafficking drug convictions had the highest percentage of Community punishment sentences (28%).

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

**Table 5: Convictions and Sentences by Crime Type  
FY 2008/09 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	3,401	64	1,839	34	87	2	59	76	5,327
Property	3,679	34	5,361	50	1,738	16	11	14	10,778
Non-Trafficking Drug	2,105	22	4,733	50	2,677	28	12	15	9,515
Other Felony	2,307	56	1,593	39	229	5	43	55	4,129
<b>TOTAL</b>	11,492	39	13,526	45	4,731	16	32	41	29,749

Note: Of the 32,266 felony convictions in FY 2008/09, 2,517 convictions 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).

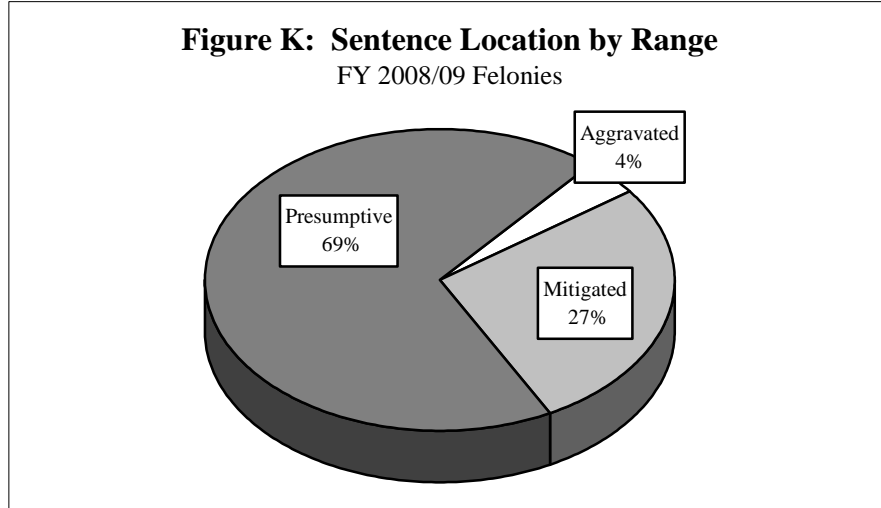
Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

#### **IV. SENTENCE LOCATION IN THE SENTENCING RANGES**

This section presents information regarding the location of sentences imposed in the sentencing ranges and *deals only with convictions for which an Active sentence was imposed (n=11,492)*. Class A convictions, which are subject to mandatory life or death sentences, are excluded from this section (n=89).

## A. Sentence Location

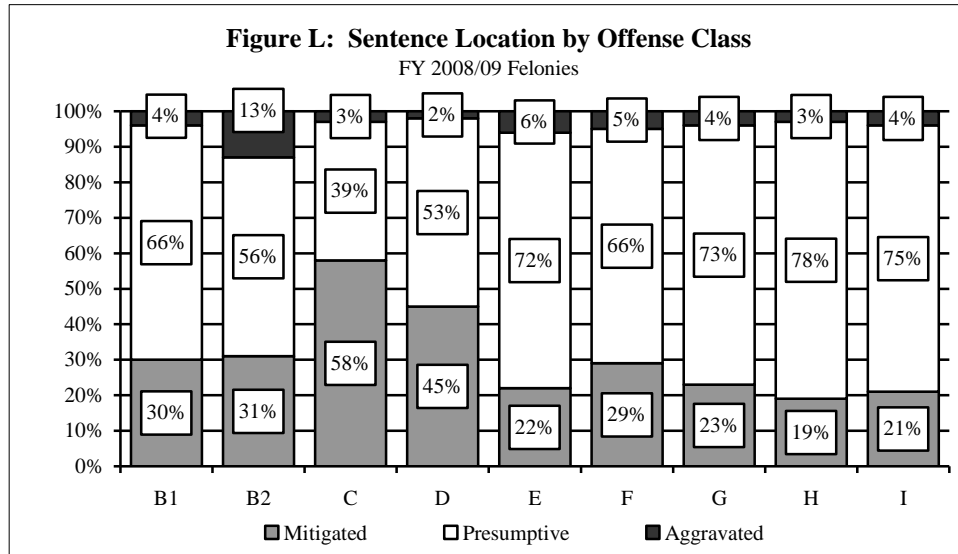
Figure K shows that 69% of all Active sentences fell within the presumptive range; 27% fell within the mitigated range; and 4% fell within the aggravated range.



Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

## B. Sentence Location by Offense Class and Prior Record Level

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



Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

For information regarding sentence location by offense class and prior record level, see Table 6. Convictions for Class H and Class I offenses had the highest percentages of Active sentences in



the presumptive range (78% and 75%, respectively), while convictions for Class C offenses had the lowest percentage of Active sentences in the presumptive range (39%). Convictions falling into Prior Record Level I had the highest percentage of Active sentences in the mitigated range (30%) while convictions falling into Prior Record Levels I, V, and VI had the highest percentage of Active sentences in the aggravated range (5%).

Overall, 27% of Active sentences were in the mitigated range and an additional 29% were at the lowest possible point of the presumptive range. Convictions for Class C offenses had the highest percentage of Active sentences in the mitigated range (58%), followed by convictions for Class D offenses (45%). In addition, as shown in *Appendix D*, 72% of Class C convictions and 66% of Class D convictions were sentenced within the mitigated range or at the lowest possible point of the presumptive range.

**Table 6: Sentence Location by Offense Class and Prior Record Level  
(Active Sentences Only)  
FY 2008/09 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0 Points	II 1-4 Points	III 5-8 Points	IV 9-14 Points	V 15-18 Points	VI 19+ Points	
B1	Mitigated	25 (35%)	11 (27%)	5 (28%)	3 (16%)	2 (67%)	0 (0%)	46 (30%)
	Presumptive	44 (61%)	28 (68%)	12 (67%)	16 (84%)	1 (33%)	1 (100%)	102 (66%)
	Aggravated	3 (4%)	2 (5%)	1 (5%)	0 (0%)	0 (0%)	0 (0%)	6 (4%)
	<b>Subtotal</b>	<b>72</b>	<b>41</b>	<b>18</b>	<b>19</b>	<b>3</b>	<b>1</b>	<b>154</b>
B2	Mitigated	42 (36%)	30 (27%)	13 (27%)	5 (16%)	4 (67%)	2 (40%)	96 (31%)
	Presumptive	58 (50%)	65 (60%)	25 (52%)	25 (81%)	2 (33%)	3 (60%)	178 (56%)
	Aggravated	17 (14%)	14 (13%)	10 (21%)	1 (3%)	0 (0%)	0 (0%)	42 (13%)
	<b>Subtotal</b>	<b>117</b>	<b>109</b>	<b>48</b>	<b>31</b>	<b>6</b>	<b>5</b>	<b>316</b>
C	Mitigated	24 (28%)	78 (46%)	123 (61%)	226 (67%)	69 (59%)	88 (64%)	608 (58%)
	Presumptive	51 (61%)	84 (50%)	74 (37%)	109 (32%)	46 (40%)	48 (35%)	412 (39%)
	Aggravated	9 (11%)	7 (4%)	4 (2%)	5 (1%)	1 (1%)	1 (1%)	27 (3%)
	<b>Subtotal</b>	<b>84</b>	<b>169</b>	<b>201</b>	<b>340</b>	<b>116</b>	<b>137</b>	<b>1,047</b>

**Table 6: Sentence Location by Offense Class and Prior Record Level (continued)**  
**(Active Sentences Only)**  
**FY 2008/09 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0 Points	II 1-4 Points	III 5-8 Points	IV 9-14 Points	V 15-18 Points	VI 19+ Points	
<b>D</b>	Mitigated	153 (47%)	120 (47%)	65 (45%)	25 (32%)	14 (44%)	9 (36%)	386 (45%)
	Presumptive	163 (50%)	131 (51%)	75 (52%)	52 (67%)	16 (50%)	16 (64%)	453 (53%)
	Aggravated	10 (3%)	5 (2%)	4 (3%)	1 (1%)	2 (6%)	0 (0%)	22 (2%)
	<b>Subtotal</b>	<b>326</b>	<b>256</b>	<b>144</b>	<b>78</b>	<b>32</b>	<b>25</b>	<b>861</b>
<b>E</b>	Mitigated	42 (26%)	41 (22%)	20 (16%)	21 (20%)	10 (28%)	7 (29%)	141 (22%)
	Presumptive	117 (71%)	134 (71%)	93 (77%)	77 (73%)	23 (66%)	17 (71%)	461 (72%)
	Aggravated	5 (3%)	14 (7%)	8 (7%)	7 (7%)	2 (6%)	0 (0%)	36 (6%)
	<b>Subtotal</b>	<b>164</b>	<b>189</b>	<b>121</b>	<b>105</b>	<b>35</b>	<b>24</b>	<b>638</b>
<b>F</b>	Mitigated	64 (27%)	90 (29%)	61 (23%)	107 (38%)	26 (29%)	25 (32%)	373 (29%)
	Presumptive	162 (67%)	209 (67%)	196 (72%)	168 (59%)	57 (65%)	48 (62%)	840 (66%)
	Aggravated	14 (6%)	13 (4%)	14 (5%)	9 (3%)	5 (6%)	5 (6%)	60 (5%)
	<b>Subtotal</b>	<b>240</b>	<b>312</b>	<b>271</b>	<b>284</b>	<b>88</b>	<b>78</b>	<b>1,273</b>
<b>G</b>	Mitigated	30 (18%)	84 (23%)	111 (25%)	95 (21%)	31 (23%)	32 (23%)	383 (23%)
	Presumptive	135 (79%)	262 (72%)	318 (72%)	336 (74%)	96 (70%)	92 (68%)	1,239 (73%)
	Aggravated	5 (3%)	17 (5%)	11 (3%)	22 (5%)	10 (7%)	12 (9%)	77 (4%)
	<b>Subtotal</b>	<b>170</b>	<b>363</b>	<b>440</b>	<b>453</b>	<b>137</b>	<b>136</b>	<b>1,699</b>
<b>H</b>	Mitigated	87 (23%)	196 (20%)	224 (22%)	203 (17%)	71 (16%)	84 (17%)	865 (19%)
	Presumptive	276 (73%)	787 (78%)	780 (77%)	974 (80%)	339 (79%)	389 (78%)	3,545 (78%)
	Aggravated	14 (4%)	24 (2%)	14 (1%)	37 (3%)	20 (5%)	27 (5%)	136 (3%)
	<b>Subtotal</b>	<b>377</b>	<b>1,007</b>	<b>1,018</b>	<b>1,214</b>	<b>430</b>	<b>500</b>	<b>4,546</b>

**Table 6: Sentence Location by Offense Class and Prior Record Level (continued)  
(Active Sentences Only)  
FY 2008/09 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0 Points	II 1-4 Points	III 5-8 Points	IV 9-14 Points	V 15-18 Points	VI 19+ Points	
<b>I</b>	Mitigated	N/A	N/A	N/A	116 (23%)	28 (18%)	41 (19%)	185 (21%)
	Presumptive	N/A	N/A	N/A	367 (74%)	117 (74%)	163 (75%)	647 (75%)
	Aggravated	N/A	N/A	N/A	13 (3%)	12 (8%)	12 (6%)	37 (4%)
	<b>Subtotal</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>496</b>	<b>157</b>	<b>216</b>	<b>869</b>
<b>TOTAL</b>	Mitigated	467 (30%)	650 (27%)	622 (27%)	801 (27%)	255 (26%)	288 (26%)	3,083 (27%)
	Presumptive	1,006 (65%)	1,700 (69%)	1,573 (70%)	2,124 (70%)	697 (69%)	777 (69%)	7,877 (69%)
	Aggravated	77 (5%)	96 (4%)	66 (3%)	95 (3%)	52 (5%)	57 (5%)	443 (4%)
	<b>Subtotal</b>	<b>1,550</b>	<b>2,446</b>	<b>2,261</b>	<b>3,020</b>	<b>1,004</b>	<b>1,122</b>	<b>11,403</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. In addition, 89 convictions requiring a mandatory life sentence were excluded from this table.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

### C. Sentence Location by Crime Type

The sentence location for selected crime types is contained in *Table 7*. Of the four crime types, convictions for person offenses accounted for the highest percentage of aggravated sentences (6%). Convictions in the category of other felony offenses accounted for the lowest percentage of presumptive sentences (58%), the highest percentage of mitigated sentences (40%), and the lowest percentage of aggravated sentences (2%) relative to the other crime types. Habitual felon convictions accounted for the largest number of convictions in the other felony category, representing 33% of convictions in this category. For additional information regarding convictions by crime type, see *Appendix D*.

**Table 7: Sentence Location by Crime Type  
(Active Sentences Only)  
FY 2008/09 Felonies**

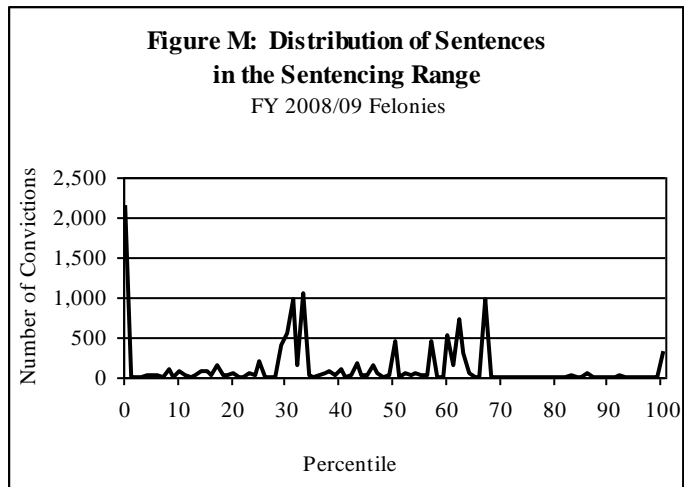
Crime Type	Sentencing Range						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<b>Person</b>	1,002	30	2,114	64	196	6	3,312
<b>Property</b>	741	20	2,831	77	107	3	3,679
<b>Non-Trafficking Drug</b>	423	20	1,598	76	84	4	2,105
<b>Other Felony</b>	917	40	1,334	58	56	2	2,307
<b>TOTAL</b>	3,083	27	7,877	69	443	4	11,403

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. In addition, 89 convictions requiring a mandatory life sentence were excluded from this table.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

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

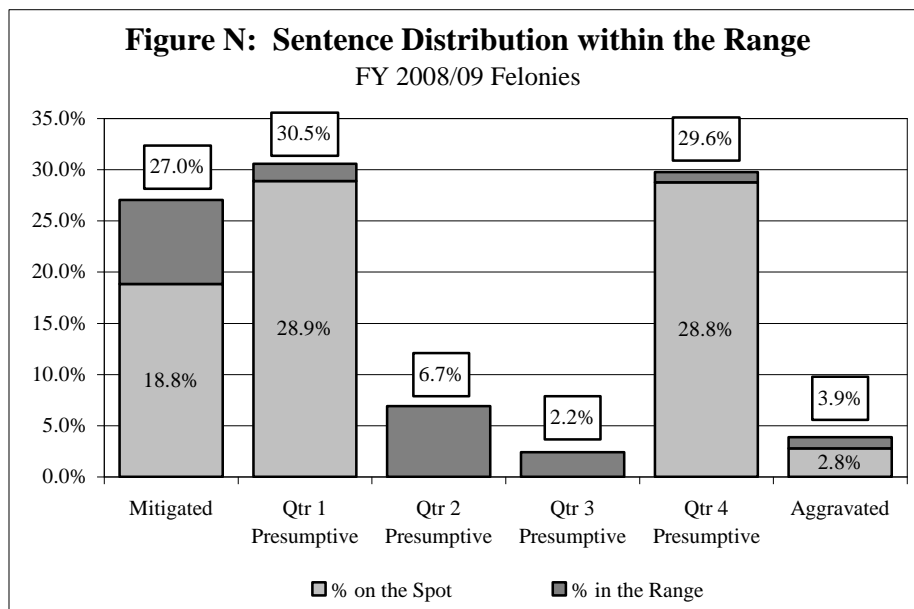
Viewing the entire sentencing range as a continuum from the lowest possible sentence imposed in the mitigated range to the highest possible sentence imposed in the aggravated range, on average the 11,403 active sentences imposed (excluding the 89 convictions with a mandatory life sentence) fell below the midpoint of the range (at the 37<sup>th</sup> percentile above the minimum). Close examination of the actual location of each Active sentence within its respective range revealed that the majority of offenders were sentenced within the first or fourth quarter of the presumptive portion of the range (30.5% and 29.6% of all cases, respectively) (see *Figure M* and *Table 9*).



Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

Further analysis indicates that over three-quarters (79.3%) of all Active sentences were located on one of only *four* specific spots of their respective ranges (*i.e.*, the lowest spot of the mitigated range, the lowest spot of the presumptive range, the highest spot of the presumptive range, and the highest spot of the aggravated range). As shown in *Table 8* and *Figure N*, 18.8% of Active sentences fell on the lowest point of the mitigated range; 28.9% fell on the lowest point of the presumptive range; 28.8% fell on the highest point of the presumptive range; and 2.8% fell on the highest point of the aggravated range.

For information regarding sentences imposed on one of the four specific spots of the sentencing range by offense class, see *Table 8*. Convictions for Class H and I offenses had the highest percentages of Active sentences located on one of the four spots, with 86.7% and 86.4% of all Active sentences, respectively, located on one of four specific spots of the range. Convictions for Class B2 offenses had the lowest percentage of Active sentences located on one of the four specific spots of the sentencing range (55.7%).



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

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

**Table 8: Most Frequent Sentencing Range Spots by Offense Class  
(Active Sentences Only)  
FY 2008/09 Felonies**

Offense Class	Location in the Range				% on the Four Spots
	Mitigated Range	Presumptive Range		Aggravated Range	
	% Lowest Spot	% Lowest Spot	% Highest Spot	% Highest Spot	
<b>B1</b>	20.1	15.6	28.6	2.0	66.2
<b>B2</b>	13.9	14.2	18.4	9.2	55.7
<b>C</b>	43.7	14.3	11.1	1.0	70.1
<b>D</b>	27.5	21.7	14.1	1.1	64.3
<b>E</b>	13.2	27.0	28.7	4.1	72.9
<b>F</b>	16.5	28.9	24.4	3.7	73.5
<b>G</b>	15.4	31.0	31.2	3.6	81.2
<b>H</b>	14.9	33.9	35.7	2.2	86.7
<b>I</b>	16.5	32.2	34.1	3.7	86.4
<b>TOTAL</b>	18.8	28.9	28.8	2.8	79.3

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. In addition, 89 convictions requiring a mandatory life sentence were excluded from this table. Percentages may not add to 100% due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

A similar pattern is evident by crime type, especially for property and non-trafficking drug offenses, with 83.5% and 85.2% of all Active sentences, respectively, located on four specific spots of the range (see *Table 9*).

**Table 9: Sentencing Range by Crime Type  
(Active Sentences Only)  
FY 2008/09 Felonies**

Crime Type	Location in the Range						% on the Four Spots
	% Mitigated Range (Min. Spot)	Presumptive Range				% Aggravated Range (Max. Spot)	
		% First Quarter (Min. Spot)	% Second Quarter	% Third Quarter	% Fourth Quarter (Max. Spot)		
Person	30.3 (15.3)	27.1 (23.8)	5.7	4.3	26.8 (24.6)	5.9 (4.0)	67.7
Property	20.1 (13.7)	34.1 (33.7)	8.1	0.8	33.9 (33.8)	2.9 (2.2)	83.4
Non-Trafficking Drug	20.1 (14.8)	32.0 (31.1)	6.6	0.9	36.5 (36.3)	4.0 (3.0)	85.2
Other Felony	39.8 (28.4)	28.5 (26.5)	6.2	2.5	20.6 (19.7)	2.4 (1.7)	76.4
<b>TOTAL</b>	27.0 (18.8)	30.5 (28.9)	6.7	2.2	29.6 (28.8)	3.9 (2.8)	79.3

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

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

## V. INTERMEDIATE PUNISHMENTS

This section summarizes the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed at sentencing.*<sup>3</sup> Under Structured Sentencing, all offenders who receive an Intermediate punishment must receive a term of supervised probation plus at least one additional sanction. The specific intermediate sanctions are Intensive Supervision Probation (ISP), Special Probation (SP), House Arrest with Electronic Monitoring (HAEM), Day Reporting Center (DRC), Residential Treatment Facility (RESID), and Drug Treatment Court (DTC). It should be noted that these sanctions are not equally available across the state. See *Appendix E* for a brief description of each type of intermediate sanction.

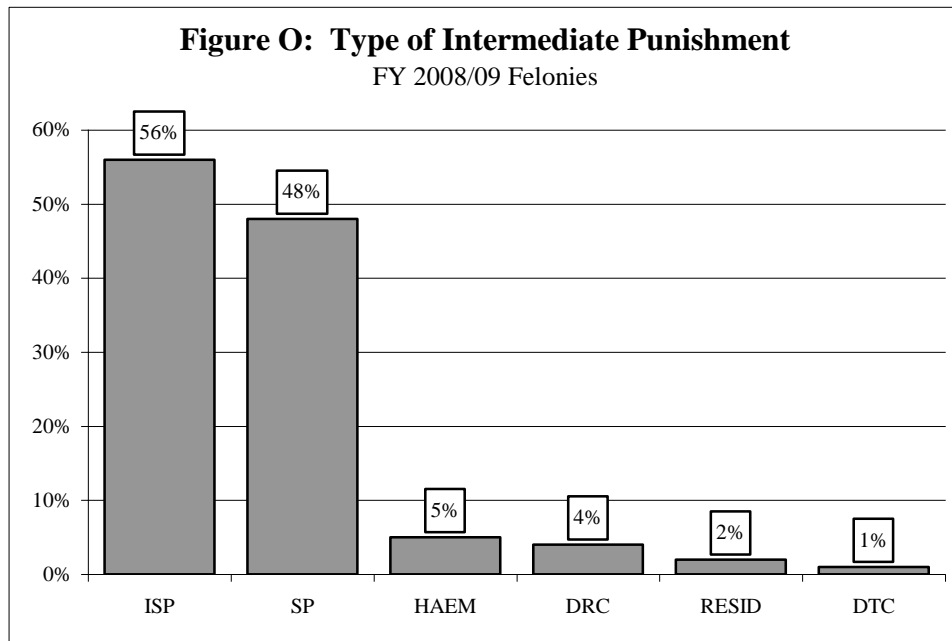
During Fiscal Year 2008/09, Intermediate punishments were imposed for 13,526 convictions. The specific type(s) of intermediate sanction(s) imposed was reported in the AOC database for 13,385 convictions – a reporting rate of 99%.

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

<sup>3</sup> Intermediate punishments that are subsequently imposed as a result of modifications to probation are not included.

## A. Intermediate Punishments Imposed

Figure O illustrates the percentage of convictions for which specific intermediate sanctions were imposed. The figure indicates that Intensive Supervision Probation accounted for the highest percentage of convictions for which a specific intermediate sanction was reported (56%). Assignment to Drug Treatment Court accounted for the smallest percentage of convictions for which a specific intermediate sanction was reported (1%).



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

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

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

Table 10 shows the frequency and average probation length of Intermediate punishments by offense class and prior record level. Of those convictions for which specific intermediate sanctions were reported, the greatest number was imposed for Class H felonies (n=7,107). For Class H, Intensive Supervision Probation was the most frequently invoked sanction (n=3,430), followed by Special Probation (n=2,988). Convictions for Class E felonies resulted in the longest average probation sentences for Intermediate punishments (36 months). Convictions for which a Residential Facility sanction was imposed resulted in the longest average probation sentence of all the Intermediate punishments (36 months). Overall, convictions for which an Intermediate punishment was imposed resulted in an average probation sentence of 31 months.



**Table 10: Type of Intermediate Punishment by Offense Class and Prior Record Level  
FY 2008/09 Felonies**

Offense Class	Prior Record Level	Type of Intermediate Punishment (Number and Average Probation Length)						Total
		Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	Drug Treatment Court	House Arrest w/ Elect. Mon.	
E	I	209	2	15	212	0	23	461
	II	176	3	1	152	0	16	348
	<b>Subtotal</b>	<b>385</b> <i>36 months</i>	<b>5</b> <i>36 months</i>	<b>16</b> <i>36 months</i>	<b>364</b> <i>37 months</i>	<b>0</b> <i>N/A</i>	<b>39</b> <i>39 months</i>	<b>809</b> <i>36 months</i>
F	I	201	3	2	215	0	20	441
	II	215	11	13	202	0	20	461
	III	140	5	0	97	0	8	250
	<b>Subtotal</b>	<b>556</b> <i>35 months</i>	<b>19</b> <i>39 months</i>	<b>15</b> <i>37 months</i>	<b>514</b> <i>36 months</i>	<b>0</b> <i>N/A</i>	<b>48</b> <i>39 months</i>	<b>1,152</b> <i>35 months</i>
G	I	292	5	27	298	0	40	662
	II	522	13	33	546	0	46	1,160
	III	295	8	14	294	1	24	636
	IV	176	7	4	146	4	20	357
	<b>Subtotal</b>	<b>1,285</b> <i>32 months</i>	<b>33</b> <i>37 months</i>	<b>78</b> <i>34 months</i>	<b>1,284</b> <i>33 months</i>	<b>5</b> <i>30 months</i>	<b>130</b> <i>35 months</i>	<b>2,815</b> <i>32 months</i>
H	I	586	13	73	606	7	61	1,346
	II	1,320	27	114	1,625	28	124	3,238
	III	637	31	33	735	13	61	1,510
	IV	369	27	19	396	7	36	854
	V	76	7	1	68	2	5	159
	<b>Subtotal</b>	<b>2,988</b> <i>31 months</i>	<b>105</b> <i>36 months</i>	<b>240</b> <i>30 months</i>	<b>3,430</b> <i>32 months</i>	<b>57</b> <i>30 months</i>	<b>287</b> <i>34 months</i>	<b>7,107</b> <i>31 months</i>

**Table 10: Type of Intermediate Punishment by Offense Class and Prior Record Level  
(continued)  
FY 2008/09 Felonies**

Offense Class	Prior Record Level	Type of Intermediate Punishment (Number and Average Probation Length)						Total
		Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	Drug Treatment Court	House Arrest w/ Elect. Mon.	
<b>I</b>	<b>II</b>	481	9	67	768	24	58	1,407
	<b>III</b>	519	12	40	754	17	49	1,391
	<b>IV</b>	233	9	15	297	11	28	593
	<b>V</b>	36	2	2	61	2	2	105
	<b>VI</b>	36	7	4	35	3	2	87
	<b>Subtotal</b>	<b>1,305</b> <i>27 months</i>	<b>39</b> <i>31 months</i>	<b>128</b> <i>26 months</i>	<b>1,915</b> <i>29 months</i>	<b>57</b> <i>30 months</i>	<b>139</b> <i>30 months</i>	<b>3,583</b> <i>28 months</i>
<b>TOTAL</b>	<b>6,519</b> <i>31 months</i>	<b>201</b> <i>36 months</i>	<b>477</b> <i>30 months</i>	<b>7,507</b> <i>32 months</i>	<b>119</b> <i>30 months</i>	<b>643</b> <i>34 months</i>	<b>15,466</b> <i>31 months</i>	

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.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

### **C. Intermediate Punishments by Crime Type**

Table 11 shows the frequency of Intermediate punishments by crime type. Of those convictions for which a specific intermediate sanction was reported, the largest number was for property offenses (n=6,047), followed by non-trafficking drug offenses (n=5,326).

**Table 11: Type of Intermediate Punishment by Crime Type  
FY 2008/09 Felonies**

Crime Type	Type of Intermediate Punishment						Total
	Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	Drug Treatment Court	House Arrest w/ Elect. Mon.	
Person	1,103	19	49	959	0	96	2,226
Property	2,553	113	207	2,865	58	251	6,047
Non-Trafficking Drug	2,030	44	180	2,802	57	213	5,326
Other Felony	833	25	41	881	4	83	1,867
<b>TOTAL</b>	<b>6,519</b>	<b>201</b>	<b>477</b>	<b>7,507</b>	<b>119</b>	<b>643</b>	<b>15,466</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.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

## **VI. COMMUNITY PUNISHMENTS**

*This section includes only those convictions for which a Community punishment was the most serious sanction imposed. During Fiscal Year 2008/09, there were 4,731 convictions for which a Community punishment was imposed. The specific type(s) of Community punishment(s) imposed was reported in the AOC database for 4,710 convictions – a reporting rate of 99%.<sup>4</sup> Of these 4,710 convictions, 4,548 were for supervised probation; 146 were for unsupervised probation, and 16 were for restitution, fines, and/or community service only. For more information about community service and restitution, refer to *Appendix F*.*

### **A. Community Punishments by Offense Class**

*Table 12 shows the type of Community punishment imposed – either Supervised Probation, Unsupervised Probation, Restitution/Fine/Community Service Only, or Sanction Not Specified – by offense class, as well as information regarding the average length of probation sentences. Class I felony offenses accounted for the largest number of convictions for which a Community punishment was imposed (n=3,300). Convictions for Class H felonies resulted in the longest average probation sentences for Community punishments (28 months). Overall, convictions for which a Community punishment was imposed resulted in an average probation sentence of 25 months.*

<sup>4</sup> It is not clear why a specific Community punishment was not reported for 1% of the convictions in which a Community punishment was imposed. In some cases, the court may not have specified a sanction. In other instances, the court may have imposed a sanction for which there is no specific data field in the AOC's ACIS (e.g., outpatient drug/alcohol treatment or referral to TASC).

**Table 12: Type of Community Punishment by Offense Class  
FY 2008/09 Felonies**

Offense Class	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
<b>H</b>	1,381 <i>28 months</i>	37 <i>19 months</i>	5 <i>N/A</i>	8 <i>N/A</i>	1,431 <i>28 months</i>
<b>I</b>	3,167 <i>24 months</i>	109 <i>18 months</i>	11 <i>N/A</i>	13 <i>N/A</i>	3,300 <i>23 months</i>
<b>TOTAL</b>	4,548 <i>25 months</i>	146 <i>18 months</i>	16 <i>N/A</i>	21 <i>N/A</i>	4,731 <i>25 months</i>

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.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

### **B. Community Punishments by Crime Type**

Information regarding the type of Community punishment imposed by crime type is provided in *Table 13*. The table also includes the average length of probation sentences. Non-trafficking drug offenses represented the largest offense category for which a Community punishment was imposed (n=2,677). Convictions for person and property offenses had the longest average probation sentences (28 months each).

**Table 13: Type of Community Punishment by Crime Type  
FY 2008/09 Felonies**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
<b>Person</b>	83 <i>28 months</i>	4 <i>23 months</i>	0 <i>N/A</i>	0 <i>N/A</i>	87 <i>28 months</i>
<b>Property</b>	1,680 <i>28 months</i>	45 <i>22 months</i>	4 <i>N/A</i>	9 <i>N/A</i>	1,738 <i>28 months</i>
<b>Non-Trafficking Drug</b>	2,574 <i>23 months</i>	80 <i>16 months</i>	11 <i>N/A</i>	12 <i>N/A</i>	2,677 <i>23 months</i>
<b>Other Felony</b>	211 <i>25 months</i>	17 <i>18 months</i>	1 <i>N/A</i>	0 <i>N/A</i>	229 <i>24 months</i>
<b>TOTAL</b>	4,548 <i>25 months</i>	146 <i>18 months</i>	16 <i>N/A</i>	21 <i>N/A</i>	4,731 <i>25 months</i>

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.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

## **VII. SPECIAL ISSUES**

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

### **A. Habitual Felons**

An habitual felon is an offender with at least three prior felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a felony offense and who has been found by a jury to be an habitual felon. An habitual felon is sentenced as a Class C felon. (N.C.G.S. §§ 14-7.1 to -7.6) There were 808 habitual felon convictions during Fiscal Year 2008/09. *Table 14* shows the breakdown by offense class and crime type of the most serious conviction associated with habitual felon convictions. The most serious underlying conviction represents the most serious current conviction for which the habitual felon conviction was applied and does not take into account the class of the three prior felony convictions. Forty-four percent of habitual felons had a conviction for a Class H offense as their underlying conviction (n=357). Thirty-five percent of habitual felons had some type of drug offense as their underlying conviction (n=281). Felony Breaking and/or Entering was the most frequently occurring most serious crime associated with habitual felon convictions (n=128).

Sixty-eight percent of habitual felon convictions were sentenced in the mitigated range and an additional 14% were sentenced at the lowest point of the presumptive range (see *Appendix D*).

**Table 14: Most Serious Crime Associated with Habitual Felon Convictions  
by Offense Class and Offense  
FY 2008/09 Felonies**

Offense Class	Offense	Total	Offense Class	Offense	Total
CLASS B1	First Degree Rape	1	CLASS F (cont.)	Identity Theft	1
	Rape/Sex Offense Def>=6YR	2		Trafficking Opium/Heroin	1
	<b>Subtotal</b>	<b>3</b>		Incest	1
CLASS B2	2 <sup>nd</sup> Degree Murder	1		Habitual Impaired Driving	14
	<b>Subtotal</b>	<b>1</b>		Other Person Offenses	1
CLASS C	1 <sup>st</sup> Degree Kidnapping	4		Other Drug Offenses	5
	2 <sup>nd</sup> Degree Rape	1		Other Property Offenses	1
	AWDWIKISI	5		<b>Subtotal</b>	<b>61</b>
	Other Property Offenses	3		CLASS G	Common Law Robbery
	Other Drug Offenses	3	Break/Enter Place of Worship		1
	Other Felony Offenses	2	2 <sup>nd</sup> Degree Burglary		2
	<b>Subtotal</b>	<b>18</b>	Identity Theft		7
CLASS D	Voluntary Manslaughter	2	Sell/Deliver Sch. II CS		1
	Att. Robbery Dang. Weapon	4	Sell/Deliver Cocaine		13
	Robbery w/ Dangerous Weapon	21	Sell/Deliver Heroin		3
	1 <sup>st</sup> Degree Burglary	12	Sell Cocaine		46
	Other Person Offenses	1	Sell Heroin		2
	<b>Subtotal</b>	<b>40</b>	Sell Schedule II CS		5
CLASS E	2 <sup>nd</sup> Degree Kidnapping	3	Trafficking in Cocaine	8	
	AWDW Intent to Kill	1	Conspire to Traffic in Cocaine	1	
	AWDW Serious Injury	7	Possession of Firearm by Felon	52	
	Discharge Weapon Occ. Prop.	3	Other Drug Offenses	10	
	Felony Death by Vehicle	1	<b>Subtotal</b>	<b>185</b>	
	Other Drug Offenses	3	CLASS H	Fail. Rep. Sex Off. Non-Comply	1
	<b>Subtotal</b>	<b>18</b>		Att. Common Law Robbery	2
CLASS F	Involuntary Manslaughter	2		Assault by Strangulation	3
	Felonious Restraint	3		Habitual Misdemeanor Assault	5
	Indecent Liberties with Child	2		Breaking and/or Entering	128
	Failure to Reg. Sex Offender	11		Felony Larceny	23
	Malicious Conduct by Prisoner	4		Larceny of a Firearm	3
	Assault Serious Bodily Injury	6		Larceny of Chose in Action	1
	AWDW Government Official	8		Larceny of Anti-Invntry Device	1
	Assault LEO/PO Other Ser. Inj.	1	Larceny from the Person	2	

**Table 14: Most Serious Crime Associated with Habitual Felon Convictions  
by Offense Class and Offense (continued)  
FY 2008/09 Felonies**

Offense Class	Offense	Total	Offense Class	Offense	Total
<b>CLASS H (cont.)</b>	Poss. Stolen Goods/Prop.	15	<b>CLASS I</b>	Possession of Burglary Tools	1
	Larceny After Break/Enter	5		Att. Break or Enter Bldg	2
	Larceny of Motor Vehicle	17		Break or Enter a Motor Vehicle	18
	Obtain Property False Pretense	21		Forgery of Instrument	6
	Sell/Deliver Sch. VI CS	1		Uttering Forged Instrument	3
	Poss. CS Prison/Jail Premises	5		Obtain CS by Fraud/Forgery	1
	PWIMSD MDA/MDMA	1		Create Counterfeit CS	1
	Sell/Deliver Cocaine	1		Sell or Deliver Counterfeit CS	2
	Conspire Sell/Deliver Cocaine	1		PWIMSD Sch. IV CS	1
	Sell Sch. VI CS	1		PWIMSD Sch. VI CS	1
	Deliver Cocaine	4		PWISD Counterfeit CS	3
	PWIMSD Methamphetamine	1		Felony Possession Sch. I CS	1
	Conspire Deliver Cocaine	1		Felony Possession Sch. II CS	15
	PWIMSD Sch. I CS	1		PWISD Marijuana	10
	PWIMSD Sch. II CS	3		PWIMSD Marijuana	1
	Manufacture Cocaine	2		Felony Possession Marijuana	1
	PWISD Cocaine	58		Felony Possession Cocaine	49
	PWIMSD Cocaine	6		Possess Heroin	1
	PWIMSD Heroin	2		Failure to Appear on Felony	3
	Possess Stolen Motor Vehicle	12		Other Drug Offenses	3
	Elude Arrest MV 2 Agg. Factors	8		Other Property Offenses	2
	Elude Arrest MV >=3 Agg. Fact.	16		<b>Subtotal</b>	<b>125</b>
	Other Property Offenses	2		<b>TOTAL</b>	<b>808</b>
Other Felony Offenses	4				
<b>Subtotal</b>	<b>357</b>				

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

**B. Firearm Enhancement**

The firearm enhancement requires the judge to increase an offender’s active sentence by sixty months if the offender is convicted of a Class A, B1, B2, C, D, or E felony and the jury finds that he or she used, displayed, or threatened to use or display a firearm during the commission of the felony. The firearm enhancement cannot be applied if the firearm is used to prove an element of the offense, nor can it be applied to non-active sentences. (N.C.G.S. § 15A-1340.16A) The firearm enhancement was not applied to any convictions during Fiscal Year 2008/09.

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

Offenders convicted of first degree murder may receive either a death sentence or life without parole. The sentence of life without parole is also required for offenders found to be violent habitual felons, certain offenders convicted of second or subsequent Class B1 felonies, and offenders convicted of first-degree rape or sexual assault who are sentenced from the aggravated range in Prior Record Levels V and VI. During Fiscal Year 2008/09, three death sentences and 86 life without parole sentences were imposed for felons convicted of first degree murder.

A violent habitual felon is an offender with at least two prior Class A, B1, B2, C, D, or E felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a Class A, B1, B2, C, D, or E felony offense and who has been found by a jury to be a violent habitual felon. A violent habitual felon is sentenced to life without parole. (N.C.G.S. §§ 14-7.7-7.12) During Fiscal Year 2008/09, six life without parole sentences were imposed for a violent habitual felon conviction. The most serious offenses associated with the violent habitual felon convictions were first degree rape, second degree murder, attempted first degree murder, attempted first degree rape, assault with a deadly weapon with serious injury, and second degree kidnapping.

### **D. Drug Trafficking Convictions**

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

Class C Drug Trafficking: Minimum 225 months; maximum 279 months  
Class D Drug Trafficking: Minimum 175 months; maximum 219 months  
Class E Drug Trafficking: Minimum 90 months; maximum 117 months  
Class F Drug Trafficking: Minimum 70 months; maximum 84 months  
Class G Drug Trafficking: Minimum 35 months; maximum 42 months  
Class H Drug Trafficking: Minimum 25 months; maximum 30 months

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

As shown in *Table 15*, there were 944 convictions for drug trafficking offenses in FY 2008/09. The most frequently occurring drug trafficking offense convictions were in Offense Class G (n=509).



**Table 15: Drug Trafficking Convictions  
FY 2008/09 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
<b>C</b>	Consp. Traffic Metham.	1	100	.	.	.	.	168	211	1
	Traffic Cocaine	1	50	.	.	1	50	35	42	2
	Traffic Heroin	6	100	.	.	.	.	203	252	6
	Other Trafficking	10	72	1	7	3	21	141	177	14
	<b>Subtotal</b>	<b>18</b>	<b>78</b>	<b>1</b>	<b>4</b>	<b>4</b>	<b>18</b>	<b>149</b>	<b>186</b>	<b>23</b>
<b>D</b>	Traffic Cocaine	7	70	2	20	1	10	134	169	10
	Consp. Traffic Cocaine	6	100	.	.	.	.	166	208	6
	Other Trafficking	23	88	1	4	2	8	118	149	26
	<b>Subtotal</b>	<b>36</b>	<b>86</b>	<b>3</b>	<b>7</b>	<b>3</b>	<b>7</b>	<b>128</b>	<b>162</b>	<b>42</b>
<b>E</b>	Traffic Methamphetamine	4	100	.	.	.	.	90	117	4
	Consp. Traffic Metham.	1	100	.	.	.	.	90	117	1
	Traffic Marijuana	1	100	.	.	.	.	25	30	1
	Traffic Heroin	12	80	1	7	2	13	81	105	15
	Consp. Traffic Heroin	.	.	1	100	.	.	23	37	1
	Other Trafficking	8	67	4	33	.	.	57	76	12
<b>Subtotal</b>	<b>26</b>	<b>76</b>	<b>6</b>	<b>18</b>	<b>2</b>	<b>6</b>	<b>70</b>	<b>92</b>	<b>34</b>	
<b>F</b>	Traffic Methamphetamine	11	85	1	8	1	8	66	79	13
	Traffic MDA/MDMA	2	100	.	.	.	.	70	84	2
	Traffic Cocaine	37	93	1	2	2	5	64	78	40
	Traffic Heroin	67	77	20	23	.	.	59	71	87
	Consp. Traffic Cocaine	11	100	.	.	.	.	53	63	11
	Other Trafficking	85	73	21	18	10	9	60	72	116
<b>Subtotal</b>	<b>213</b>	<b>79</b>	<b>43</b>	<b>16</b>	<b>13</b>	<b>5</b>	<b>60</b>	<b>73</b>	<b>269</b>	

**Table 15: Drug Trafficking Convictions (continued)  
FY 2008/09 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
<b>G</b>	Traffic in MDA/MDMA	9	69	3	23	1	8	32	39	13
	Traffic Marijuana	5	100	.	.	.	.	33	40	5
	Traffic Cocaine	180	83	31	14	6	3	34	41	217
	Traffic Heroin	2	100	.	.	.	.	70	84	2
	Consp. Traffic Cocaine	17	74	4	17	2	9	30	36	23
	Other Trafficking	212	85	28	11	9	4	33	40	249
	<b>Subtotal</b>	<b>425</b>	<b>84</b>	<b>66</b>	<b>13</b>	<b>18</b>	<b>3</b>	<b>33</b>	<b>40</b>	<b>509</b>
<b>H</b>	Traffic Marijuana	22	92	2	8	.	.	24	29	24
	Traffic Heroin	1	100	.	.	.	.	70	84	1
	Traffic Cocaine	1	100	.	.	.	.	35	42	1
	Consp. Traffic Marijuana	2	50	2	50	.	.	16	19	4
	Consp. Traffic Cocaine	2	67	1	33	.	.	16	19	3
	Other Trafficking	25	86	4	14	.	.	23	28	29
	<b>Subtotal</b>	<b>53</b>	<b>86</b>	<b>9</b>	<b>14</b>	<b>.</b>	<b>.</b>	<b>24</b>	<b>29</b>	<b>62</b>
<b>I</b>	Traffic Cocaine	1	100	.	.	.	.	35	42	1
	Consp. Traffic Heroin	.	.	1	100	.	.	6	8	1
	Other Trafficking	2	67	.	.	1	33	31	37	3
	<b>Subtotal</b>	<b>3</b>	<b>60</b>	<b>1</b>	<b>20</b>	<b>1</b>	<b>20</b>	<b>27</b>	<b>32</b>	<b>5</b>
<b>TOTAL</b>		<b>774</b>	<b>82</b>	<b>129</b>	<b>14</b>	<b>41</b>	<b>4</b>	<b>49</b>	<b>59</b>	<b>944</b>

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

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

**SECTION II**

**MISDEMEANOR CONVICTIONS  
IN FISCAL YEAR 2008/09**

## **I. MISDEMEANOR CONVICTIONS IN FY 2008/09**

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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 Fiscal Year 2008/09 (July 1, 2008 through June 30, 2009). Overall, sentences for 158,482 misdemeanor convictions were imposed. For many of the tables, information on 4,023 convictions (or 2.5%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table.

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 16* shows the distribution of convictions within the Misdemeanor Punishment Chart. Relative to other cells within the Misdemeanor Punishment Chart, the greatest number of convictions fell into Offense Class 1 with Prior Conviction Level II (n=36,056 or 23.3%).

**Table 16: Distribution of Convictions within the Misdemeanor Punishment Chart  
FY 2008/09 Misdemeanors**

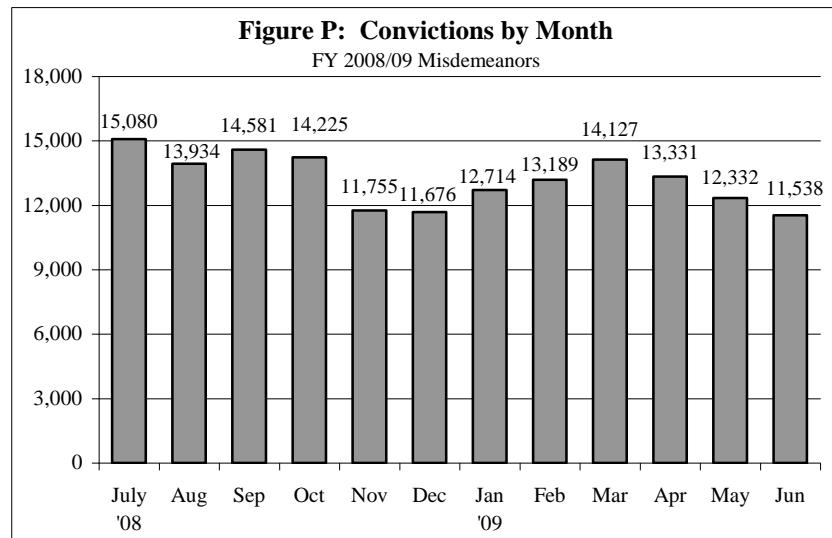
Offense Class	Prior Conviction Level			Total
	I 0 Points	II 1-4 Points	III 5+ Points	
A1	3,518 (2.3%)	5,051 (3.3%)	4,335 (2.8%)	12,904 (8.4%)
1	33,281 (21.6%)	36,056 (23.3%)	21,676 (14.0%)	91,013 (58.9%)
2	12,044 (7.8%)	9,318 (6.0%)	4,116 (2.7%)	25,478 (16.5%)
3	12,511 (8.1%)	8,421 (5.4%)	4,132 (2.7%)	25,064 (16.2%)
<b>TOTAL</b>	<b>61,354 (39.7%)</b>	<b>58,846 (38.1%)</b>	<b>34,259 (22.2%)</b>	<b>154,459 (100.0%)</b>

Note: Of the 158,482 misdemeanor convictions in FY 2008/09, 4,023 (2.5%) 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 Commission, FY 2008/09 Statistical Report Data

**D. Convictions by Month of Sentencing**

Figure P shows the number of misdemeanor convictions (n=158,482) by month of sentencing during Fiscal Year 2008/09. Convictions peaked in July and were lowest in June.



Source: NC Sentencing and Policy Commission, FY 2008/09 Statistical Report Data

## E. Convictions by Judicial District and County

Table 17 shows the number of misdemeanor convictions by judicial district and county. The table also indicates whether a conviction occurred in District or Superior Court and whether it resulted from a guilty plea, a bench trial, or a jury trial.<sup>5</sup> See Appendix A for a map of judicial districts. In FY 2008/09, there were 149,762 guilty pleas/bench trials in District Court, 8,502 guilty pleas in Superior Court, and 218 jury trials in Superior Court.

**Table 17: Convictions by Judicial District, County, and Mode of Disposition  
FY 2008/09 Misdemeanors**

Judicial District and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 1	Camden	96	20	1	117
	Chowan	248	50	0	298
	Currituck	416	50	0	466
	Dare	811	97	0	908
	Gates	136	17	0	153
	Pasquotank	900	111	0	1,011
	Perquimans	175	13	1	189
	<b>Total</b>	<b>2,782</b>	<b>358</b>	<b>2</b>	<b>3,142</b>
District 2	Beaufort	1,039	100	4	1,143
	Hyde	159	15	0	174
	Martin	567	34	0	601
	Tyrrell	120	8	0	128
	Washington	333	10	1	344
	<b>Total</b>	<b>2,218</b>	<b>167</b>	<b>5</b>	<b>2,390</b>
District 3A	Pitt	2,510	175	7	2,692
	<b>Total</b>	<b>2,510</b>	<b>175</b>	<b>7</b>	<b>2,692</b>
District 3B	Carteret	1,241	103	0	1,344
	Craven	1,883	118	2	2,003
	Pamlico	228	3	0	231
	<b>Total</b>	<b>3,352</b>	<b>224</b>	<b>2</b>	<b>3,578</b>
District 4	Duplin	924	164	3	1,091
	Jones	211	20	0	231
	Onslow	1,975	284	1	2,260
	Sampson	1,385	28	0	1,413
	<b>Total</b>	<b>4,495</b>	<b>496</b>	<b>4</b>	<b>4,995</b>
District 5	New Hanover	3,431	198	0	3,629
	Pender	633	25	3	661
	<b>Total</b>	<b>4,064</b>	<b>223</b>	<b>3</b>	<b>4,290</b>

<sup>5</sup> For misdemeanor convictions in Superior Court, see N.C.G.S. § 7A-271(a).

**Table 17: Convictions by Judicial District, County, and Mode of Disposition (continued)  
FY 2008/09 Misdemeanors**

Judicial District and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 6A	Halifax	1,444	63	1	1,508
	<b>Total</b>	<b>1,444</b>	<b>63</b>	<b>1</b>	<b>1,508</b>
District 6B	Bertie	459	35	1	495
	Hertford	673	76	0	749
	Northampton	448	59	0	507
	<b>Total</b>	<b>1,580</b>	<b>170</b>	<b>1</b>	<b>1,751</b>
District 7	Edgecombe	1,329	184	8	1,521
	Nash	1,680	202	4	1,886
	Wilson	1,217	215	1	1,433
	<b>Total</b>	<b>4,226</b>	<b>601</b>	<b>13</b>	<b>4,840</b>
District 8	Greene	311	42	0	353
	Lenoir	1,679	204	2	1,885
	Wayne	2,324	220	5	2,549
	<b>Total</b>	<b>4,314</b>	<b>466</b>	<b>7</b>	<b>4,787</b>
District 9	Franklin	850	95	0	945
	Granville	924	106	1	1,031
	Vance	1,680	242	1	1,923
	Warren	355	72	0	427
	<b>Total</b>	<b>3,809</b>	<b>515</b>	<b>2</b>	<b>4,326</b>
District 9A	Caswell	400	38	0	438
	Person	904	44	0	948
	<b>Total</b>	<b>1,304</b>	<b>82</b>	<b>0</b>	<b>1,386</b>
District 10	Wake	12,942	241	13	13,196
	<b>Total</b>	<b>12,942</b>	<b>241</b>	<b>13</b>	<b>13,196</b>
District 11	Harnett	1,241	21	1	1,263
	Johnston	1,638	25	0	1,663
	Lee	745	57	0	802
	<b>Total</b>	<b>3,624</b>	<b>103</b>	<b>1</b>	<b>3,728</b>
District 12	Cumberland	3,537	195	4	3,736
	<b>Total</b>	<b>3,537</b>	<b>195</b>	<b>4</b>	<b>3,736</b>
District 13	Bladen	739	42	0	781
	Brunswick	1,635	48	3	1,686
	Columbus	968	41	0	1,009
	<b>Total</b>	<b>3,342</b>	<b>131</b>	<b>3</b>	<b>3,476</b>
District 14	Durham	4,260	61	9	4,330
	<b>Total</b>	<b>4,260</b>	<b>61</b>	<b>9</b>	<b>4,330</b>
District 15A	Alamance	2,731	178	2	2,911
	<b>Total</b>	<b>2,731</b>	<b>178</b>	<b>2</b>	<b>2,911</b>
District 15B	Chatham	620	20	0	640

**Table 17: Convictions by Judicial District, County, and Mode of Disposition (continued)  
FY 2008/09 Misdemeanors**

Judicial District and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 15B (cont.)	Orange	1,091	35	2	1,128
	<b>Total</b>	<b>1,711</b>	<b>55</b>	<b>2</b>	<b>1,768</b>
District 16A	Hoke	669	36	0	705
	Scotland	831	125	0	956
	<b>Total</b>	<b>1,500</b>	<b>161</b>	<b>0</b>	<b>1,661</b>
District 16B	Robeson	4,039	84	2	4,125
	<b>Total</b>	<b>4,039</b>	<b>84</b>	<b>2</b>	<b>4,125</b>
District 17A	Rockingham	1,556	59	4	1,619
	<b>Total</b>	<b>1,556</b>	<b>59</b>	<b>4</b>	<b>1,619</b>
District 17B	Stokes	756	51	0	807
	Surry	1,295	93	0	1,388
	<b>Total</b>	<b>2,051</b>	<b>144</b>	<b>0</b>	<b>2,195</b>
District 18	Guilford	5,744	432	7	6,183
	<b>Total</b>	<b>5,744</b>	<b>432</b>	<b>7</b>	<b>6,183</b>
District 19A	Cabarrus	3,745	199	4	3,948
	<b>Total</b>	<b>3,745</b>	<b>199</b>	<b>4</b>	<b>3,948</b>
District 19B	Montgomery	519	24	0	543
	Randolph	2,118	117	2	2,237
	<b>Total</b>	<b>2,637</b>	<b>141</b>	<b>2</b>	<b>2,780</b>
District 19C	Rowan	3,205	64	1	3,270
	<b>Total</b>	<b>3,205</b>	<b>64</b>	<b>1</b>	<b>3,270</b>
District 19D	Moore	1,106	55	0	1,161
	<b>Total</b>	<b>1,106</b>	<b>55</b>	<b>0</b>	<b>1,161</b>
District 20A	Anson	545	98	2	645
	Richmond	1,077	168	1	1,246
	Stanly	896	102	3	1,001
	<b>Total</b>	<b>2,518</b>	<b>368</b>	<b>6</b>	<b>2,892</b>
District 20B	Union	1,152	319	2	1,473
	<b>Total</b>	<b>1,152</b>	<b>319</b>	<b>2</b>	<b>1,473</b>
District 21	Forsyth	7,116	73	26	7,215
	<b>Total</b>	<b>7,116</b>	<b>73</b>	<b>26</b>	<b>7,215</b>
District 22A	Alexander	421	15	0	436
	Iredell	2,405	95	1	2,501
	<b>Total</b>	<b>2,826</b>	<b>110</b>	<b>1</b>	<b>2,937</b>
District 22B	Davidson	2,591	145	1	2,737
	Davie	476	29	0	505
	<b>Total</b>	<b>3,067</b>	<b>174</b>	<b>1</b>	<b>3,242</b>
District 23	Alleghany	241	2	0	243
	Ashe	338	5	0	343



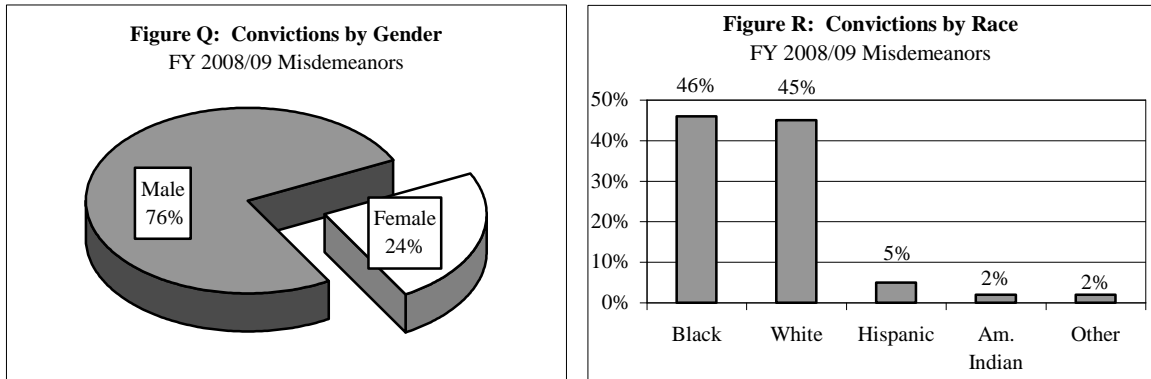
**Table 17: Convictions by Judicial District, County, and Mode of Disposition (continued)  
FY 2008/09 Misdemeanors**

Judicial District and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 23 (cont.)	Wilkes	1,463	35	2	1,500
	Yadkin	698	7	1	706
	<b>Total</b>	<b>2,740</b>	<b>49</b>	<b>3</b>	<b>2,792</b>
District 24	Avery	219	32	2	253
	Madison	153	14	0	167
	Mitchell	174	12	0	186
	Watauga	634	33	4	671
	Yancey	221	22	0	243
	<b>Total</b>	<b>1,401</b>	<b>113</b>	<b>6</b>	<b>1,520</b>
District 25	Burke	1,416	116	0	1,532
	Caldwell	1,431	78	5	1,514
	Catawba	2,467	155	7	2,629
	<b>Total</b>	<b>5,314</b>	<b>349</b>	<b>12</b>	<b>5,675</b>
District 26	Mecklenburg	8,858	235	29	9,122
<b>Total</b>	<b>8,858</b>	<b>235</b>	<b>29</b>	<b>9,122</b>	
District 27A	Gaston	3,520	298	7	3,825
<b>Total</b>	<b>3,520</b>	<b>298</b>	<b>7</b>	<b>3,825</b>	
District 27B	Cleveland	2,447	58	2	2,507
	Lincoln	1,443	67	1	1,511
	<b>Total</b>	<b>3,890</b>	<b>125</b>	<b>3</b>	<b>4,018</b>
District 28	Buncombe	4,767	73	7	4,847
<b>Total</b>	<b>4,767</b>	<b>73</b>	<b>7</b>	<b>4,847</b>	
District 29A	McDowell	855	49	2	906
	Rutherford	2,006	109	6	2,121
	<b>Total</b>	<b>2,861</b>	<b>158</b>	<b>8</b>	<b>3,027</b>
District 29B	Henderson	2,171	41	1	2,213
	Polk	349	5	0	354
	Transylvania	583	23	1	607
	<b>Total</b>	<b>3,103</b>	<b>69</b>	<b>2</b>	<b>3,174</b>
District 30	Cherokee	316	11	2	329
	Clay	101	8	0	109
	Graham	114	8	0	122
	Haywood	1,028	54	2	1,084
	Jackson	499	25	0	524
	Macon	477	30	0	507
	Swain	266	10	0	276
	<b>Total</b>	<b>2,801</b>	<b>146</b>	<b>4</b>	<b>2,951</b>
<b>STATE TOTAL</b>		<b>149,762</b>	<b>8,502</b>	<b>218</b>	<b>158,482</b>

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

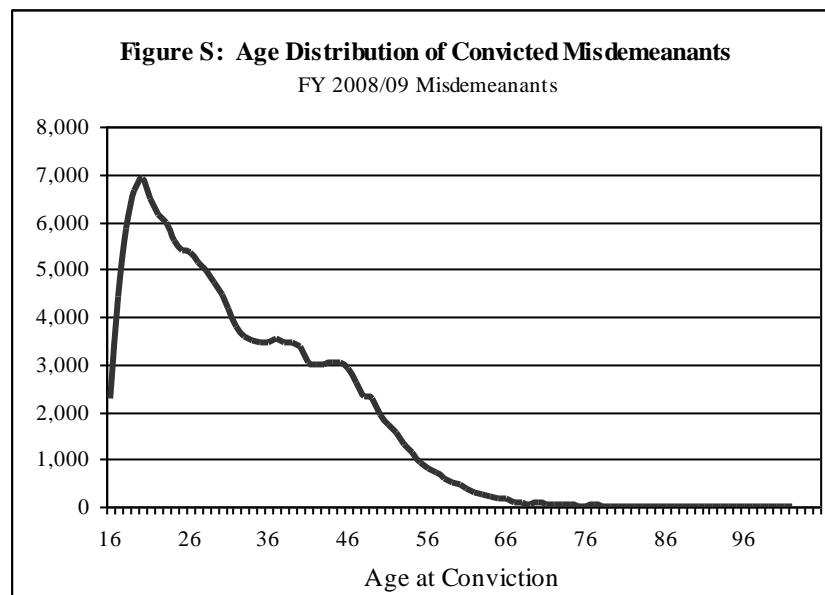
## II. CHARACTERISTICS OF OFFENDERS

This section provides a summary of misdemeanor convictions by gender, race, and age of offenders. As indicated in *Figure Q*, the majority of misdemeanor convictions were for males (76%). *Figure R* shows that 46% of all misdemeanor offenders were Black and 45% were White. Only a small percentage were Hispanic (5%), American Indian (2%), or Other (2%).



Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

Based on age at conviction, 17% of misdemeanor convictions were for offenders under the age of 21, 19% were 21-25 years of age, 13% were 26-29 years of age, 24% were 30-39 years of age, 18% were 40-49 years of age, and 9% were 50 years of age or older. The average age at conviction was 32 years. *Figure S* illustrates the age distribution of misdemeanor offenders at conviction. As with felons, the volume of offenders peaks in the late teens and early twenties and then generally declines. *Table 18* provides a summary of misdemeanor convictions by gender, race, and age of offenders.



Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

**Table 18: Convictions by Gender, Race, and Age  
FY 2008/09 Misdemeanors**

Gender and Race		Age at Conviction						Total
		<21	21-25	26-29	30-39	40-49	>49	
<b>Male</b>	White	9,410	9,730	6,359	11,855	9,368	4,776	51,498
	Black	9,205	10,312	6,874	12,140	10,979	6,090	55,600
	Hispanic	1,182	1,753	1,407	2,098	669	225	7,334
	Amer. Indian	314	427	268	552	326	188	2,075
	Other	179	218	162	303	203	94	1,159
	<b>Subtotal</b>	20,290	22,440	15,070	26,948	21,545	11,373	117,666
<b>Female</b>	White	2,778	3,397	2,637	5,270	3,689	1,141	18,912
	Black	2,710	3,272	2,193	4,033	3,040	1,072	16,320
	Hispanic	128	144	100	196	85	15	668
	Amer. Indian	107	158	120	271	134	63	853
	Other	73	73	53	87	80	22	388
	<b>Subtotal</b>	5,796	7,044	5,103	9,857	7,028	2,313	37,141
<b>TOTAL</b>		26,086	29,484	20,173	36,805	28,573	13,686	154,807

Note: Of the 158,482 misdemeanor convictions in FY 2008/09, 3,675 convictions with missing values for offenders' age were excluded from this table.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

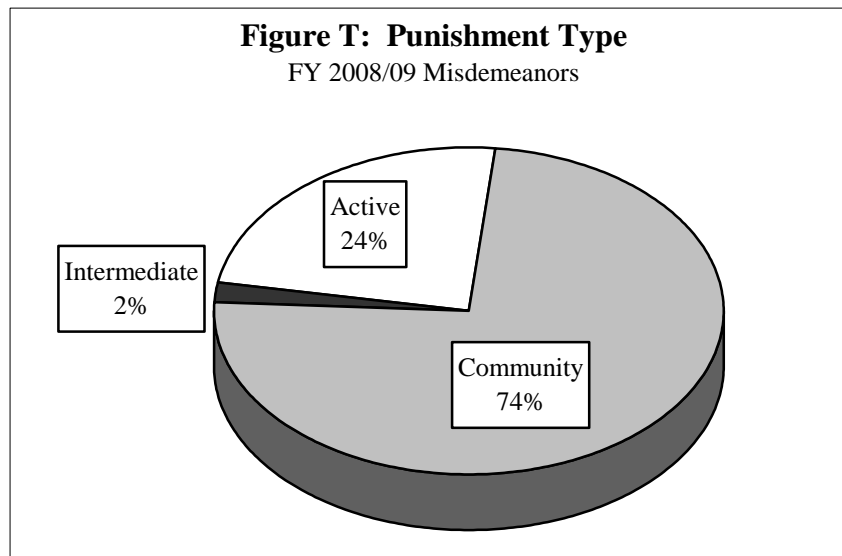
### **III. PUNISHMENT IMPOSED FOR MISDEMEANORS**

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

#### **A. Overall Punishment**

As shown in *Figure T*, an Active punishment was imposed for 24% of misdemeanor convictions; an Intermediate punishment was imposed for 2% of misdemeanor convictions; and a Community punishment was imposed for 74% of misdemeanor convictions. Of the Active punishments

imposed, 89% were for sentences of 90 days or less, with the remaining 11% for sentences greater than 90 days.



Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

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

Misdemeanor convictions and sentences imposed are presented within the context of the Misdemeanor Punishment Chart in *Table 19*. Most convictions – regardless of the offense class or prior conviction level – resulted in the imposition of a Community punishment. Eight percent of misdemeanor convictions fell into Offense Class A1, 59% fell into Offense Class 1, 17% fell into Offense Class 2, and 16% fell into Offense Class 3. Forty percent of misdemeanor convictions fell into Prior Conviction Level I, 38% fell into Prior Conviction Level II, and 22% fell into Prior Conviction Level III.

Convictions for Class A1 misdemeanors accounted for the largest percentage of Active sentences imposed relative to other offense classes (31%). The majority of convictions fell into Offense Class 1 with Prior Conviction Level II (n=36,056). The likelihood of receiving an Active punishment increased as prior conviction level increased.

**Table 19: Convictions and Sentences by Offense Class and Prior Conviction Level  
FY 2008/09 Misdemeanors**

Offense Class	Prior Conviction Level			Total
	I 0 Points	II 1-4 Points	III 5+ Points	
<b>A1</b>	<b>C/I/A</b> C = 2,651 (75%) I = 107 (3%) A = 760 (22%) (n=3,518)  32.3 days	<b>C/I/A</b> C = 3,481 (69%) I = 278 (5%) A = 1,292 (26%) (n=5,051)  48.6 days	<b>C/I/A</b> C = 2,017 (47%) I = 361 (8%) A = 1,957 (45%) (n=4,335)  101.6 days	<b>C/I/A</b> C = 8,149 (63%) I = 746 (6%) A = 4,009 (31%) (n=12,904)  71.4 days
<b>1</b>	<b>C</b> C = 28,283 (85%) I = 196 (1%) A = 4,802 (14%) (n=33,281)  20.9 days	<b>C/I/A</b> C = 28,094 (78%) I = 1,016 (3%) A = 6,946 (19%) (n=36,056)  27.5 days	<b>C/I/A</b> C = 12,135 (56%) I = 1,385 (6%) A = 8,156 (38%) (n=21,676)  67.2 days	<b>C/I/A</b> C = 68,512 (75%) I = 2,597 (3%) A = 19,904 (22%) (n=91,013)  42.2 days
<b>2</b>	<b>C</b> C = 10,106 (84%) I = 21 (0%) A = 1,917 (16%) (n=12,044)  15.2 days	<b>C/I</b> C = 7,090 (76%) I = 157 (2%) A = 2,071 (22%) (n=9,318)  21.6 days	<b>C/I/A</b> C = 2,269 (55%) I = 98 (2%) A = 1,749 (43%) (n=4,116)  32.1 days	<b>C/I/A</b> C = 19,465 (76%) I = 276 (1%) A = 5,737 (23%) (n=25,478)  22.7 days
<b>3</b>	<b>C</b> C = 9,705 (78%) I = 6 (0%) A = 2,800 (22%) (n=12,511)  6.3 days	<b>C/I</b> C = 6,357 (75%) I = 73 (1%) A = 1,991 (24%) (n=8,421)  7.9 days	<b>C/I/A</b> C = 2,121 (51%) I = 48 (1%) A = 1,963 (48%) (n=4,132)  10.8 days	<b>C/I/A</b> C = 18,183 (72%) I = 127 (1%) A = 6,754 (27%) (n=25,064)  8.1 days
<b>TOTAL</b>	<b>C/I/A</b> C = 50,745 (82%) I = 330 (1%) A = 10,279 (17%) (n=61,354)  16.7 days	<b>C/I/A</b> C = 45,022 (76%) I = 1,524 (3%) A = 12,300 (21%) (n=58,846)  25.6 days	<b>C/I/A</b> C = 18,542 (54%) I = 1,892 (6%) A = 13,825 (40%) (n=34,259)  59.6 days	<b>C/I/A</b> C = 114,309 (74%) I = 3,746 (2%) A = 36,404 (24%) (n=154,459)  36.0 days

Note: Of the 158,482 misdemeanor convictions in FY 2008/09, 4,023 (2.5%) 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 Commission, FY 2008/09 Statistical Report Data

### C. Average Length of Active Sentences

Information on the average sentence imposed, average credit for time served, and average time to be served for misdemeanor convictions resulting in an Active punishment is presented in *Table 20*. Time to be served is calculated by subtracting credit for time served from the Active sentence imposed. The length of Active sentences imposed and time to be served were found to increase as offense class and prior conviction level increased. The longest average time to be served was for Class A1 misdemeanors (46.4 days). Overall, the average time to be served for misdemeanor convictions was 22.7 days. Sixty-four percent of offenders with Active sentences received credit for time served.

**Table 20: Average Length of Active Sentences by Offense Class and Prior Conviction Level  
FY 2008/09 Misdemeanors**

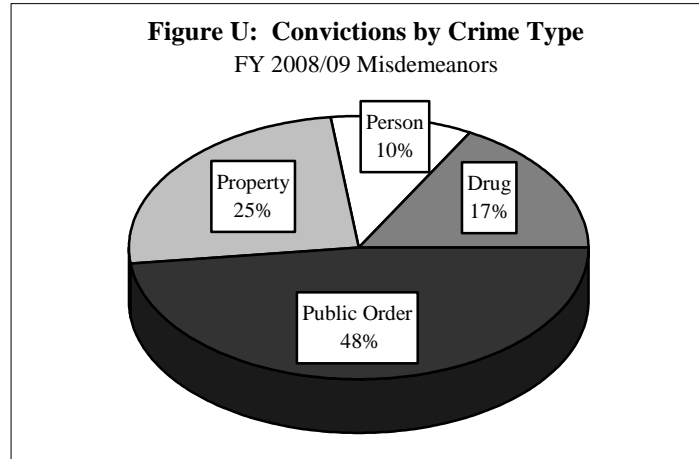
Offense Class		Prior Conviction Level			Total
		I 0 Points	II 1-4 Points	III 5+ Points	
A1	Average Active Sentence (Days)	32.3	48.6	101.6	71.4
	Average Credit for Time Served (Days)	19.8	21.5	29.4	25.0
	Average Time to be Served (Days)	12.6	27.1	72.2	46.4
	No. of Active Sentences	760	1,292	1,957	4,009
1	Average Active Sentence (Days)	20.9	27.5	67.2	42.2
	Average Credit for Time Served (Days)	13.7	12.3	15.7	14.0
	Average Time to be Served (Days)	7.2	15.3	51.5	28.2
	No. of Active Sentences	4,802	6,947	8,156	19,904
2	Average Active Sentence (Days)	15.2	21.6	32.1	22.7
	Average Credit for Time Served (Days)	11.9	12.4	12.6	12.3
	Average Time to be Served (Days)	3.3	9.3	19.5	10.4
	No. of Active Sentences	1,917	2,071	1,749	5,737
3	Average Active Sentence (Days)	6.3	7.9	10.8	8.1
	Average Credit for Time Served (Days)	5.4	5.4	4.8	5.2
	Average Time to be Served (Days)	0.9	2.5	6.0	2.8
	No. of Active Sentences	2,800	1,991	1,963	6,754
TOTAL	Average Active Sentence (Days)	16.7	25.6	59.6	36.0
	Average Credit for Time Served (Days)	11.6	12.1	15.7	13.3
	Average Time to be Served (Days)	5.1	13.4	43.9	22.7
	No. of Active Sentences	10,279	12,300	13,825	36,404

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 2008/09 Statistical Report Data

## D. Punishment Imposed by Crime Type

As shown in *Figure U*, public order offenses (48%) accounted for the majority of misdemeanor convictions, while misdemeanor person offenses accounted for the lowest proportion (10%).



Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

*Table 21* contains information about the type of punishment imposed by crime type for misdemeanor convictions, as well as the average minimum sentence imposed and average time to be served for offenders who received an Active punishment. Of the convictions for the four crime types, those for drug offenses were least likely to result in an Active punishment (20%). Twenty-four percent of convictions for property offenses resulted in an Active punishment, while 23% of public order offenses and 28% of person offenses resulted in an Active punishment. The average minimum sentence imposed and average time to be served were longest for convictions for person offenses.

**Table 21: Punishment by Crime Type**  
**FY 2008/09 Misdemeanors**

Crime Type	Type of Punishment						Minimum Active Sentence (Days)	Credit for Time Served (Days)	Time to be Served (Days)	Total
	Active		Intermediate		Community					
	#	%	#	%	#	%				
<b>Person</b>	4,451	28	764	5	10,767	67	61.7	23.1	38.6	15,982
<b>Property</b>	9,459	24	1,080	3	28,202	73	40.8	16.3	24.5	38,741
<b>Drug</b>	5,155	20	633	2	20,241	78	28.1	11.3	16.8	26,029
<b>Public Order</b>	17,339	23	1,269	2	55,099	75	29.2	9.8	19.4	73,707
<b>TOTAL</b>	36,404	24	3,746	2	114,309	74	36.0	13.3	22.7	154,459

Note: Of the 158,482 misdemeanor convictions in FY 2008/09, 4,023 (2.5%) 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.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

## IV. INTERMEDIATE PUNISHMENTS

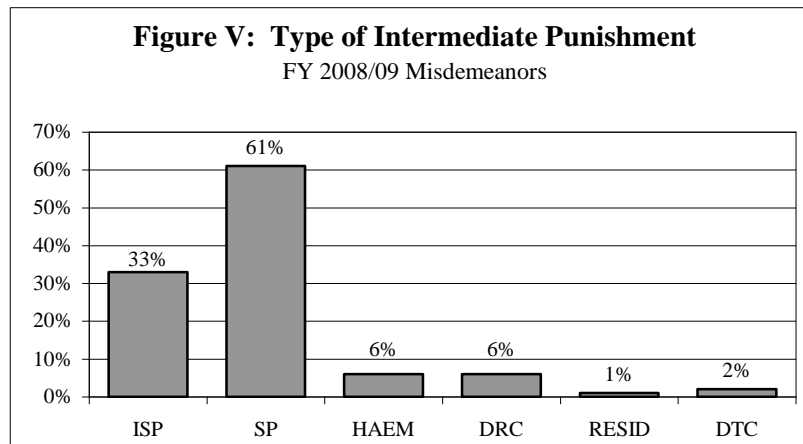
This section provides a summary of the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed at sentencing.*<sup>6</sup> Under Structured Sentencing, all offenders who receive an Intermediate punishment must receive a term of supervised probation plus at least one additional sanction. The types of intermediate sanctions include Special Probation (SP), House Arrest with Electronic Monitoring (HAEM), Intensive Supervision Probation (ISP), Day Reporting Center (DRC), Residential Treatment Facility (RESID), and Drug Treatment Court (DTC). See *Appendix E* for a brief description of each sanction.

During Fiscal Year 2008/09, there were 3,746 convictions for which an Intermediate punishment was imposed. One or more specific intermediate sanctions were reported for 3,654 of these convictions (a reporting rate of 98%).

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

### A. Intermediate Punishments Imposed

*Figure V* shows the percentage of convictions for which each intermediate sanction was imposed. Where a specific intermediate sanction was reported in the AOC database, data indicated that Special Probation accounted for the highest percentage of convictions (61%). Assignment to a Residential Treatment Facility and Drug Treatment Court accounted for the smallest percentage of convictions for which a specific intermediate sanction was reported (1% and 2%, respectively).



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

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

<sup>6</sup> Intermediate punishments that are subsequently imposed as a result of modifications to probation are not included.



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

Table 22 contains the frequency of intermediate sanctions by offense class and prior conviction level, with the greatest number of intermediate sanctions imposed for Class 1 with Prior Conviction Level III (n=1,491). Overall, intermediate sanctions were most frequently imposed for Class 1 convictions (n=2,768). Convictions for Class A1 offenses resulted in the longest average intermediate sentences (22 months).

**Table 22: Type of Intermediate Punishment by Offense Class and Prior Conviction Level  
FY 2008/09 Misdemeanors**

Offense Class	Prior Conviction Level	Type of Intermediate Punishment						Total
		Special Probation	Residential Facility	Day Reporting Center	Drug Treatment Court	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
A1	I	69	0	7	1	31	4	112
	II	183	1	13	2	77	11	287
	III	245	3	11	0	124	13	396
	<b>Subtotal</b>	497 <i>21 months</i>	4 <i>21 months</i>	31 <i>16 months</i>	3 <i>21 months</i>	232 <i>24 months</i>	28 <i>25 months</i>	795 <i>22 months</i>
1	I	99	1	22	3	62	6	193
	II	563	10	59	20	363	69	1,084
	III	840	7	62	39	455	88	1,491
	<b>Subtotal</b>	1,502 <i>19 months</i>	18 <i>23 months</i>	143 <i>17 months</i>	62 <i>21 months</i>	880 <i>22 months</i>	163 <i>21 months</i>	2,768 <i>20 months</i>
2	I	8	0	8	0	4	0	20
	II	101	1	18	1	49	11	181
	III	61	1	9	4	24	10	109
	<b>Subtotal</b>	170 <i>16 months</i>	2 <i>27 months</i>	35 <i>14 months</i>	5 <i>22 months</i>	77 <i>18 months</i>	21 <i>17 months</i>	310 <i>16 months</i>
3	I	2	0	2	0	1	0	5
	II	39	0	17	1	23	1	81
	III	33	1	5	1	9	1	50
	<b>Subtotal</b>	74 <i>15 months</i>	1 <i>18 months</i>	24 <i>13 months</i>	2 <i>18 months</i>	33 <i>17 months</i>	2 <i>12 months</i>	136 <i>15 months</i>
<b>TOTAL</b>		<b>2,243</b> <i>19 months</i>	<b>25</b> <i>23 months</i>	<b>233</b> <i>16 months</i>	<b>72</b> <i>21 months</i>	<b>1,222</b> <i>22 months</i>	<b>214</b> <i>21 months</i>	<b>4,009</b> <i>20 months</i>

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

### C. Intermediate Punishments by Crime Type

Table 23 shows the frequency of specific intermediate sanctions by crime type. Of those convictions for which an intermediate sanction was reported, the majority were for public order offenses (n=1,319).

**Table 23: Type of Intermediate Punishment by Crime Type  
FY 2008/09 Misdemeanors**

Crime Type	Type of Intermediate Punishment						Total
	Special Probation	Residential Facility	Day Reporting Center	Drug Treatment Court	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
Person	506	5	42	4	240	30	827
Property	597	12	59	19	408	63	1,158
Drug	255	3	84	41	292	30	705
Public Order	885	5	48	8	282	91	1,319
<b>TOTAL</b>	<b>2,243</b>	<b>25</b>	<b>233</b>	<b>72</b>	<b>1,222</b>	<b>214</b>	<b>4,009</b>

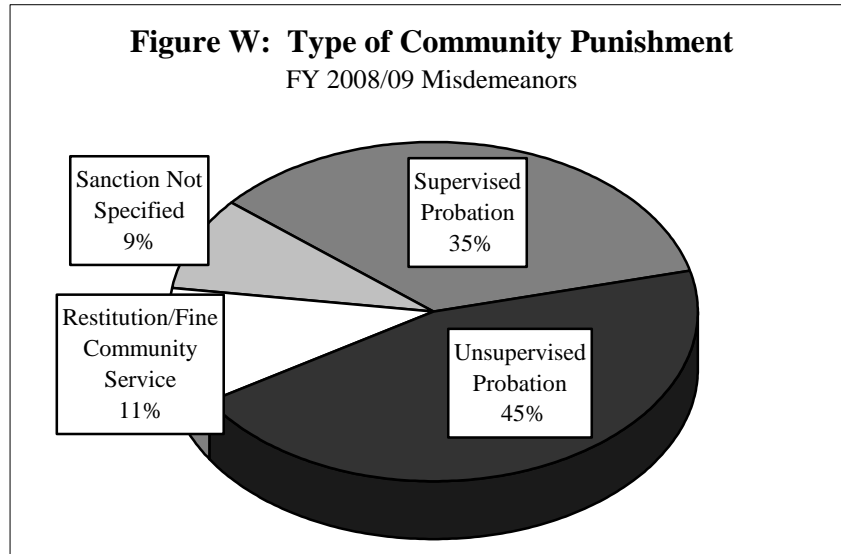
Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

## V. COMMUNITY PUNISHMENTS

### A. Community Punishments by Offense Class

*This section includes only those convictions for which a Community punishment was imposed. Of the 114,309 convictions for which a Community punishment was imposed, the specific type of Community punishment imposed was reported for 104,736 convictions. Overall, 45% received Unsupervised Probation; 35% received Supervised Probation; 11% received only Restitution/Fine/Community Service without probation; and 9% had no specific sanction ordered (see Figure W).<sup>7</sup>*

<sup>7</sup> It is not clear why a specific Community punishment was not reported for 9% of the convictions in which a Community punishment was imposed. In some cases, the court may not have specified a sanction. In other instances, the court may have imposed a sanction for which there is no specific data field in the AOC's ACIS (e.g., outpatient drug/alcohol treatment or referral to TASC).



Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

Table 24 shows the type of Community punishment imposed – either Supervised Probation, Unsupervised Probation, Restitution/Fine/Community Service, or Sanction Not Specified – by offense class, as well as information regarding the average length of probation sentences. Convictions for Class 1 offenses comprised the majority of convictions resulting in a Community punishment (n=68,512). Convictions for Class A1 offenses resulted in the longest average probation sentences (18 months).

**Table 24: Type of Community Punishment by Offense Class**  
FY 2008/09 Misdemeanors

Offense Class	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
A1	5,025 <i>18 months</i>	2,526 <i>17 months</i>	123 <i>N/A</i>	475 <i>N/A</i>	8,149 <i>18 months</i>
1	27,766 <i>16 months</i>	28,773 <i>14 months</i>	7,083 <i>N/A</i>	4,890 <i>N/A</i>	68,512 <i>15 months</i>
2	5,088 <i>15 months</i>	10,258 <i>13 months</i>	2,376 <i>N/A</i>	1,743 <i>N/A</i>	19,465 <i>14 months</i>
3	2,405 <i>13 months</i>	10,134 <i>13 months</i>	3,179 <i>N/A</i>	2,465 <i>N/A</i>	18,183 <i>13 months</i>
<b>TOTAL</b>	40,284 <i>16 months</i>	51,691 <i>14 months</i>	12,761 <i>N/A</i>	9,573 <i>N/A</i>	114,309 <i>15 months</i>

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 2008/09 Statistical Report Data

## B. Community Punishments by Crime Type

The type of Community punishment imposed by crime type and the average length of probation sentences are provided in *Table 25*. Public order offenses were the largest offense category for which Supervised Probation was imposed (n=14,926) followed by property offenses (n=13,198). The largest number sentenced to Unsupervised Probation were convicted of public order offenses (n=26,370).

**Table 25: Type of Community Punishment by Crime Type  
FY 2008/09 Misdemeanors**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
<b>Person</b>	5,661 <i>17 months</i>	4,125 <i>16 months</i>	276 <i>N/A</i>	705 <i>N/A</i>	10,767 <i>17 months</i>
<b>Property</b>	13,198 <i>17 months</i>	11,418 <i>14 months</i>	1,994 <i>N/A</i>	1,592 <i>N/A</i>	28,202 <i>15 months</i>
<b>Drug</b>	6,499 <i>15 months</i>	9,778 <i>13 months</i>	2,649 <i>N/A</i>	1,315 <i>N/A</i>	20,241 <i>14 months</i>
<b>Public Order</b>	14,926 <i>16 months</i>	26,370 <i>14 months</i>	7,842 <i>N/A</i>	5,961 <i>N/A</i>	55,099 <i>15 months</i>
<b>TOTAL</b>	40,284 <i>16 months</i>	51,691 <i>14 months</i>	12,761 <i>N/A</i>	9,573 <i>N/A</i>	114,309 <i>15 months</i>

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.

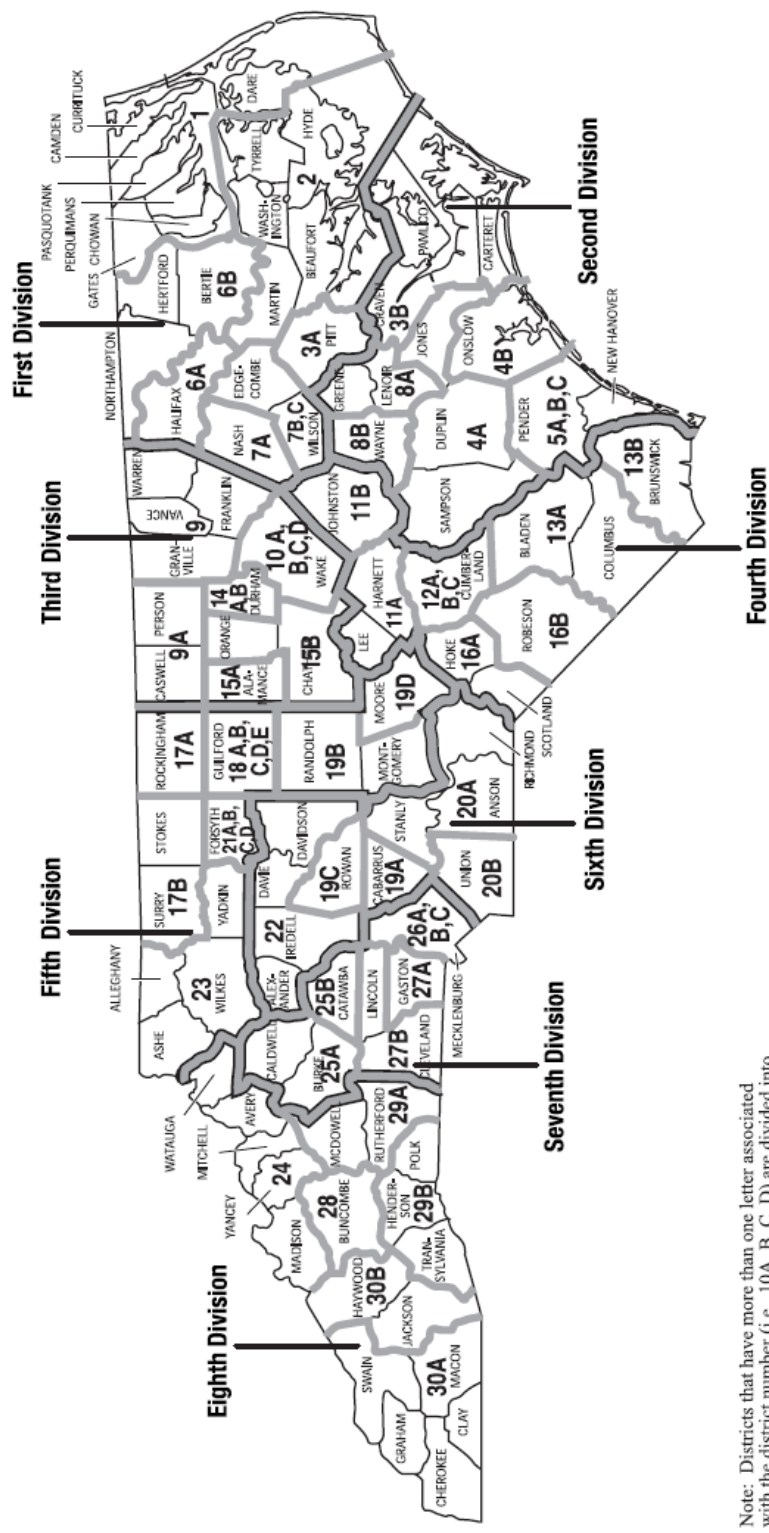
Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

## **APPENDIX A**

### **MAP OF JUDICIAL DIVISIONS AND DISTRICTS**

# North Carolina Superior Court

## Effective June 30, 2007

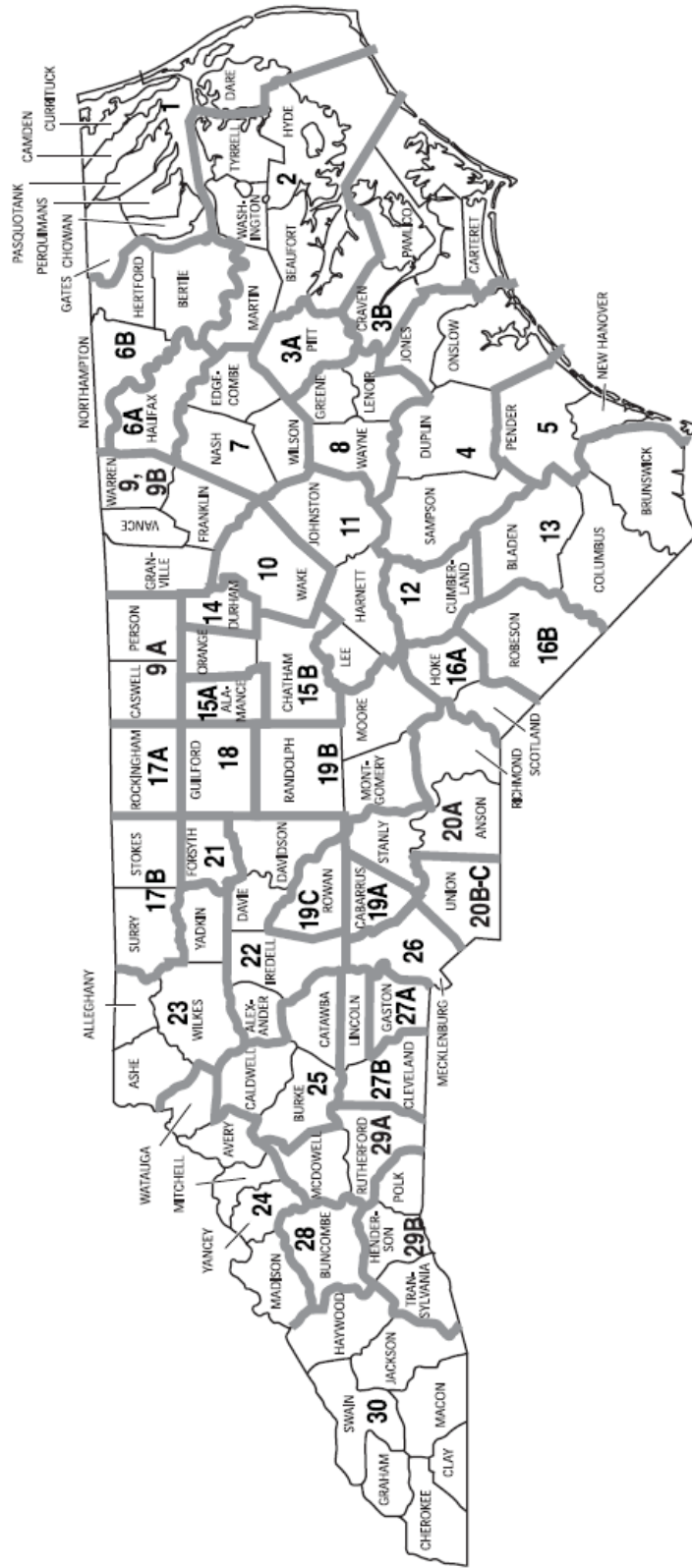


Note: Districts that have more than one letter associated with the district number (i.e., 10A, B, C, D) are divided into separate districts for electoral purposes. For administrative purposes, they are combined into a single district.

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# North Carolina District Court Districts

Effective June 30, 2007



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

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**APPENDIX B**

**SAMPLE OFFENSES**



**CLASSIFICATION OF A SAMPLE OF OFFENSES**  
**(Effective 12/1/08)**

<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>
First-Degree Rape. (14-27.2)	First-Degree Sexual Offense. (14-27.4)	
<b>CLASS B2 FELONIES</b>		<b>Maximum Punishment of 480 Months</b>
Second-Degree Murder. (14-17)		
<b>CLASS C FELONIES</b>		<b>Maximum Punishment of 261 Months</b>
Habitual Felon. (14-7.6)	Assault W/D/W/I/K/I/S/I. (14-32(a))	
Second-Degree Rape. (14-27.3)	First-Degree Kidnapping. (14-39)	
Second-Degree Sexual Offense. (14-27.5)	Embezzlement (amount involved \$100,000 or more). (14-90)	
<b>CLASS D FELONIES</b>		<b>Maximum Punishment of 229 Months</b>
Voluntary Manslaughter. (14-18)	First-Degree Arson. (14-58)	
Malicious Use of Explosive or Incendiary. (14-49(a))	Armed Robbery. (14-87)	
First-Degree Burglary. (14-51)	Sell or Deliver a Controlled Substance to a Person Under 16 But More than 13 Years of Age. (90-95(e)(5))	
<b>CLASS E FELONIES</b>		<b>Maximum Punishment of 98 Months</b>
Intercourse and Sexual Offenses with Certain Victims (Substitute Parent/Custodian). (14-27.7)	Second-Degree Kidnapping. (14-39)	
Assault W/D/W/I/S/I. (14-32(b))	Child Abuse Inflicting Serious Physical Injury. (14-318.4(a))	
Assault W/D/W/I/K. (14-32(c))	Death by Vehicle. (20-141.4(a)(1))	
Discharging Weapon Into Occupied Property. (14-34.1(a))	Sell or Deliver a Controlled Substance Within 1,000 Feet of a School. (90-95(e)(8))	
Assault with a Firearm on a Law Enforcement Officer. (14-34.5)		
<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)	Participating in Prostitution of a Minor. (14-190.19)	
Assault W/D/W on Governmental Officer or Employee. (14-34.2)	Taking Indecent Liberties with Children. (14-202.1)	
Assault I/S/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 44 Months</b>
Second-Degree Burglary. (14-51)	Possession of Firearms, etc., by Felon. (14-415.1)	
Second-Degree Arson. (14-58)	Sale of a Schedule I or II Controlled Substance. (90-95(a)(1))	
Common Law Robbery. (14-87.1)		
<b>CLASS H FELONIES</b>		<b>Maximum Punishment of 30 Months</b>
Habitual Misdemeanor Assault. (14-33.2)	Obtaining Property by False Pretenses (amount involved less than \$100,000). (14-100)	
Breaking or Entering Buildings (w/felonious intent). (14-54(a))	Intimidating/Interfering with Witnesses. (14-226)	
Fraudulently Setting Fire to Dwelling Houses. (14-65)	Hit and Run (resulted in injury). (20-166(a1))	
Possessing Stolen Goods. (14-71.1)	Sale of a Schedule III, IV, V, or VI Controlled Substance. (90-95(a)(1))	
Larceny of Property (worth more than \$1,000). (14-72)	Possession W/I/M/S/D Cocaine. (90-95(a)(1))	
Embezzlement (amount involved less than \$100,000). (14-90)	Escaping From State Prison System (felon). (148-45(b))	

<b>CLASS I FELONIES</b>		<b>Maximum Punishment of 15 Months</b>
Breaking or Entering Motor Vehicles. (14-56)	Possession W/I/M/S/D Marijuana. (90-95(a)(1))	
Financial Transaction Card Theft. (14-113.9)	Possess Cocaine. (90-95(a)(3))	
Forgery of Notes, Checks, Securities. (14-119(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. (96-18(a))	
<b>CLASS 2 MISDEMEANORS</b>		<b>Maximum Punishment of 60 Days</b>
Simple Assault/Assault and Battery. (14-33(a))	Failure to Return Rental Property. (14-167)	
Obtaining Property in Return for Worthless Check. (14-106)	Using Profane, Indecent or Threatening Language to Any Person Over Telephone. (14-196)	
Worthless Check for \$2,000 or Less. (14-107(d)(1))	Resisting Officers. (14-223)	
First-Degree Trespass. (14-159.12)	Carrying Concealed Weapons. (14-269(a), (a1)/first offense)	
Willful and Wanton Injury to Personal Property. (14-160(a))	Disorderly Conduct. (14-288.4)	
<b>CLASS 3 MISDEMEANORS</b>		<b>Maximum Punishment of 20 Days</b>
Concealment of merchandise in mercantile establishments (first conviction). (14-72.1)	Operate Motorboat Without Lifesaving Device. (75A-6)	
Second-Degree Trespass. (14-159.13)	Possess Marijuana (1/2 ounce or less). (90-95(a)(3))	
Intoxicated and Disruptive in Public. (14-444)	Hunting Without a License. (113-270.2)	
Unsealed Wine/Liquor in Passenger Area. (18B-401)	Fishing Without a License. (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 C**

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

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District  
FY 2008/09 Felonies**

Sentence Type and Average Length of Active Sentences by Judicial Division and Judicial District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<b>First Judicial Division</b>	<b>1,159</b>	<b>41.1</b>	<b>1,220</b>	<b>43.3</b>	<b>441</b>	<b>15.6</b>	<b>26.4</b>	<b>33.7</b>	<b>2,820</b>
<b>District 1</b>	154	33.8	170	37.4	131	28.8	23.5	30.0	455
<b>District 2</b>	173	34.6	272	54.4	55	11.0	34.8	44.9	500
<b>District 3A</b>	333	46.5	290	40.5	93	13.0	22.8	29.4	716
<b>District 6A</b>	73	41.5	78	44.3	25	14.2	32.3	39.4	176
<b>District 6B</b>	89	42.6	90	43.1	30	14.4	23.1	31.3	209
<b>District 7A</b>	133	49.3	112	41.5	25	9.3	16.9	21.5	270
<b>District 7B,C</b>	204	41.3	208	42.1	82	16.6	32.6	41.2	494
<b>Second Judicial Division</b>	<b>1,295</b>	<b>37.8</b>	<b>1,480</b>	<b>43.2</b>	<b>648</b>	<b>18.9</b>	<b>31.5</b>	<b>40.2</b>	<b>3,423</b>
<b>District 3B</b>	174	31.6	274	49.8	102	18.5	29.7	37.6	550
<b>District 4A</b>	237	41.5	228	39.9	106	18.6	29.2	37.5	571
<b>District 4B</b>	182	38.9	170	36.3	116	24.8	31.0	39.6	468
<b>District 5</b>	427	37.9	494	43.8	207	18.4	32.5	41.5	1,128
<b>District 8A</b>	128	42.1	144	47.4	32	10.5	21.6	28.0	304
<b>District 8B</b>	147	36.6	170	42.3	85	21.1	43.6	55.3	402
<b>Third Judicial Division</b>	<b>2,096</b>	<b>45.7</b>	<b>1,865</b>	<b>40.6</b>	<b>627</b>	<b>13.7</b>	<b>26.8</b>	<b>34.4</b>	<b>4,588</b>
<b>District 9</b>	247	46.0	216	40.2	74	13.8	21.4	27.0	537
<b>District 9A</b>	69	42.1	71	43.3	24	14.6	36.4	46.6	164
<b>District 10</b>	1,061	46.9	845	37.3	358	15.8	21.4	27.4	2,264
<b>District 14</b>	328	45.6	326	45.3	66	9.2	47.9	62.3	720
<b>District 15A</b>	224	37.8	288	48.6	81	13.7	24.6	31.3	593
<b>District 15B</b>	167	53.9	119	38.4	24	7.7	26.8	34.4	310

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District  
(continued)  
FY 2008/09 Felonies**

Sentence Type and Average Length of Active Sentences by Judicial Division and Judicial District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<b><i>Fourth Judicial Division</i></b>	<b>1,316</b>	<b>38.0</b>	<b>1,614</b>	<b>46.6</b>	<b>537</b>	<b>15.5</b>	<b>31.1</b>	<b>39.9</b>	<b>3,467</b>
<b>District 11A</b>	171	33.1	253	48.9	93	18.0	25.5	33.0	517
<b>District 11B</b>	209	42.1	233	47.0	54	10.9	29.7	38.1	496
<b>District 12</b>	405	40.1	443	43.9	162	16.0	32.9	42.7	1,010
<b>District 13A</b>	121	37.7	164	51.1	36	11.2	24.4	30.2	321
<b>District 13B</b>	101	34.4	131	44.6	62	21.1	37.6	48.0	294
<b>District 16A</b>	158	37.5	181	43.0	82	19.5	33.6	42.4	421
<b>District 16B</b>	151	37.0	209	51.2	48	11.8	33.1	42.6	408
<b><i>Fifth Judicial Division</i></b>	<b>2,032</b>	<b>39.6</b>	<b>2,381</b>	<b>46.4</b>	<b>721</b>	<b>14.0</b>	<b>33.7</b>	<b>43.5</b>	<b>5,134</b>
<b>District 17A</b>	117	30.2	193	49.9	77	19.9	45.2	57.9	387
<b>District 17B</b>	127	37.0	169	49.3	47	13.7	28.2	35.9	343
<b>District 18</b>	798	38.3	1,001	48.1	282	13.6	30.6	39.8	2,081
<b>District 19B</b>	139	37.9	170	46.3	58	15.8	29.9	38.2	367
<b>District 19D</b>	131	36.6	166	46.4	61	17.0	35.7	46.1	358
<b>District 21</b>	567	50.1	433	38.3	132	11.7	38.2	49.3	1,132
<b>District 23</b>	153	32.8	249	53.4	64	13.7	31.2	39.7	466
<b><i>Sixth Judicial Division</i></b>	<b>1,076</b>	<b>37.4</b>	<b>1,334</b>	<b>46.4</b>	<b>465</b>	<b>16.2</b>	<b>36.3</b>	<b>46.7</b>	<b>2,875</b>
<b>District 19A</b>	181	35.4	215	42.1	115	22.5	34.8	45.0	511
<b>District 19C</b>	167	36.9	198	43.8	87	19.2	45.3	57.9	452
<b>District 20A</b>	176	37.7	228	48.8	63	13.5	29.3	37.7	467
<b>District 20B</b>	102	33.2	153	49.8	52	16.9	39.0	50.4	307
<b>District 22A</b>	170	38.1	214	48.0	62	13.9	37.1	47.7	446
<b>District 22B</b>	280	40.5	326	47.1	86	12.4	35.0	45.0	692

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District  
(continued)  
FY 2008/09 Felonies**

Sentence Type and Average Length of Active Sentences by Judicial Division and Judicial District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<b><i>Seventh Judicial Division</i></b>	<b><i>1,673</i></b>	<b><i>32.8</i></b>	<b><i>2,583</i></b>	<b><i>50.7</i></b>	<b><i>843</i></b>	<b><i>16.5</i></b>	<b><i>36.1</i></b>	<b><i>46.3</i></b>	<b><i>5,099</i></b>
<b>District 25A</b>	146	25.3	295	51.2	135	23.4	46.7	59.5	576
<b>District 25B</b>	109	27.2	198	49.4	94	23.4	38.9	50.5	401
<b>District 26</b>	858	35.0	1,186	48.4	405	16.5	37.9	49.0	2,449
<b>District 27A</b>	339	35.3	513	53.4	108	11.3	27.8	35.4	960
<b>District 27B</b>	221	31.0	391	54.8	101	14.2	33.4	41.5	713
<b><i>Eighth Judicial Division</i></b>	<b><i>845</i></b>	<b><i>36.1</i></b>	<b><i>1,049</i></b>	<b><i>44.8</i></b>	<b><i>449</i></b>	<b><i>19.2</i></b>	<b><i>33.4</i></b>	<b><i>42.7</i></b>	<b><i>2,343</i></b>
<b>District 24</b>	125	31.4	192	48.2	81	20.4	34.6	43.2	398
<b>District 28</b>	309	39.3	384	48.8	94	11.9	36.9	47.6	787
<b>District 29A</b>	151	38.7	155	39.7	84	21.5	24.1	30.0	390
<b>District 29B</b>	134	41.5	114	35.3	75	23.2	27.9	35.7	323
<b>District 30A</b>	50	26.3	85	44.7	55	28.9	43.6	55.7	190
<b>District 30B</b>	76	29.8	119	46.7	60	23.5	38.8	49.8	255
<b><i>STATE TOTAL</i></b>	<b><i>11,492</i></b>	<b><i>38.6</i></b>	<b><i>13,526</i></b>	<b><i>45.5</i></b>	<b><i>4,731</i></b>	<b><i>15.9</i></b>	<b><i>31.7</i></b>	<b><i>40.7</i></b>	<b><i>29,749</i></b>

Note: Of the 32,266 felony convictions in FY 2008/09, 2,517 convictions 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 2008/09 Statistical Report Data

**Appendix C, Table 2: Sentence Location by Judicial Division and District  
(Active Sentences Only)  
FY 2008/09 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Judicial Division and Judicial District	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<b><i>First Judicial Division</i></b>	<b><i>195</i></b>	<b><i>16.9</i></b>	<b><i>935</i></b>	<b><i>81.1</i></b>	<b><i>23</i></b>	<b><i>2.0</i></b>	<b><i>1,153</i></b>
<b>District 1</b>	9	5.9	140	92.1	3	2.0	152
<b>District 2</b>	42	24.3	129	74.6	2	1.2	173
<b>District 3A</b>	80	24.1	241	72.6	11	3.3	332
<b>District 6A</b>	18	24.7	54	74.0	1	1.4	73
<b>District 6B</b>	18	20.5	70	79.5	.	.	88
<b>District 7A</b>	16	12.0	114	85.7	3	2.3	133
<b>District 7B,C</b>	12	5.9	187	92.6	3	1.5	202
<b><i>Second Judicial Division</i></b>	<b><i>300</i></b>	<b><i>23.4</i></b>	<b><i>922</i></b>	<b><i>71.9</i></b>	<b><i>60</i></b>	<b><i>4.7</i></b>	<b><i>1,282</i></b>
<b>District 3B</b>	45	26.0	124	71.7	4	2.3	173
<b>District 4A</b>	56	24.0	166	71.2	11	4.7	233
<b>District 4B</b>	19	10.6	155	86.1	6	3.3	180
<b>District 5</b>	92	21.7	310	73.3	21	5.0	423
<b>District 8A</b>	34	26.8	80	63.0	13	10.2	127
<b>District 8B</b>	54	37.0	87	59.6	5	3.4	146
<b><i>Third Judicial Division</i></b>	<b><i>623</i></b>	<b><i>30.0</i></b>	<b><i>1,395</i></b>	<b><i>67.2</i></b>	<b><i>58</i></b>	<b><i>2.8</i></b>	<b><i>2,076</i></b>
<b>District 9</b>	22	8.9	220	89.4	4	1.6	246
<b>District 9A</b>	14	20.3	50	72.5	5	7.2	69
<b>District 10</b>	321	30.5	712	67.6	20	1.9	1,053
<b>District 14</b>	132	40.7	181	55.9	11	3.4	324
<b>District 15A</b>	81	36.7	136	61.5	4	1.8	221
<b>District 15B</b>	53	32.5	96	58.9	14	8.6	163

**Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)  
(Active Sentences Only)  
FY 2008/09 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Judicial Division and Judicial District	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<b><i>Fourth Judicial Division</i></b>	<b><i>407</i></b>	<b><i>31.1</i></b>	<b><i>857</i></b>	<b><i>65.5</i></b>	<b><i>44</i></b>	<b><i>3.4</i></b>	<b><i>1,308</i></b>
District 11A	50	29.4	115	67.6	5	2.9	170
District 11B	66	31.7	131	63.0	11	5.3	208
District 12	139	34.5	253	62.8	11	2.7	403
District 13A	28	23.1	85	70.2	8	6.6	121
District 13B	33	33.0	62	62.0	5	5.0	100
District 16A	56	35.7	101	64.3	.	.	157
District 16B	35	23.5	110	73.8	4	2.7	149
<b><i>Fifth Judicial Division</i></b>	<b><i>707</i></b>	<b><i>35.1</i></b>	<b><i>1,216</i></b>	<b><i>60.4</i></b>	<b><i>91</i></b>	<b><i>4.5</i></b>	<b><i>2,014</i></b>
District 17A	30	25.6	78	66.7	9	7.7	117
District 17B	25	19.7	95	74.8	7	5.5	127
District 18	238	30.1	509	64.3	45	5.7	792
District 19B	35	25.2	101	72.7	3	2.2	139
District 19D	40	31.0	85	65.9	4	3.1	129
District 21	309	55.2	237	42.3	14	2.5	560
District 23	30	20.0	111	74.0	9	6.0	150
<b><i>Sixth Judicial Division</i></b>	<b><i>314</i></b>	<b><i>29.3</i></b>	<b><i>684</i></b>	<b><i>63.9</i></b>	<b><i>72</i></b>	<b><i>6.7</i></b>	<b><i>1,070</i></b>
District 19A	87	48.3	81	45.0	12	6.7	180
District 19C	40	24.1	108	65.1	18	10.8	166
District 20A	36	20.6	136	77.7	3	1.7	175
District 20B	29	28.7	69	68.3	3	3.0	101
District 22A	31	18.2	119	70.0	20	11.8	170
District 22B	91	32.7	171	61.5	16	5.8	278



**Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)  
(Active Sentences Only)  
FY 2008/09 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Judicial Division and Judicial District	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<b><i>Seventh Judicial Division</i></b>	<b>341</b>	<b>20.6</b>	<b>1,241</b>	<b>74.8</b>	<b>77</b>	<b>4.6</b>	<b>1,659</b>
<b>District 25A</b>	42	29.0	102	70.3	1	0.7	145
<b>District 25B</b>	33	30.3	76	69.7	.	.	109
<b>District 26</b>	186	21.9	622	73.3	41	4.8	849
<b>District 27A</b>	40	11.9	275	81.6	22	6.5	337
<b>District 27B</b>	40	18.3	166	75.8	13	5.9	219
<b><i>Eighth Judicial Division</i></b>	<b>196</b>	<b>23.3</b>	<b>627</b>	<b>74.6</b>	<b>18</b>	<b>2.1</b>	<b>841</b>
<b>District 24</b>	21	16.8	102	81.6	2	1.6	125
<b>District 28</b>	109	35.4	194	63.0	5	1.6	308
<b>District 29A</b>	18	12.0	129	86.0	3	2.0	150
<b>District 29B</b>	28	21.2	98	74.2	6	4.5	132
<b>District 30A</b>	9	18.0	39	78.0	2	4.0	50
<b>District 30B</b>	11	14.5	65	85.5	.	.	76
<b><i>STATE TOTAL</i></b>	<b>3,083</b>	<b>27.0</b>	<b>7,877</b>	<b>69.1</b>	<b>443</b>	<b>3.9</b>	<b>11,403</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. In addition, 89 convictions requiring a mandatory life or death sentence were excluded from this table. Percentages may not add to totals due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

**APPENDIX D**

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

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense  
FY 2008/09 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<b>Person</b>	<b>3,401</b>	<b>63.8</b>	<b>1,839</b>	<b>34.5</b>	<b>87</b>	<b>1.6</b>	<b>59.0</b>	<b>76.4</b>	<b>5,327</b>
1 <sup>st</sup> Degree Murder	89	100.0	.	.	.	.	.	.	89
2 <sup>nd</sup> Degree Murder	238	100.0	.	.	.	.	174.4	218.7	238
Attempted Murder	27	100.0	.	.	.	.	169.4	212.7	27
Voluntary Manslaughter	70	97.2	2	2.8	.	.	71.9	95.5	72
Involuntary Manslaughter	34	48.6	36	51.4	.	.	18.6	23.0	70
Felony Death by Vehicle	23	62.2	14	37.8	.	.	30.5	45.9	37
Armed Robbery	591	100.0	.	.	.	.	65.1	87.6	591
Att. Consp. Armed Robbery	139	51.5	131	48.5	.	.	42.1	59.7	270
Common Law Robbery	393	50.3	388	49.7	.	.	15.4	18.8	781
Att. Common Law Robbery	68	50.4	59	43.7	8	5.9	8.3	10.4	135
Other Robbery	55	50.5	39	35.8	15	13.8	19.2	26.0	109
AWDWIKISI	95	100.0	.	.	.	.	92.8	120.6	95
AWDW Intent to Kill	23	52.3	21	47.7	.	.	27.0	41.3	44
ADWD Serious Injury	208	55.8	165	44.2	.	.	31.8	47.4	373
Assault Govt. Official	51	57.3	38	42.7	.	.	21.9	28.1	89
Assault by Strangulation	67	37.9	101	57.1	9	5.1	8.7	10.8	177
Other Felony Assaults	158	48.3	167	51.1	2	0.6	20.0	25.3	327
1 <sup>st</sup> Degree Rape	101	100.0	.	.	.	.	245.0	302.8	101
Attempted 1 <sup>st</sup> Degree Rape	18	100.0	.	.	.	.	139.6	176.8	18
2 <sup>nd</sup> Degree Rape	74	100.0	.	.	.	.	87.7	114.6	74
Attempted 2 <sup>nd</sup> Degree Rape	13	100.0	.	.	.	.	66.0	88.8	13
Statutory Rape/Sex Off. Against 13, 14, 15	49	100.0	.	.	.	.	198.8	247.9	49
Indecent Liberties with Child	265	47.6	292	52.4	.	.	17.2	21.0	557
Crime Against Nature	8	17.8	12	26.7	25	55.6	14.9	18.1	45

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)  
FY 2008/09 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<b>Sexual Exploitation of Minor</b>	3	23.1	3	23.1	7	53.8	58.3	79.0	13
<b>Child Abuse</b>	25	46.3	29	53.7	.	.	45.3	63.6	54
<b>Registered Sex Off. Offenses</b>	199	59.9	133	40.1	.	.	20.3	24.7	332
<b>Other Sex Crimes</b>	102	56.4	64	35.4	15	8.3	75.7	97.3	181
<b>Kidnap, Abduction</b>	145	64.7	79	35.3	.	.	45.0	62.1	224
<b>Attempted Kidnapping</b>	.	.	1	100.0	.	.	.	.	1
<b>All Other Person Felonies</b>	70	49.6	65	46.1	6	4.3	21.6	26.6	141
<b>Property</b>	<b>3,679</b>	<b>34.1</b>	<b>5,361</b>	<b>49.7</b>	<b>1,738</b>	<b>16.1</b>	<b>11.4</b>	<b>14.3</b>	<b>10,778</b>
<b>1<sup>st</sup> Degree Burglary</b>	70	100.0	.	.	.	.	66.8	89.8	70
<b>Att. 1<sup>st</sup> Degree Burglary</b>	17	60.7	11	39.3	.	.	28.9	44.1	28
<b>2<sup>nd</sup> Degree Burglary</b>	78	46.2	91	53.8	.	.	15.9	19.4	169
<b>Breaking/Entering</b>	1,548	39.3	1,852	47.0	538	13.7	9.5	11.8	3,938
<b>Att. Breaking/Entering</b>	11	15.1	38	52.1	24	32.9	7.8	9.9	73
<b>Larceny</b>	763	35.4	1,072	49.8	318	14.8	9.9	12.3	2,153
<b>Attempted Larceny</b>	14	20.3	35	50.7	20	29.0	7.4	9.4	69
<b>1<sup>st</sup> Degree Arson</b>	6	100.0	.	.	.	.	56.5	77.3	6
<b>2<sup>nd</sup> Degree Arson</b>	15	34.9	28	65.1	.	.	15.7	19.2	43
<b>Other Arson/Burning</b>	44	37.6	61	52.1	12	10.3	15.7	20.6	117
<b>Forgery</b>	74	16.0	207	44.7	182	39.3	8.4	10.5	463
<b>Fraud</b>	137	24.7	329	59.4	88	15.9	12.8	15.8	554
<b>Embezzlement</b>	37	13.2	123	43.9	120	42.9	12.0	15.8	280
<b>Obt. Prop. by False Pretenses</b>	418	30.3	764	55.4	198	14.3	11.1	13.9	1,380
<b>Att. Obt. Prop. False Pretenses</b>	25	31.3	46	57.5	9	11.3	9.6	11.8	80
<b>All Other Property Felonies</b>	422	31.1	704	52.0	229	16.9	9.6	11.9	1,355

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)  
FY 2008/09 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<b>Non-Trafficking Drug</b>	<b>2,105</b>	<b>22.1</b>	<b>4,733</b>	<b>49.7</b>	<b>2,677</b>	<b>28.1</b>	<b>11.8</b>	<b>14.9</b>	<b>9,515</b>
<b>Sell/Deliver Drugs</b>	587	37.6	925	59.3	48	3.1	14.8	18.2	1,560
<b>Consp. to Sell/Deliver Drugs</b>	34	25.4	94	70.1	6	4.5	12.4	15.2	134
<b>Manufacture Drugs</b>	25	14.8	60	35.5	84	49.7	41.0	53.8	169
<b>Possession with Intent</b>	715	26.7	1,390	52.0	570	21.3	9.0	11.3	2,675
<b>Drug Possession</b>	393	10.9	1,599	44.5	1,604	44.6	7.3	9.2	3,596
<b>Other Drug Felonies</b>	351	25.4	665	48.2	365	26.4	15.5	20.0	1,381
<b>Other Felony</b>	<b>2,307</b>	<b>55.9</b>	<b>1,593</b>	<b>38.6</b>	<b>229</b>	<b>5.5</b>	<b>43.2</b>	<b>55.2</b>	<b>4,129</b>
<b>Weapon Offense</b>	557	38.4	860	59.3	34	2.3	16.3	20.7	1,451
<b>Habitual Felon</b>	763	100.0	.	.	.	.	95.0	122.8	763
<b>Habitual Misd. Assault</b>	72	57.6	53	42.4	.	.	11.0	13.7	125
<b>Habitual Impaired Driving</b>	334	97.7	8	2.3	.	.	17.4	21.3	342
<b>Motor Vehicle Offenses</b>	264	41.7	307	48.5	62	9.8	10.3	13.0	633
<b>Crimes Against Admin. Just.</b>	30	54.5	10	18.2	15	27.3	10.8	13.3	55
<b>All Other Felonies</b>	287	37.8	355	46.7	118	15.5	29.2	38.7	760
<b>STATE TOTAL</b>	<b>11,492</b>	<b>38.6</b>	<b>13,526</b>	<b>45.5</b>	<b>4,731</b>	<b>15.9</b>	<b>31.7</b>	<b>40.7</b>	<b>29,749</b>

Note: Of the 32,266 felony convictions in FY 2008/09, 2,517 convictions 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 2008/09 Statistical Report Data

**Appendix D, Table 2: Sentence Location by Crime Type and Offense  
(Active Sentences Only)  
FY 2008/09 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Crime Type and Offense	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<i>Person</i>	<i>1,002</i>	<i>30.3</i>	<i>2,114</i>	<i>63.8</i>	<i>196</i>	<i>5.9</i>	<i>3,312</i>
<b>2<sup>nd</sup> Degree Murder</b>	53	22.3	144	60.5	41	17.2	238
<b>Attempted Murder</b>	7	25.9	19	70.4	1	3.7	27
<b>Voluntary Manslaughter</b>	19	27.1	45	64.3	6	8.6	70
<b>Involuntary Manslaughter</b>	6	17.6	22	64.7	6	17.6	34
<b>Felony Death by Vehicle</b>	4	17.4	17	73.9	2	8.7	23
<b>Armed Robbery</b>	265	44.8	313	53.0	13	2.2	591
<b>Att. Consp. Armed Robbery</b>	50	36.0	84	60.4	5	3.6	139
<b>Common Law Robbery</b>	68	17.3	295	75.1	30	7.6	393
<b>Att. Common Law Robbery</b>	14	20.6	52	76.5	2	2.9	68
<b>Other Robbery</b>	19	34.5	34	61.8	2	3.6	55
<b>AWDWIKISI</b>	24	25.3	64	67.4	7	7.4	95
<b>AWDW Intent to Kill</b>	8	34.8	14	60.9	1	4.3	23
<b>AWDW Serious Injury</b>	50	24.0	145	69.7	13	6.3	208
<b>Assault Govt. Official</b>	9	17.6	41	80.4	1	2.0	51
<b>Assault by Strangulation</b>	16	23.9	46	68.7	5	7.5	67
<b>Other Fel. Assaults</b>	40	25.3	113	71.5	5	3.2	158
<b>1<sup>st</sup> Degree Rape</b>	27	26.7	70	69.3	4	4.0	101
<b>Attempted 1<sup>st</sup> Degree Rape</b>	11	61.1	7	38.9	.	.	18
<b>2<sup>nd</sup> Degree Rape</b>	22	29.7	44	59.5	8	10.8	74
<b>Attempted 2<sup>nd</sup> Degree Rape</b>	8	61.5	5	38.5	.	.	13
<b>Stat Rape/Sex Off. Against 13, 14, 15</b>	19	38.8	28	57.1	2	4.1	49
<b>Indecent Liberties w/ Child</b>	48	18.1	193	72.8	24	9.1	265
<b>Crime Against Nature</b>	1	12.5	6	75.0	1	12.5	8
<b>Sexual Exploitation of Minor</b>	1	33.3	2	66.7	.	.	3

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)**  
**(Active Sentences Only)**  
**FY 2008/09 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Crime Type and Offense	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<i>Person (cont.)</i>							
Child Abuse	2	8.0	19	76.0	4	16.0	25
Reg. Sex Offender Offenses	106	53.3	86	43.2	7	3.5	199
Other Sex Crimes	51	50.0	50	49.0	1	1.0	102
Kidnap, Abduction	33	22.8	110	75.9	2	1.4	145
All Other Person Felonies	21	30.0	46	65.7	3	4.3	70
<i>Property</i>	<b>741</b>	<b>20.1</b>	<b>2,831</b>	<b>77.0</b>	<b>107</b>	<b>2.9</b>	<b>3,679</b>
1 <sup>st</sup> Degree Burglary	40	57.1	29	41.4	1	1.4	70
Att. 1 <sup>st</sup> Degree Burglary	3	17.6	12	70.6	2	11.8	17
2 <sup>nd</sup> Degree Burglary	11	14.1	58	74.4	9	11.5	78
Breaking/Entering	279	18.0	1,225	79.1	44	2.8	1,548
Att. Breaking/Entering	.	.	10	90.9	1	9.1	11
Larceny	152	19.9	599	78.5	12	1.6	763
Attempted Larceny	4	28.6	10	71.4	.	.	14
1 <sup>st</sup> Degree Arson	4	66.7	2	33.3	.	.	6
2 <sup>nd</sup> Degree Arson	4	26.7	10	66.7	1	6.7	15
Other Arson/Burning	13	29.5	30	68.2	1	2.3	44
Forgery	16	21.6	57	77.0	1	1.4	74
Fraud	41	29.9	94	68.6	2	1.5	137
Embezzlement	5	13.5	32	86.5	.	.	37
Obt. Prop. by False Pretenses	78	18.7	317	75.8	23	5.5	418
Att. Obt. Prop. False Pretenses	11	44.0	14	56.0	.	.	25
All Other Property Felonies	80	19.0	332	78.7	10	2.4	422

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)  
(Active Sentences Only)  
FY 2008/09 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Crime Type and Offense	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<b><i>Non-Trafficking Drug</i></b>	<b><i>423</i></b>	<b><i>20.1</i></b>	<b><i>1,598</i></b>	<b><i>75.9</i></b>	<b><i>84</i></b>	<b><i>4.0</i></b>	<b><i>2,105</i></b>
<b>Sell/Deliver Drugs</b>	107	18.2	459	78.2	21	3.6	587
<b>Consp. to Sell/Deliver Drugs</b>	10	29.4	23	67.6	1	2.9	34
<b>Manufacture Drugs</b>	5	20.0	19	76.0	1	4.0	25
<b>Possession with Intent</b>	140	19.6	550	76.9	25	3.5	715
<b>Drug Possession</b>	85	21.6	287	73.0	21	5.3	393
<b>All Other Drug Felonies</b>	76	21.7	260	74.1	15	4.3	351
<b><i>Other Felony</i></b>	<b><i>917</i></b>	<b><i>39.7</i></b>	<b><i>1,334</i></b>	<b><i>57.8</i></b>	<b><i>56</i></b>	<b><i>2.4</i></b>	<b><i>2,307</i></b>
<b>Weapon Offense</b>	148	26.6	391	70.2	18	3.2	557
<b>Habitual Felon</b>	522	68.4	232	30.4	9	1.2	763
<b>Habitual Misd. Assault</b>	13	18.1	57	79.2	2	2.8	72
<b>Habitual Impaired Driving</b>	103	30.8	228	68.3	3	0.9	334
<b>Motor Vehicle Offenses</b>	42	15.9	211	79.9	11	4.2	264
<b>Crimes Against Admin. Just.</b>	9	30.0	18	60.0	3	10.0	30
<b>All Other Felonies</b>	80	27.9	197	68.6	10	3.5	287
<b><i>STATE TOTAL</i></b>	<b><i>3,083</i></b>	<b><i>27.0</i></b>	<b><i>7,877</i></b>	<b><i>69.1</i></b>	<b><i>443</i></b>	<b><i>3.9</i></b>	<b><i>11,403</i></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. In addition, 89 convictions requiring a mandatory life or death sentence were excluded from this table.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

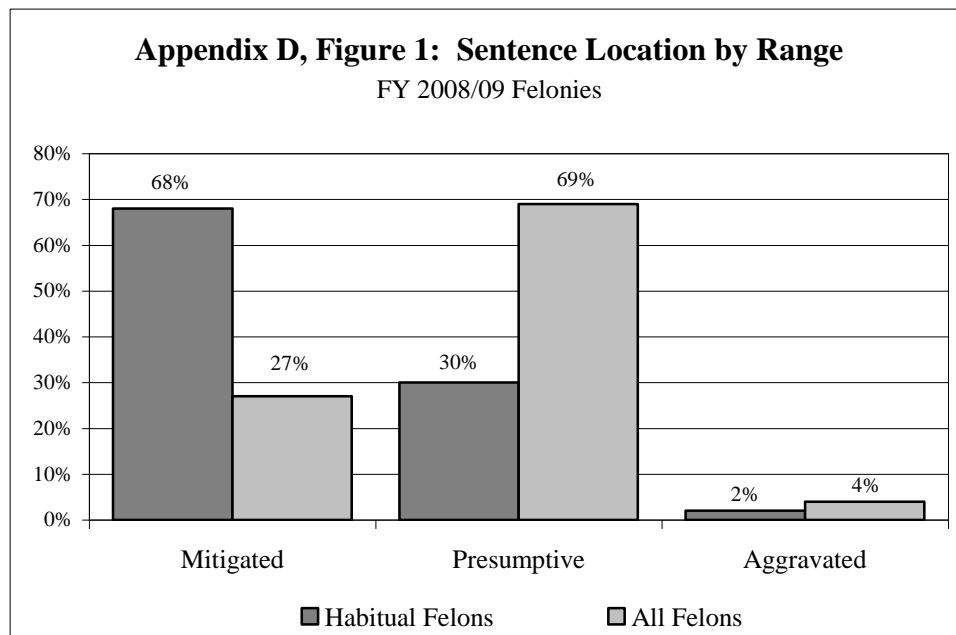


**Appendix D, Table 3: Percent of Sentences in the Mitigated Range and at the Lowest Spot of the Presumptive Range by Offense Class  
FY 2008/09 Felonies**

<b>Offense Class</b>	<b>% Mitigated</b>	<b>% Mitigated and Lowest Spot in Presumptive Range</b>
<b>B1</b>	29.9	45.5
<b>B2</b>	30.4	44.6
<b>C</b>	58.1	72.4
<b>Habitual Felons Only</b>	68.4	85.3
<b>D</b>	44.8	66.5
<b>E</b>	22.1	49.1
<b>F</b>	29.3	58.2
<b>G</b>	21.3	50.5
<b>H</b>	19.0	52.9
<b>I</b>	21.3	53.5
<b>TOTAL</b>	27.0	55.9

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. In addition, 89 convictions requiring a mandatory life or death sentence were excluded from this table.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data



Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

**APPENDIX E**

**INTERMEDIATE AND COMMUNITY  
PUNISHMENTS**

## INTERMEDIATE PUNISHMENTS

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

1. **Split Sentence/Special Probation:** Requires the offender to submit to a specified period or periods of imprisonment in a prison or jail (total imprisonment may not exceed 25% of maximum sentence) followed by a term of probation. It may include special conditions such as recommendation for work release or serving the active term in an inpatient facility.
2. **Residential Facility:** Requires the offender to reside in a facility for a specified continuous period of time in order to participate in activities such as substance abuse counseling, social skills training, or employment training, which are conducted at the residence or at other specified locations.
3. **Day Reporting Center:** Requires mandatory attendance at a facility on a daily or otherwise regular basis at specified times for a specific length of time in order to participate in activities such as substance abuse counseling, social skills training, or employment training.
4. **Intensive Supervision Probation:** Requires close supervision by a probation officer in order to control and assist the offender to remain in the community pursuant to a Sentencing Services plan, community work plan, community restitution plan, or other plan of rehabilitation.
5. **House Arrest with Electronic Monitoring:** Requires the offender to remain in one or more specified places for a specified period or periods each day and to wear a device which permits the supervising agency to electronically monitor the offender's compliance with the conditions.
6. **Drug Treatment Court:** Requires the offender to participate in clinical treatment, maintain clean drug screens, be employed, and be paying towards his/her legal obligations while under the supervision of the court for a specific length of time.

## COMMUNITY PUNISHMENTS

A Community punishment is any authorized sentence that does not include an Active punishment or an Intermediate punishment. Community punishments can include, but are not limited to, one of the following: unsupervised or supervised probation (regular supervision without a condition of intensive supervision probation), outpatient drug/alcohol treatment, community service, restitution, fines, T.A.S.C. (Treatment Accountability for Safer Communities).

**APPENDIX F**

**COMMUNITY SERVICE AND RESTITUTION  
FOR FELONIES**

**Appendix F, Table 1: Community Service by Offense Class  
FY 2008/09 Felonies**

<b>Offense Class</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>A</b>	0	0.0
<b>B1</b>	2	1.3
<b>B2</b>	1	0.3
<b>C</b>	9	0.9
<b>D</b>	10	1.2
<b>E</b>	137	10.7
<b>F</b>	210	9.3
<b>G</b>	465	11.5
<b>H</b>	1,577	12.8
<b>I</b>	1,378	18.6
<b>TOTAL</b>	<b>3,789</b>	<b>12.7</b>

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

**Appendix F, Table 2: Community Service by Crime Type  
FY 2008/09 Felonies**

<b>Crime Type</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Person</b>	419	7.9
<b>Property</b>	1,536	14.3
<b>Non-Trafficking Drug</b>	1,468	15.4
<b>Other Felony</b>	366	8.9
<b>TOTAL</b>	<b>3,789</b>	<b>12.7</b>

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

**Appendix F, Table 3: Community Service by Type of Punishment  
FY 2008/09 Felonies**

Type of Punishment	Number of Convictions	% of Convictions
Active	147	1.3
Intermediate	2,437	18.0
Community	1,205	25.5
<b>TOTAL</b>	<b>3,789</b>	<b>12.7</b>

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

**Appendix F, Table 4: Restitution Ordered by Offense Class  
FY 2008/09 Felonies**

Offense Class	Number of Convictions	% of Convictions
A	2	2.3
B1	8	5.2
B2	8	2.5
C	86	8.2
D	115	13.4
E	369	28.8
F	309	13.7
G	1,144	28.3
H	5,172	42.1
I	1,994	26.9
<b>TOTAL</b>	<b>9,207</b>	<b>31.0</b>

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

**Appendix F, Table 5: Restitution Ordered by Crime Type  
FY 2008/09 Felonies**

<b>Crime Type</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Person</b>	959	18.0
<b>Property</b>	5,687	52.8
<b>Non-Trafficking Drug</b>	2,049	21.5
<b>Other Felony</b>	512	12.4
<b>TOTAL</b>	9,207	31.0

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

**Appendix F, Table 6: Restitution Ordered by Type of Punishment  
FY 2008/09 Felonies**

<b>Type of Punishment</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Active</b>	1,296	11.3
<b>Intermediate</b>	6,027	44.6
<b>Community</b>	1,884	39.8
<b>TOTAL</b>	9,207	31.0

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Statistical Report Data

#### Disclaimer for AOC Data

These data are from the Administrative Office of the Courts' (AOC) Automated Criminal/Infractions 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.



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

**MISDEMEANOR PUNISHMENT CHART**

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

**A – Active Punishment      I – Intermediate Punishment      C – Community Punishment**  
**Cells with slash allow either disposition at the discretion of the judge**

**Effective for Offenses Committed on or after 12/1/95 but before 12/1/09**

**FELONY PUNISHMENT CHART  
PRIOR RECORD LEVEL**

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

A – Active Punishment      I – Intermediate Punishment      C – Community Punishment  
Numbers shown are in months and represent the range of minimum sentences

Revised: 08-04-95