

North Carolina
Sentencing and Policy Advisory Commission

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

**Fiscal Year 2012/13
(July 1, 2012 – June 30, 2013)**

March 2014

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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 2012/13 (July 1, 2012 through June 30, 2013). The report only includes cases where an offender was convicted and sentenced for a crime which was committed on or after October 1, 1994 – the effective date of Structured Sentencing. The report presents information on the number of felony and misdemeanor convictions, the distribution of felony and misdemeanor convictions within their respective punishment charts, and the types of punishments imposed, as well as data about several other issues. Information for felony convictions is presented in *Section I*, while information for misdemeanor convictions is presented in *Section II*. Details regarding the substance and application of the sentencing laws under Structured Sentencing are provided in the North Carolina Sentencing and Policy Advisory Commission’s *Structured Sentencing Training and Reference Manual*.

This report reflects the laws and practices that were in place during FY 2012/13. In 2009, the General Assembly passed changes to minimum sentence lengths and prior record point distributions in the felony punishment chart (effective for offenses committed on or after December 1, 2009). Ninety-five percent of sentences imposed in FY 2012/13 were based on offenses occurring on or after December 1, 2009.

In 2011, the General Assembly passed substantial legislative changes to North Carolina’s sentencing and correctional practices. The Justice Reinvestment Act (JRA) of 2011 (S.L. 2011- 192) redefined Community and Intermediate punishments, created a new status offense of habitual breaking and entering, changed habitual felon punishments, authorized early release from prison under certain conditions, expanded post-release supervision to all incarcerated felons, and created a program for certain misdemeanants to serve Active sentences in jails rather than prison. Technical and clarifying changes were made to the JRA in 2012 (S.L. 2012-188) and 2013 (S.L. 2013-101). Further information on the JRA can be found in the Commission’s *Justice Reinvestment Act Implementation Evaluation Report*.

A majority of the JRA provisions related to changes in sentencing became effective for offenses committed on or after December 1, 2011. Since this report covers convictions from July 1, 2012 through June 30, 2013, the majority of convictions (64% of felony convictions and 82% of misdemeanor convictions) were subject to the changes made under the JRA. Future reports will reflect sentencing practices under the JRA as the percentage of convictions with offense dates on or after December 1, 2011 continues to increase.

REPORTING OF CONVICTIONS AND SENTENCES

The report is based on data entered into the Administrative Office of the Courts’ (AOC’s) Automated Criminal Infraction System (ACIS) by the court clerk following the imposition of the sentence. The report covers all North Carolina counties. The unit of analysis is convictions disposed of in a *sentencing episode*.

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 FY 2012/13**

STRUCTURED SENTENCING STATISTICAL REPORT SUMMARY OF FINDINGS FY 2012/13 CONVICTIONS

Felony Convictions

- During FY 2012/13, sentences for 28,358 felony convictions were imposed under Structured Sentencing. (Note: This number excludes sentences imposed for drug trafficking and violent habitual felon convictions, which are subject to mandatory penalties.)
- Fourteen percent of felony convictions fell into Classes A-E, 8% fell into Class F, 13% fell into Class G, 45% fell into Class H, and 20% fell into Class I.
- The majority of felony convictions (60%) were for offenders with Prior Record Levels I and II, including 22% for offenders with no prior record points. Eleven 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; 35% of convictions were for offenders under the age of 26; and 50% of convictions were for Black offenders.
- Thirty-nine percent of felony convictions resulted in an Active punishment, 32% resulted in an Intermediate punishment, and 29% resulted in a Community punishment.
- Of the four crime types, property offenses (40%) and non-trafficking drug offenses (28%) accounted for the largest groups of felony 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.
- All offenders with an Intermediate punishment received supervised probation. Of all felony offenders who received a Community punishment, 96% received supervised probation; 3% received unsupervised probation; and less than 1% were ordered to perform community service, pay restitution and/or a fine as their most serious punishment. Overall, the average probation length for supervised probation was 28 months.
- The most frequent condition imposed for supervised probation was a monetary condition (97%), which includes payment of fines, restitution, and/or court costs. Forty-one percent received special probation as a condition of supervised probation. Community service was imposed for 21% of Community and Intermediate punishment convictions with supervised probation.
- Other information of interest includes: the imposition of 1 death sentence and 68 life without parole sentences, the imposition of 1 life with the possibility of parole for an offender under 18 years of age at the time of offense; there were three (3) violent habitual felon convictions, 793 habitual felon convictions, 150 habitual breaking and entering convictions, and 463 convictions for drug trafficking offenses.

Misdemeanor Convictions

- During FY 2012/13, sentences for 130,361 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.)
- Nine percent of misdemeanor convictions fell into Class A1, 59% fell into Class 1, 15% fell into Class 2, and 17% fell into Class 3.
- Thirty-one percent of misdemeanor convictions fell into Prior Conviction Level I (0 points), 42% fell into Prior Conviction Level II (1-4 points), and 27% fell into Prior Conviction Level III (5 or more points).
- Seventy-five percent of convictions were for male offenders; 33% of convictions were for offenders under the age of 26; and 47% of convictions were for Black offenders.
- Twenty-nine percent of misdemeanor convictions resulted in an Active punishment, 2% resulted in an Intermediate punishment, and 69% resulted in a Community punishment.
- Public order offenses accounted for the greatest proportion of misdemeanor convictions (45%), while misdemeanor person offenses accounted for the lowest proportion (11%). Convictions for person offenses were most likely to result in an Active punishment (34%) and resulted in the longest average Active sentences (56 days).
- All offenders with an Intermediate punishment (100%) received supervised probation. Nearly half (46%) of Community punishment convictions received unsupervised probation, while 37% received supervised probation, and 17% had no probation sentence ordered. Overall, the average probation length for misdemeanor Intermediate and Community punishment convictions was 14 months.
- Where a specific condition of Intermediate punishment was indicated in the AOC database, special probation was the most frequently invoked (76%). Offenders who received special probation were most likely convicted of a Class 1 offense with Prior Conviction Level III.
- The most frequent condition imposed for supervised probation was a monetary condition (96%), which includes payment of fines, restitution, and/or court costs. Community service was imposed for 19% of Community and Intermediate punishment convictions with supervised probation.
- Of unsupervised probation convictions, 8% included community service as a condition of probation, and 96% were ordered to pay monetary obligations (*i.e.*, fine, restitution, or court costs) as a condition of probation.

SECTION I

**FELONY CONVICTIONS
IN FY 2012/13**

I. FELONY CONVICTIONS IN FY 2012/13

A. Definition of the Unit of Analysis

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

Definition of a Sentencing Episode:

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

B. Felony Convictions

This section contains information on felony convictions and sentences imposed under Structured Sentencing during FY 2012/13 (July 1, 2012 through June 30, 2013). Overall, sentences for 28,358 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 620 convictions (or 2%) 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.

The information in this report reflects the laws and practices that were in place during FY 2012/13. As discussed in the Introduction, several changes under the Justice Reinvestment Act became effective for offenses committed on or after December 1, 2011. The felony punishment chart for offenses committed December 1, 2011 through September 30, 2013 is printed on the back cover of the report. The table of maximum sentences (for offenses committed on or after 12/1/2011) can be found on the Commission’s website. Current and previous felony punishment charts can also be found on the Commission’s website.

C. Distribution of Convictions within the Felony Punishment Chart

Table 1 shows the distribution of felony convictions within the Felony Punishment Chart. Overall, the greatest number of convictions fell into Class H (n=12,391 or 44.7%). The majority of convictions (59.7%) were for offenders in Prior Record Level I (n=8,357 or 30.1%) and Prior Record Level II (n=8,203 or 29.6%). Relative to other cells in the Felony Punishment Chart, the greatest number of convictions fell into Class H with Prior Record Level II (n=3,679 or 13.3%). Sentences imposed for Classes A through E accounted for 13.8% of felony convictions during FY 2012/13; 65.1% of sentences imposed were for Class H and Class I felony convictions.

**Table 1: Distribution of Convictions within the Felony Punishment Chart
FY 2012/13 Felonies**

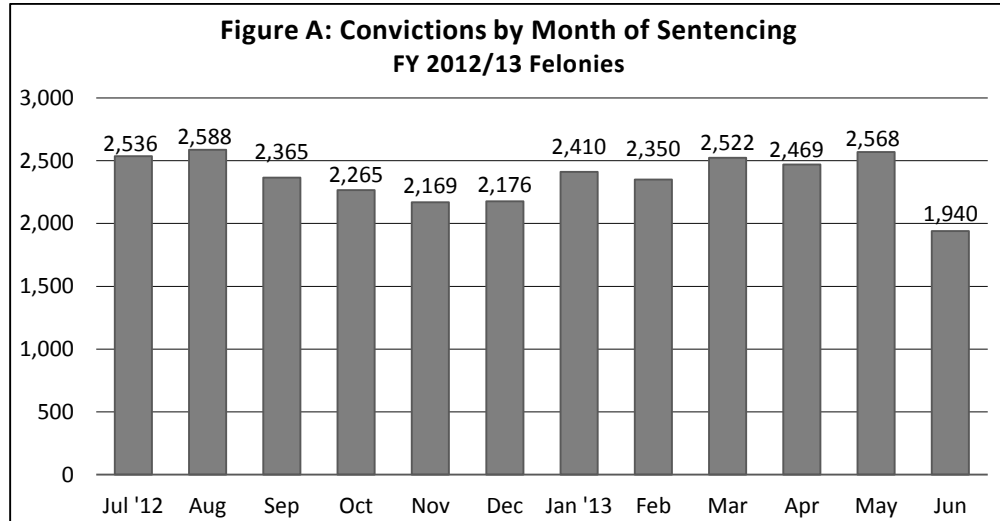
| Offense Class | Prior Record Level | | | | | | Total |
|---------------|--------------------|----------------|----------------|-----------------|----------------|---------------|------------------|
| | I 0-1 Pt | II 2-5 Pts | III 6-9 Pts | IV 10-13 Pts | V 14-17 Pts | VI 18+ Pts | |
| A | 37 0.1% | 15 0.1% | 8 0.0% | 6 0.0% | 1 0.0% | 2 0.0% | 69 0.2% |
| B1 | 81 0.3% | 30 0.1% | 21 0.1% | 8 0.0% | 3 0.0% | 1 0.0% | 144 0.5% |
| B2 | 123 0.4% | 65 0.2% | 42 0.2% | 20 0.1% | 11 0.0% | 6 0.0% | 267 1.0% |
| C | 147 0.5% | 133 0.5% | 133 0.5% | 147 0.5% | 105 0.4% | 84 0.3% | 749 2.7% |
| D | 308 1.1% | 234 0.8% | 153 0.6% | 90 0.3% | 61 0.2% | 72 0.3% | 918 3.3% |
| E | 740 2.7% | 414 1.5% | 232 0.8% | 132 0.5% | 77 0.3% | 95 0.3% | 1,690 6.1% |
| F | 882 3.2% | 636 2.3% | 442 1.6% | 204 0.7% | 113 0.4% | 93 0.3% | 2,370 8.5% |
| G | 783 2.8% | 1,188 4.3% | 781 2.8% | 455 1.6% | 153 0.6% | 133 0.5% | 3,493 12.6% |
| H | 3,635 13.1% | 3,679 13.3% | 2,381 8.6% | 1,312 4.7% | 727 2.6% | 657 2.4% | 12,391 44.7% |
| I | 1,621 5.8% | 1,809 6.5% | 957 3.5% | 583 2.1% | 324 1.2% | 353 1.3% | 5,647 20.4% |
| Total | 8,357 30.1% | 8,203 29.6% | 5,150 18.6% | 2,957 10.7% | 1,575 5.7% | 1,496 5.4% | 27,738 100.0% |

Note: Of the 28,358 felony convictions in FY 2012/13, 620 (or 2%) 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 2012/13 Statistical Report Data

D. Convictions by Month of Sentencing

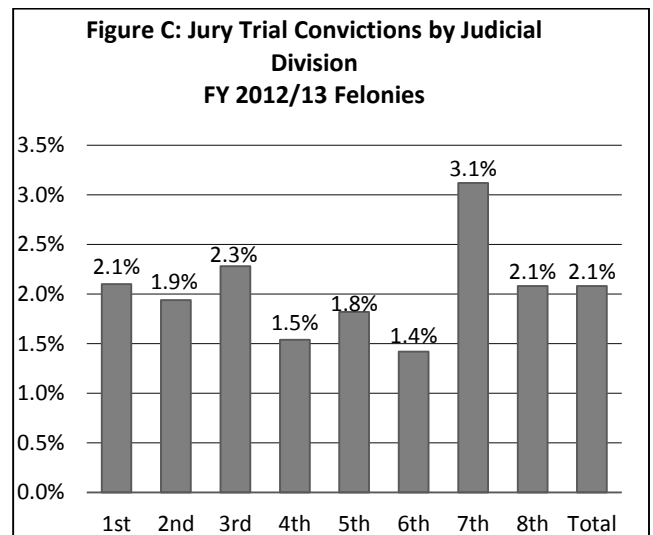
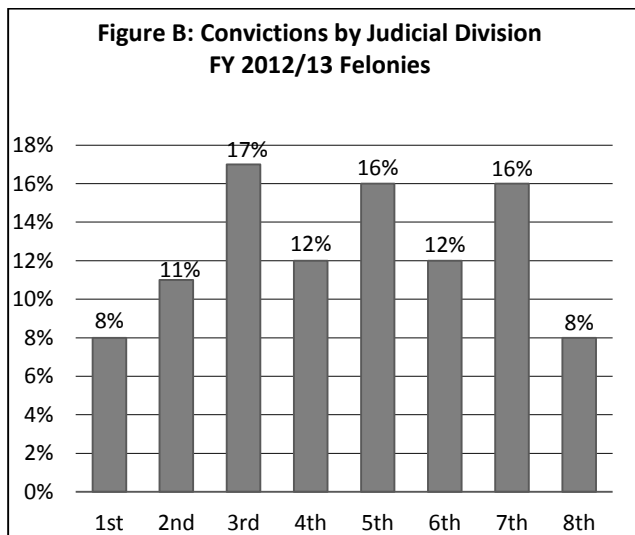
Figure A shows the total number of felony convictions by month of sentencing during FY 2012/13 (N=28,358). Convictions were highest in August and lowest in June.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

E. Convictions by Judicial Division, District, and County

Figure B shows the distribution of convictions ranged from a low of 8% in the first and eighth judicial divisions to a high of nearly 17% in the third judicial division. Overall, 2.1% of convictions statewide resulted from jury trials (see Figure C), ranging from a low of 1.4% in the sixth division to a high of 3.1% in the seventh division. 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.) This table also specifies whether the conviction resulted from a guilty plea or jury trial.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

**Table 2: Convictions by Judicial Division, Judicial District, County, and Mode of Disposition
FY 2012/13 Felonies**

| Judicial Division, Judicial District, and County | | Mode of Disposition | | Total |
|--|--------------|---------------------|------------|--------------|
| | | Guilty Plea | Jury Trial | |
| First Judicial Division | | 2,282 | 48 | 2,330 |
| District 1 | Camden | 11 | 0 | 11 |
| | Chowan | 20 | 0 | 20 |
| | Currituck | 48 | 2 | 50 |
| | Dare | 135 | 1 | 136 |
| | Gates | 9 | 0 | 9 |
| | Pasquotank | 76 | 2 | 78 |
| | Perquimans | 30 | 0 | 30 |
| | Total | 329 | 5 | 334 |
| District 2 | Beaufort | 241 | 6 | 247 |
| | Hyde | 23 | 0 | 23 |
| | Martin | 101 | 5 | 106 |
| | Tyrrell | 10 | 0 | 10 |
| | Washington | 49 | 2 | 51 |
| | Total | 424 | 13 | 437 |
| District 3A | Pitt | 606 | 1 | 607 |
| | Total | 606 | 1 | 607 |
| District 6A | Halifax | 125 | 5 | 130 |
| | Total | 125 | 5 | 130 |
| District 6B | Bertie | 27 | 0 | 27 |
| | Hertford | 55 | 0 | 55 |
| | Northampton | 39 | 0 | 39 |
| | Total | 121 | 0 | 121 |
| District 7A | Nash | 244 | 9 | 253 |
| | Total | 244 | 9 | 253 |
| District 7B, C | Edgecombe | 188 | 11 | 199 |
| | Wilson | 245 | 4 | 249 |
| | Total | 433 | 15 | 448 |
| Second Judicial Division | | 3,026 | 60 | 3,086 |
| District 3B | Carteret | 176 | 1 | 177 |
| | Craven | 309 | 4 | 313 |
| | Pamlico | 22 | 0 | 22 |
| | Total | 507 | 5 | 512 |
| District 4A | Duplin | 231 | 0 | 231 |
| | Jones | 74 | 1 | 75 |
| | Sampson | 290 | 5 | 295 |
| | Total | 595 | 6 | 601 |
| District 4B | Onslow | 390 | 20 | 410 |
| | Total | 390 | 20 | 410 |

**Table 2: Convictions by Judicial Division, Judicial District, County, and Mode of Disposition (continued)
FY 2012/13 Felonies**

| Judicial Division, Judicial District, and County | | Mode of Disposition | | Total |
|--|--------------|---------------------|------------|--------------|
| | | Guilty Plea | Jury Trial | |
| District 5 | New Hanover | 752 | 8 | 760 |
| | Pender | 142 | 3 | 145 |
| | Total | 894 | 11 | 905 |
| District 8A | Greene | 89 | 2 | 91 |
| | Lenoir | 232 | 0 | 232 |
| | Total | 321 | 2 | 323 |
| District 8B | Wayne | 319 | 16 | 335 |
| | Total | 319 | 16 | 335 |
| Third Judicial Division | | 4,665 | 109 | 4,774 |
| District 9 | Franklin | 104 | 0 | 104 |
| | Granville | 151 | 0 | 151 |
| | Vance | 124 | 0 | 124 |
| | Warren | 40 | 0 | 40 |
| | Total | 419 | 0 | 419 |
| District 9A | Caswell | 59 | 5 | 64 |
| | Person | 228 | 12 | 240 |
| | Total | 287 | 17 | 304 |
| District 10 | Wake | 2,357 | 63 | 2,420 |
| | Total | 2,357 | 63 | 2,420 |
| District 14 | Durham | 760 | 8 | 768 |
| | Total | 760 | 8 | 768 |
| District 15A | Alamance | 575 | 15 | 590 |
| | Total | 575 | 15 | 590 |
| District 15B | Chatham | 98 | 3 | 101 |
| | Orange | 169 | 3 | 172 |
| | Total | 267 | 6 | 273 |
| Fourth Judicial Division | | 3,383 | 53 | 3,436 |
| District 11A | Harnett | 285 | 4 | 289 |
| | Lee | 212 | 2 | 214 |
| | Total | 497 | 6 | 503 |
| District 11B | Johnston | 549 | 11 | 560 |
| | Total | 549 | 11 | 560 |
| District 12 | Cumberland | 966 | 9 | 975 |
| | Total | 966 | 9 | 975 |
| District 13A | Bladen | 97 | 1 | 98 |
| | Columbus | 150 | 6 | 156 |
| | Total | 247 | 7 | 254 |
| District 13B | Brunswick | 324 | 2 | 326 |
| | Total | 324 | 2 | 326 |

**Table 2: Convictions by Judicial Division, Judicial District, County, and Mode of Disposition (continued)
FY 2012/13 Felonies**

| Judicial Division, Judicial District, and County | | Mode of Disposition | | Total |
|--|--------------|---------------------|------------------|---------------------|
| | | Guilty Plea | Jury Trial | |
| District 16A | Hoke | 202 | 4 | 206 |
| | Scotland | 198 | 1 | 199 |
| | Total | 400 | 5 | 405 |
| District 16B | Robeson | 400 | 13 | 413 |
| | Total | 400 | 13 | 413 |
| <i>Fifth Judicial Division</i> | | <i>4,525</i> | <i>84</i> | <i>4,609</i> |
| District 17A | Rockingham | 331 | 8 | 339 |
| | Total | 331 | 8 | 339 |
| District 17B | Stokes | 140 | 3 | 143 |
| | Surry | 194 | 0 | 194 |
| | Total | 334 | 3 | 337 |
| District 18 | Guilford | 1,777 | 28 | 1,805 |
| | Total | 1,777 | 28 | 1,805 |
| District 19B | Montgomery | 74 | 2 | 76 |
| | Randolph | 281 | 4 | 285 |
| | Total | 355 | 6 | 361 |
| District 19D | Moore | 318 | 5 | 323 |
| | Total | 318 | 5 | 323 |
| District 21 | Forsyth | 864 | 30 | 894 |
| | Total | 864 | 30 | 894 |
| District 23 | Alleghany | 37 | 0 | 37 |
| | Ashe | 93 | 0 | 93 |
| | Wilkes | 311 | 4 | 315 |
| | Yadkin | 105 | 0 | 105 |
| | Total | 546 | 4 | 550 |
| <i>Sixth Judicial Division</i> | | <i>3,252</i> | <i>47</i> | <i>3,299</i> |
| District 19A | Cabarrus | 672 | 10 | 682 |
| | Total | 672 | 10 | 682 |
| District 19C | Rowan | 541 | 14 | 555 |
| | Total | 541 | 14 | 555 |
| District 20A | Anson | 113 | 1 | 114 |
| | Richmond | 188 | 3 | 191 |
| | Stanly | 160 | 0 | 160 |
| | Total | 461 | 4 | 465 |
| District 20B | Union | 385 | 11 | 396 |
| | Total | 385 | 11 | 396 |

**Table 2: Convictions by Judicial Division, Judicial District, County, and Mode of Disposition (continued)
FY 2012/13 Felonies**

| Judicial Division, Judicial District, and County | | Mode of Disposition | | Total |
|--|--------------|---------------------|------------|--------------|
| | | Guilty Plea | Jury Trial | |
| District 22A | Alexander | 74 | 0 | 74 |
| | Iredell | 510 | 6 | 516 |
| | Total | 584 | 6 | 590 |
| District 22B | Davidson | 540 | 2 | 542 |
| | Davie | 69 | 0 | 69 |
| | Total | 609 | 2 | 611 |
| Seventh Judicial Division | | 4,283 | 138 | 4,421 |
| District 25A | Burke | 228 | 11 | 239 |
| | Caldwell | 140 | 1 | 141 |
| | Total | 368 | 12 | 380 |
| District 25B | Catawba | 431 | 14 | 445 |
| | Total | 431 | 14 | 445 |
| District 26 | Mecklenburg | 1,718 | 71 | 1,789 |
| | Total | 1,718 | 71 | 1,789 |
| District 27A | Gaston | 849 | 9 | 858 |
| | Total | 849 | 9 | 858 |
| District 27B | Cleveland | 484 | 25 | 509 |
| | Lincoln | 433 | 7 | 440 |
| | Total | 917 | 32 | 949 |
| Eighth Judicial Division | | 2,353 | 50 | 2,403 |
| District 24 | Avery | 64 | 0 | 64 |
| | Madison | 82 | 1 | 83 |
| | Mitchell | 52 | 0 | 52 |
| | Watauga | 153 | 2 | 155 |
| | Yancey | 91 | 0 | 91 |
| | Total | 442 | 3 | 445 |
| District 28 | Buncombe | 587 | 16 | 603 |
| | Total | 587 | 16 | 603 |
| District 29A | McDowell | 202 | 4 | 206 |
| | Rutherford | 355 | 5 | 360 |
| | Total | 557 | 9 | 566 |
| District 29B | Henderson | 254 | 4 | 258 |
| | Polk | 49 | 2 | 51 |
| | Transylvania | 69 | 2 | 71 |
| | Total | 372 | 8 | 380 |

**Table 2: Convictions by Judicial Division, Judicial District, County, and Mode of Disposition (continued)
FY 2012/13 Felonies**

| Judicial Division, Judicial District, and County | | Mode of Disposition | | Total |
|--|--------------|---------------------|------------|---------------|
| | | Guilty Plea | Jury Trial | |
| District 30A | Cherokee | 66 | 1 | 67 |
| | Clay | 21 | 1 | 22 |
| | Graham | 20 | 1 | 21 |
| | Macon | 63 | 1 | 64 |
| | Swain | 35 | 2 | 37 |
| | Total | 205 | 6 | 211 |
| District 30B | Haywood | 134 | 5 | 139 |
| | Jackson | 56 | 3 | 59 |
| | Total | 190 | 8 | 198 |
| State Total | | 27,769 | 589 | 28,358 |

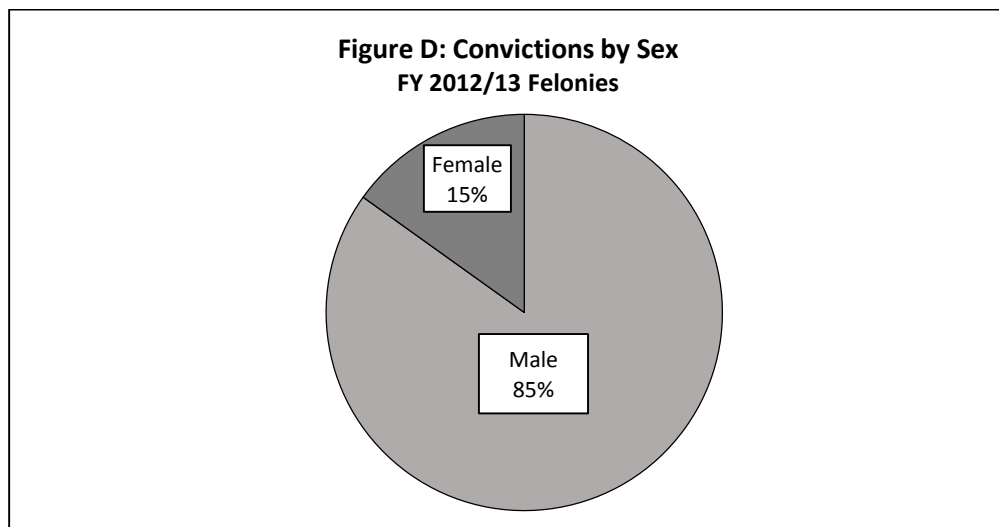
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

F. Felony Pleas in District Court

Under G.S. 15A-1029.1(a), the Superior Court may transfer a Class H or I felony to District Court for entry of a defendant’s plea of guilty (or no contest), with the consent of both parties. In FY 2012/13, 3,014 Class H (24% of Class H convictions) and 1,607 Class I (27% of Class I convictions) felony pleas were accepted in District Court for a total of 4,621 pleas (25% of all Class H and Class I felony convictions).

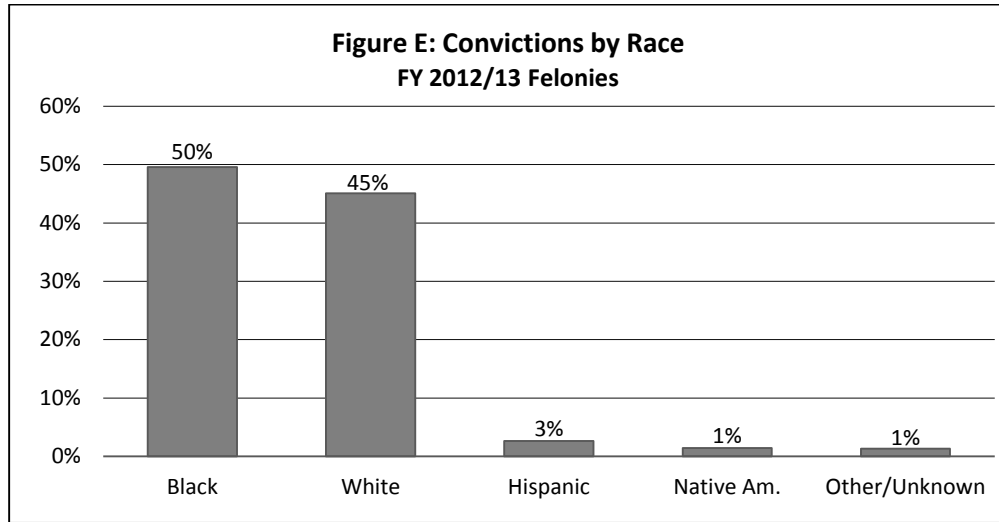
II. CHARACTERISTICS OF OFFENDERS

This section provides a breakdown of convictions by offenders’ sex, race, and age. Of the 28,358 felony convictions, 85% were males (see *Figure D*).



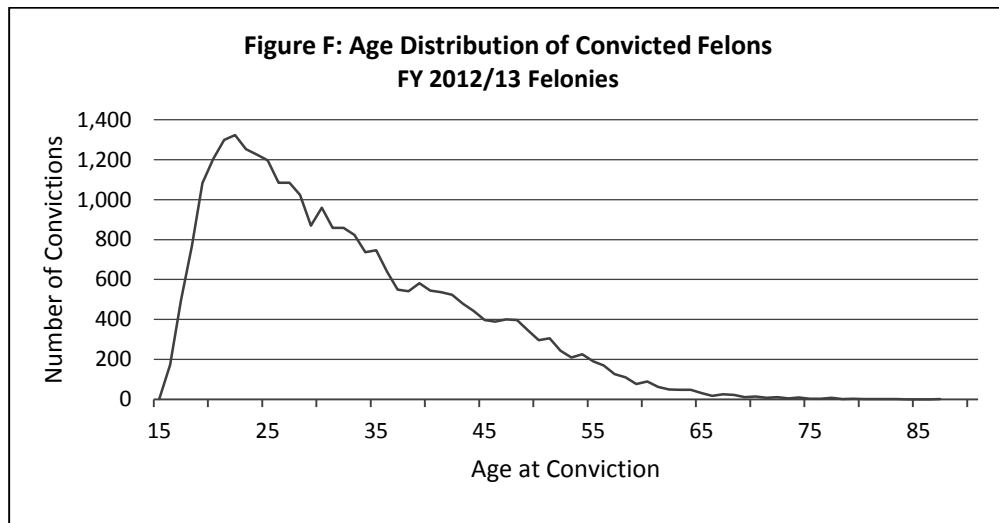
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

Figure E shows that 50% of all felony offenders were Black, 45% were White, and a small percentage were Hispanic (3%), Native American (1%), or Other/Unknown (1%).



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

Based on age at conviction, 13% of felony convictions were for offenders under the age of 21, 22% were 21-25 years of age, 18% were 26-30 years of age, 24% were 31-40 years of age, 15% were 41-50 years of age, and 8% were 51 years of age or older. The average age at conviction was 32 years. Figure F illustrates that the volume of offenders peaks in the late teens and early twenties, and then generally declines as age increases.



Note: Of the 28,358 felony convictions in FY 2012/13, 87 convictions with missing values for offenders' age were excluded from the graph.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

Table 3 provides a summary of convictions by sex, race, and age of offenders. The lowest percentage of felony convictions for males was for offenders older than 50 (n=1,836 or 8%). For females, the lowest percentage of felony convictions was for offenders under age 21 (n=266 or 6%). Over half of felony

convictions for males (55% or n=13,154) were for offenders 30 and under, while 44% percent (n=1,887) of felony convictions for females were for offenders age 30 or under.

**Table 3: Convictions by Sex, Race, and Age
FY 2012/13 Felonies**

| Sex and Race | | Age at Conviction | | | | | | Total |
|--------------|-----------------|-------------------|--------------|--------------|--------------|--------------|--------------|---------------|
| | | <21 | 21-25 | 26-30 | 31-40 | 41-50 | >50 | |
| Male | White | 1,010 | 2,073 | 1,876 | 2,577 | 1,578 | 870 | 9,984 |
| | Black | 2,190 | 3,091 | 2,080 | 2,697 | 1,692 | 913 | 12,663 |
| | Hispanic | 153 | 183 | 122 | 153 | 64 | 22 | 697 |
| | Native Amer. | 47 | 76 | 64 | 91 | 43 | 15 | 336 |
| | Other | 60 | 73 | 56 | 74 | 29 | 16 | 308 |
| | Subtotal | 3,460 | 5,496 | 4,198 | 5,592 | 3,406 | 1,836 | 23,988 |
| Female | White | 125 | 484 | 563 | 876 | 519 | 206 | 2,773 |
| | Black | 128 | 286 | 229 | 357 | 269 | 90 | 1,359 |
| | Hispanic | 4 | 10 | 13 | 14 | 4 | 1 | 46 |
| | Native Amer. | 3 | 14 | 10 | 25 | 8 | 1 | 61 |
| | Other | 6 | 5 | 7 | 15 | 3 | 8 | 44 |
| | Subtotal | 266 | 799 | 822 | 1,287 | 803 | 306 | 4,283 |
| Total | | 3,726 | 6,295 | 5,020 | 6,879 | 4,209 | 2,142 | 28,271 |

Note: Of the 28,358 felony convictions in FY 2012/13, 87 convictions with missing values for offenders' age were excluded from the graph.

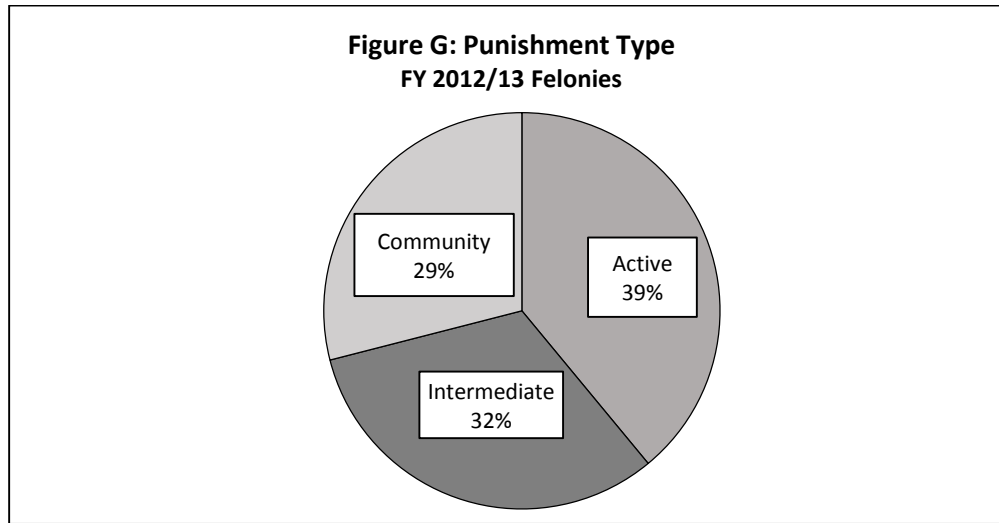
SOURCE: NC Sentencing and Policy and Advisory Commission, FY 2012/2013 Statistical Report Data

III. PUNISHMENT IMPOSED FOR FELONIES

This section details the type of sentence imposed (Active, Intermediate, or Community) for convictions during FY 2012/13. The tables in this section also show the average minimum and maximum sentences for convictions for which an Active punishment was imposed. *The reader should note that this information is based on the most serious sentence an offender received.* Convictions that did not fit within the Felony Punishment Chart were excluded from this section (n=620 or 2%). These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation).

A. Overall Punishment

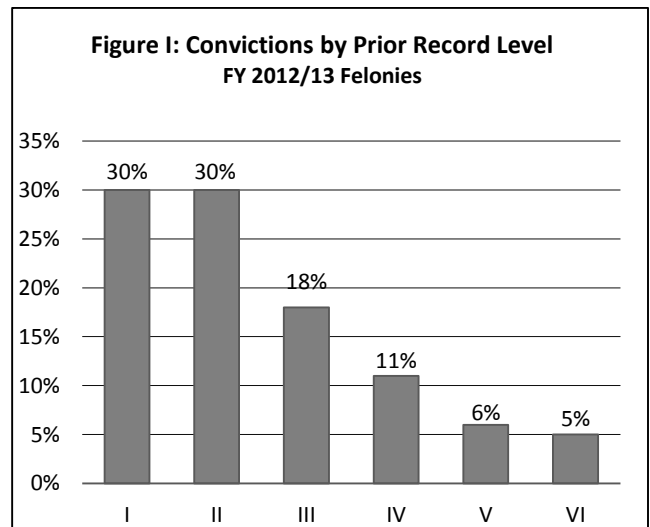
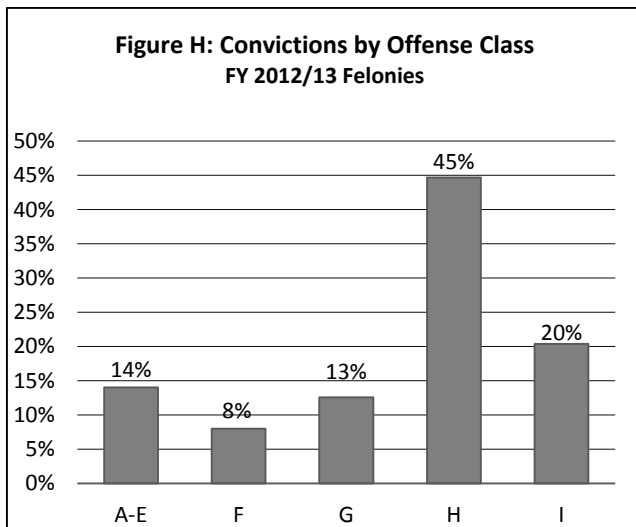
An Active punishment was imposed for 39% of felony convictions, an Intermediate punishment was imposed for 32% of felony convictions, and a Community punishment was imposed for 29% of felony convictions (see *Figure G*).¹



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

B. Punishment Imposed by Offense Class and Prior Record Level

Figure H shows the percentage of convictions by offense class. The majority of felony convictions (65%) were for Class H and Class I offenses. (See *Appendix B* for sample offenses in each offense class and for the top five convictions in each offense class.) As shown in *Figure I*, the majority of felony convictions (60%) were for offenders with Prior Record Levels I and II, including 22% for offenders with no prior record points. Eleven percent of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).



SOURCE: NC Sentencing and Policy and Advisory Commission, FY 2012/2013 Statistical Report Data

¹ The type of punishment (Active, Intermediate, or Community) is reported in this section regardless of possible discrepancies in ACIS.

Table 4 presents felony convictions and sentences imposed within the context of the Felony Punishment Chart (see also *Table 1*). The detailed information provided allows for examination of the overall number of convictions and type of punishment imposed (Active, Intermediate, or Community), as well as an examination of these data by offense class, by prior record level, and for each combination of offense class and prior record level (*i.e.*, cell). The table also includes the average minimum and maximum sentences for convictions for which an Active sentence was imposed.²

It is important to note that type of punishment (Active, Intermediate, or Community) is reported in *Table 4* regardless of possible discrepancies in ACIS. Data provided in *Table 4* indicate instances in which an Intermediate or Community punishment was imposed where it is not authorized under the Felony Punishment Chart (*e.g.*, a Community punishment is not authorized for felony convictions in Class I with Prior Record Level III through Prior Record Level VI; an Intermediate punishment is not authorized for Class I with Prior Record Level I). These discrepancies are possibly a result of the changes to Intermediate and Community punishments under the JRA. It is not clear whether the data reflect actual sentencing practices or how information was initially captured in ACIS. Efforts are ongoing to understand and to resolve these discrepancies.

With the exception of extraordinary mitigation for Class B2 through Class D convictions in Prior Record Level I and Prior Record Level II, a mandatory Active sentence is required for Class A through Class D convictions under Structured Sentencing. Class D has an additional exception to the Felony Punishment Chart – an Intermediate punishment can be imposed for Felony Death by Motor Vehicle if the conviction falls within Prior Record Level I through Prior Record Level III. In FY 2012/13, one (1) Class D conviction for Felony Death by Motor Vehicle resulted in the imposition of an Intermediate punishment.

Overall, the greatest number of convictions fell within Class H with Prior Record Level II (n= 3,679 or 13%). As shown in the vertical “Total” column in *Table 4*, the percentage of offenders receiving an Active sentence and the length of Active sentence imposed both increase as the offense seriousness increases. The average minimum sentence for all convictions resulting in an Active punishment (n=10,873) was 29 months. The lowest average minimum sentence was imposed for Class I convictions (8 months). Excluding life and death sentences, the highest average minimum sentence was imposed for Class B1 convictions (233 months).

As shown in the horizontal “Total” row in *Table 4*, convictions for offenders falling into Prior Record Levels I and VI resulted in the highest average minimum sentences (39 months and 30 months respectively). The higher minimum sentences for Prior Record Level I can be attributed to the fact that nearly one-half of all Active sentences in that prior record level were for offenders convicted in the more serious offense classes (*i.e.*, Class B1 through Class E felonies). For information on punishment imposed by judicial division, see *Appendix C, Tables 1 and 2*.

² Sentences resulting in death or life 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 2012/13 Felonies**

| Offense Class | Prior Record Level | | | | | | Total |
|---------------|---|--|---|--|--|--|---|
| | I 0-1 Pt | II 2-5 Pts | III 6-9 Pts | IV 10-13 Pts | V 14-17 Pts | VI 18+ Pts | |
| A | A = 37 (100%) n = 37 Life/Death | A = 15 (100%) n = 15 Life/Death | A = 8 (100%) n = 8 Life/Death | A = 6 (100%) n = 6 Life/Death | A = 1 (100%) n = 1 Life/Death | A = 2 (100%) n = 2 Life/Death | A = 69 (100%) n = 69 Life/Death |
| B1 | A = 81 (100%) n = 81 203 min 261 max | A = 30 (100%) n = 30 236 min 298 max | A = 21 (100%) n = 21 299 min 371 max | A = 8 (100%) n = 8 329 min 410 max | A = 3 (100%) n = 3 299 min 369 max | A = 1 (100%) n = 1 324 min 398 max | A = 144 (100%) n = 144 233 min 296 max |
| B2 | A = 123 (100%) n = 123 139 min 180 max | A = 65 (100%) n = 65 165 min 208 max | A = 42 (100%) n = 42 195 min 245 max | A = 20 (100%) n = 20 203 min 254 max | A = 11 (100%) n = 11 233 min 289 max | A = 6 (100%) n = 6 283 min 349 max | A = 267 (100%) n = 267 166 min 211 max |
| C | A = 147 (100%) n = 147 59 min 83 max | A = 133 (100%) n = 133 65 min 89 max | A = 133 (100%) n = 133 73 min 98 max | A = 147 (100%) n = 147 81 min 108 max | A = 105 (100%) n = 105 95 min 125 max | A = 84 (100%) n = 84 110 min 145 max | A = 749 (100%) n = 749 78 min 105 max |
| D | I = 1 (0%) A = 307 (100%) n = 308 50 min 71 max | A = 234 (100%) n = 234 57 min 80 max | A = 153 (100%) n = 153 67 min 92 max | A = 90 (100%) n = 90 76 min 103 max | A = 61 (100%) n = 61 81 min 109 max | A = 72 (100%) n = 72 95 min 125 max | I = 1 (0%) A = 917 (100%) n = 918 63 min 87 max |
| E | I/A C = 70 (9%) I = 422 (57%) A = 248 (34%) n = 740 21 min 38 max | I/A C = 34 (8%) I = 174 (42%) A = 206 (50%) n = 414 24 min 40 max | A A = 232 (100%) n = 232 27 min 44 max | A A = 132 (100%) n = 132 33 min 51 max | A A = 77 (100%) n = 77 36 min 54 max | A A = 95 (100%) n = 95 41 min 60 max | I/A C = 104 (6%) I = 596 (35%) A = 990 (59%) n = 1,690 28 min 45 max |
| F | I/A C = 143 (16%) I = 418 (48%) A = 321 (36%) n = 882 14 min 22 max | I/A C = 61 (10%) I = 282 (44%) A = 293 (46%) n = 636 15 min 24 max | I/A C = 29 (7%) I = 188 (42%) A = 225 (51%) n = 442 17 min 27 max | A A = 204 (100%) n = 204 20 min 29 max | A A = 113 (100%) n = 113 23 min 33 max | A A = 93 (100%) n = 93 29 min 41 max | I/A C = 233 (10%) I = 888 (37%) A = 1,249 (53%) n = 2,370 18 min 27 max |

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level (continued)
FY 2012/13 Felonies**

| Offense Class | Prior Record Level | | | | | | Total |
|---------------|---|---|---|---|--|---|---|
| | I 0-1 Pt | II 2-5 Pts | III 6-9 Pts | IV 10-13 Pts | V 14-17 Pts | VI 18+ Pts | |
| G | I/A C = 146 (19%) I = 450 (57%) A = 187 (24%) n = 783 11 min 19 max | I/A C = 189 (16%) I = 611 (51%) A = 388 (33%) n = 1,188 12 min 21 max | I/A C = 84 (11%) I = 343 (44%) A = 354 (45%) n = 781 14 min 23 max | I/A C = 27 (6%) I = 155 (34%) A = 273 (60%) n = 455 16 min 25 max | A A = 153 (100%) n = 153 19 min 28 max | A A = 133 (100%) n = 133 22 min 32 max | I/A C = 446 (13%) I = 1,559 (45%) A = 1,488 (42%) n = 3,493 15 min 24 max |
| H | C/I/A C = 2,115 (58%) I = 1,093 (30%) A = 427 (12%) n = 3,635 5 min 13 max | I/A C = 1,147 (31%) I = 1,579 (43%) A = 953 (26%) n = 3,679 7 min 15 max | I/A C = 468 (20%) I = 922 (39%) A = 991 (41%) n = 2,381 8 min 17 max | I/A C = 165 (13%) I = 393 (30%) A = 754 (57%) n = 1,312 10 min 19 max | I/A C = 66 (9%) I = 172 (24%) A = 489 (67%) n = 727 13 min 22 max | A A = 657 (100%) n = 657 18 min 28 max | C/I/A C = 3,961 (32%) I = 4,159 (34%) A = 4,271 (34%) n = 12,391 10 min 19 max |
| I | C C = 1,509 (93%) I = 112 (7%) n = 1,621 N/A | C/I C = 1,228 (68%) I = 581 (32%) n = 1,809 N/A | I C = 409 (43%) I = 548 (57%) n = 957 N/A | I/A C = 105 (18%) I = 187 (32%) A = 291 (50%) n = 583 7 min 15 max | I/A C = 44 (14%) I = 71 (22%) A = 209 (64%) n = 324 8 min 16 max | I/A C = 40 (11%) I = 84 (24%) A = 229 (65%) n = 353 9 min 18 max | C/I/A C = 3,335 (59%) I = 1,583 (28%) A = 729 (13%) n = 5,647 8 min 16 max |
| Total | C/I/A C = 3,983 (48%) I = 2,496 (30%) A = 1,878 (22%) n = 8,357 39 min 56 max | C/I/A C = 2,659 (33%) I = 3,227 (39%) A = 2,317 (28%) n = 8,203 26 min 39 max | I/A C = 990 (19%) I = 2,001 (39%) A = 2,159 (42%) n = 5,150 27 min 40 max | I/A C = 297 (10%) I = 735 (25%) A = 1,925 (65%) n = 2,957 25 min 37 max | I/A C = 110 (7%) I = 243 (15%) A = 1,222 (78%) n = 1,575 28 min 41 max | I/A C = 40 (3%) I = 84 (5%) A = 1,372 (92%) n = 1,496 30 min 44 max | C/I/A C = 8,079 (29%) I = 8,786 (32%) A = 10,873 (39%) n = 27,738 29 min 43 max |

Note: Of the 28,358 felony convictions in FY 2012/13, 620 (or 2%) were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Death and life sentences were excluded from the calculation of the average minimum and maximum sentences. This table includes convictions for Intermediate or Community punishments in cells in which those dispositions are not authorized within the Felony Punishment Chart.

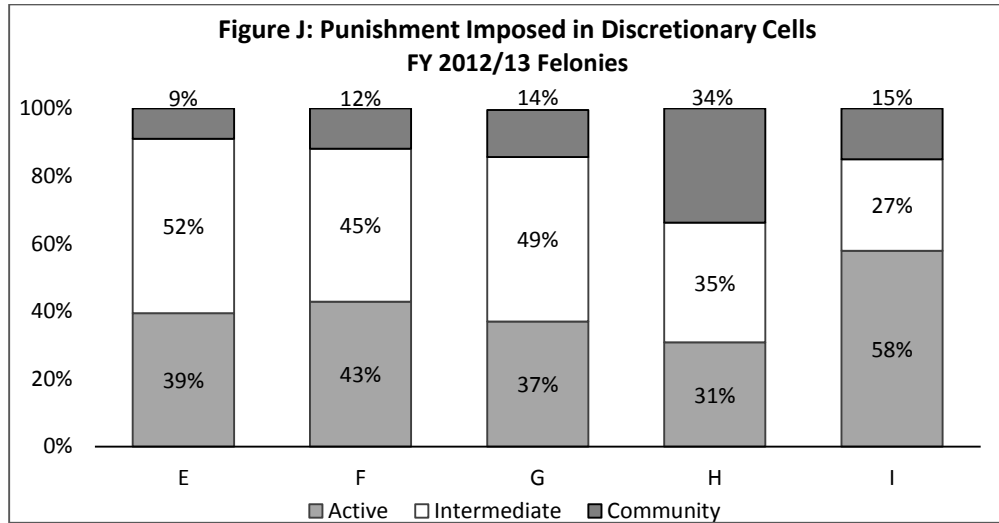
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

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.*, Intermediate or Community punishment), the type of punishment imposed varied based on offense class and prior record level. For example, a Community punishment was most likely to be imposed for a conviction falling within Class H with Prior Record Level I (58%), an Intermediate punishment was most likely to be imposed for convictions falling within Class G with Prior Record Level I and Class E

with Prior Record Level I (57% each), while an Active sentence was most likely to be imposed for convictions falling within Class H with Prior Record Level V (67%).

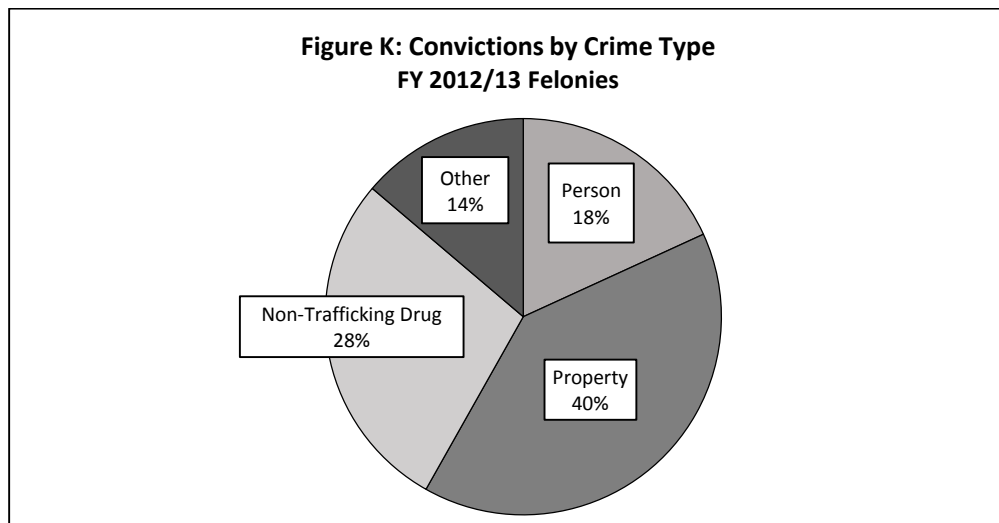
Figure J summarizes sentences imposed by offense class for discretionary cells with an Active punishment option. A Community punishment was most likely to be imposed for a Class H felony (34%). An Active punishment was most likely to be imposed for a Class I felony (58%) and least likely to be imposed for a Class H felony (31%).



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

D. Punishment Imposed by Crime Type

During FY 2012/13, property offenses accounted for 40% of convictions, while convictions for non-trafficking drug accounted for 28%. (See Figure K.) For additional data on convictions by crime type, see Appendix D, Tables 1 and 2.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 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 (63%), while convictions for non-trafficking drug offenses were least likely to result in the imposition of an Active punishment (23%). Of the four crime types, non-trafficking drug and property convictions had the highest percentage of Intermediate punishment sentences (35% and 32% respectively). Non-trafficking drug convictions had the highest percentage of Community punishment sentences (42%). *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 2012/13 Felonies**

| Crime Type | Type of Punishment | | | | | | Minimum Active Sentence (Months) | Maximum Active Sentence (Months) | Total |
|----------------------|--------------------|-----------|--------------|-----------|--------------|-----------|----------------------------------|----------------------------------|---------------|
| | Active | | Intermediate | | Community | | | | |
| | # | % | # | % | # | % | | | |
| Person | 3,166 | 63 | 1,411 | 28 | 464 | 9 | 53 | 73 | 5,041 |
| Property | 3,781 | 34 | 3,536 | 32 | 3,777 | 34 | 13 | 22 | 11,094 |
| Non-Trafficking Drug | 1,761 | 23 | 2,748 | 35 | 3,270 | 42 | 14 | 23 | 7,779 |
| Other Felony | 2,165 | 57 | 1,091 | 28 | 568 | 15 | 36 | 51 | 3,824 |
| Total | 10,873 | 39 | 8,786 | 32 | 8,079 | 29 | 29 | 43 | 27,738 |

Note: Of the 28,358 felony convictions in FY 2012/13, 620 (or 2%) were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Death and life sentences were excluded from the calculation of the average minimum and maximum sentences.

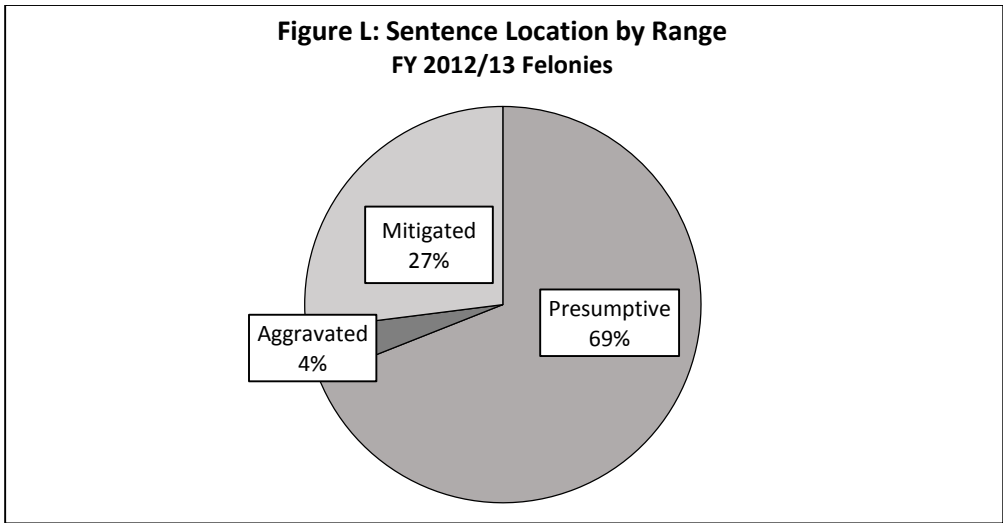
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

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=10,803)*. Class A convictions, which are subject to mandatory life or death sentences (n=69), and Class B1 convictions with life sentences (n=1) were excluded from this section.

A. Sentence Location

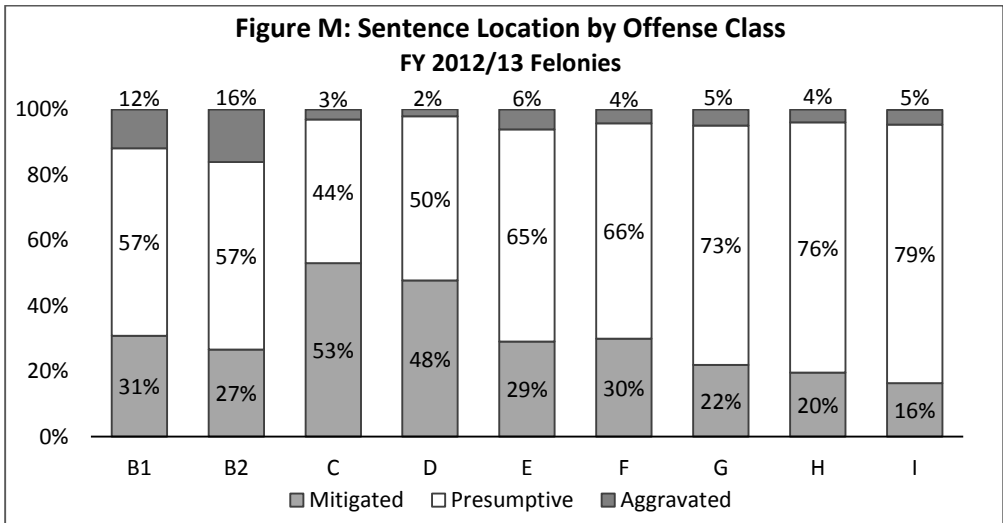
Figure L shows that 69% of all Active sentences fell within the presumptive range; 27% fell within the mitigated range; and 4% fell within the aggravated range.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

B. Sentence Location by Offense Class and Prior Record Level

Figure M displays the percentage of convictions falling within the mitigated, presumptive, and aggravated ranges by offense class for Active sentences. The majority of sentences for all felonies, except Class C felonies, fell within the presumptive range. Overall, fewer sentences fell within the aggravated range, with Class B1 and B2 felonies accounting for the highest percentage of sentences falling in the aggravated range (12% and 16% respectively). Class C and Class D convictions had the largest percentage of sentences in the mitigated range (53% and 48% respectively). The percentage of sentences in the mitigated range for Class C and Class D convictions largely reflects the sentencing of habitual felons (see also Figure Q).



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

Table 6 includes information regarding sentence location by offense class and prior record level. Convictions for Class I offenses had the highest percentage of Active sentences in the presumptive range (79%), while convictions for Class C offenses had the lowest percentage of Active sentences in the presumptive range (44%). Convictions falling into Prior Record Levels I, III, and V had the highest

percentage of Active sentences in the mitigated range (28% each), while convictions falling into Prior Record Level VI had the highest percentage of Active sentences in the aggravated range (6%).

**Table 6: Sentence Location by Offense Class and Prior Record Level
Active Sentences Only
FY 2012/13 Felonies**

| Offense Class | Sentencing Range | Prior Record Level | | | | | | Total |
|---------------|------------------|--------------------|---------------|----------------|-----------------|----------------|---------------|------------|
| | | I 0-1 Pt | II 2-5 Pts | III 6-9 Pts | IV 10-13 Pts | V 14-17 Pts | VI 18+ Pts | |
| B1 | Mitigated | 30 37% | 8 27% | 3 14% | 1 13% | 1 50% | 1 100% | 44 31% |
| | Presumptive | 36 44% | 21 70% | 18 86% | 6 75% | 1 50% | 0 0% | 82 57% |
| | Aggravated | 15 19% | 1 3% | 0 0% | 1 12% | 0 0% | 0 0% | 17 12% |
| | Subtotal | 81 | 30 | 21 | 8 | 2 | 1 | 143 |
| B2 | Mitigated | 36 29% | 17 26% | 8 19% | 7 35% | 3 27% | 0 0% | 71 27% |
| | Presumptive | 67 55% | 36 55% | 26 62% | 11 55% | 7 64% | 6 100% | 153 57% |
| | Aggravated | 20 16% | 12 19% | 8 19% | 2 10% | 1 9% | 0 0% | 43 16% |
| | Subtotal | 123 | 65 | 42 | 20 | 11 | 6 | 267 |
| C | Mitigated | 57 39% | 70 53% | 79 59% | 83 56% | 60 57% | 48 57% | 397 53% |
| | Presumptive | 84 57% | 59 44% | 49 37% | 60 41% | 42 40% | 35 42% | 329 44% |
| | Aggravated | 6 4% | 4 3% | 5 4% | 4 3% | 3 3% | 1 1% | 23 3% |
| | Subtotal | 147 | 133 | 133 | 147 | 105 | 84 | 749 |
| D | Mitigated | 135 44% | 102 43% | 70 46% | 49 55% | 37 61% | 44 61% | 437 48% |
| | Presumptive | 167 54% | 128 55% | 78 51% | 39 43% | 23 38% | 25 35% | 460 50% |
| | Aggravated | 5 2% | 4 2% | 5 3% | 2 2% | 1 1% | 3 4% | 20 2% |
| | Subtotal | 307 | 234 | 153 | 90 | 61 | 72 | 917 |

Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
Active Sentences Only
FY 2012/13 Felonies

| Offense Class | Sentencing Range | Prior Record Level | | | | | | Total |
|---------------|------------------|--------------------|---------------|----------------|-----------------|----------------|---------------|--------------|
| | | I 0-1 Pt | II 2-5 Pts | III 6-9 Pts | IV 10-13 Pts | V 14-17 Pts | VI 18+ Pts | |
| E | Mitigated | 58 23% | 54 26% | 77 33% | 35 26% | 29 38% | 34 36% | 287 29% |
| | Presumptive | 180 73% | 136 66% | 143 62% | 87 66% | 41 53% | 56 59% | 643 65% |
| | Aggravated | 10 4% | 16 8% | 12 5% | 10 8% | 7 9% | 5 5% | 60 6% |
| | Subtotal | 248 | 206 | 232 | 132 | 77 | 95 | 990 |
| F | Mitigated | 73 23% | 85 29% | 73 32% | 78 38% | 44 39% | 20 21% | 373 30% |
| | Presumptive | 235 73% | 198 68% | 143 64% | 118 58% | 66 58% | 63 68% | 823 66% |
| | Aggravated | 13 4% | 10 3% | 9 4% | 8 4% | 3 3% | 10 11% | 53 4% |
| | Subtotal | 321 | 293 | 225 | 204 | 113 | 93 | 1,249 |
| G | Mitigated | 36 19% | 93 24% | 72 20% | 55 20% | 40 26% | 30 23% | 326 22% |
| | Presumptive | 143 77% | 283 73% | 269 76% | 199 73% | 103 67% | 92 69% | 1,089 73% |
| | Aggravated | 8 4% | 12 3% | 13 4% | 19 7% | 10 7% | 11 8% | 73 5% |
| | Subtotal | 187 | 388 | 354 | 273 | 153 | 133 | 1,488 |
| H | Mitigated | 93 22% | 192 20% | 216 22% | 105 14% | 100 20% | 132 20% | 838 20% |
| | Presumptive | 318 74% | 728 76% | 755 76% | 614 81% | 365 75% | 483 74% | 3,263 76% |
| | Aggravated | 16 4% | 33 4% | 20 2% | 35 5% | 24 5% | 42 6% | 170 4% |
| | Subtotal | 427 | 953 | 991 | 754 | 489 | 657 | 4,271 |

Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
Active Sentences Only
FY 2012/13 Felonies

| Offense Class | Sentencing Range | Prior Record Level | | | | | | Total |
|---------------|------------------|--------------------|---------------|----------------|-----------------|----------------|---------------|---------------|
| | | I 0-1 Pt | II 2-5 Pts | III 6-9 Pts | IV 10-13 Pts | V 14-17 Pts | VI 18+ Pts | |
| I | Mitigated | N/A | N/A | N/A | 54 18% | 34 16% | 31 13% | 119 16% |
| | Presumptive | N/A | N/A | N/A | 226 78% | 166 80% | 185 81% | 577 79% |
| | Aggravated | N/A | N/A | N/A | 11 4% | 9 4% | 13 6% | 33 5% |
| | Subtotal | N/A | N/A | N/A | 291 | 209 | 229 | 729 |
| Total | Mitigated | 518 28% | 621 27% | 598 28% | 467 24% | 348 28% | 340 25% | 2,892 27% |
| | Presumptive | 1,230 67% | 1,589 69% | 1,481 69% | 1,360 71% | 814 67% | 945 69% | 7,419 69% |
| | Aggravated | 93 5% | 92 4% | 72 3% | 92 5% | 58 5% | 85 6% | 492 4% |
| | Total | 1,841 | 2,302 | 2,151 | 1,919 | 1,220 | 1,370 | 10,803 |

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, Class A convictions, which are subject to mandatory life or death sentences (n=69), and Class B1 convictions with life sentences (n=1) were also excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

C. Sentence Location by Crime Type

The sentence location by crime type is contained in *Table 7*. Of the four crime types, convictions for person offenses accounted for the highest percentage of aggravated sentences (7%). Convictions for “other felony” offenses accounted for the lowest percentage of presumptive sentences (57%) and the highest percentage of mitigated sentences (40%) relative to the other crime types. Convictions under the habitual felon law, commonly sentenced in the mitigated range,³ accounted for the largest number of convictions in the other felony category, representing 35% of convictions in this category.⁴ For additional information regarding convictions by crime type, see *Appendix D, Tables 1 and 2*.

³ See *Figure Q* for the breakdown of habitual felon convictions by sentencing range.

⁴ This category does not reflect the substantive offense associated with an habitual felon conviction. *Table 13* presents detailed information on substantive offenses associated with habitual felon convictions.

**Table 7: Sentence Location by Crime Type
Active Sentences Only
FY 2012/13 Felonies**

| Crime Type | Sentencing Range | | | | | | Total |
|-----------------------------|------------------|-----------|--------------|-----------|------------|----------|---------------|
| | Mitigated | | Presumptive | | Aggravated | | |
| | # | % | # | % | # | % | |
| Person | 869 | 28 | 2,018 | 65 | 209 | 7 | 3,096 |
| Property | 760 | 20 | 2,878 | 76 | 143 | 4 | 3,781 |
| Non-Trafficking Drug | 386 | 22 | 1,298 | 74 | 77 | 4 | 1,761 |
| Other Felony | 877 | 40 | 1,225 | 57 | 63 | 3 | 2,165 |
| Total | 2,892 | 27 | 7,419 | 69 | 492 | 4 | 10,803 |

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, Class A convictions, which are subject to mandatory life or death sentences (n=69), and Class B1 convictions with life sentences (n=1) were also excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

D. Length of Active Sentence Relative to the Sentencing Range

As shown in *Table 8*, over three-quarters (79.3%) of all Active sentences were located on one of *four* specific spots of their respective sentencing 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). Of those Active sentences, 18.7% fell on the lowest spot of the mitigated range; 29.6% fell on the lowest spot of the presumptive range; 27.8% fell on the highest spot of the presumptive range; and 3.2% fell on the highest spot of the aggravated range.

Table 8 also provides information regarding sentences imposed on one of the four specific spots of the sentencing range by offense class. Convictions for Class H and I offenses had the highest percentages of Active sentences located on one of four specific spots of the range (with 87.8% and 88.2% respectively). Convictions for Class B2 offenses had the lowest percentage of Active sentences located on one of the four specific spots of the sentencing range (59.9%). A large percentage of Class C and Class D convictions (which includes habitual felon convictions) were sentenced on the lowest spot of the mitigated range (37.9% and 30.3% respectively). The majority of sentences for the other offense classes were located on either the lowest spot or the highest spot of the presumptive range. *Appendix D, Table 3* provides further information about the percentage of sentences in the mitigated range and at the lowest spot of the presumptive range by offense class. Seventy percent of Class C convictions and 68% of Class D convictions were sentences within the mitigated range or at the lowest spot of the presumptive range, the highest percentages of all the offense classes.

**Table 8: Most Frequent Sentencing Range Spots by Offense Class
Active Sentences Only
FY 2012/13 Felonies**

| Offense Class | Location in the Sentencing Range | | | | % on the Four Spots |
|---------------|----------------------------------|---------------|----------------|----------------|---------------------|
| | Mitigated | Presumptive | | Aggravated | |
| | % Lowest Spot | % Lowest Spot | % Highest Spot | % Highest Spot | |
| B1 | 16.1 | 19.6 | 18.9 | 9.8 | 64.3 |
| B2 | 12.0 | 14.2 | 23.6 | 10.1 | 59.9 |
| C | 37.9 | 16.7 | 12.0 | 1.5 | 68.1 |
| D | 30.3 | 20.4 | 12.7 | 1.2 | 64.6 |
| E | 21.1 | 28.5 | 22.6 | 3.6 | 75.8 |
| F | 16.7 | 29.5 | 23.0 | 2.3 | 71.5 |
| G | 15.7 | 32.1 | 27.8 | 3.2 | 78.8 |
| H | 15.5 | 33.9 | 35.2 | 3.2 | 87.8 |
| I | 12.5 | 32.9 | 38.8 | 4.0 | 88.2 |
| Total | 18.7 | 29.6 | 27.8 | 3.2 | 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, Class A convictions, which are subject to mandatory life or death sentences (n=69), and Class B1 convictions with life sentences (n=1) were also excluded from this table. Percentages may not add to totals due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

Table 9 shows the percentage of sentences by crime type. The numbers in parentheses show the percentage of sentences on each of the four spots. Close examination of the location of each Active sentence within its respective range revealed that the majority of offenders were sentenced within the first or fourth quarter of the presumptive portion of the range (31.4% and 28.6% of all cases respectively). Property and non-trafficking drug offenses account for the largest percentages of sentences on the four spots of the range (85.9% and 82.7% respectively).

**Table 9: Sentencing Range by Crime Type
Active Sentences Only
FY 2012/13 Felonies**

| Crime Type | Location in the Sentencing Range | | | | | | % on the Four Spots |
|----------------------|----------------------------------|-----------------------------|------------------|-----------------|------------------------------|--------------------------|---------------------|
| | % Mitigated (Min. Spot) | Presumptive | | | | % Aggravated (Max. Spot) | |
| | | % First Quarter (Min. Spot) | % Second Quarter | % Third Quarter | % Fourth Quarter (Max. Spot) | | |
| Person | 28.1 (18.4) | 29.6 (26.6) | 5.8 | 4.3 | 25.5 (23.5) | 6.7 (4.4) | 72.9 |
| Property | 20.1 (15.0) | 34.2 (33.5) | 6.2 | 1.0 | 34.7 (34.5) | 3.8 (2.9) | 85.9 |
| Non-Trafficking Drug | 21.9 (16.7) | 32.2 (30.8) | 7.2 | 2.3 | 32.0 (31.7) | 4.4 (3.5) | 82.7 |
| Other Felony | 40.5 (27.3) | 28.5 (25.9) | 5.3 | 3.0 | 19.8 (19.2) | 2.9 (1.6) | 74.0 |
| Total | 26.8 (18.7) | 31.4 (29.6) | 6.1 | 2.6 | 28.6 (27.8) | 4.5 (3.2) | 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, Class A convictions, which are subject to mandatory life or death sentences (n=69), and Class B1 convictions with life sentences (n=1) were also excluded from this table. Percentages may not add to totals due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

V. INTERMEDIATE AND COMMUNITY PUNISHMENTS

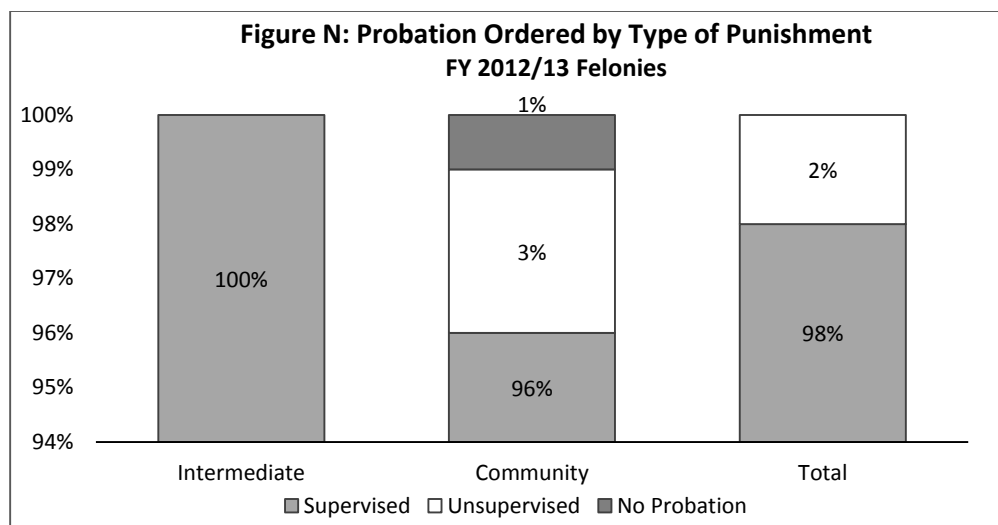
This section summarizes information about Intermediate and Community punishments. Information presented in this section reflects conditions of Intermediate and Community punishment as defined by G.S. § 15A-1340.11. An Intermediate punishment requires a sentence of supervised probation, whereas a Community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

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

AOC only collects information on the following probation conditions within its current data management system: special probation, drug treatment court, house arrest with electronic monitoring, community service, restitution, fines, and court costs. As a result, data reported in this section include information on those conditions only and does not reflect the full scope of available conditions for offenders sentenced to Intermediate or Community punishment. As automated data about other conditions become available, they will be included in future reports.

This section only includes information on probation conditions that were imposed for Intermediate or Community punishments at sentencing. A single conviction often results in the imposition of more than one probation condition. Probation conditions that are subsequently imposed as a result of modifications to probation are not included.

During FY 2012/13, Intermediate punishments were imposed for 8,786 convictions and Community punishments were imposed for 8,079 convictions for a total of 16,865 non-active sentences.⁵ Overall, 16,551 convictions received supervised probation, 242 received unsupervised probation, and 72 did not receive probation. *Figure N* provides information regarding the type of probation imposed for Intermediate and Community punishment convictions. All offenders with an Intermediate punishment (100%) received supervised probation. Nearly all of Community punishment convictions (96%) received supervised probation, with only 3% receiving unsupervised probation and 1% having no probation ordered.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

A. Probation Length by Type of Punishment

Table 10 provides the average length of probation by offense class and type of punishment for offenders sentenced to probation (n=16,793) in FY 2012/13. Nearly half of probation sentences fell within Class H (n=8,101 or 48%) and had an average probation length of 28 months. Overall, the average probation length was 28 months.

⁵ Of the 16,865 convictions where an Intermediate or Community punishment was imposed, 65% (n=11,029) were for offenses committed on or after December 1, 2011.

**Table 10: Length of Probation by Offense Class and Type of Punishment
FY 2012/13 Felonies**

| Offense Class | Type of Punishment | Total | |
|---------------|--------------------|-----------|---------------|
| | | Months | # |
| D | Intermediate | 42 | 1 |
| | Subtotal | 42 | 1 |
| E | Intermediate | 34 | 596 |
| | Community | 33 | 103 |
| | Subtotal | 34 | 699 |
| F | Intermediate | 33 | 888 |
| | Community | 31 | 232 |
| | Subtotal | 33 | 1,120 |
| G | Intermediate | 30 | 1,559 |
| | Community | 29 | 445 |
| | Subtotal | 30 | 2,004 |
| H | Intermediate | 29 | 4,159 |
| | Community | 27 | 3,942 |
| | Subtotal | 28 | 8,101 |
| I | Intermediate | 26 | 1,583 |
| | Community | 23 | 3,285 |
| | Subtotal | 24 | 4,868 |
| Total | | 28 | 16,793 |

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table. This table includes convictions for Intermediate or Community punishments where not authorized under the Felony Punishment Chart.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

Table 11 shows the average length of probation sentence for Intermediate and Community punishment convictions by crime type. The greatest number of convictions resulting in probation occurred for property offenses (n=7,296 or 43%) with an average probation length of 29 months. The lowest number of convictions resulting in probation were “other felony” offenses (n=1,658 or 10%), which included habitual felon convictions. Overall, person offenses resulted in the longest average probation sentence (32 months) and non-trafficking drug offenses resulted in the shortest average probation sentence (25 months).

**Table 11: Length of Probation by Crime Type and Type of Punishment
FY 2012/13 Felonies**

| Crime Type | Type of Punishment | Total | |
|-----------------------|--------------------|-----------|---------------|
| | | Months | # |
| Person | Intermediate | 33 | 1,411 |
| | Community | 30 | 460 |
| | Subtotal | 32 | 1,871 |
| Property | Intermediate | 30 | 3,536 |
| | Community | 28 | 3,760 |
| | Subtotal | 29 | 7,296 |
| Non-trafficking Drugs | Intermediate | 27 | 2,748 |
| | Community | 23 | 3,220 |
| | Subtotal | 25 | 5,968 |
| Other Felony | Intermediate | 29 | 1,091 |
| | Community | 25 | 567 |
| | Subtotal | 27 | 1,658 |
| Total | | 28 | 16,793 |

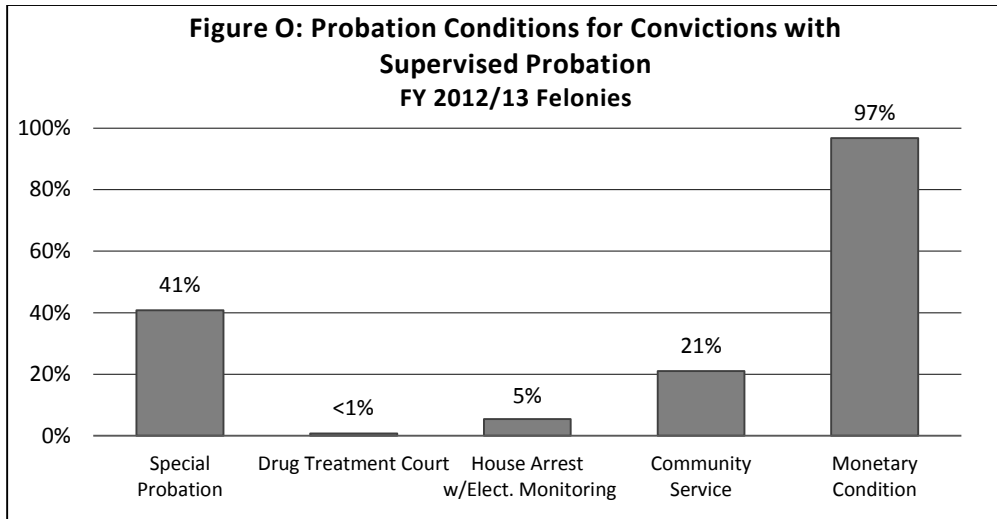
Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table. This table includes convictions for Intermediate or Community punishments where not authorized under the Felony Punishment Chart.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

B. Conditions of Probation⁶

In FY 2012/13, supervised probation was imposed for 16,551 convictions with an Intermediate or Community punishment. *Figure O* provides information on the conditions that were imposed for Community and Intermediate punishment convictions with supervised probation. Multiple probation conditions may have been ordered for a single conviction. As a result, the percentages provided in *Figure O* add to more than 100%. The most frequent condition imposed for supervised probation was a monetary condition (97%), which includes payment of fines, restitution, and/or court costs. Forty-one percent received special probation as a condition of supervised probation. Community service was imposed for 21% of Community and Intermediate punishment convictions with supervised probation. The least frequent conditions imposed were drug treatment court (less than 1%) and house arrest with electronic monitoring (5%).

⁶ Information reported in this section includes data only on probation conditions captured in ACIS and does not reflect the full scope of available conditions for offenders sentenced to Intermediate or Community punishment.



Note: This figure includes information on probation conditions that are captured in AOC’s ACIS. Conditions ordered are reported regardless of possible errors in ACIS (e.g., special probation or drug treatment court are not authorized conditions for a Community punishment). A single conviction may result in the imposition of more than one probation condition. As a result, the percentages reported add to more than 100%.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

Table 12 provides detailed information about the conditions ordered at sentencing for Intermediate and Community punishment convictions with supervised probation, including the average length of probation. Conditions ordered are reported regardless of possible errors in ACIS (i.e., special probation or drug treatment court are not authorized conditions for a Community punishment). Overall, 8,786 Intermediate punishment convictions and 7,765 Community punishment convictions resulted in supervised probation sentences. The average length of probation imposed was 30 months for convictions with an Intermediate punishment and 26 months for convictions with a Community punishment. Overall, a monetary condition (i.e., fine, restitution, court costs) was the condition of probation most frequently ordered (n=16,006), followed by community service for Community punishment convictions (n=2,025) and special probation for Intermediate punishment convictions (n=6,579). Convictions with house arrest with electronic monitoring had the longest average length of supervision (32 months).

**Table 12: Probation Conditions for Convictions with Supervised Probation
FY 2012/13 Felonies**

| Type of Punishment | Conditions of Probation (Number and Average Probation Length) | | | | | Total |
|--------------------|--|---------------------------------------|---------------------------------------|---|--|--|
| | Special Probation | Drug Treatment Court | House Arrest w/ Elect. Monitoring | Community Service | Monetary Condition | |
| Intermediate | 6,579 <i>29 months</i> | 122 <i>30 months</i> | 853 <i>32 months</i> | 1,453 <i>29 months</i> | 8,473 <i>30 months</i> | 8,786 <i>30 months</i> |
| Community | 167 <i>30 months</i> | 7 <i>31 months</i> | 36 <i>33 months</i> | 2,025 <i>26 months</i> | 7,533 <i>26 months</i> | 7,765 <i>26 months</i> |
| Total | 6,746 <i>29 months</i> | 129 <i>30 months</i> | 889 <i>32 months</i> | 3,478 <i>27 months</i> | 16,006 <i>28 months</i> | 16,551 <i>28 months</i> |

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

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

In FY 2012/13, unsupervised probation was imposed for 242 convictions with a Community punishment. Multiple probation conditions may have been ordered for a single conviction. Of these convictions, 5% (n=13) included community service as a condition of probation and 80% (n=193) were ordered to pay monetary obligations (*i.e.*, fine, restitution, or court costs) as a condition of probation.

C. No Probation Sentence Ordered

A probation sentence is not required for Community punishment convictions. In FY 2012/13, 72 convictions with a Community punishment had no probation sentence ordered. As part of their sentence, 8% (n=6) of these convictions were ordered to perform community service and 68% (n=49) were ordered to pay monetary obligations (*i.e.*, fine, restitution, or court costs).

VI. SPECIAL ISSUES

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

A. Death and Life Sentences

Offenders convicted of first degree murder may receive a sentence of either death or life without parole. The sentence of life without parole is also required for offenders convicted of Class B1 felonies who are

sentenced from the aggravated range in Prior Record Levels V and VI, certain offenders convicted of second or subsequent Class B1 felonies, and offenders found to be violent habitual felons (see also, Habitual Status Offenders). During FY 2012/13, one (1) death sentence and 68 life without parole sentences were imposed for felons convicted of first degree murder, murder of an unborn child, and first degree sex offense with a child.

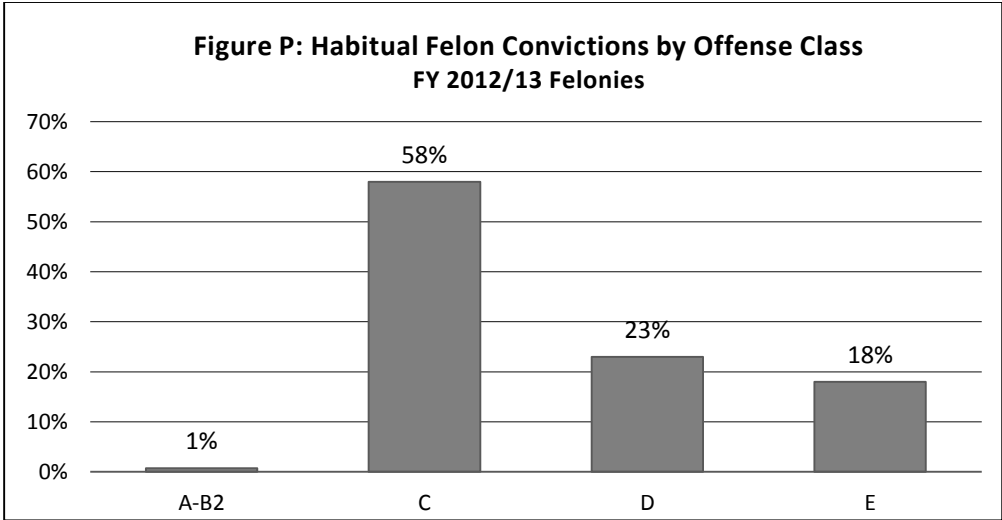
Minors (defined as offenders under the age of 18 at the time of the offense) convicted of first degree murder may receive a sentence of either life without parole or life with parole. Of the 68 life without parole sentences described above, four (4) were for minors convicted of first degree murder. In addition, one (1) minor convicted of first degree murder received a sentence of life with parole.

B. Habitual Status Offenders

A violent habitual felon is an offender with at least two prior Class A, B1, B2, C, D, or E felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a Class A, B1, B2, C, D, or E felony offense and who has been found by a jury to be a violent habitual felon. A violent habitual felon is sentenced to life without parole. (N.C.G.S. §§ 14-7.7 to -7.12) During FY 2012/13, three (3) life without parole sentences were imposed for violent habitual felon convictions. The most serious substantive offenses associated with the violent habitual felon convictions were first degree rape, assault with a deadly weapon with intent to kill inflicting serious injury, and robbery with a dangerous weapon.

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. (N.C.G.S. §§ 14- 7.1 to -7.6) An habitual felon is sentenced as a Class C felon if the substantive felony offense was committed prior to December 1, 2011. For substantive felony offenses committed on or after December 1, 2011, an habitual felon is sentenced at a felony class that is four classes higher than the substantive felony for which the person was convicted, but under no circumstances higher than Class C. Of the 793 habitual felon convictions in FY 2012/13, 27% (n=212) were for substantive offenses occurring prior to December 1, 2011, while 73% (n=581) were for substantive felony offenses committed on or after December 1, 2011.

Figure P shows the breakdown of habitual felon convictions by offense class. Over half (n=468 or 58%) were sentenced as Class C felons, 23% were sentenced as Class D felons, and 18% were sentenced as Class E felons. Overall, 99% (n=786) were sentenced to an Active punishment and 1% (n=7) were sentenced to an Intermediate punishment.



SOURCE: NC Sentencing and Policy Advisory Commission FY 2012/13 Statistical Report Data

Table 13 shows the breakdown by offense class and crime type of the most serious substantive felony offense associated with habitual felon convictions. The most serious substantive offense represents the most serious current conviction for which the offender was sentenced as an habitual felon and does not take into account the offense class of the three previous felony convictions. It should be noted that the most serious substantive offense may not be the conviction used to establish habitual felon status. It currently is not possible to determine the substantive conviction used to establish habitual felon status using data from ACIS. Thirty-eight percent of habitual felons had a conviction for a Class H offense as their most serious substantive conviction (n=301). Breaking or Entering Buildings was the most serious substantive conviction that occurred most frequently (n=125).

Table 13: Most Serious Substantive Offense Associated with Habitual Felon Convictions by Offense Class FY 2012/13 Felonies

| CLASS A FELONIES | | Total Convictions=1 | |
|---|---|---|---|
| First Degree Murder | 1 | | |
| CLASS B1 FELONIES | | Total Convictions=1 | |
| First Degree Rape | 1 | | |
| CLASS B2 FELONIES | | Total Convictions=4 | |
| Second Degree Murder | 2 | | |
| Attempted First Degree Murder | 1 | | |
| Attempted First Degree Sexual Offense | 1 | | |
| CLASS C FELONIES | | Total Convictions=14 | |
| AWDW Intent to Kill Inflicting Serious Injury | 3 | Conspiracy to Break/Enter w/ Felonious Intent | 1 |
| First Degree Kidnapping | 2 | Attempting to Traffic Opium | 2 |
| Manufacture Methamphetamine | 2 | Participate in Prostitution of a Minor | 1 |
| Accessory after the Fact to First Degree Murder | 1 | Other Person Crimes | 2 |

**Table 13: Most Serious Substantive Offense Associated with
Habitual Felon Convictions by Offense Class (continued)
FY 2012/13 Felonies**

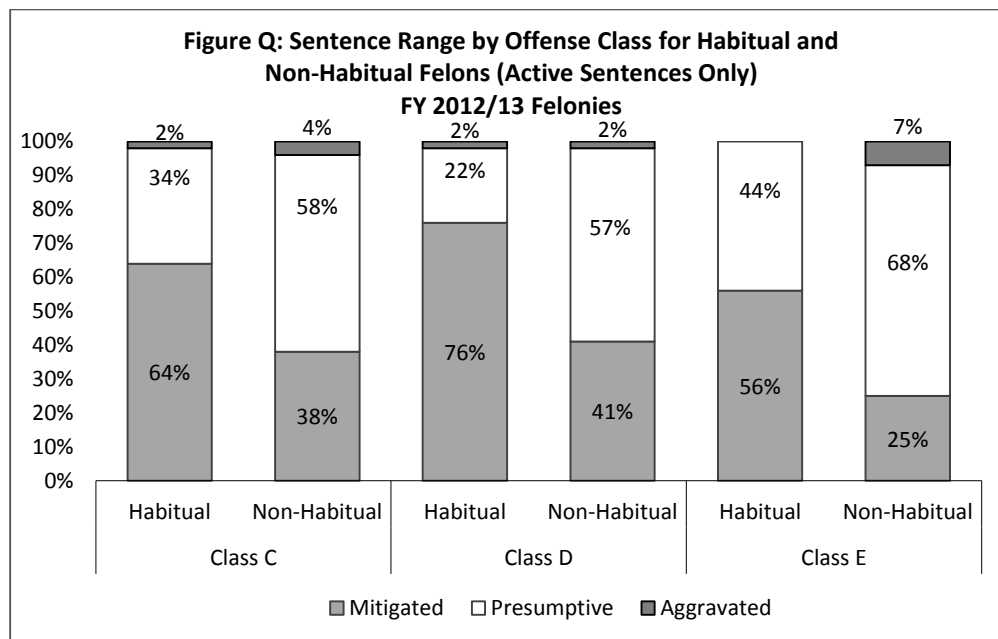
| CLASS D FELONIES | | Total Convictions=42 | |
|--|-----|--|------------|
| Robbery with a Dangerous Weapon | 27 | Voluntary Manslaughter | 1 |
| First Degree Burglary | 6 | Robbery with a Firearm | 1 |
| Attempted Robbery with a Dangerous Weapon | 3 | PWISD Heroin | 1 |
| First Degree Arson | 2 | Trafficking Opium | 1 |
| CLASS E FELONIES | | Total Convictions=39 | |
| AWDW Inflicting Serious Injury | 11 | Trafficking Stolen Identities | 1 |
| Second Degree Kidnapping | 2 | Discharge Weapon into Occupied Property | 2 |
| Remove/Tamper with Sex Offender SBM | 2 | Other Person Offenses | 5 |
| Attempted First Degree Burglary | 2 | Other Drug Offenses | 14 |
| CLASS F FELONIES | | Total Convictions=66 | |
| Habitual Impaired Driving | 12 | Malicious Conduct by a Prisoner | 4 |
| Failure to Register as a Sex Offender | 8 | Burning Certain Buildings | 1 |
| Failure to Report Change of Address – Sex Offender | 12 | Other Person Offenses | 18 |
| Accessory after the Fact – Armed Robbery | 1 | Other Drug Offenses | 10 |
| CLASS G FELONIES | | Total Convictions=152 | |
| Possession of a Firearm by a Felon | 60 | Sell or Deliver Schedule II Controlled Substance | 13 |
| Common Law Robbery | 23 | Other Drug Offenses | 41 |
| Habitual Impaired Driving | 1 | Other Property Offenses | 14 |
| CLASS H FELONIES | | Total Convictions=301 | |
| Breaking or Entering Buildings | 125 | Habitual Misdemeanor Assault | 3 |
| Felony Larceny | 23 | Other Person Offenses | 12 |
| Obtain Property by False Pretenses | 22 | Other Property Offenses | 37 |
| PWISD Cocaine | 30 | Other Drug Offenses | 25 |
| Larceny of a Motor Vehicle | 6 | Other Felony Offenses | 18 |
| CLASS I FELONIES | | Total Convictions=173 | |
| Breaking or Entering a Motor Vehicle | 34 | PWISD Marijuana | 12 |
| Attempted Larceny | 12 | Other Person Offenses | 6 |
| Attempted Breaking or Entering | 5 | Other Property Offenses | 28 |
| Felony Possession of Cocaine | 40 | Other Drug Offenses | 26 |
| Felony Possession Schedule II Controlled Substance | 9 | Other Felony Offenses | 1 |
| Total Convictions | | | 793 |

Note: The most serious substantive offense may not be the conviction used to establish habitual felon status. The offense class to which a habitual felon is sentenced depends on whether the substantive offense occurred prior to or on or after December 1, 2011.

SOURCE: NC Sentencing and Policy Advisory Commission FY 2012/13 Statistical Report Data

Figure Q shows the breakdown of habitual felon convictions by sentencing range (mitigated, presumptive, and aggravated) as compared to non-habitual felons in the same offense classes. Overall, habitual felons were more likely to be sentenced in the mitigated range than non-habitual felons, whereas non-habitual

felons were more likely to be sentenced in the presumptive range. Class D habitual felons received the highest percentage of mitigated sentences (76%) compared to Class C (64%) and Class E habitual felons (56%).



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

SOURCE: NC Sentencing and Policy Advisory Commission FY 2012/13 Statistical Report Data

A habitual breaking and entering status offender is an offender with at least one prior felony breaking and entering conviction (the conviction having occurred before he or she committed the next offense) who has currently been convicted of a felony breaking and entering offense (first degree burglary, second degree burglary, breaking out of a dwelling, breaking or entering buildings generally, breaking or entering a place of worship) and who has been found to be a habitual breaking and entering status offender. Offenders who are convicted as habitual breaking and entering status offenders are sentenced in Class E according to the Felony Punishment Chart.

There were 150 habitual breaking and entering status offense convictions during FY 2012/13. Ninety-four percent (n=145) had a conviction for a Class H offense as their most serious substantive conviction. Eighty-eight percent (n=132) were sentenced to an Active punishment, 9% (n=14) were sentenced to an Intermediate punishment, and 3% (n=4) were sentenced to a Community punishment. Of the 150 habitual breaking and entering convictions, 33% (n=49) were sentenced in the mitigated range, 61% (n=92) were sentenced in the presumptive range, and 6% (n=9) were sentenced in the aggravated range.

C. 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 in FY 2012/13.

D. Drug Trafficking Convictions

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

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

If the judge finds that the offender provided substantial assistance in the identification, arrest, or conviction of any accomplices, accessories, co-conspirators or principals, then the judge may impose any lesser minimum and corresponding maximum sentence, or suspend the sentence and enter any sentence within his or her discretion. (N.C.G.S. § 90-95(h)(5)).

As shown in *Table 14*, there were 463 convictions for drug trafficking offenses in FY 2012/13.⁷ The most frequently occurring drug trafficking convictions were in Class F (n=186), followed by Class G (n=158).

**Table 14: Drug Trafficking Convictions
FY 2012/13 Felonies**

| Offense Class and Trafficking Offense | | Type of Punishment | | | | | | Minimum Active Sentence (Months) | Maximum Active Sentence (Months) | Total |
|---------------------------------------|-------------------------|--------------------|-----------|--------------|-----------|-----------|----------|----------------------------------|----------------------------------|-----------|
| | | Active | | Intermediate | | Community | | | | |
| | | # | % | # | % | # | % | | | |
| C | Traffic Heroin | 8 | 73 | 2 | 18 | 1 | 9 | 118 | 150 | 11 |
| | Traffic Methamphetamine | 1 | 100 | . | . | . | . | 225 | 279 | 1 |
| | Consp. Traffic Heroin | 1 | 100 | . | . | . | . | 225 | 279 | 1 |
| | Other Trafficking | 8 | 80 | 2 | 20 | . | . | 138 | 172 | 10 |
| | Subtotal | 18 | 78 | 4 | 17 | 1 | 4 | 136 | 171 | 23 |
| D | Traffic Cocaine | 6 | 100 | . | . | . | . | 175 | 220 | 6 |
| | Traffic Heroin | 1 | 100 | . | . | . | . | 175 | 219 | 1 |
| | Consp. Traffic Cocaine | . | . | . | . | 1 | 100 | 72 | 96 | 1 |
| | Other Trafficking | 8 | 67 | 4 | 33 | . | . | 120 | 152 | 12 |
| | Subtotal | 15 | 75 | 4 | 20 | 1 | 5 | 137 | 173 | 20 |

⁷ Information presented in *Table 14* includes drug trafficking and conspiracy convictions only. Other drug trafficking offenses, such as attempts, are sentenced under the Felony Punishment Chart and are not included in *Table 14*.

**Table 14: Drug Trafficking Convictions (continued)
FY 2012/13 Felonies**

| Offense Class and Trafficking Offense | | Type of Punishment | | | | | | Minimum Active Sentence (Months) | Maximum Active Sentence (Months) | Total |
|---------------------------------------|--------------------------|--------------------|-----------|--------------|-----------|-----------|-----------|----------------------------------|----------------------------------|-----------|
| | | Active | | Intermediate | | Community | | | | |
| | | # | % | # | % | # | % | | | |
| E | Traffic Cocaine | . | . | 1 | 100 | . | . | 16 | 20 | 1 |
| | Traffic Heroin | 12 | 86 | 1 | 7 | 1 | 7 | 85 | 110 | 14 |
| | Other Trafficking | 16 | 80 | 3 | 15 | 1 | 5 | 75 | 98 | 20 |
| | Subtotal | 28 | 80 | 5 | 14 | 2 | 6 | 77 | 100 | 35 |
| F | Traffic Methamphetamine | 6 | 100 | . | . | . | . | 61 | 77 | 6 |
| | Traffic Marijuana | . | . | 1 | 100 | . | . | 16 | 20 | 1 |
| | Traffic Cocaine | 13 | 100 | . | . | . | . | 65 | 79 | 13 |
| | Traffic Heroin | 83 | 90 | 7 | 8 | 2 | 2 | 61 | 75 | 92 |
| | Consp. Traffic Cocaine | 3 | 100 | . | . | . | . | 70 | 84 | 3 |
| | Consp. Traffic Heroin | 7 | 100 | . | . | . | . | 53 | 67 | 7 |
| | Other Trafficking | 53 | 83 | 6 | 9 | 5 | 8 | 58 | 71 | 64 |
| Subtotal | 165 | 89 | 14 | 8 | 7 | 4 | 60 | 73 | 186 | |
| G | Traffic in MDA/MDMA | 2 | 100 | . | . | . | . | 35 | 42 | 2 |
| | Consp. Traffic MDA/MDMA | . | . | 1 | 100 | . | . | 12 | 24 | 1 |
| | Traffic Marijuana | 2 | 100 | . | . | . | . | 35 | 42 | 2 |
| | Traffic Cocaine | 58 | 94 | 2 | 3 | 2 | 3 | 34 | 42 | 62 |
| | Traffic Heroin | 3 | 100 | . | . | . | . | 77 | 95 | 3 |
| | Consp. Traffic Marijuana | 1 | 100 | . | . | . | . | 35 | 42 | 1 |
| | Consp. Traffic Cocaine | 4 | 80 | 1 | 20 | . | . | 31 | 39 | 5 |
| | Other Trafficking | 74 | 90 | 4 | 5 | 4 | 5 | 34 | 41 | 82 |
| Subtotal | 144 | 91 | 8 | 5 | 6 | 4 | 34 | 42 | 158 | |
| H | Consp. Traffic Meth. | 1 | 100 | . | . | . | . | 25 | 30 | 1 |
| | Traffic Amphetamine | 1 | 100 | . | . | . | . | 25 | 30 | 1 |
| | Traffic Marijuana | 14 | 74 | 1 | 6 | 4 | 21 | 24 | 29 | 19 |
| | Consp. Traffic Marijuana | 4 | 100 | . | . | . | . | 26 | 27 | 4 |
| | Other Trafficking | 11 | 69 | 1 | 6 | 4 | 25 | 22 | 28 | 16 |
| Subtotal | 31 | 76 | 2 | 5 | 8 | 20 | 23 | 28 | 41 | |
| Total | 401 | 87 | 37 | 8 | 25 | 5 | 56 | 70 | 463 | |

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 is a Class E conviction for trafficking cocaine. Non-active sentences and those 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 2012/13 Statistical Report Data

E. Advanced Supervised Release

Advanced Supervised Release (ASR) is a sentencing option available for certain offenders (those convicted of offenses in certain offense classes and prior record levels set by statute) receiving active sentences (N.C.G.S. § 15A-1340.18). Unless there is objection from the prosecutor, judges may decide at sentencing to order eligible offenders to the ASR program. Upon completion of certain requirements while in prison, the offender may be released at a reduced minimum sentence (*i.e.*, the lowest mitigated sentence if the sentence imposed was in the presumptive range or 80% of the minimum sentence if the sentence imposed was in the mitigated range).

AOC did not capture information related to ASR sentences until the fall of 2012. As a result, incomplete data were available in ACIS for FY 2012/13. Based on available data, there were 77 convictions with an ASR sentence in FY 2012/13. Overall, there were 18 ASR sentences imposed in Class D, 14 in Class E, nine (9) in Class F, 15 in Class G, and 18 in Class H. In addition, there were three (3) ASR sentences imposed in offense classes in which ASR is not authorized (1 in Class C and 2 in Class I). In these instances, the ASR sentence may have been imposed for a less serious conviction, and not the offender's most serious conviction.

SECTION II

**MISDEMEANOR CONVICTIONS
IN FY 2012/13**

I. MISDEMEANOR CONVICTIONS IN FY 2012/13

A. Definition of the Unit of Analysis

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

Definition of a Sentencing Episode:

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

B. Misdemeanor Convictions

This section contains detailed information about misdemeanor convictions and sentences imposed under Structured Sentencing during FY 2012/13 (July 1, 2012 through June 30, 2013). Overall, sentences for 130,361 misdemeanor convictions were imposed. For many of the tables, information on 3,040 convictions (or 2.3%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table. The misdemeanor punishment chart for offenses committed December 1, 1995 through November 30, 2013 is printed on the inside back cover of the report.

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 15 shows the distribution of convictions within the Misdemeanor Punishment Chart. Of the 127,321 misdemeanor convictions, 9% fell into Class A1, 59% fell into Class 1, 15% fell into Class 2, and 17% fell into Class 3. Thirty-one percent of misdemeanor convictions fell into Prior Conviction Level I, 41.5% fell into Prior Conviction Level II, and 27.5% fell into Prior Conviction Level III. Relative to other cells within the Misdemeanor Punishment Chart, the greatest number of convictions fell into Class 1 with Prior Conviction Level II (n=32,125 or 25.2%).

**Table 15: Distribution of Convictions within the Misdemeanor Punishment Chart
FY 2012/13 Misdemeanors**

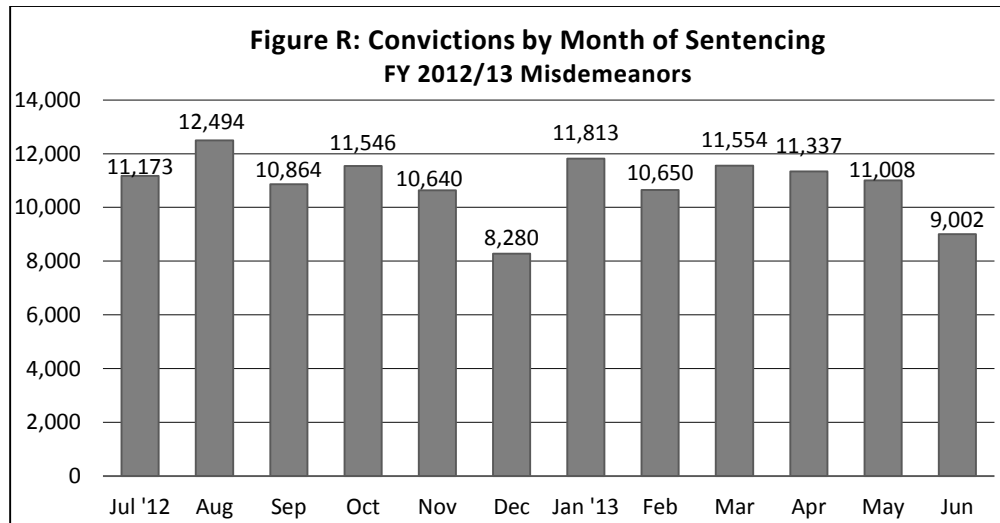
| Offense Class | Prior Conviction Level | | | Total |
|---------------|-------------------------------|-------------------------------|-------------------------------|---------------------------------|
| | I 0 Points | II 1-4 Points | III 5+ Points | |
| A1 | 2,342 1.9% | 4,749 3.7% | 4,091 3.2% | 11,182 8.8% |
| 1 | 21,983 17.3% | 32,125 25.2% | 21,803 17.1% | 75,911 59.6% |
| 2 | 6,701 5.3% | 7,765 6.1% | 4,200 3.3% | 18,666 14.7% |
| 3 | 8,297 6.5% | 8,286 6.5% | 4,979 3.9% | 21,562 16.9% |
| Total | 39,323 31.0% | 52,925 41.5% | 35,073 27.5% | 127,321 100.0% |

Note: Of the 130,361 misdemeanor convictions in FY 2012/13, 3,040 (or 2.3%) 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 2012/13 Statistical Report Data

D. Convictions by Month of Sentencing

Figure R shows the number of misdemeanor convictions (N=130,161) by month of sentencing during FY 2012/13. Convictions peaked in August and were lowest in December.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

E. Convictions by Judicial District and County

Table 16 shows the number of convictions by judicial district and county. The table indicates whether a conviction occurred in District or Superior Court and whether it resulted from a guilty plea, bench trial, or jury trial.⁸ See *Appendix A* for a map of judicial districts. In FY 2012/13, there were 122,472 guilty pleas/bench trials in District Court, and 7,689 guilty pleas and 200 jury trials in Superior Court.

**Table 16: Convictions by Judicial District, County, and Mode of Disposition
FY 2012/13 Misdemeanors**

| Judicial District and County | | District Court | Superior Court | | Total |
|------------------------------|--------------|-----------------------------|----------------|--------------|--------------|
| | | Guilty Plea/ Bench Trial | Guilty Plea | Jury Trial | |
| District 1 | Camden | 80 | 13 | 1 | 94 |
| | Chowan | 208 | 29 | 0 | 237 |
| | Currituck | 250 | 34 | 0 | 284 |
| | Dare | 569 | 105 | 0 | 674 |
| | Gates | 69 | 12 | 0 | 81 |
| | Pasquotank | 707 | 59 | 1 | 767 |
| | Perquimans | 176 | 22 | 0 | 198 |
| | Total | 2,059 | 274 | 2 | 2,335 |
| District 2 | Beaufort | 909 | 93 | 3 | 1,005 |
| | Hyde | 100 | 8 | 1 | 109 |
| | Martin | 525 | 36 | 0 | 561 |
| | Tyrrell | 121 | 9 | 2 | 132 |
| | Washington | 266 | 22 | 1 | 289 |
| | Total | 1,921 | 168 | 7 | 2,096 |
| District 3A | Pitt | 2,504 | 263 | 6 | 2,773 |
| Total | 2,504 | 263 | 6 | 2,773 | |
| District 3B | Carteret | 930 | 47 | 3 | 980 |
| | Craven | 1,921 | 86 | 1 | 2,008 |
| | Pamlico | 192 | 6 | 0 | 198 |
| | Total | 3,043 | 139 | 4 | 3,186 |
| District 4 | Duplin | 820 | 105 | 1 | 926 |
| | Jones | 211 | 38 | 0 | 249 |
| | Onslow | 2,077 | 153 | 4 | 2,234 |
| | Sampson | 1,321 | 10 | 1 | 1,332 |
| | Total | 4,429 | 306 | 6 | 4,741 |
| District 5 | New Hanover | 3,189 | 114 | 1 | 3,304 |
| | Pender | 454 | 17 | 2 | 473 |
| | Total | 3,643 | 131 | 3 | 3,777 |
| District 6A | Halifax | 726 | 86 | 2 | 814 |
| Total | 726 | 86 | 2 | 814 | |

⁸ For misdemeanor convictions in Superior Court, see N.C.G.S § 7A-271(a).

Table 16: Convictions by Judicial District, County, and Mode of Disposition (continued)
FY 2012/13 Misdemeanors

| Judicial District and County | | District Court | Superior Court | | Total |
|------------------------------|--------------|-----------------------------|----------------|---------------|--------------|
| | | Guilty Plea/ Bench Trial | Guilty Plea | Jury Trial | |
| District 6B | Bertie | 276 | 47 | 0 | 323 |
| | Hertford | 422 | 52 | 0 | 474 |
| | Northampton | 266 | 37 | 1 | 304 |
| | Total | 964 | 136 | 1 | 1,101 |
| District 7 | Edgecombe | 811 | 131 | 6 | 948 |
| | Nash | 1,287 | 145 | 3 | 1,435 |
| | Wilson | 1,020 | 167 | 2 | 1,189 |
| | Total | 3,118 | 443 | 11 | 3,572 |
| District 8 | Greene | 276 | 66 | 0 | 342 |
| | Lenoir | 1,319 | 174 | 1 | 1,494 |
| | Wayne | 1,843 | 129 | 7 | 1,979 |
| | Total | 3,438 | 369 | 8 | 3,815 |
| District 9 | Franklin | 502 | 84 | 0 | 586 |
| | Granville | 570 | 94 | 2 | 666 |
| | Vance | 1,017 | 150 | 0 | 1,167 |
| | Warren | 219 | 49 | 0 | 268 |
| | Total | 2,308 | 377 | 2 | 2,687 |
| District 9A | Caswell | 179 | 31 | 1 | 211 |
| | Person | 585 | 84 | 3 | 672 |
| | Total | 764 | 115 | 4 | 883 |
| District 10 | Wake | 9,852 | 223 | 10 | 10,085 |
| Total | 9,852 | 223 | 10 | 10,085 | |
| District 11 | Harnett | 772 | 12 | 0 | 784 |
| | Johnston | 1,022 | 26 | 1 | 1,049 |
| | Lee | 596 | 62 | 1 | 659 |
| | Total | 2,390 | 100 | 2 | 2,492 |
| District 12 | Cumberland | 2,745 | 327 | 4 | 3,076 |
| Total | 2,745 | 327 | 4 | 3,076 | |
| District 13 | Bladen | 487 | 46 | 1 | 534 |
| | Brunswick | 1,297 | 79 | 1 | 1,377 |
| | Columbus | 847 | 64 | 1 | 912 |
| | Total | 2,631 | 189 | 3 | 2,823 |
| District 14 | Durham | 3,109 | 54 | 3 | 3,166 |
| Total | 3,109 | 54 | 3 | 3,166 | |
| District 15A | Alamance | 2,361 | 120 | 8 | 2,489 |
| Total | 2,361 | 120 | 8 | 2,489 | |
| District 15B | Chatham | 428 | 18 | 1 | 447 |
| | Orange | 921 | 28 | 1 | 950 |
| | Total | 1,349 | 46 | 2 | 1,397 |

Table 16: Convictions by Judicial District, County, and Mode of Disposition (continued)
FY 2012/13 Misdemeanors

| Judicial District and County | | District Court | Superior Court | | Total |
|------------------------------|--------------|-----------------------------|----------------|------------|--------------|
| | | Guilty Plea/ Bench Trial | Guilty Plea | Jury Trial | |
| District 16A | Hoke | 788 | 32 | 1 | 821 |
| | Scotland | 1,223 | 38 | 0 | 1,261 |
| | Total | 2,011 | 70 | 1 | 2,082 |
| District 16B | Robeson | 3,250 | 73 | 1 | 3,324 |
| | Total | 3,250 | 73 | 1 | 3,324 |
| District 17A | Rockingham | 1,488 | 41 | 2 | 1,531 |
| | Total | 1,488 | 41 | 2 | 1,531 |
| District 17B | Stokes | 546 | 90 | 1 | 637 |
| | Surry | 1,156 | 90 | 1 | 1,247 |
| | Total | 1,702 | 180 | 2 | 1,884 |
| District 18 | Guilford | 5,622 | 577 | 4 | 6,203 |
| | Total | 5,622 | 577 | 4 | 6,203 |
| District 19A | Cabarrus | 4,252 | 135 | 3 | 4,390 |
| | Total | 4,252 | 135 | 3 | 4,390 |
| District 19B | Montgomery | 526 | 31 | 0 | 557 |
| | Randolph | 1,775 | 79 | 2 | 1,856 |
| | Total | 2,301 | 110 | 2 | 2,413 |
| District 19C | Rowan | 3,088 | 110 | 5 | 3,203 |
| | Total | 3,088 | 110 | 5 | 3,203 |
| District 19D | Moore | 973 | 58 | 0 | 1,031 |
| | Total | 973 | 58 | 0 | 1,031 |
| District 20A | Anson | 422 | 116 | 1 | 539 |
| | Richmond | 605 | 106 | 0 | 711 |
| | Stanly | 602 | 144 | 0 | 746 |
| | Total | 1,629 | 366 | 1 | 1,996 |
| District 20B | Union | 1,202 | 270 | 3 | 1,475 |
| | Total | 1,202 | 270 | 3 | 1,475 |
| District 21 | Forsyth | 5,573 | 61 | 14 | 5,648 |
| | Total | 5,573 | 61 | 14 | 5,648 |
| District 22A | Alexander | 351 | 20 | 0 | 371 |
| | Iredell | 1,813 | 43 | 3 | 1,859 |
| | Total | 2,164 | 63 | 3 | 2,230 |

**Table 16: Convictions by Judicial District, County, and Mode of Disposition (continued)
FY 2012/13 Misdemeanors**

| Judicial District and County | | District Court | Superior Court | | Total |
|------------------------------|--------------|-----------------------------|----------------|--------------|--------------|
| | | Guilty Plea/ Bench Trial | Guilty Plea | Jury Trial | |
| District 22B | Davidson | 2,513 | 106 | 2 | 2,621 |
| | Davie | 407 | 24 | 1 | 432 |
| | Total | 2,920 | 130 | 3 | 3,053 |
| District 23 | Alleghany | 136 | 8 | 0 | 144 |
| | Ashe | 274 | 6 | 0 | 280 |
| | Wilkes | 1,029 | 12 | 0 | 1,041 |
| | Yadkin | 541 | 5 | 1 | 547 |
| | Total | 1,980 | 31 | 1 | 2,012 |
| District 24 | Avery | 212 | 13 | 0 | 225 |
| | Madison | 170 | 8 | 0 | 178 |
| | Mitchell | 176 | 18 | 0 | 194 |
| | Watauga | 477 | 44 | 1 | 522 |
| | Yancey | 142 | 18 | 0 | 160 |
| | Total | 1,177 | 101 | 1 | 1,279 |
| District 25 | Burke | 1,249 | 74 | 1 | 1,324 |
| | Caldwell | 1,482 | 80 | 6 | 1,568 |
| | Catawba | 2,561 | 133 | 2 | 2,696 |
| | Total | 5,292 | 287 | 9 | 5,588 |
| District 26 | Mecklenburg | 6,234 | 414 | 21 | 6,669 |
| Total | 6,234 | 414 | 21 | 6,669 | |
| District 27A | Gaston | 2,540 | 297 | 5 | 2,842 |
| Total | 2,540 | 297 | 5 | 2,842 | |
| District 27B | Cleveland | 2,253 | 79 | 5 | 2,337 |
| | Lincoln | 1,056 | 95 | 1 | 1,152 |
| | Total | 3,309 | 174 | 6 | 3,489 |
| District 28 | Buncombe | 3,912 | 68 | 4 | 3,984 |
| Total | 3,912 | 68 | 4 | 3,984 | |
| District 29A | McDowell | 789 | 46 | 1 | 836 |
| | Rutherford | 1,625 | 50 | 8 | 1,683 |
| | Total | 2,414 | 96 | 9 | 2,519 |
| District 29B | Henderson | 1,375 | 14 | 4 | 1,393 |
| | Polk | 227 | 4 | 0 | 231 |
| | Transylvania | 415 | 5 | 3 | 423 |
| | Total | 2,017 | 23 | 7 | 2,047 |

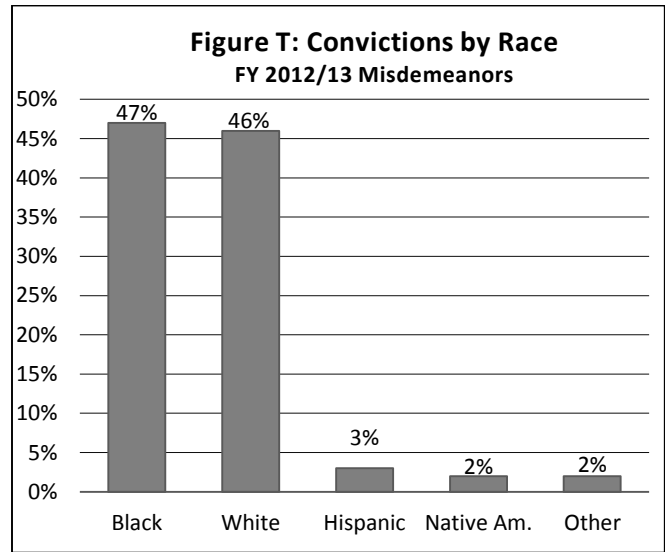
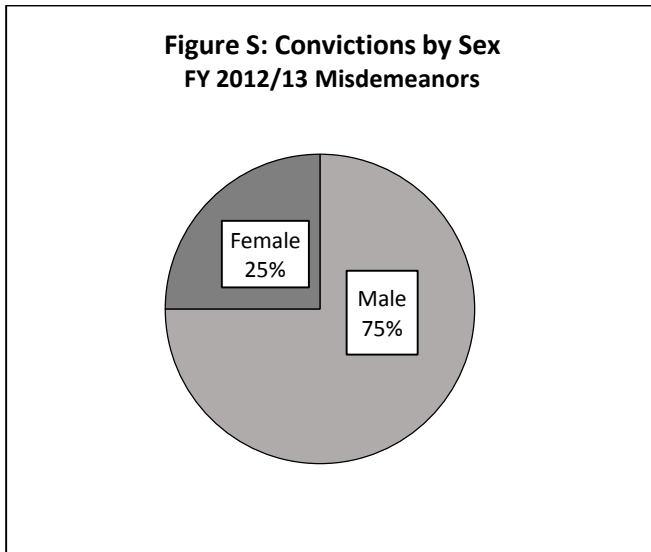
**Table 16: Convictions by Judicial District, County, and Mode of Disposition (continued)
FY 2012/13 Misdemeanors**

| Judicial District and County | | District Court | Superior Court | | Total |
|------------------------------|--------------|-----------------------------|----------------|------------|----------------|
| | | Guilty Plea/ Bench Trial | Guilty Plea | Jury Trial | |
| District 30 | Cherokee | 265 | 10 | 2 | 277 |
| | Clay | 59 | 3 | 0 | 62 |
| | Graham | 62 | 12 | 0 | 74 |
| | Haywood | 746 | 24 | 0 | 770 |
| | Jackson | 426 | 11 | 0 | 437 |
| | Macon | 290 | 18 | 0 | 308 |
| | Swain | 220 | 10 | 3 | 233 |
| | Total | 2,068 | 88 | 5 | 2,161 |
| State Total | | 122,472 | 7,689 | 200 | 130,361 |

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

II. CHARACTERISTICS OF OFFENDERS

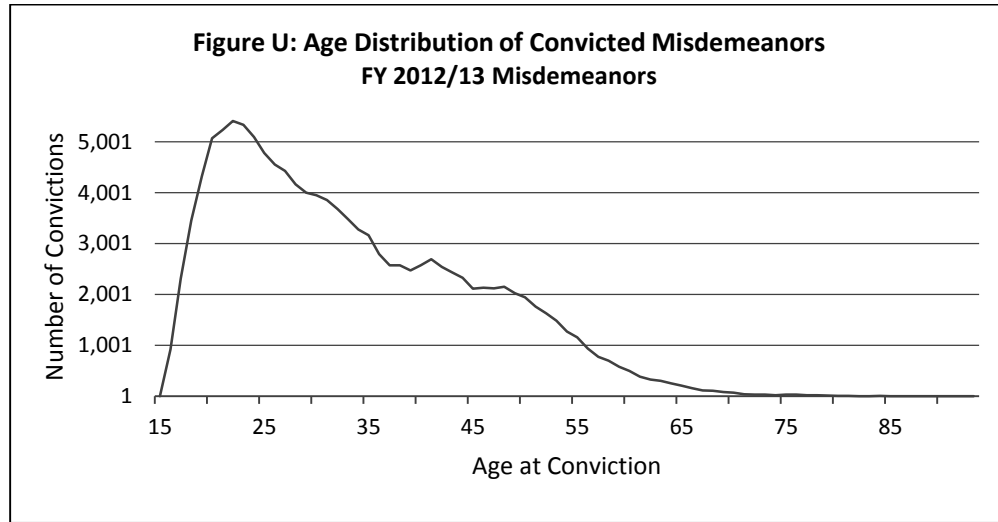
This section provides a summary of misdemeanor convictions by sex, race, and age of offenders. As shown in *Figure S*, the majority of misdemeanor convictions were for males (75%). *Figure T* shows that 47% of all misdemeanor offenders were Black, 46% were White. Only a small percentage were Hispanic (3%), Native American (2%), or Other (2%).



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

Based on age at conviction, 13% of misdemeanor convictions were for offenders under the age of 21, 20% were 21-25 years of age, 16% were 26-30 years of age, 24% were 31-40 years of age, 17% were 41-50 years of age, and 10% were over 50 years of age. The average age at conviction was 33 years. *Figure U* 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 17* provides a summary of misdemeanor convictions by sex, race, and age of offenders.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

**Table 17: Convictions by Sex, Race, and Age
FY 2012/13 Misdemeanors**

| Sex and Race | | Age at Conviction | | | | | | Total |
|--------------|-----------------|-------------------|---------------|---------------|---------------|---------------|---------------|----------------|
| | | <21 | 21-25 | 26-30 | 31-40 | 41-50 | >50 | |
| Male | White | 5,404 | 8,105 | 6,768 | 10,007 | 7,520 | 4,437 | 42,241 |
| | Black | 6,014 | 9,650 | 7,251 | 10,028 | 8,324 | 5,849 | 47,116 |
| | Hispanic | 629 | 773 | 795 | 1,140 | 479 | 161 | 3,977 |
| | Native Amer. | 193 | 332 | 325 | 513 | 338 | 183 | 1,884 |
| | Other | 248 | 320 | 242 | 343 | 216 | 147 | 1,516 |
| | Subtotal | 12,488 | 19,180 | 15,381 | 22,031 | 16,877 | 10,777 | 96,734 |
| Female | White | 1,690 | 3,178 | 3,133 | 4,844 | 3,145 | 1,288 | 17,278 |
| | Black | 1,668 | 3,139 | 2,275 | 3,069 | 2,213 | 938 | 13,302 |
| | Hispanic | 99 | 121 | 106 | 160 | 67 | 27 | 580 |
| | Native Amer. | 69 | 151 | 135 | 254 | 150 | 52 | 811 |
| | Other | 67 | 93 | 72 | 103 | 55 | 30 | 420 |
| | Subtotal | 3,593 | 6,682 | 5,721 | 8,430 | 5,630 | 2,335 | 32,391 |
| Total | | 16,081 | 25,862 | 21,102 | 30,461 | 22,507 | 13,112 | 129,125 |

Note: Of the 130,361 misdemeanor convictions in FY 2012/13, 1,236 convictions with missing values for offenders' age were excluded from this table.

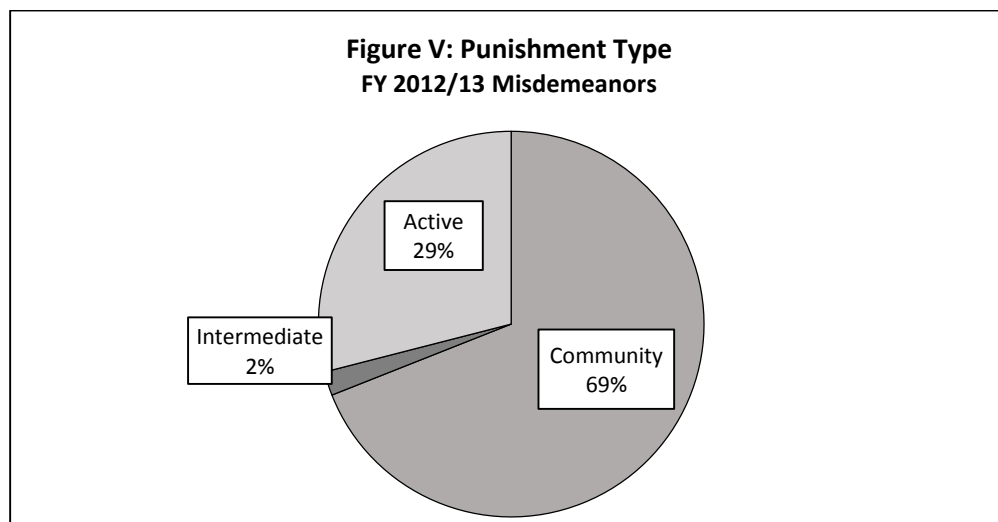
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

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 V*, an Active punishment was imposed for 29% of misdemeanor convictions; an Intermediate punishment was imposed for 2% of misdemeanor convictions; and a Community punishment was imposed for 69% of misdemeanor convictions. Of the Active punishments imposed, 90% were for sentences of 90 days or less, with the remaining 10% for sentences greater than 90 days.⁹



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 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 18*. Most convictions – regardless of the offense class or prior conviction level – resulted in the imposition of a Community punishment. The detailed information provided allows for examination of the overall number of convictions and type of punishment imposed (Active, Intermediate, or Community), as well as an examination of these data by offense class, by prior conviction level, and for each combination of offense class and prior conviction level (*i.e.*, cell). The table also includes the average sentence length for convictions for which an Active sentence was imposed. Convictions for Class A1 misdemeanors accounted for the largest percentage of Active sentences imposed relative to all other

⁹ The JRA created the Statewide Misdemeanant Confinement Program (SMCP) for certain misdemeanants, effective for sentences imposed on or after January 1, 2012. Under the SMCP, a misdemeanant who receives an active sentence of between 91 and 180 days (and is not convicted of impaired driving offenses) shall be incarcerated in a local confinement facility, rather than prison. It is important to note the maximum sentence length allowed by the Misdemeanor Punishment Chart is 150 days. In order for a misdemeanant to receive a sentence of 180 days, the judge must order consecutive sentences.

offense classes (36%). The likelihood of receiving an Active punishment increased as prior conviction level increased.

**Table 18: Convictions and Sentences by Offense Class and Prior Conviction Level
FY 2012/13 Misdemeanors**

| Offense Class | Prior Conviction Level | | | Total |
|---------------|--|---|---|--|
| | I 0 Points | II 1-4 Points | III 5+ Points | |
| A1 | C/I/A C = 1,690 (72%) I = 74 (3%) A = 578 (25%) n = 2,342 32.7 days | C/I/A C = 3,057 (64%) I = 224 (5%) A = 1,468 (31%) n = 4,749 45.2 days | C/I/A C = 1,893 (46%) I = 271 (7%) A = 1,927 (47%) n = 4,091 93.2 days | C/I/A C = 6,640 (59%) I = 569 (5%) A = 3,973 (36%) n = 11,182 66.7 days |
| 1 | C C = 18,379 (84%) I = 95 (0%) A = 3,509 (16%) n = 21,983 20.3 days | C/I/A C = 23,387 (73%) I = 584 (2%) A = 8,154 (25%) n = 32,125 24.1 days | C/I/A C = 12,130 (56%) I = 902 (4%) A = 8,771 (40%) n = 21,803 58.7 days | C/I/A C = 53,896 (71%) I = 1,581 (2%) A = 20,434 (27%) n = 75,911 38.3 days |
| 2 | C C = 5,315 (79%) I = 10 (0%) A = 1,376 (21%) n = 6,701 13.2 days | C/I C = 5,338 (69%) I = 78 (1%) A = 2,349 (30%) n = 7,765 18.5 days | C/I/A C = 1,986 (47%) I = 69 (2%) A = 2,145 (51%) n = 4,200 27.7 days | C/I/A C = 12,639 (68%) I = 157 (1%) A = 5,870 (31%) n = 18,666 20.6 days |
| 3 | C C = 6,368 (77%) I = 2 (0%) A = 1,927 (23%) n = 8,297 5.7 days | C/I C = 5,954 (72%) I = 28 (0%) A = 2,304 (28%) n = 8,286 7.9 days | C/I/A C = 2,267 (46%) I = 17 (0%) A = 2,695 (54%) n = 4,979 9.6 days | C/I/A C = 14,589 (68%) I = 47 (0%) A = 6,926 (32%) n = 21,562 7.9 days |
| Total | C/I/A C = 31,752 (81%) I = 181 (0%) A = 7,390 (19%) n = 39,323 16.1 days | C/I/A C = 37,736 (71%) I = 914 (2%) A = 14,275 (27%) n = 52,925 22.7 days | C/I/A C = 18,276 (52%) I = 1,259 (4%) A = 15,538 (44%) n = 35,073 50.1 days | C/I/A C = 87,764 (69%) I = 2,354 (2%) A = 37,203 (29%) n = 127,321 32.9 days |

Note: Of the 130,361 misdemeanor convictions in FY 2012/13, 3,040 (or 2.3%) were excluded from this table. These convictions did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons. Active sentences in cells in which an Active punishment is not a sentencing option may be attributed to the use of credit for time served.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

C. Average Length of Active Sentences

Table 19 shows the average sentence imposed, average credit for time served, and average time to be served for misdemeanor convictions resulting in an Active punishment. 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 (37.7 days). Overall, the average time to be served for misdemeanor convictions was 18.1 days. Seventy-one percent of offenders with Active sentences received credit for time served, with an average credit of 14.8 days.

**Table 19: Average Length of Active Sentences by Offense Class and Prior Conviction Level
FY 2012/13 Misdemeanors**

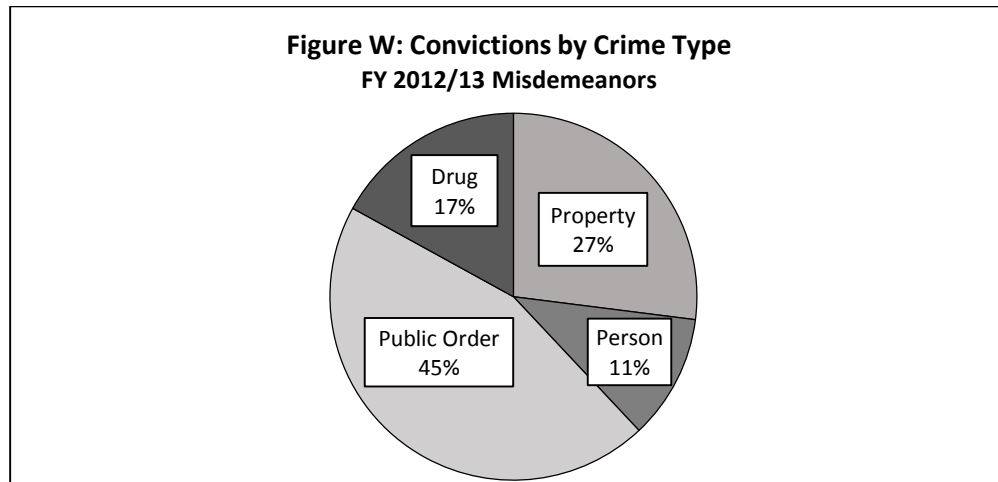
| Offense Class | | Prior Conviction Level | | | Total |
|---------------|---------------------------------------|------------------------|------------------|------------------|--------|
| | | I 0 Points | II 1-4 Points | III 5+ Points | |
| A1 | Average Active Sentence (Days) | 32.7 | 45.2 | 93.2 | 66.7 |
| | Average Credit for Time Served (Days) | 21.5 | 25.8 | 33.6 | 29.0 |
| | Average Time to be Served (Days) | 11.1 | 19.4 | 59.6 | 37.7 |
| | No. Active Sentences | 578 | 1,468 | 1,927 | 3,973 |
| 1 | Average Active Sentence (Days) | 20.3 | 24.1 | 58.7 | 38.3 |
| | Average Credit for Time Served (Days) | 14.2 | 13.5 | 18.3 | 15.7 |
| | Average Time to be Served (Days) | 6.0 | 10.6 | 40.3 | 22.6 |
| | No. Active Sentences | 3,509 | 8,154 | 8,771 | 20,434 |
| 2 | Average Active Sentence (Days) | 13.2 | 18.5 | 27.7 | 20.6 |
| | Average Credit for Time Served (Days) | 10.8 | 13.4 | 14.4 | 13.2 |
| | Average Time to be Served (Days) | 2.4 | 5.1 | 13.3 | 7.5 |
| | No. Active Sentences | 1,376 | 2,349 | 2,145 | 5,870 |
| 3 | Average Active Sentence (Days) | 5.7 | 7.9 | 9.6 | 7.9 |
| | Average Credit for Time Served (Days) | 4.7 | 6.4 | 5.1 | 5.4 |
| | Average Time to be Served (Days) | 0.9 | 1.5 | 4.4 | 2.5 |
| | No. Active Sentences | 1,927 | 2,304 | 2,695 | 6,926 |
| Total | Average Active Sentence (Days) | 16.1 | 22.7 | 50.1 | 32.9 |
| | Average Credit for Time Served (Days) | 11.7 | 13.6 | 17.4 | 14.8 |
| | Average Time to be Served (Days) | 4.4 | 9.1 | 32.8 | 18.1 |
| | No. Active Sentences | 7,390 | 14,275 | 15,538 | 37,203 |

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 2012/13 Statistical Report Data

D. Punishment Imposed by Crime Type

As shown in *Figure W*, public order offenses (45%) accounted for the largest proportion of misdemeanor convictions, while misdemeanor person offenses accounted for the lowest proportion of misdemeanor offenses (11%).



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

Table 20 contains information about the type of punishment imposed by crime type for misdemeanor convictions, as well as the average sentence imposed and average time to be served for offenders who received an Active punishment. Person offenses were most likely to result in an Active sentence (34%). While public order offenses and property offenses equally resulted in an Active sentence (30% each), drug offenses were least likely to result in an Active sentence (25%). The average minimum sentence imposed and average time to be served were longest for convictions for person offenses (55.9 days).

**Table 20: Punishment by Crime Type
2012/13 Misdemeanors**

| Crime Type | Type of Punishment | | | | | | Average Active Sentence (Days) | Credit for Time Served (Days) | Time to be Served (Days) | Total |
|--------------|--------------------|-----------|--------------|----------|---------------|-----------|--------------------------------|-------------------------------|--------------------------|----------------|
| | Active | | Intermediate | | Community | | | | | |
| | # | % | # | % | # | % | | | | |
| Person | 4,496 | 34 | 543 | 4 | 8,324 | 62 | 55.9 | 26.0 | 29.9 | 13,363 |
| Property | 10,208 | 30 | 743 | 2 | 23,647 | 68 | 37.7 | 18.3 | 19.4 | 34,598 |
| Drug | 5,164 | 25 | 300 | 1 | 15,375 | 74 | 27.6 | 12.5 | 15.1 | 20,839 |
| Public Order | 17,335 | 30 | 768 | 1 | 40,418 | 69 | 25.6 | 10.5 | 15.1 | 58,521 |
| Total | 37,203 | 29 | 2,354 | 2 | 87,764 | 69 | 32.9 | 14.8 | 18.1 | 127,321 |

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table. Active sentences in cells in which an Active punishment is not a sentencing option may be attributed to the use of credit for time served.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

IV. INTERMEDIATE AND COMMUNITY PUNISHMENTS

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

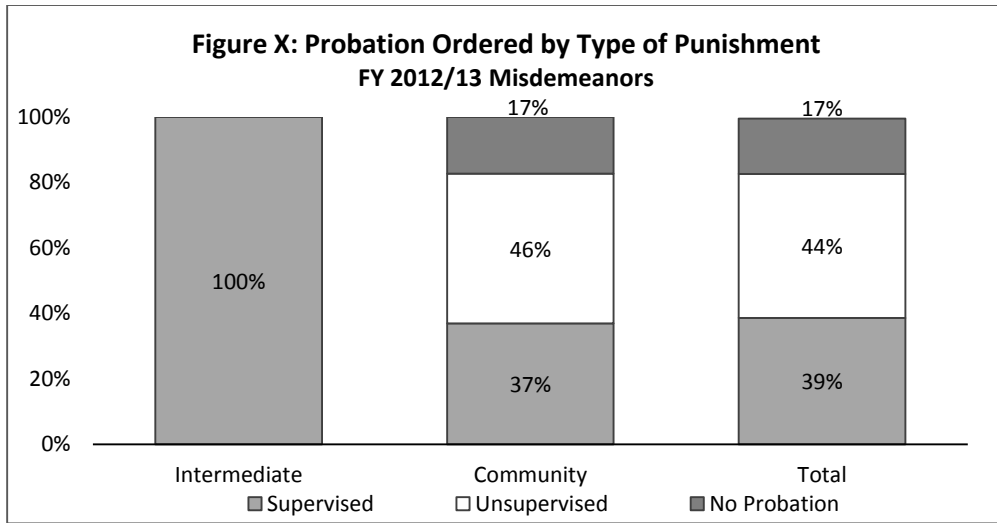
An Intermediate or Community punishment may include one or more of the following probation conditions: house arrest with electronic monitoring; community service; short-term jail confinements; substance abuse assessment, monitoring, or treatment; and education or vocational skills development. An Intermediate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

AOC only collects information on the following probation conditions within its current data management system: special probation, drug treatment court, house arrest with electronic monitoring, community service, restitution, fines, and court costs. As a result, data reported in this section include information on those conditions only and does not reflect the full scope of available conditions for offenders sentenced to Intermediate or Community punishment. As automated data about other conditions become available, they will be included in future reports.

This section only includes information on probation conditions that were imposed for Intermediate or Community punishments at sentencing. A single conviction often results in the imposition of more than one probation condition. Probation conditions that are subsequently imposed as a result of modifications to probation are not included.

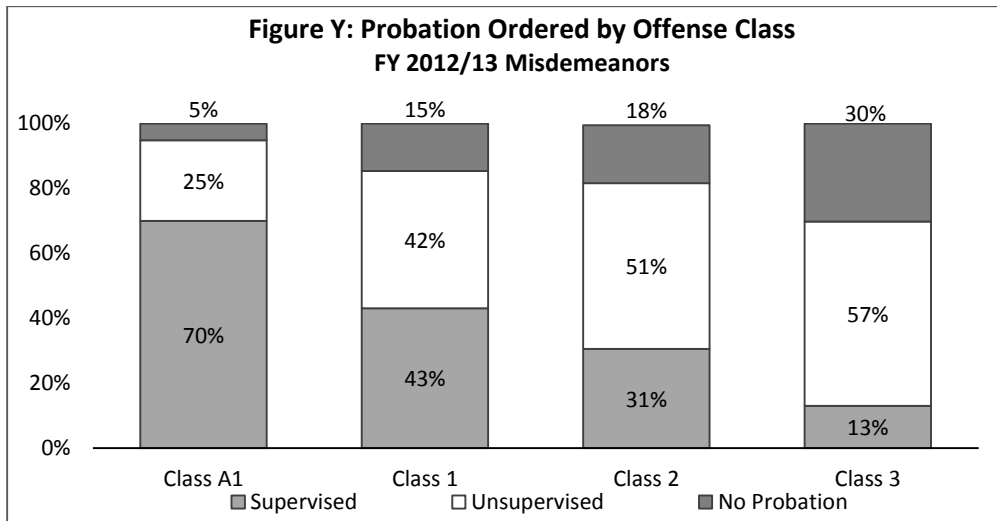
During FY 2012/13, Intermediate punishments were imposed for 2,354 convictions and Community punishments were imposed for 87,764 convictions for a total of 90,118 non-active sentences.¹⁰ Overall, 34,799 convictions received supervised probation, 40,129 received unsupervised probation, and 15,190 did not receive probation. *Figure X* provides information regarding the type of probation imposed for Intermediate and Community punishment convictions. All offenders with an Intermediate punishment (100%) received supervised probation. Nearly half (46%) of Community punishment convictions received unsupervised probation, while 37% received supervised probation, and 17% had no probation sentence ordered.

¹⁰ Of the 90,118 convictions where an Intermediate or Community punishment was imposed, 82% (n=73,739) were for offenses committed on or after December 1, 2011.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

Figure Y examines type of probation ordered by offense class for convictions resulting in an Intermediate or Community punishment. The majority of Class A1 and Class 1 misdemeanor convictions received supervised probation (70% and 43% respectively), while the majority of Class 2 and Class 3 misdemeanors received unsupervised probation (51% and 57% respectively). Class 3 misdemeanor convictions had the largest percentage with no probation ordered (30%).



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

A. Probation Length by Type of Punishment

Table 21 provides the average length of probation by offense class and type of punishment for offenders sentenced to probation (n=74,928) in FY 2012/13. The greatest number of overall probation sentences fell within Class 1 (n=47,374 or 63%) and had an average probation length of 15 months. Convictions for which supervised probation was imposed resulted in an average probation length of 16 months, while convictions for which unsupervised probation was imposed resulted in an average probation length of 13 months. Overall, the average probation length for Intermediate and Community punishment convictions was 14 months.

**Table 21: Length of Probation by Offense Class and Type of Punishment
FY 2012/13 Misdemeanors**

| Offense Class | Type of Punishment | Average Length of Probation | | | | | |
|---------------|--------------------|-----------------------------|---------------|------------------------|---------------|-----------|---------------|
| | | Supervised Probation | | Unsupervised Probation | | Total | |
| | | Months | # | Months | # | Months | # |
| A1 | Intermediate | 19 | 569 | N/A | N/A | 19 | 569 |
| | Community | 17 | 4,475 | 15 | 1,790 | 17 | 6,265 |
| | Subtotal | 17 | 5,044 | 15 | 1,790 | 17 | 6,834 |
| 1 | Intermediate | 18 | 1,581 | N/A | N/A | 18 | 1,581 |
| | Community | 16 | 22,345 | 13 | 23,448 | 15 | 45,793 |
| | Subtotal | 16 | 23,926 | 13 | 23,448 | 15 | 47,374 |
| 2 | Intermediate | 15 | 157 | N/A | N/A | 15 | 157 |
| | Community | 15 | 3,757 | 13 | 6,592 | 13 | 10,349 |
| | Subtotal | 15 | 3,914 | 13 | 6,592 | 13 | 10,506 |
| 3 | Intermediate | 14 | 47 | N/A | N/A | 14 | 47 |
| | Community | 13 | 1,868 | 12 | 8,299 | 12 | 10,167 |
| | Subtotal | 13 | 1,915 | 12 | 8,299 | 12 | 10,214 |
| Total | | 16 | 34,799 | 13 | 40,129 | 14 | 74,928 |

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 2012/13 Statistical Report Data

Table 22 shows the average length of probation for Intermediate and Community punishment convictions by crime type. Of convictions in which probation sentences were imposed, 42% (n=31,563) were for public order offenses and had an average probation length of 14 months. The greatest number of convictions resulting in supervised probation occurred for property offenses (n=12,405 or 36%) with an average probation length of 16 months, whereas the greatest number of convictions resulting in unsupervised probation were public order offenses (n=19,764 or 49%). Overall, person offenses resulted in the longest average probation sentence (16 months) and drug offenses resulted in the shortest average probation sentence (13 months).

**Table 22: Length of Probation by Crime Type and Type of Punishment
FY 2012/13 Misdemeanors**

| Crime Type | Type of Punishment | Average Length of Probation | | | | | |
|--------------|--------------------|-----------------------------|---------------|------------------------|---------------|-----------|---------------|
| | | Supervised Probation | | Unsupervised Probation | | Total | |
| | | Months | # | Months | # | Months | # |
| Person | Intermediate | 19 | 561 | N/A | N/A | 19 | 561 |
| | Community | 17 | 5,044 | 14 | 2,977 | 16 | 8,021 |
| | Subtotal | 17 | 5,605 | 14 | 2,977 | 16 | 8,582 |
| Property | Intermediate | 19 | 743 | N/A | N/A | 19 | 743 |
| | Community | 16 | 11,662 | 13 | 9,603 | 15 | 21,265 |
| | Subtotal | 16 | 12,405 | 13 | 9,603 | 15 | 22,008 |
| Drug | Intermediate | 18 | 318 | N/A | N/A | 18 | 318 |
| | Community | 14 | 4,672 | 12 | 7,785 | 13 | 12,457 |
| | Subtotal | 15 | 4,990 | 12 | 7,785 | 13 | 12,775 |
| Public Order | Intermediate | 17 | 732 | N/A | N/A | 17 | 732 |
| | Community | 15 | 11,067 | 13 | 19,764 | 14 | 30,831 |
| | Subtotal | 15 | 11,799 | 13 | 19,764 | 14 | 31,563 |
| Total | | 16 | 34,799 | 13 | 40,129 | 14 | 74,928 |

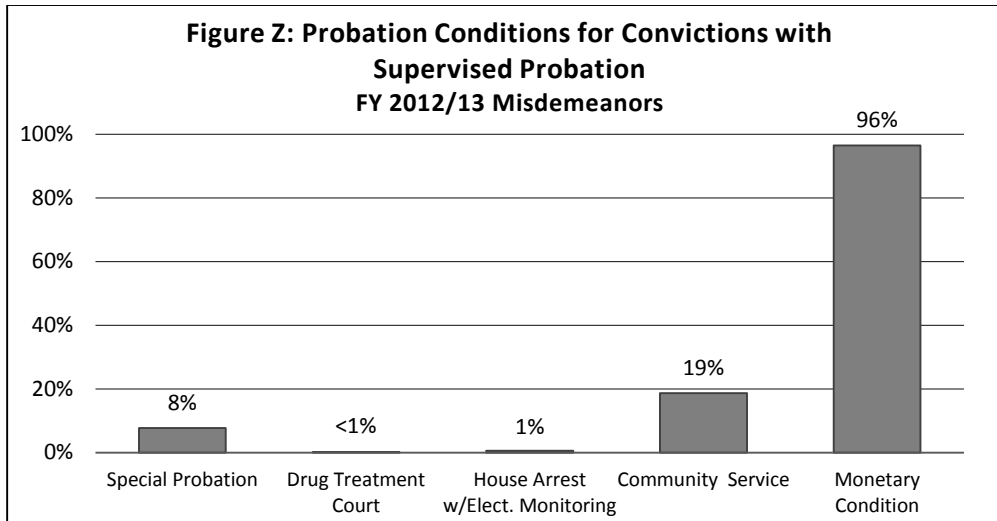
Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

B. Conditions of Probation¹¹

In FY 2012/13, supervised probation was imposed for 34,799 convictions with an Intermediate or Community punishment. *Figure Z* provides information on the conditions that were imposed for Community and Intermediate punishment convictions with supervised probation. Multiple probation conditions may have been ordered for a single conviction. As a result, the percentages provided in *Figure Z* add to more than 100%. The most frequent condition imposed for supervised probation was a monetary condition (96%), which includes payment of fines, restitution, and/or court costs. Community service was imposed for 19% of Community and Intermediate punishment convictions with supervised probation. The least frequent conditions imposed were drug treatment court (less than 1%) and house arrest with electronic monitoring (1%).

¹¹ Information reported in this section includes information only on probation conditions captured in ACIS and does not reflect the full scope of available conditions for offenders sentenced to Intermediate or Community punishment.



Note: This figure includes information on probation conditions that are captured in AOC’s ACIS. Conditions ordered are reported regardless of possible errors in ACIS (*i.e.*, special probation or drug treatment court are not authorized conditions for a Community punishment). A single conviction may result in the imposition of more than one probation condition. As a result, the percentages reported add to more than 100%.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

Table 23 provides detailed information about the conditions ordered at sentencing for Intermediate and Community punishment convictions with supervised probation, including the average length of probation. Conditions ordered are reported regardless of possible errors in ACIS (*i.e.*, special probation or drug treatment court are not authorized conditions for a Community punishment). Overall, 2,354 Intermediate punishment convictions and 32,445 Community punishment convictions resulted in supervised probation sentences. The average length of probation imposed was 18 months for convictions with an Intermediate punishment and 16 months for convictions with a Community punishment. Overall, a monetary condition (*i.e.*, fine, restitution, court costs) was the condition of probation most frequently ordered (n=33,560), followed by community service for Community punishment convictions (n=6,216) and special probation for Intermediate punishment convictions (n=1,981). Convictions with house arrest with electronic monitoring had the longest average length of supervision (22 months).

**Table 23: Probation Conditions for Convictions with Supervised Probation
FY 2012/13 Misdemeanors**

| Type of Punishment | Conditions of Probation (Number and Average Probation Length) | | | | | Total |
|--------------------|--|--------------------------------------|---------------------------------------|---|--|--|
| | Special Probation | Drug Treatment Court | House Arrest w/ Elect. Monitoring | Community Service | Monetary Condition | |
| Intermediate | 1,981 <i>18 months</i> | 58 <i>20 months</i> | 148 <i>23 months</i> | 266 <i>20 months</i> | 2,278 <i>18 months</i> | 2,354 <i>18 months</i> |
| Community | 701 <i>17 months</i> | 14 <i>19 months</i> | 34 <i>18 months</i> | 6,216 <i>16 months</i> | 31,282 <i>16 months</i> | 32,445 <i>16 months</i> |
| Total | 2,682 <i>17 months</i> | 72 <i>20 months</i> | 182 <i>22 months</i> | 6,482 <i>16 months</i> | 33,560 <i>16 months</i> | 34,799 <i>16 months</i> |

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

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

In FY 2012/13, unsupervised probation was imposed for 40,129 convictions with a Community punishment. Multiple probation conditions may have been ordered for a single conviction. Of these convictions, 8% (n=3,208) included community service as a condition of probation and 96% (n=38,465) were ordered to pay monetary obligations (*i.e.*, fine, restitution, or court costs) as a condition of probation.

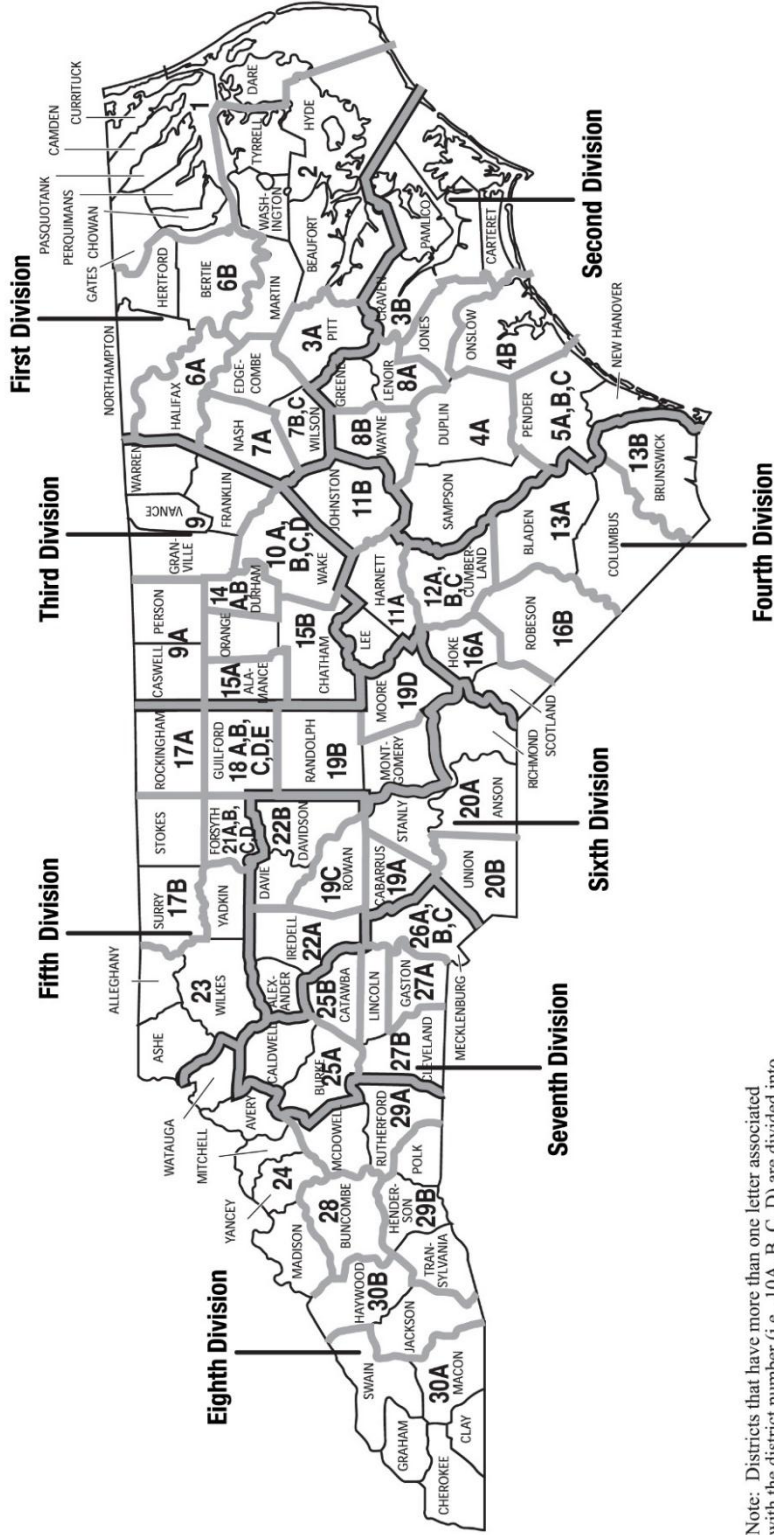
C. No Probation Sentence Ordered

A probation sentence is not required for Community punishment convictions. In FY 2012/13, 15,190 convictions with a Community punishment had no probation sentence ordered. As part of their sentence, 1% (n=155) of these convictions were ordered to perform community service and 74% (n=11,283) were ordered to pay monetary obligations (*i.e.*, fine, restitution, or court costs).

APPENDIX A
MAP OF JUDICIAL DIVISIONS AND DISTRICTS

North Carolina Superior Court

Effective January 15, 2009



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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APPENDIX B
SAMPLE OFFENSES AND
TOP 5 CONVICTIONS BY CLASS

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

| CLASS A FELONIES | Maximum Punishment of Death or Life Without Parole |
|--|---|
| First-Degree Murder. (14-17) | |
| CLASS B1 FELONIES | Maximum Punishment of Life Without Parole |
| Second-Degree Murder. (14-17(b)) First-Degree Rape. (14-27.2) | First-Degree Sexual Offense. (14-27.4) |
| CLASS B2 FELONIES | Maximum Punishment of 484* Months |
| Second-Degree Murder. (14-17(b)(1) and (2)) | |
| CLASS C FELONIES | Maximum Punishment of 231* Months |
| Second-Degree Rape. (14-27.3) Second-Degree Sexual Offense. (14-27.5) Assault W/D/W/I/K/I/S/I. (14-32(a)) | First-Degree Kidnapping. (14-39) Embezzlement (amount involved \$100,000 or more). (14-90) |
| CLASS D FELONIES | Maximum Punishment of 204* Months |
| Voluntary Manslaughter. (14-18) Malicious Use of Explosive or Incendiary. (14-49(a)) First-Degree Burglary. (14-51) First-Degree Arson. (14-58) | Armed Robbery. (14-87) Death by Vehicle. (20-141.4(a)(1)) Sell or Deliver a Controlled Substance to a Person Under 16 But More than 13 Years of Age. (90-95(e)(5)) |
| CLASS E FELONIES | Maximum Punishment of 88* Months |
| Intercourse and Sexual Offenses with Certain Victims (Substitute Parent/Custodian). (14-27.7) Assault W/D/W/I/S/I. (14-32(b)) Assault W/D/W/I/K. (14-32(c)) Discharging Weapon Into Occupied Property. (14-34.1(a)) | Assault with a Firearm on a Law Enforcement Officer. (14-34.5) Second-Degree Kidnapping. (14-39) Child Abuse Inflicting Serious Physical Injury. (14-318.4(a)) Sell or Deliver a Controlled Substance Within 1,000 Feet of a School. (90-95(e)(8)) |
| CLASS F FELONIES | Maximum Punishment of 59 Months |
| Involuntary Manslaughter. (14-18) Assault Inflicting Serious Bodily Injury. (14-32.4) Assault W/D/W on Governmental Officer or Employee. (14-34.2) Assault I/S/I on a Law Enforcement Officer. (14-34.7) Felony Restraint. (14-43.3) | Burning of Certain Other Buildings. (14-62) Participating in Prostitution of a Minor. (14-190.19) Taking Indecent Liberties with Children. (14-202.1) Possess Weapon of Mass Destruction. (14-288.8) Habitual Impaired Driving. (20-138.5) |
| CLASS G FELONIES | Maximum Punishment of 47 Months |
| Second-Degree Burglary. (14-51) Second-Degree Arson. (14-58) Common Law Robbery. (14-87.1) | Identity Theft. (14-113.20) Possession of Firearms, etc., by Felon. (14-415.1) Sale of a Schedule I or II Controlled Substance. (90-95(a)(1)) |
| CLASS H FELONIES | Maximum Punishment of 39 Months |
| Assault by Strangulation. (14-32.4(b)) Habitual Misdemeanor Assault. (14-33.2) Breaking or Entering Buildings (w/felony intent). (14-54(a)) Fraudulently Setting Fire to Dwelling Houses. (14-65) Possessing Stolen Goods. (14-71.1) Larceny of Property (worth more than \$1,000). (14-72) | Embezzlement (amount involved less than \$100,000). (14-90) Obtaining Property by False Pretenses (amount involved less than \$100,000). (14-100) Hit and Run (resulted in injury). (20-166(a1)) Sale of a Schedule III, IV, V, or VI Controlled Substance. (90-95(a)(1)) Possession W/I/M/S/D Cocaine. (90-95(a)(1)) Escaping From State Prison System (felon). (148-45(b)) |

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

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

| CLASS I FELONIES | | Maximum Punishment of 24 Months |
|--|---|--|
| Breaking or Entering Motor Vehicles. (14-56) | Possession W/I/M/S/D Marijuana. (90-95(a)(1)) | |
| Financial Transaction Card Theft. (14-113.9) | Possess Cocaine. (90-95(a)(3)) | |
| Forgery of Notes, Checks, Securities. (14-119(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)) | |
| CLASS A1 MISDEMEANORS | | Maximum Punishment of 150 Days |
| Assault Inflicting Serious Injury or Using a Deadly Weapon. (14-33(c)(1)) | Assault on a State Officer or Employee. (14-33(c)(4)) | |
| Assault on a Female. (14-33(c)(2)) | Assault by Pointing a Gun. (14-34) | |
| Assault on a Child Under 12 Years of Age. (14-33(c)(3)) | Violation of a Valid Protective Order. (50B-4.1(a)) | |
| CLASS 1 MISDEMEANORS | | Maximum Punishment of 120 Days |
| 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)) | |
| CLASS 2 MISDEMEANORS | | Maximum Punishment of 60 Days |
| Simple Assault/Assault and Battery. (14-33(a)) | Failure to Return Rental Property. (14-167) | |
| Obtaining Property in Return for Worthless Check. (14-106) | Using Profane, Indecent or Threatening Language to Any Person Over Telephone. (14-196) | |
| Worthless Check 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) | |
| CLASS 3 MISDEMEANORS | | Maximum Punishment of 20 Days |
| Concealment of merchandise in mercantile establishments (first conviction). (14-72.1) | Operate Motorboat Without Lifesaving Device. (75A-6) | |
| 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) | |
| CONSPIRACY to commit an offense is classified as one class lower than the offense the person conspired to commit. (14-2.4) | | |
| ATTEMPT to commit an offense is classified as one class lower than the offense the person attempted to commit. (14-2.5) | | |
| SOLICITATION to commit an offense is classified as two classes lower than the offense the person solicited the other person to commit. (14-2.6) | | |
| ACCESSORY BEFORE THE FACT punishable as the principal felon. (14-5.2) | | |
| ACCESSORY AFTER THE FACT punishable as two classes lower than the felony the principal felon committed. (14-7) | | |

**Appendix B, Table 2: Top Five Convictions by Offense Class
FY 2012/13 Felonies and Misdemeanors**

| CLASS A FELONIES | | Total Convictions=69 | |
|--|-----|--------------------------------|------|
| | # | # | % |
| First Degree Murder | 68 | 68 | 98.6 |
| Murder of an Unborn Child | 1 | 1 | 1.4 |
| CLASS B1 FELONIES | | Total Convictions=144 | |
| | # | # | % |
| First Degree Sex Offense with a Child | 41 | 41 | 28.5 |
| Statutory Rape | 37 | 37 | 25.7 |
| First Degree Rape | 20 | 20 | 13.9 |
| First Degree Rape of a Child | 13 | 13 | 9.0 |
| First Degree Sexual Offense | 12 | 12 | 8.3 |
| CLASS B2 FELONIES | | Total Convictions=267 | |
| | # | # | % |
| Second Degree Murder | 185 | 185 | 69.3 |
| Attempted First Degree Murder | 17 | 17 | 6.4 |
| Attempted First Degree Sexual Offense | 7 | 7 | 2.6 |
| Attempted First Degree Rape | 6 | 6 | 2.2 |
| CLASS C FELONIES | | Total Convictions=749 | |
| | # | # | % |
| Habitual Felon | 408 | 408 | 54.5 |
| AWDW Intent to Kill Inflicting Serious Injury | 60 | 60 | 8.0 |
| Manufacture Methamphetamine | 59 | 59 | 7.9 |
| Second Degree Rape | 45 | 45 | 6.0 |
| First Degree Kidnapping | 40 | 40 | 5.3 |
| CLASS D FELONIES | | Total Convictions=918 | |
| | # | # | % |
| Robbery with a Dangerous Weapon | 449 | 449 | 48.9 |
| Habitual Felon | 162 | 162 | 17.6 |
| First Degree Burglary | 94 | 94 | 10.2 |
| Voluntary Manslaughter | 66 | 66 | 7.2 |
| Attempted Robbery with a Dangerous Weapon | 51 | 51 | 5.6 |
| CLASS E FELONIES | | Total Convictions=1,690 | |
| | # | # | % |
| Assault with a Deadly Weapon Inflicting Serious Injury | 351 | 351 | 20.8 |
| Conspiracy to Commit Robbery with a Dangerous Weapon | 235 | 235 | 13.9 |
| Second Degree Kidnapping | 139 | 139 | 8.2 |
| Habitual Breaking and Entering | 132 | 132 | 7.8 |
| Habitual Felon | 126 | 126 | 7.5 |

**Appendix B, Table 2: Top Five Convictions by Offense Class (continued)
FY 2012/13 Felonies and Misdemeanors**

| CLASS F FELONIES | | Total Convictions=2,370 |
|--|-------|---------------------------------|
| | # | % |
| Taking Indecent Liberties with a Child | 493 | 20.8 |
| Habitual Impaired Driving | 278 | 11.7 |
| Possess or Distribute a Methamphetamine Precursor | 188 | 7.9 |
| Failure to Register as a Sex Offender | 154 | 6.5 |
| Assault Inflicting Serious Bodily Injury | 151 | 6.4 |
| CLASS G FELONIES | | Total Convictions=3,493 |
| | # | % |
| Possession of a Firearm by a Felon | 1,136 | 32.5 |
| Common Law Robbery | 620 | 17.7 |
| Sell Cocaine | 289 | 8.3 |
| Identity Theft | 227 | 6.5 |
| Sell or Deliver Schedule II Controlled Substance | 200 | 5.7 |
| CLASS H FELONIES | | Total Convictions=12,391 |
| | # | % |
| Breaking or Entering Buildings (with felonious intent) | 3,292 | 26.6 |
| Obtaining Property by False Pretense (worth less than \$100,000) | 1,685 | 13.6 |
| Larceny of Property (worth more than \$1,000) | 1,234 | 10.0 |
| PWISD Cocaine | 652 | 5.3 |
| Possessing Stolen Goods | 505 | 4.1 |
| CLASS I FELONIES | | Total Convictions=5,674 |
| | # | % |
| Possess Cocaine | 981 | 17.3 |
| PWISD Marijuana | 749 | 13.2 |
| Breaking or Entering a Motor Vehicle | 520 | 9.2 |
| Possess Schedule II Controlled Substance | 286 | 5.0 |
| Possess Marijuana | 272 | 4.8 |
| CLASS A1 MISDEMEANORS | | Total Convictions=11,182 |
| | # | % |
| Assault on a Female | 5,585 | 49.9 |
| Assault on a Government Official or Employee | 1,219 | 10.9 |
| Domestic Violence Protective Order Violation | 1,159 | 10.4 |
| Assault with a Deadly Weapon | 976 | 8.7 |
| Assault Inflicting Serious Injury | 674 | 6.0 |

**Appendix B, Table 2: Top Five Convictions by Offense Class (continued)
FY 2012/13 Felonies and Misdemeanors**

| CLASS 1 MISDEMEANOR | | Total Convictions=75,911 | |
|---|--------|---------------------------------|--|
| | # | % | |
| Driving While License Revoked | 24,515 | 32.3 | |
| Larceny of Property (worth \$1,000 or less) | 17,420 | 22.9 | |
| Possess Drug Paraphernalia | 11,576 | 15.2 | |
| Operate a Vehicle without Insurance | 2,447 | 3.2 | |
| Breaking or Entering Buildings | 2,112 | 2.8 | |
| CLASS 2 MISDEMEANORS | | Total Convictions=18,666 | |
| | # | % | |
| Resisting Public Officers | 5,827 | 31.2 | |
| Simple Assault | 3,030 | 16.2 | |
| Simple Worthless Check (for \$2,000 or less) | 2,029 | 10.9 | |
| Disorderly Conduct | 1,256 | 6.7 | |
| Injury to Personal Property | 571 | 3.1 | |
| CLASS 3 MISDEMEANORS | | Total Convictions=21,562 | |
| | # | % | |
| Possess Marijuana (1/2 ounce or less) | 5,869 | 27.2 | |
| Second Degree Trespass | 5,602 | 26.0 | |
| Shoplifting/Concealment of Goods | 3,529 | 16.4 | |
| Intoxicated and Disruptive in Public | 2,082 | 9.7 | |
| Simple Possession of Schedule VI Controlled Substance | 1,230 | 5.7 | |

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

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

APPENDIX C
ADDITIONAL FELONY DATA
BY JUDICIAL DIVISION AND DISTRICT

**Appendix C, Table 1: Type of Punishment and Average Length of Active Sentence
by Judicial Division and District
FY 2012/13 Felonies**

| Judicial Division and District | Type of Punishment | | | | | | Minimum Active Sentence (Months) | Maximum Active Sentence (Months) | Total |
|---------------------------------|--------------------|-------------|--------------|-------------|--------------|-------------|----------------------------------|----------------------------------|--------------|
| | Active | | Intermediate | | Community | | | | |
| | # | % | # | % | # | % | | | |
| First Judicial Division | 859 | 37.8 | 706 | 31.1 | 705 | 31.1 | 26.3 | 38.4 | 2,270 |
| District 1 | 89 | 28.2 | 63 | 19.9 | 164 | 51.9 | 23.6 | 35.3 | 316 |
| District 2 | 164 | 38.8 | 169 | 40.0 | 90 | 21.3 | 26.7 | 37.5 | 423 |
| District 3A | 212 | 35.3 | 160 | 26.7 | 228 | 38.0 | 23.5 | 35.4 | 600 |
| District 6A | 54 | 42.2 | 39 | 30.5 | 35 | 27.3 | 39.4 | 55.8 | 128 |
| District 6B | 56 | 49.1 | 32 | 28.1 | 26 | 22.8 | 27.5 | 39.8 | 114 |
| District 7A | 119 | 47.8 | 85 | 34.1 | 45 | 18.1 | 28.6 | 41.9 | 249 |
| District 7B, C | 165 | 37.5 | 158 | 35.9 | 117 | 26.6 | 24.4 | 36.0 | 440 |
| Second Judicial Division | 1,121 | 37.3 | 747 | 24.8 | 1,140 | 37.9 | 28.3 | 41.7 | 3,008 |
| District 3B | 150 | 29.7 | 104 | 20.6 | 251 | 49.7 | 31.7 | 45.3 | 505 |
| District 4A | 202 | 34.9 | 134 | 23.2 | 242 | 41.9 | 26.5 | 39.4 | 578 |
| District 4B | 167 | 41.3 | 115 | 28.5 | 122 | 30.2 | 33.3 | 47.2 | 404 |
| District 5 | 311 | 35.1 | 203 | 22.9 | 372 | 42.0 | 24.0 | 37.4 | 886 |
| District 8A | 142 | 46.4 | 110 | 35.9 | 54 | 17.6 | 26.5 | 39.5 | 306 |
| District 8B | 149 | 45.3 | 81 | 24.6 | 99 | 30.1 | 32.6 | 46.3 | 329 |
| Third Judicial Division | 2,071 | 44.4 | 1,188 | 25.4 | 1,410 | 30.2 | 24.9 | 38.3 | 4,669 |
| District 9 | 181 | 44.1 | 91 | 22.2 | 138 | 33.7 | 19.6 | 30.8 | 410 |
| District 9A | 103 | 34.3 | 118 | 39.3 | 79 | 26.3 | 34.2 | 50.0 | 300 |
| District 10 | 1,159 | 48.9 | 430 | 18.1 | 783 | 33.0 | 22.3 | 35.6 | 2,372 |
| District 14 | 283 | 38.8 | 255 | 35.0 | 191 | 26.2 | 30.0 | 43.8 | 729 |
| District 15A | 222 | 37.9 | 205 | 35.0 | 159 | 27.1 | 30.0 | 43.9 | 586 |
| District 15B | 123 | 45.2 | 89 | 32.7 | 60 | 22.1 | 29.3 | 43.0 | 272 |

**Appendix C, Table 1: Type of Punishment and Average Length of Active Sentence
by Judicial Division and District (continued)
FY 2012/13 Felonies**

| Judicial Division and District | Type of Punishment | | | | | | Minimum Active Sentence (Months) | Maximum Active Sentence (Months) | Total |
|--|---------------------|--------------------|---------------------|--------------------|---------------------|--------------------|----------------------------------|----------------------------------|---------------------|
| | Active | | Intermediate | | Community | | | | |
| | # | % | # | % | # | % | | | |
| <i>Fourth Judicial Division</i> | <i>1,284</i> | <i>38.2</i> | <i>1,041</i> | <i>31.0</i> | <i>1,033</i> | <i>30.8</i> | <i>31.0</i> | <i>44.2</i> | <i>3,358</i> |
| District 11A | 157 | 32.0 | 187 | 38.1 | 147 | 29.9 | 24.3 | 37.0 | 491 |
| District 11B | 176 | 32.1 | 98 | 17.9 | 275 | 50.1 | 34.0 | 50.3 | 549 |
| District 12 | 394 | 41.2 | 306 | 32.0 | 256 | 26.8 | 26.7 | 37.9 | 956 |
| District 13A | 106 | 44.0 | 50 | 20.7 | 85 | 35.3 | 26.9 | 38.2 | 241 |
| District 13B | 86 | 27.3 | 127 | 40.3 | 102 | 32.4 | 23.6 | 35.0 | 315 |
| District 16A | 179 | 44.9 | 128 | 32.1 | 92 | 23.1 | 35.5 | 49.8 | 399 |
| District 16B | 186 | 45.7 | 145 | 35.6 | 76 | 18.7 | 44.0 | 59.8 | 407 |
| <i>Fifth Judicial Division</i> | <i>1,864</i> | <i>41.3</i> | <i>1,357</i> | <i>30.1</i> | <i>1,287</i> | <i>28.5</i> | <i>29.4</i> | <i>43.5</i> | <i>4,508</i> |
| District 17A | 136 | 40.4 | 124 | 36.8 | 77 | 22.8 | 39.0 | 55.8 | 337 |
| District 17B | 145 | 43.9 | 117 | 35.5 | 68 | 20.6 | 26.0 | 38.5 | 330 |
| District 18 | 775 | 43.4 | 572 | 32.0 | 438 | 24.5 | 26.3 | 40.0 | 1,785 |
| District 19B | 128 | 35.9 | 174 | 48.7 | 55 | 15.4 | 33.1 | 45.2 | 357 |
| District 19D | 106 | 34.0 | 73 | 23.4 | 133 | 42.6 | 30.4 | 43.1 | 312 |
| District 21 | 402 | 46.6 | 141 | 16.3 | 320 | 37.1 | 33.7 | 49.7 | 863 |
| District 23 | 172 | 32.8 | 156 | 29.8 | 196 | 37.4 | 25.4 | 37.8 | 524 |
| <i>Sixth Judicial Division</i> | <i>1,133</i> | <i>35.0</i> | <i>1,113</i> | <i>34.4</i> | <i>994</i> | <i>30.7</i> | <i>30.7</i> | <i>44.8</i> | <i>3,240</i> |
| District 19A | 219 | 32.2 | 207 | 30.4 | 255 | 37.4 | 35.5 | 51.5 | 681 |
| District 19C | 203 | 37.1 | 141 | 25.8 | 203 | 37.1 | 29.5 | 43.1 | 547 |
| District 20A | 149 | 33.6 | 170 | 38.4 | 124 | 28.0 | 20.1 | 31.9 | 443 |
| District 20B | 132 | 34.0 | 109 | 28.1 | 147 | 37.9 | 38.9 | 53.6 | 388 |
| District 22A | 189 | 32.1 | 291 | 49.5 | 108 | 18.4 | 30.3 | 42.9 | 588 |
| District 22B | 241 | 40.6 | 195 | 32.9 | 157 | 26.5 | 29.8 | 44.8 | 593 |

**Appendix C, Table 1: Type of Punishment and Average Length of Active Sentence
by Judicial Division and District (continued)
FY 2012/13 Felonies**

| Judicial Division and District | Type of Punishment | | | | | | Minimum Active Sentence (Months) | Maximum Active Sentence (Months) | Total |
|---|----------------------|--------------------|---------------------|--------------------|---------------------|--------------------|----------------------------------|----------------------------------|----------------------|
| | Active | | Intermediate | | Community | | | | |
| | # | % | # | % | # | % | | | |
| <i>Seventh Judicial Division</i> | <i>1,683</i> | <i>38.9</i> | <i>1,837</i> | <i>42.4</i> | <i>808</i> | <i>18.7</i> | <i>33.3</i> | <i>48.2</i> | <i>4,328</i> |
| District 25A | 119 | 31.8 | 164 | 43.9 | 91 | 24.3 | 44.1 | 59.5 | 374 |
| District 25B | 149 | 34.3 | 157 | 36.2 | 128 | 29.5 | 36.8 | 51.2 | 434 |
| District 26 | 782 | 44.7 | 727 | 41.5 | 241 | 13.8 | 34.3 | 49.9 | 1,750 |
| District 27A | 308 | 36.5 | 348 | 41.2 | 188 | 22.3 | 28.8 | 42.7 | 844 |
| District 27B | 325 | 35.1 | 441 | 47.6 | 160 | 17.3 | 29.7 | 44.0 | 926 |
| <i>Eighth Judicial District</i> | <i>858</i> | <i>36.4</i> | <i>797</i> | <i>33.8</i> | <i>702</i> | <i>29.8</i> | <i>26.9</i> | <i>40.7</i> | <i>2,357</i> |
| District 24 | 136 | 31.3 | 149 | 34.3 | 150 | 34.5 | 23.0 | 35.4 | 435 |
| District 28 | 260 | 44.4 | 226 | 38.6 | 100 | 17.1 | 26.5 | 39.8 | 586 |
| District 29A | 170 | 30.6 | 225 | 40.5 | 160 | 28.8 | 24.1 | 36.6 | 555 |
| District 29B | 139 | 36.8 | 56 | 14.8 | 183 | 48.4 | 30.6 | 44.8 | 378 |
| District 30A | 62 | 29.7 | 59 | 28.2 | 88 | 42.1 | 37.8 | 54.4 | 209 |
| District 30B | 91 | 46.9 | 82 | 42.3 | 21 | 10.8 | 26.4 | 43.1 | 194 |
| <i>State Total</i> | <i>10,873</i> | <i>39.2</i> | <i>8,786</i> | <i>31.7</i> | <i>8,079</i> | <i>29.1</i> | <i>28.9</i> | <i>42.6</i> | <i>27,738</i> |

Note: Of the 28,358 felony convictions in FY 2012/13, 620 (or 2.3%) were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

**Appendix C, Table 2: Sentence Location by Judicial Division and District
Active Sentences Only
FY 2012/13 Felonies**

| Judicial Division and District | Sentencing Range | | | | | | Total |
|--|------------------|-------------|--------------|-------------|------------|------------|--------------|
| | Mitigated | | Presumptive | | Aggravated | | |
| | # | % | # | % | # | % | |
| <i>First Judicial Division</i> | 163 | 19.1 | 661 | 77.4 | 30 | 3.5 | 854 |
| District 1 | 12 | 14.0 | 69 | 80.2 | 5 | 5.8 | 86 |
| District 2 | 40 | 24.4 | 120 | 73.2 | 4 | 2.4 | 164 |
| District 3A | 63 | 29.7 | 145 | 68.4 | 4 | 1.9 | 212 |
| District 6A | 8 | 14.8 | 43 | 79.6 | 3 | 5.6 | 54 |
| District 6B | 15 | 27.3 | 36 | 65.5 | 4 | 7.3 | 55 |
| District 7A | 8 | 6.8 | 107 | 90.7 | 3 | 2.5 | 118 |
| District 7B, C | 17 | 10.3 | 141 | 85.5 | 7 | 4.2 | 165 |
| <i>Second Judicial Division</i> | 249 | 22.3 | 825 | 73.7 | 45 | 4.0 | 1,119 |
| District 3B | 34 | 22.7 | 111 | 74.0 | 5 | 3.3 | 150 |
| District 4A | 54 | 26.7 | 139 | 68.8 | 9 | 4.5 | 202 |
| District 4B | 23 | 13.8 | 137 | 82.0 | 7 | 4.2 | 167 |
| District 5 | 52 | 16.8 | 247 | 79.9 | 10 | 3.2 | 309 |
| District 8A | 32 | 22.5 | 104 | 73.2 | 6 | 4.2 | 142 |
| District 8B | 54 | 36.2 | 87 | 58.4 | 8 | 5.4 | 149 |
| <i>Third Judicial Division</i> | 579 | 28.1 | 1,398 | 67.8 | 84 | 4.1 | 2,061 |
| District 9 | 18 | 9.9 | 158 | 87.3 | 5 | 2.8 | 181 |
| District 9A | 13 | 12.7 | 72 | 70.6 | 17 | 16.7 | 102 |
| District 10 | 357 | 31.0 | 768 | 66.6 | 28 | 2.4 | 1,153 |
| District 14 | 85 | 30.1 | 177 | 62.8 | 20 | 7.1 | 282 |
| District 15A | 75 | 33.8 | 142 | 64.0 | 5 | 2.3 | 222 |
| District 15B | 31 | 25.6 | 81 | 66.9 | 9 | 7.4 | 121 |

**Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)
Active Sentences Only
FY 2012/13 Felonies**

| Judicial Division and District | Sentencing Range | | | | | | Total |
|--|------------------|-------------|--------------|-------------|------------|------------|--------------|
| | Mitigated | | Presumptive | | Aggravated | | |
| | # | % | # | % | # | % | |
| <i>Fourth Judicial Division</i> | 375 | 29.6 | 848 | 67.0 | 43 | 3.4 | 1,266 |
| District 11A | 31 | 20.1 | 121 | 78.6 | 2 | 1.3 | 154 |
| District 11B | 87 | 49.7 | 79 | 45.1 | 9 | 5.1 | 175 |
| District 12 | 113 | 29.3 | 267 | 69.2 | 6 | 1.6 | 386 |
| District 13A | 21 | 20.2 | 76 | 73.1 | 7 | 6.7 | 104 |
| District 13B | 30 | 35.7 | 52 | 61.9 | 2 | 2.4 | 84 |
| District 16A | 58 | 32.4 | 111 | 62.0 | 10 | 5.6 | 179 |
| District 16B | 35 | 19.0 | 142 | 77.2 | 7 | 3.8 | 184 |
| <i>Fifth Judicial Division</i> | 604 | 32.6 | 1,153 | 62.2 | 96 | 5.2 | 1,853 |
| District 17A | 25 | 18.5 | 87 | 64.4 | 23 | 17.0 | 135 |
| District 17B | 36 | 24.8 | 106 | 73.1 | 3 | 2.1 | 145 |
| District 18 | 237 | 30.8 | 512 | 66.6 | 20 | 2.6 | 769 |
| District 19B | 30 | 23.4 | 92 | 71.9 | 6 | 4.7 | 128 |
| District 19D | 31 | 29.8 | 58 | 55.8 | 15 | 14.4 | 104 |
| District 21 | 196 | 48.8 | 190 | 47.3 | 16 | 4.0 | 402 |
| District 23 | 49 | 28.8 | 108 | 63.5 | 13 | 7.6 | 170 |
| <i>Sixth Judicial Division</i> | 384 | 34.0 | 707 | 62.6 | 39 | 3.5 | 1,130 |
| District 19A | 110 | 50.2 | 101 | 46.1 | 8 | 3.7 | 219 |
| District 19C | 75 | 37.1 | 125 | 61.9 | 2 | 1.0 | 202 |
| District 20A | 32 | 21.5 | 110 | 73.8 | 7 | 4.7 | 149 |
| District 20B | 25 | 19.1 | 102 | 77.9 | 4 | 3.1 | 131 |
| District 22A | 34 | 18.0 | 148 | 78.3 | 7 | 3.7 | 189 |
| District 22B | 108 | 45.0 | 121 | 50.4 | 11 | 4.6 | 240 |

**Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)
Active Sentences Only
FY 2012/13 Felonies**

| Judicial Division and District | Sentencing Range | | | | | | Total |
|---|------------------|-------------|--------------|-------------|------------|------------|---------------|
| | Mitigated | | Presumptive | | Aggravated | | |
| | # | % | # | % | # | % | |
| <i>Seventh Judicial Division</i> | 357 | 21.4 | 1,179 | 70.7 | 131 | 7.9 | 1,667 |
| District 25A | 25 | 21.2 | 91 | 77.1 | 2 | 1.7 | 118 |
| District 25B | 42 | 28.2 | 101 | 67.8 | 6 | 4.0 | 149 |
| District 26 | 180 | 23.4 | 539 | 70.1 | 50 | 6.5 | 769 |
| District 27A | 39 | 12.7 | 230 | 74.7 | 39 | 12.7 | 308 |
| District 27B | 71 | 22.0 | 218 | 67.5 | 34 | 10.5 | 323 |
| <i>Eighth Judicial District</i> | 181 | 21.2 | 648 | 76.0 | 24 | 2.8 | 853 |
| District 24 | 26 | 19.4 | 101 | 75.4 | 7 | 5.2 | 134 |
| District 28 | 64 | 24.7 | 190 | 73.4 | 5 | 1.9 | 259 |
| District 29A | 19 | 11.2 | 148 | 87.1 | 3 | 1.8 | 170 |
| District 29B | 34 | 24.6 | 101 | 73.2 | 3 | 2.2 | 138 |
| District 30A | 11 | 17.7 | 46 | 74.2 | 5 | 8.1 | 62 |
| District 30B | 27 | 30.0 | 62 | 68.9 | 1 | 1.1 | 90 |
| <i>State Total</i> | 2,892 | 26.8 | 7,419 | 68.7 | 492 | 4.6 | 10,803 |

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, Class A convictions, which are subject to mandatory life or death sentences (n=69), and Class B1 convictions with life sentences (n=1) were also excluded from this table. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

APPENDIX D
ADDITIONAL FELONY DATA
BY CRIME TYPE AND OFFENSE

**Appendix D, Table 1: Type of Punishment and Average Length of Active Sentence
by Crime Type and Offense
FY 2012/13 Felonies**

| Crime Type and Offense | Type of Punishment | | | | | | Minimum Active Sentence (Months) | Maximum Active Sentence (Months) | Total |
|--|--------------------|-------------|--------------|-------------|------------|------------|----------------------------------|----------------------------------|--------------|
| | Active | | Intermediate | | Community | | | | |
| | # | % | # | % | # | % | | | |
| <i>Person</i> | 3,166 | 62.8 | 1,411 | 28.0 | 464 | 9.2 | 52.7 | 72.9 | 5,041 |
| 1 st Degree Murder | 69 | 100.0 | . | . | . | . | . | . | 69 |
| 2 nd Degree Murder | 206 | 100.0 | . | . | . | . | 170.2 | 214.4 | 206 |
| Attempted Murder | 17 | 100.0 | . | . | . | . | 178.6 | 224.5 | 17 |
| Voluntary Manslaughter | 73 | 98.6 | . | . | 1 | 1.4 | 73.9 | 98.5 | 74 |
| Involuntary Manslaughter | 25 | 61.0 | 16 | 39.0 | . | . | 18.6 | 26.8 | 41 |
| Felony Death by Vehicle | 41 | 67.2 | 19 | 31.1 | 1 | 1.6 | 32.9 | 50.3 | 61 |
| Armed Robbery | 449 | 100.0 | . | . | . | . | 60.4 | 83.5 | 449 |
| Att./Consp. Armed Robbery | 160 | 52.6 | 122 | 40.1 | 22 | 7.2 | 34.2 | 52.3 | 304 |
| Common Law Robbery | 333 | 53.7 | 241 | 38.9 | 46 | 7.4 | 14.5 | 23.7 | 620 |
| Att. Common Law Robbery | 54 | 55.7 | 21 | 21.6 | 22 | 22.7 | 8.4 | 17.9 | 97 |
| Other Robbery | 40 | 46.5 | 28 | 32.6 | 18 | 20.9 | 19.4 | 30.3 | 86 |
| AWDWIKISI | 60 | 100.0 | . | . | . | . | 69.7 | 94.3 | 60 |
| AWDW Intent to Kill | 34 | 56.7 | 22 | 36.7 | 4 | 6.7 | 28.6 | 45.5 | 60 |
| AWDW Serious Injury | 184 | 52.4 | 139 | 39.6 | 28 | 8.0 | 28.1 | 44.6 | 351 |
| Assault Govt. Official | 49 | 57.6 | 27 | 31.8 | 9 | 10.6 | 21.9 | 33.3 | 85 |
| Assault by Strangulation | 73 | 45.6 | 54 | 33.8 | 33 | 20.6 | 8.8 | 18.0 | 160 |
| Other Felony Assaults | 132 | 46.0 | 102 | 35.5 | 53 | 18.5 | 19.4 | 30.0 | 287 |
| 1 st Degree Rape | 92 | 100.0 | . | . | . | . | 229.5 | 293.1 | 92 |
| Attempted 1 st Degree Rape | 13 | 100.0 | . | . | . | . | 133.7 | 181.5 | 13 |
| 2 nd Degree Rape | 76 | 100.0 | . | . | . | . | 80.9 | 116.4 | 76 |
| Attempted 2 nd Degree Rape | 19 | 100.0 | . | . | . | . | 59.8 | 94.9 | 19 |
| Statutory Rape/Sex Offense Against 13, 14, 15 | 43 | 100.0 | . | . | . | . | 212.0 | 267.6 | 43 |
| Indecent Liberties with Child | 246 | 49.9 | 198 | 40.2 | 49 | 9.9 | 15.7 | 22.5 | 493 |

**Appendix D, Table 1: Type of Punishment and Average Length of Active Sentence
by Crime Type and Offense (continued)
FY 2012/13 Felonies**

| Crime Type and Offense | Type of Punishment | | | | | | Minimum Active Sentence (Months) | Maximum Active Sentence (Months) | Total |
|---|--------------------|-------------|--------------|-------------|--------------|-------------|----------------------------------|----------------------------------|---------------|
| | Active | | Intermediate | | Community | | | | |
| | # | % | # | % | # | % | | | |
| Crime Against Nature, Incest, Bigamy | 8 | 16.0 | 8 | 16.0 | 34 | 68.0 | 12.3 | 20.6 | 50 |
| Sexual Exploitation of a Minor | 30 | 45.5 | 23 | 34.8 | 13 | 19.7 | 18.4 | 39.4 | 66 |
| Child Abuse | 34 | 38.6 | 44 | 50.0 | 10 | 11.4 | 35.9 | 53.0 | 88 |
| Registered Sex Off. Offenses | 167 | 49.3 | 117 | 34.5 | 55 | 16.2 | 18.4 | 29.4 | 339 |
| Other Sex Crimes | 145 | 57.5 | 76 | 30.2 | 31 | 12.3 | 60.1 | 83.8 | 252 |
| Kidnap/Abduction | 137 | 67.5 | 61 | 30.0 | 5 | 2.5 | 42.7 | 62.5 | 203 |
| Habitual Misdemeanor Assault | 77 | 60.6 | 33 | 26.0 | 17 | 13.4 | 11.0 | 21.8 | 127 |
| All Other Person Felonies | 80 | 52.3 | 60 | 39.2 | 13 | 8.5 | 18.6 | 29.3 | 153 |
| Property | 3,871 | 34.1 | 3,536 | 31.9 | 3,777 | 34.0 | 12.6 | 22.1 | 11,094 |
| 1st Degree Burglary | 94 | 100.0 | . | . | . | . | 60.2 | 83.3 | 94 |
| Attempted 1st Degree Burglary | 27 | 73.0 | 9 | 24.3 | 1 | 2.7 | 24.7 | 40.9 | 37 |
| 2nd Degree Burglary | 91 | 54.5 | 61 | 36.5 | 15 | 9.0 | 15.3 | 24.7 | 167 |
| Breaking/Entering | 1,401 | 35.5 | 1,342 | 34.0 | 1,209 | 30.6 | 9.8 | 18.6 | 3,952 |
| Attempted Breaking/Entering | 17 | 19.8 | 23 | 26.7 | 46 | 53.5 | 7.3 | 17.1 | 86 |
| Larceny | 853 | 33.7 | 784 | 31.0 | 892 | 35.3 | 10.4 | 19.6 | 2,529 |
| Attempted Larceny | 15 | 19.5 | 28 | 36.4 | 34 | 44.2 | 8.3 | 16.1 | 77 |
| Possess/Receive Stolen Goods/Property | 244 | 31.4 | 262 | 33.7 | 272 | 35.0 | 9.5 | 18.4 | 778 |
| 1st Degree Arson | 5 | 100.0 | . | . | . | . | 66.0 | 90.2 | 5 |
| 2nd Degree Arson | 16 | 47.1 | 16 | 47.1 | 2 | 5.9 | 14.9 | 24.6 | 34 |
| Other Arson/Burning | 42 | 38.2 | 31 | 28.2 | 37 | 33.6 | 14.4 | 24.5 | 110 |
| Forgery | 60 | 16.5 | 109 | 30.0 | 194 | 53.4 | 9.6 | 15.8 | 363 |
| Fraud | 130 | 28.8 | 153 | 33.9 | 168 | 37.3 | 13.4 | 22.4 | 451 |
| Embezzlement | 25 | 15.2 | 45 | 27.3 | 95 | 57.6 | 24.0 | 33.1 | 165 |
| Obtain Property by False Pretenses | 531 | 31.3 | 532 | 31.4 | 632 | 37.3 | 10.5 | 18.9 | 1,695 |

**Appendix D, Table 1: Type of Punishment and Average Length of Active Sentence
by Crime Type and Offense (continued)
FY 2012/13 Felonies**

| Crime Type and Offense | Type of Punishment | | | | | | Minimum Active Sentence (Months) | Maximum Active Sentence (Months) | Total |
|--|--------------------|-------------|--------------|-------------|--------------|-------------|----------------------------------|----------------------------------|---------------|
| | Active | | Intermediate | | Community | | | | |
| | # | % | # | % | # | % | | | |
| Attempt Obtain Property by False Pretenses | 53 | 31.7 | 59 | 35.3 | 55 | 32.9 | 11.0 | 19.5 | 167 |
| Habitual Breaking and Entering | 129 | 89.0 | 12 | 8.3 | 4 | 2.8 | 30.4 | 48.6 | 145 |
| Habitual Misdemeanor Larceny | 14 | 100.0 | . | . | . | . | 13.7 | 25.9 | 14 |
| All Other Property Felonies | 34 | 15.1 | 70 | 31.1 | 121 | 53.8 | 8.6 | 15.3 | 225 |
| Non-Trafficking Drugs | 1,761 | 22.6 | 2,748 | 35.3 | 3,270 | 42.0 | 14.0 | 23.1 | 7,779 |
| Sell/Deliver Drugs | 426 | 28.6 | 708 | 47.6 | 354 | 23.8 | 13.7 | 21.5 | 1,488 |
| Consp. To Sell/Deliver Drugs | 29 | 27.4 | 49 | 46.2 | 28 | 26.4 | 13.3 | 22.4 | 106 |
| Manufacture Drugs | 61 | 31.9 | 28 | 14.7 | 102 | 53.4 | 60.3 | 83.5 | 191 |
| Possession with Intent | 486 | 22.0 | 723 | 32.7 | 1,001 | 45.3 | 9.2 | 17.7 | 2,210 |
| Drug Possession | 285 | 13.6 | 622 | 29.6 | 1,192 | 56.8 | 7.4 | 15.8 | 2,099 |
| Other Drug Felonies | 474 | 28.1 | 618 | 36.7 | 593 | 35.2 | 17.3 | 27.0 | 1,685 |
| Other Felony | 2,165 | 56.6 | 1,091 | 28.5 | 568 | 14.9 | 35.6 | 51.1 | 3,824 |
| Weapon Offense | 592 | 42.8 | 592 | 42.8 | 200 | 14.5 | 16.4 | 26.6 | 1,384 |
| Habitual Felon | 748 | 99.1 | 7 | 0.9 | . | . | 69.5 | 94.6 | 755 |
| Habitual Impaired Driving | 278 | 100.0 | . | . | . | . | 17.4 | 26.7 | 278 |
| Motor Vehicle Offenses | 215 | 41.0 | 192 | 36.6 | 118 | 22.5 | 10.9 | 20.4 | 525 |
| Crimes Against Admin. Justice | 21 | 51.2 | 11 | 26.8 | 9 | 22.0 | 15.6 | 26.2 | 41 |
| All Other Felonies | 311 | 37.0 | 289 | 34.4 | 241 | 28.7 | 25.5 | 37.7 | 841 |
| State Total | 10,873 | 39.2 | 8,786 | 31.7 | 8,079 | 29.1 | 28.9 | 42.6 | 27,738 |

Note: Of the 28,358 felony convictions in FY 2012/13, 620 (or 2.3%) 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 2012/13 Statistical Report Data

**Appendix D, Table 2: Sentence Location by Crime Type and Offense
Active Sentences Only
FY 2012/13 Felonies**

| Crime Type and Offense | Sentencing Range | | | | | | Total |
|--|------------------|-------------|--------------|-------------|------------|------------|--------------|
| | Mitigated | | Presumptive | | Aggravated | | |
| | # | % | # | % | # | % | |
| Person | 869 | 28.1 | 2,018 | 65.2 | 209 | 6.8 | 3,096 |
| 2 nd Degree Murder | 46 | 22.3 | 123 | 59.7 | 37 | 18.0 | 206 |
| Attempted Murder | 3 | 17.6 | 12 | 70.6 | 2 | 11.8 | 17 |
| Voluntary Manslaughter | 17 | 23.3 | 46 | 63.0 | 10 | 13.7 | 73 |
| Involuntary Manslaughter | 7 | 28.0 | 13 | 52.0 | 5 | 20.0 | 25 |
| Felony Death by Vehicle | 7 | 17.1 | 28 | 68.3 | 6 | 14.6 | 41 |
| Armed Robbery | 184 | 41.0 | 259 | 57.7 | 6 | 1.3 | 449 |
| Att./Consp. Armed Robbery | 60 | 37.5 | 96 | 60.0 | 4 | 2.5 | 160 |
| Common Law Robbery | 63 | 18.9 | 246 | 73.9 | 24 | 7.2 | 333 |
| Att. Common Law Robbery | 15 | 27.8 | 36 | 66.7 | 3 | 5.6 | 54 |
| Other Robbery | 9 | 22.5 | 29 | 72.5 | 2 | 5.0 | 40 |
| AWDWIKISI | 28 | 46.7 | 31 | 51.7 | 1 | 1.7 | 60 |
| AWDW Intent to Kill | 4 | 11.8 | 29 | 85.3 | 1 | 2.9 | 34 |
| AWDW Serious Injury | 48 | 26.1 | 116 | 63.0 | 20 | 10.9 | 184 |
| Assault Govt. Official | 7 | 14.3 | 37 | 75.5 | 5 | 10.2 | 49 |
| Assault by Strangulation | 8 | 11.0 | 62 | 84.9 | 3 | 4.1 | 73 |
| Other Felony Assaults | 40 | 30.3 | 86 | 65.2 | 6 | 4.5 | 132 |
| 1 st Degree Rape | 28 | 30.8 | 52 | 57.1 | 11 | 12.1 | 91 |
| Attempted 1 st Degree Rape | 7 | 53.8 | 6 | 46.2 | . | . | 13 |
| 2 nd Degree Rape | 15 | 19.7 | 54 | 71.1 | 7 | 9.2 | 76 |
| Attempted 2 nd Degree Rape | 12 | 63.2 | 7 | 36.8 | . | . | 19 |
| Statutory Rape/Sex Offense Against 13, 14, 15 | 17 | 39.5 | 23 | 53.5 | 3 | 7.0 | 43 |
| Indecent Liberties with Child | 44 | 17.9 | 188 | 76.4 | 14 | 5.7 | 246 |
| Crime Against Nature, Incest, Bigamy | 1 | 12.5 | 7 | 87.5 | . | . | 8 |

Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
Active Sentences Only
FY 2012/13 Felonies

| Crime Type and Offense | Sentencing Range | | | | | | Total |
|---|------------------|-------------|--------------|-------------|------------|------------|--------------|
| | Mitigated | | Presumptive | | Aggravated | | |
| | # | % | # | % | # | % | |
| Sexual Exploitation of a Minor | 2 | 6.7 | 26 | 86.7 | 2 | 6.7 | 30 |
| Child Abuse | 6 | 17.6 | 23 | 67.6 | 5 | 14.7 | 34 |
| Registered Sex Off. Offenses | 69 | 41.3 | 91 | 54.5 | 7 | 4.2 | 167 |
| Other Sex Crimes | 49 | 33.8 | 86 | 59.3 | 10 | 6.9 | 145 |
| Kidnap/Abduction | 28 | 20.4 | 103 | 75.2 | 6 | 4.4 | 137 |
| Habitual Misdemeanor Assault | 14 | 18.2 | 58 | 75.3 | 5 | 6.5 | 77 |
| All Other Person Felonies | 31 | 38.8 | 45 | 56.3 | 4 | 5.0 | 80 |
| <i>Property</i> | 760 | 20.1 | 2,878 | 76.1 | 143 | 3.8 | 3,781 |
| 1st Degree Burglary | 38 | 40.4 | 56 | 59.6 | . | . | 94 |
| Attempted 1st Degree Burglary | 11 | 40.7 | 16 | 59.3 | . | . | 27 |
| 2nd Degree Burglary | 11 | 12.1 | 72 | 79.1 | 8 | 8.8 | 91 |
| Breaking/Entering | 226 | 16.1 | 1,117 | 79.7 | 58 | 4.1 | 1,401 |
| Attempted Breaking/Entering | 4 | 23.5 | 11 | 64.7 | 2 | 11.8 | 17 |
| Larceny | 160 | 18.8 | 663 | 77.7 | 30 | 3.5 | 853 |
| Attempted Larceny | 2 | 13.3 | 13 | 86.7 | . | . | 15 |
| Possess/Receive Stolen Goods/Property | 46 | 18.9 | 192 | 78.7 | 6 | 2.5 | 244 |
| 1st Degree Arson | 3 | 60.0 | 2 | 40.0 | . | . | 5 |
| 2nd Degree Arson | 1 | 6.3 | 12 | 75.0 | 3 | 18.8 | 16 |
| Other Arson/Burning | 9 | 21.4 | 32 | 76.2 | 1 | 2.4 | 42 |
| Forgery | 3 | 5.0 | 55 | 91.7 | 2 | 3.3 | 60 |
| Fraud | 41 | 31.5 | 86 | 66.2 | 3 | 2.3 | 130 |
| Embezzlement | 7 | 28.0 | 17 | 68.0 | 1 | 4.0 | 25 |
| Obtain Property by False Pretenses | 135 | 25.4 | 379 | 71.4 | 17 | 3.2 | 531 |
| Attempt Obtain Property by False Pretenses | 14 | 26.4 | 36 | 67.9 | 3 | 5.7 | 53 |

Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
Active Sentences Only
FY 2012/13 Felonies

| Crime Type and Offense | Sentencing Range | | | | | | Total |
|--------------------------------|------------------|-------------|--------------|-------------|------------|------------|---------------|
| | Mitigated | | Presumptive | | Aggravated | | |
| | # | % | # | % | # | % | |
| Habitual Breaking and Entering | 42 | 32.6 | 78 | 60.5 | 9 | 7.0 | 129 |
| Habitual Misdemeanor Larceny | 4 | 28.6 | 10 | 71.4 | . | . | 14 |
| All Other Property Felonies | 3 | 8.8 | 31 | 91.2 | . | . | 34 |
| Non-Trafficking Drugs | 386 | 21.9 | 1,298 | 73.7 | 77 | 4.4 | 1,761 |
| Sell/Deliver Drugs | 82 | 19.2 | 329 | 77.2 | 15 | 3.5 | 426 |
| Consp. To Sell/Deliver Drugs | 5 | 17.2 | 22 | 75.9 | 2 | 6.9 | 29 |
| Manufacture Drugs | 40 | 65.6 | 21 | 34.4 | . | . | 61 |
| Possession with Intent | 97 | 20.0 | 362 | 74.5 | 27 | 5.6 | 486 |
| Drug Possession | 62 | 21.8 | 214 | 75.1 | 9 | 3.2 | 285 |
| Other Drug Felonies | 100 | 21.1 | 350 | 73.8 | 24 | 5.1 | 474 |
| Other Felony | 877 | 40.5 | 1,225 | 56.6 | 63 | 2.9 | 2,165 |
| Weapon Offense | 165 | 27.9 | 407 | 68.8 | 20 | 3.4 | 592 |
| Habitual Felon | 486 | 65.0 | 248 | 33.2 | 14 | 1.9 | 748 |
| Habitual Impaired Driving | 109 | 39.2 | 164 | 59.0 | 5 | 1.8 | 278 |
| Motor Vehicle Offenses | 43 | 20.0 | 166 | 77.2 | 6 | 2.8 | 215 |
| Crimes Against Admin. Justice | 3 | 14.3 | 17 | 81.0 | 1 | 4.8 | 21 |
| All Other Felonies | 71 | 22.8 | 223 | 71.7 | 17 | 5.5 | 311 |
| State Total | 2,892 | 26.8 | 7,419 | 68.7 | 492 | 4.6 | 10,803 |

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, Class A convictions, which are subject to mandatory life or death sentences (n=69), and Class B1 convictions with life sentences (n=1) were also excluded from this table. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

**Appendix D, Table 3: Percentage of Sentences in the Mitigated Range and at the
Lowest Spot of the Presumptive Range by Offense Class
Active Sentences Only
FY 2012/13 Felonies**

| Offense Class | % Mitigated | % Mitigated and Lowest Spot in Presumptive Range |
|----------------------|--------------------|---|
| B1 | 31% | 50% |
| B2 | 27% | 41% |
| C | 53% | 70% |
| D | 48% | 68% |
| E | 29% | 58% |
| F | 30% | 59% |
| G | 22% | 54% |
| H | 20% | 54% |
| I | 16% | 49% |
| Total | 27% | 56% |

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as extraordinary mitigation) were excluded from this table. In addition, Class A convictions, which are subject to mandatory life or death sentences (n=69), and Class B1 convictions with life sentences (n=1) were also excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Statistical Report Data

Disclaimer for AOC Data

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

Offenses Committed before December 1, 2013

Misdemeanor Sentences and Dispositions

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

| |
|---|
| DISPOSITION C – Community I – Intermediate A – Active |
|---|

Offenses Committed December 1, 2011 through September 30, 2013

Felony Minimum Sentences (in Months) and Dispositions

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

| RANGE |
|--------------------|
| Aggravated |
| PRESUMPTIVE |
| Mitigated |

| DISPOSITION |
|--------------------|
| C – Community |
| I – Intermediate |
| A – Active |