

STRUCTURED SENTENCING STATISTICAL REPORT

FISCAL YEAR
2017



PREPARED BY:
Rebecca Dial
John King
Jennifer Wesoloski

STRUCTURED SENTENCING STATISTICAL REPORT FOR FELONIES AND MISDEMEANORS

FISCAL YEAR
2017

FEBRUARY 2018

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INTRODUCTION

This report provides detailed information about felony and misdemeanor convictions under Structured Sentencing during Fiscal Year 2017 (July 1, 2016 through June 30, 2017). These data reflect the laws and practices that were in place during this time period. The report only includes cases where an offender was convicted and sentenced for a crime that was committed on or after October 1, 1994 – the effective date of Structured Sentencing. The report presents information on the number of felony and misdemeanor convictions, the distribution of felony and misdemeanor convictions within their respective punishment charts, and the types of punishments imposed, as well as data about several other issues. Information for felony convictions is presented in Section I, while information for misdemeanor convictions is presented in Section II. Details regarding the substance and application of the sentencing laws under Structured Sentencing are provided in the North Carolina Sentencing and Policy Advisory Commission’s [Structured Sentencing Training and Reference Manual](#).

REPORTING OF CONVICTIONS AND SENTENCES

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

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.”

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

STRUCTURED SENTENCING STATISTICAL REPORT SUMMARY OF FINDINGS FY 2017 CONVICTIONS

Felony Convictions

- During FY 2017, sentences for 28,985 felony convictions were imposed under Structured Sentencing. (Note: This number excludes sentences imposed for drug trafficking and violent habitual felon convictions, which are subject to mandatory penalties.)
- Fourteen percent of felony convictions were in Class A through Class E, 8% were in Class F, 13% were in Class G, 43% were in Class H, and 22% were in Class I.
- The majority of felony convictions (57%) were for offenders with Prior Record Levels I and II, including 20% for offenders with no prior record points. Thirteen percent of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).
- Eighty-two percent of convictions were for male offenders, and 29% of convictions were for offenders under the age of 26. A similar proportion of felony convictions were for White and Black offenders (50% and 46% respectively).
- Thirty-seven percent of felony convictions resulted in an Active punishment, 34% resulted in an Intermediate punishment, and 29% resulted in a Community punishment.
- Of the four crime types, property offenses (36%) and non-trafficking drug offenses (30%) accounted for the largest percentages of felony convictions.
- Sixty-seven percent of all Active sentences fell within the presumptive range, 29% 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 1% had no probation ordered. Overall, the average probation length was 26 months.
- The most frequent condition imposed for supervised probation was a monetary condition (93%), which includes payment of fines, restitution, and/or court costs. Forty-one percent received special probation as a condition of supervised probation. Community service was imposed for 16% of Community and Intermediate punishment convictions with supervised probation.
- Other information of interest includes: the imposition of 62 life without parole sentences, and 4 life with the possibility of parole sentences for offenders under 18 years of age at the time of offense. Also, there were 964 habitual felon convictions, 1 violent habitual felon conviction, and 452 convictions for drug trafficking offenses.

Misdemeanor Convictions

- During FY 2017, sentences for 94,150 misdemeanor convictions were imposed under Structured Sentencing. (Note: This number excludes Driving While Impaired convictions, cases disposed of by magistrates, Class 2 and Class 3 criminal traffic offenses, and local ordinance offenses.)
- Eleven percent of misdemeanor convictions were in Class A1, 50% were in Class 1, 14% were in Class 2, and 25% were in Class 3.
- Twenty-nine percent of misdemeanor convictions were in Prior Conviction Level I (0 convictions), 39% were in Prior Conviction Level II (1-4 convictions), and 32% were in Prior Conviction Level III (5 or more convictions).
- Seventy-three percent of convictions were for male offenders, and 31% of convictions were for offenders under the age of 26. Over half (52%) of misdemeanor convictions were for White offenders and 41% were for Black offenders.
- Thirty-two percent of misdemeanor convictions resulted in an Active punishment, 3% resulted in an Intermediate punishment, and 65% resulted in a Community punishment.
- Public order and property offenses accounted for the greatest proportion of misdemeanor convictions (33% and 30% respectively), while misdemeanor person offenses accounted for the lowest proportion (12%). Convictions for person offenses resulted in the longest average Active sentences (59 days).
- All offenders with an Intermediate punishment received supervised probation. Of all misdemeanor offenders who received a Community punishment, 35% received supervised probation, 32% received unsupervised probation, and 33% had no probation ordered. The average probation length for Intermediate and Community punishment convictions was 15 months.
- The most frequent condition imposed for supervised probation was a monetary condition (89%), which includes payment of fines, restitution, and/or court costs. Community service was imposed for 17% of Community and Intermediate punishment convictions with supervised probation.
- Of unsupervised probation convictions, 6% included community service as a condition of probation and 91% were ordered to pay monetary obligations (i.e., fine, restitution, or court costs) as a condition of probation.

SECTION I

**FELONY CONVICTIONS
IN FY 2017**

I. FELONY CONVICTIONS IN FY 2017

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 2017 (July 1, 2016 through June 30, 2017). Overall, sentences for 28,985 felony convictions were imposed. (This number excludes sentences imposed for drug trafficking and violent habitual felon convictions, which are subject to mandatory penalties. Information regarding convictions for these offenses is summarized in Section VI: Special Issues.) For many of the tables, information on 429 convictions (or 1.5%) was excluded due to data discrepancies. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Such exclusions are noted at the end of each table.

The information in this report reflects the laws and practices that were in place during FY 2017. Sentences imposed for felony convictions are based on the Felony Punishment Chart, which takes into account offense seriousness and the offender’s prior criminal record. The Felony Punishment Chart for offenses committed on or after October 1, 2013 is printed on the back cover of the report. The [table of maximum sentences](#) (for offenses committed on or after October 1, 2013) 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 were in Class H (n=12,166 or 42.6%). The majority of convictions (56.9%) were for offenders in Prior Record Level I (n=7,895 or 27.7%) and Prior Record Level II (n=8,337 or 29.2%). Relative to other cells in the Felony Punishment Chart, the greatest number of convictions were in Class H with Prior Record Level II (n=3,550 or 12.4%), followed by convictions in Class H with Prior Record Level I (n=3,180 or 11.1%). Sentences imposed for Class A through Class E felonies accounted for 13.7% of felony convictions during FY 2017; 65.0% of sentences imposed were for Class H and Class I felony convictions.

Table 1: Distribution of Convictions within the Felony Punishment Chart

Offense Class	Prior Record Level						Total
	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
A	40 0.1%	11 0.0%	5 0.0%	4 0.0%	1 0.0%	4 0.0%	65 0.2%
B1	153 0.5%	66 0.2%	37 0.1%	16 0.1%	10 0.0%	4 0.0%	286 1.0%
B2	62 0.2%	32 0.1%	25 0.1%	10 0.0%	6 0.0%	8 0.0%	143 0.5%
C	154 0.5%	127 0.4%	109 0.4%	110 0.4%	76 0.3%	73 0.3%	649 2.3%
D	273 1.0%	202 0.7%	145 0.5%	108 0.4%	91 0.3%	116 0.4%	935 3.3%
E	699 2.5%	487 1.7%	218 0.8%	193 0.7%	95 0.3%	148 0.5%	1,840 6.4%
F	800 2.8%	663 2.3%	444 1.6%	208 0.7%	134 0.5%	139 0.5%	2,388 8.4%
G	755 2.6%	1,180 4.1%	932 3.3%	505 1.8%	169 0.6%	157 0.6%	3,698 13.0%
H	3,180 11.1%	3,550 12.4%	2,357 8.3%	1,460 5.1%	810 2.8%	809 2.8%	12,166 42.6%
I	1,779 6.2%	2,019 7.1%	1,090 3.8%	689 2.4%	359 1.3%	450 1.6%	6,386 22.4%
Total	7,895 27.7%	8,337 29.2%	5,362 18.8%	3,303 11.6%	1,751 6.1%	1,908 6.7%	28,556 100.0%

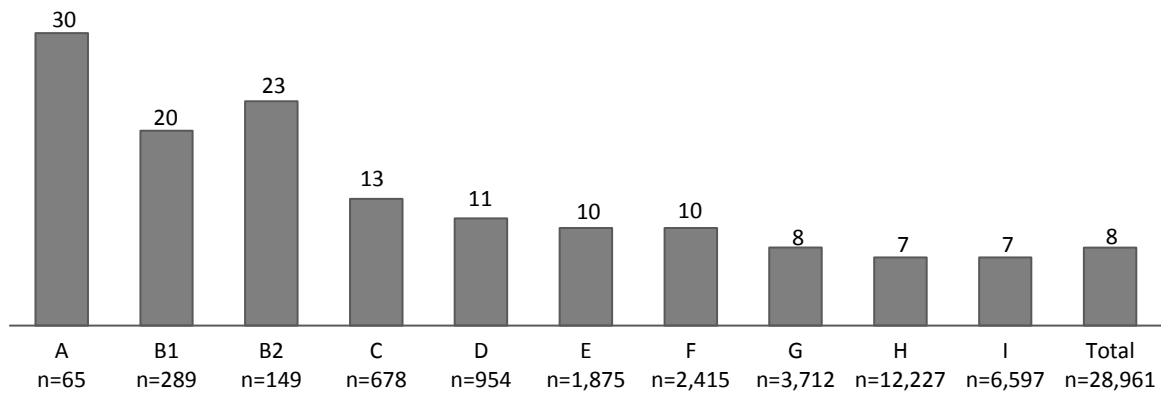
Note: Of the 28,985 felony convictions in FY 2017, 429 (or 1.5%) were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Percentages may not add to totals due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

D. Time to Sentencing

Time to sentencing refers to the amount of time between the warrant service date for the most serious offense and the date the sentence is imposed. As Figure 1 shows, the median time to sentencing for all felonies was 8 months. Class A convictions had the longest time to sentencing (30 months), followed by Class B2 convictions (23 months). Class H and Class I convictions had the shortest time to sentencing at 7 months each.

Figure 1: Median Time to Sentencing (Months)



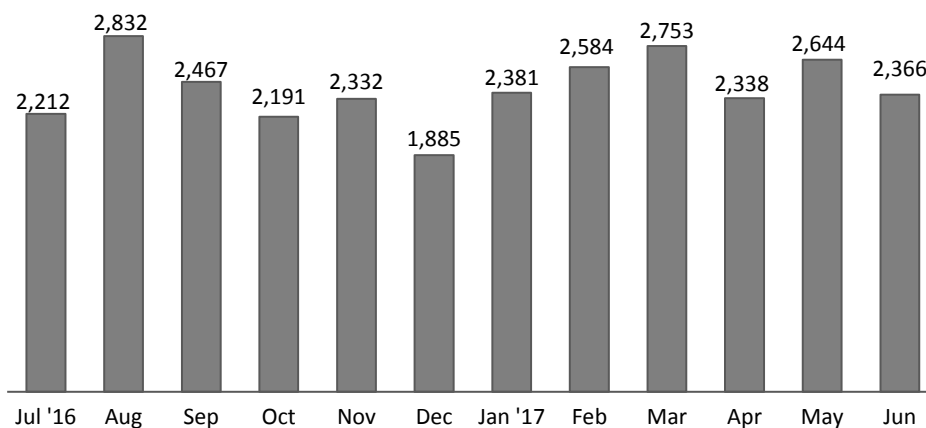
Note: Convictions with negative time to sentencing values were excluded (n=24).

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

E. Convictions by Month of Sentencing

Figure 2 shows the total number of felony convictions by month of sentencing during FY 2017 (N=28,985). Convictions were highest in August and lowest in December.

Figure 2: Convictions by Month of Sentencing

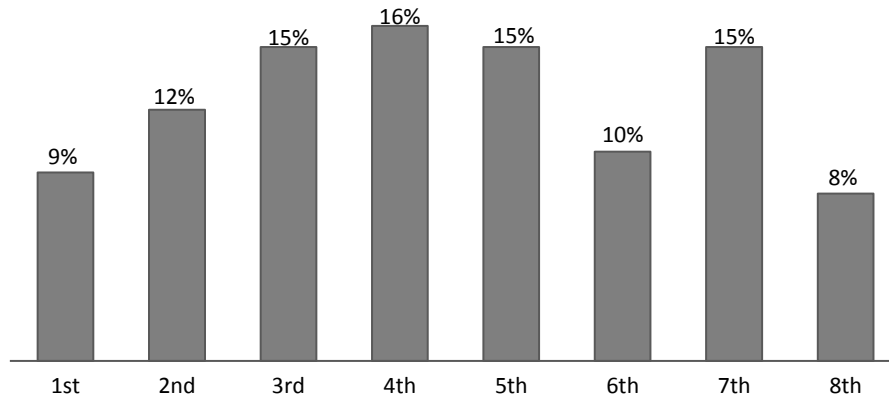


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

F. Convictions by Judicial Division and District

Figure 3 shows the distribution of convictions ranged from a low of 8% in the eighth judicial division to a high of 16% in the fourth division. Overall, 2% of convictions statewide resulted from jury trials, ranging from a low of 1% in the fourth division to a high of 3% in the seventh division. Figure 4 provides the total number of felony convictions for each judicial district. (See Appendix A for a map of judicial divisions and districts and Appendix C for a detailed table of the total number of felony convictions for each judicial division and district.)²

Figure 3: Convictions by Judicial Division



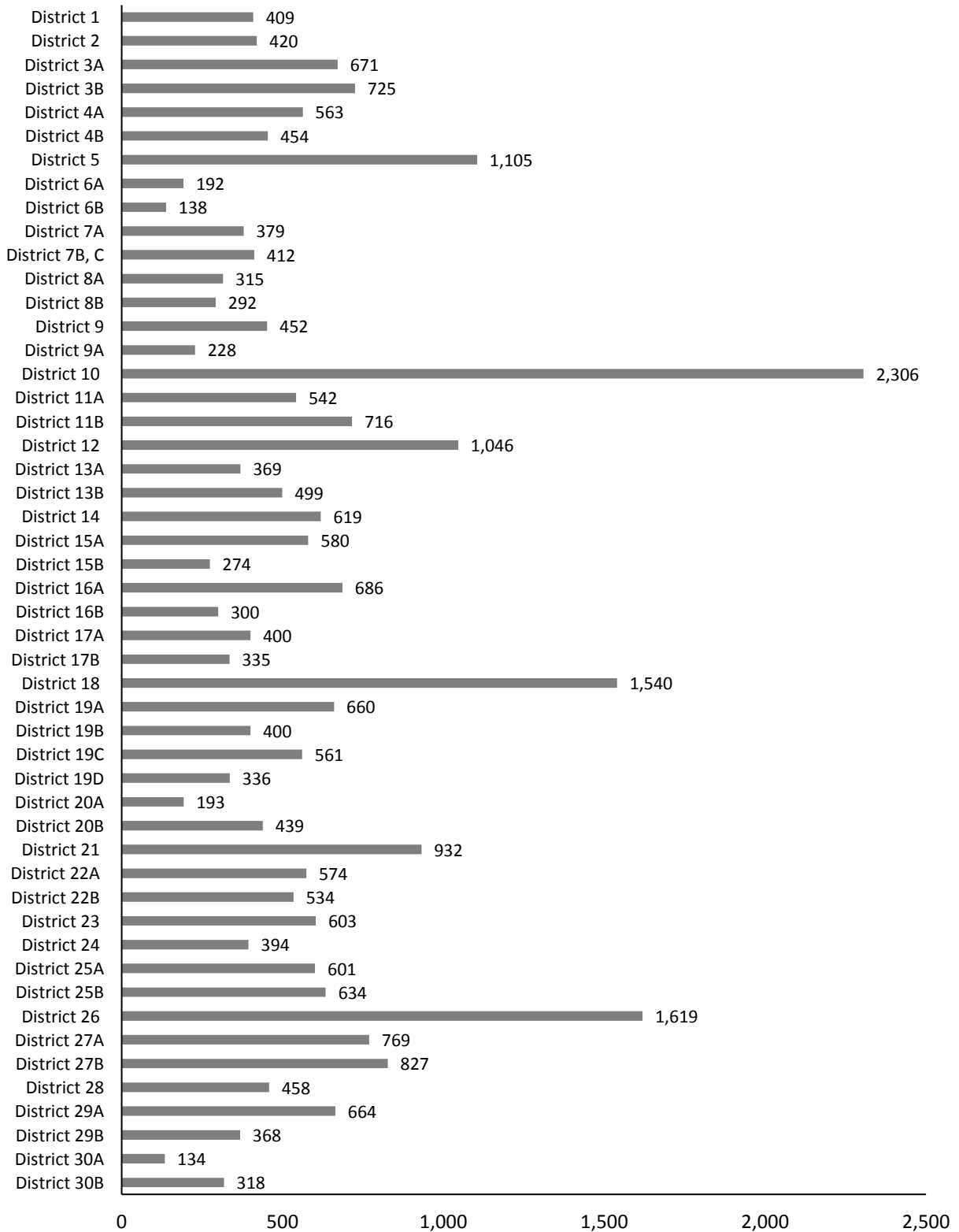
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

G. Felony Pleas in District Court

Under N.C. Gen. Stat (G.S.) § 15A-1029.1(a), the Superior Court may transfer a Class H or I felony to District Court for entry of a defendant's plea of guilty (or no contest), with the consent of both parties. In FY 2017, 4,760 felony pleas (25% of all Class H and Class I felony convictions) were accepted in District Court.

² Effective December 1, 2014, North Carolina amended its Constitution to allow a person accused of any criminal offense for which the State is not seeking a sentence of death in Superior Court to waive their right to a jury trial and receive a bench trial. In FY 2017, there were six convictions in Superior Court that were disposed of by bench trial.

Figure 4: Convictions by Judicial District

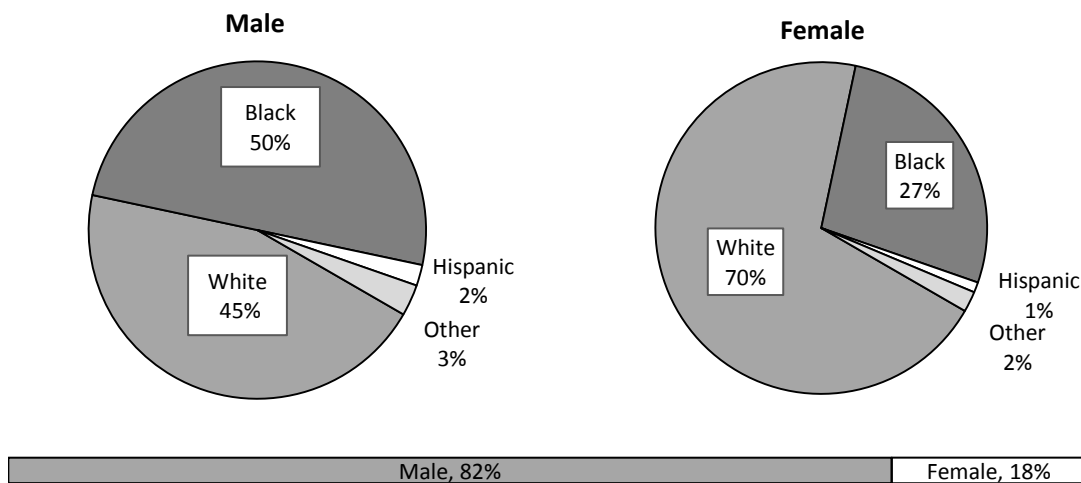


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

II. CHARACTERISTICS OF OFFENDERS

This section provides a breakdown of convictions by offenders' sex, race, and age. Of the 28,985 felony convictions in FY 2017, 82% were for males (see Figure 5). Fifty percent of all felony offenders were White, 46% were Black, and a small percentage were Hispanic (2%), Native American (1%), or Other (1%).

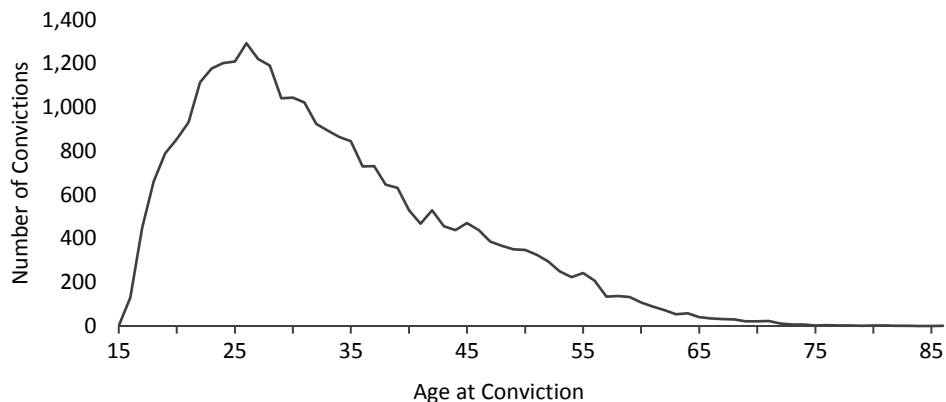
Figure 5: Convictions by Sex and Race



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

Based on age at conviction, 10% of felony convictions were for offenders under the age of 21, 19% were 21-25 years of age, 20% were 26-30 years of age, 27% were 31-40 years of age, 15% were 41-50 years of age, and 9% were 51 years of age or older. The average age at conviction was 33 years. Figure 6 illustrates that the volume of offenders peaks in the mid-twenties, and then generally declines as age increases.

Figure 6: Distribution of Convictions by Age



Note: Of the 28,985 felony convictions in FY 2017, 47 convictions with missing values for offenders' age were excluded from the figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

Table 2 provides a summary of convictions by sex, race, and age of offenders. The lowest percentage of felony convictions for males was for offenders older than 50 (n=2,156 or 9%). For females, the lowest percentage of felony convictions was for offenders under the age of 21 (n=279 or 5%). Slightly over half of felony convictions for males (n=11,996 or 51%) were for offenders 30 and under, while 44% (n=2,306) of felony convictions for females were for offenders 30 and under.

Table 2: Convictions by Sex, Race, and Age

Sex and Race		Total	Age at Conviction (%)					
			<21	21-25	26-30	31-40	41-50	>50
Male	White	10,617	7	16	20	31	16	10
	Black	11,876	14	23	19	22	13	9
	Hispanic	592	18	24	19	22	12	5
	Native Amer.	308	9	20	18	26	15	12
	Other	296	18	24	21	22	9	6
	Subtotal	23,689	11	20	20	26	14	9
Female	White	3,667	4	16	21	34	17	8
	Black	1,394	9	20	23	24	16	8
	Hispanic	62	14	37	13	23	8	5
	Native Amer.	64	2	9	17	45	24	3
	Other	62	10	26	21	18	19	6
	Subtotal	5,249	5	17	22	31	17	8
Total		28,938	10	19	20	27	15	9

Note: Of the 28,985 felony convictions in FY 2017, 47 convictions with missing values for offenders' age were excluded from the table.

SOURCE: NC Sentencing and Policy and Advisory Commission, FY 2017 Felony Statistical Report Data

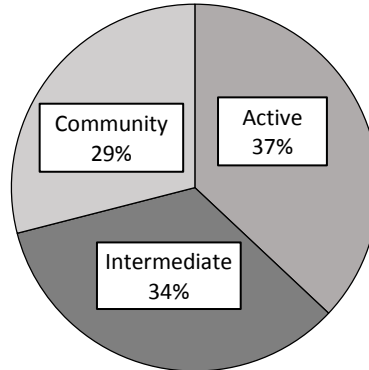
III. PUNISHMENT IMPOSED

This section details the type of sentence imposed (Active, Intermediate, or Community) for convictions during FY 2017. 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=429 or 1.5%). 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 37% of felony convictions, an Intermediate punishment was imposed for 34% of felony convictions, and a Community punishment was imposed for 29% of felony convictions (see Figure 7).³

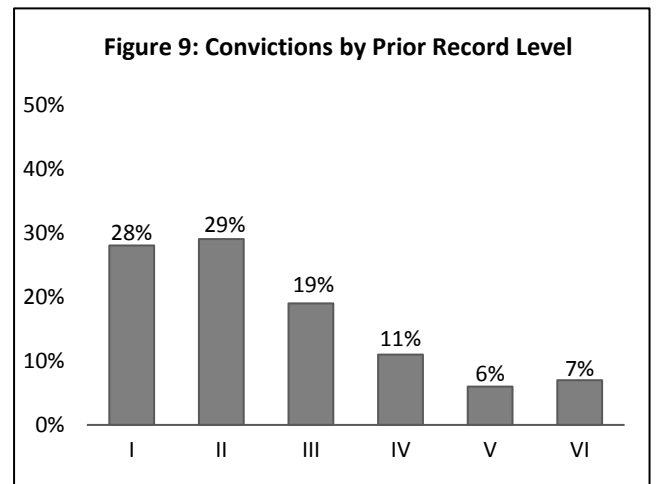
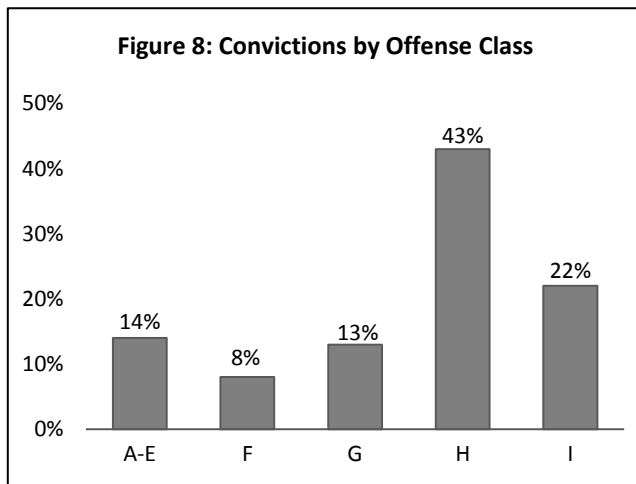
Figure 7: Convictions by Punishment Type



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

B. Punishment Imposed by Offense Class and Prior Record Level

Figure 8 shows the percentage of convictions by offense class. The majority of felony convictions (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 9, the majority of felony convictions (57%) were for offenders with Prior Record Levels I and II, including 20% for offenders with no prior record points. Thirteen 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 2017 Felony Statistical Report Data

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

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

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

With the exception of extraordinary mitigation for Class B2 through Class D convictions with 0 to 4 prior record points, a mandatory Active sentence is required for Class A through Class D convictions under Structured Sentencing. Class D has an additional exception to the Felony Punishment Chart – an Intermediate punishment can be imposed for Felony Death by Motor Vehicle if the conviction falls within Prior Record Level I. In FY 2017, 10 Class D convictions 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= 3,550 or 12%). As shown in the vertical Total column in Table 3, the percentage of offenders receiving an Active sentence and the length of the Active sentence imposed both increase as offense seriousness increases. The average minimum sentence for all convictions resulting in an Active punishment (n=10,560) was 31 months. The lowest average minimum sentence was imposed for Class I convictions (7 months). Excluding life and death sentences, the highest average minimum sentence was imposed for Class B1 convictions (237 months).

As shown in the horizontal Total row in Table 3, convictions for offenders falling into Prior Record Level I resulted in the highest average minimum sentence (48 months). The higher minimum sentences for Prior Record Level I can be attributed to the fact that over half of all Active sentences in that prior record level were for offenders convicted in the more serious offense classes (i.e., Class B1 through Class E felonies). For information on punishment imposed by judicial division and district, see Appendix C, Tables 1 and 2.

⁴ Death and life sentences were excluded from the calculation of the average minimum and maximum sentences.

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

Offense Class	Prior Record Level						Total
	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
A	A A = 40 (100%) n = 40 Life/Death	A A = 11 (100%) n = 11 Life/Death	A A = 5 (100%) n = 5 Life/Death	A A = 4 (100%) n = 4 Life/Death	A A = 1 (100%) n = 1 Life/Death	A A = 4 (100%) n = 4 Life/Death	A A = 65 (100%) n = 65 Life/Death
B1	A A = 153 (100%) n = 153 207 min 284 max	A A = 66 (100%) n = 66 246 min 329 max	A A = 37 (100%) n = 37 266 min 347 max	A A = 16 (100%) n = 16 327 min 428 max	A A = 10 (100%) n = 10 317 min 408 max	A A = 4 (100%) n = 4 410 min 517 max	A A = 286 (100%) n = 286 237 min 318 max
B2	A A = 62 (100%) n = 62 132 min 177 max	A A = 32 (100%) n = 32 152 min 212 max	A A = 25 (100%) n = 25 177 min 229 max	A A = 10 (100%) n = 10 200 min 261 max	A A = 6 (100%) n = 6 213 min 280 max	A A = 8 (100%) n = 8 264 min 335 max	A A = 143 (100%) n = 143 160 min 213 max
C	A A = 154 (100%) n = 154 62 min 101 max	A A = 127 (100%) n = 127 64 min 95 max	A A = 109 (100%) n = 109 77 min 109 max	A A = 110 (100%) n = 110 83 min 114 max	A A = 76 (100%) n = 76 99 min 135 max	A A = 73 (100%) n = 73 109 min 146 max	A A = 649 (100%) n = 649 78 min 112 max
D	A I = 10 (4%) A = 263 (96%) n = 273 50 min 73 max	A A = 202 (100%) n = 202 56 min 81 max	A A = 145 (100%) n = 145 68 min 95 max	A A = 108 (100%) n = 108 71 min 99 max	A A = 91 (100%) n = 91 80 min 109 max	A A = 116 (100%) n = 116 90 min 122 max	A I = 10 (1%) A = 925 (99%) n = 935 65 min 91 max
E	I/A C = 96 (14%) I = 392 (56%) A = 211 (30%) n = 699 22 min 45 max	I/A C = 32 (6%) I = 252 (52%) A = 203 (42%) n = 487 24 min 43 max	A A = 218 (100%) n = 218 27 min 45 max	A A = 193 (100%) n = 193 31 min 50 max	A A = 95 (100%) n = 95 35 min 55 max	A A = 148 (100%) n = 148 40 min 60 max	I/A C = 128 (7%) I = 644 (35%) A = 1,068 (58%) n = 1,840 29 min 48 max
F	I/A C = 127 (16%) I = 429 (54%) A = 244 (30%) n = 800 14 min 25 max	I/A C = 99 (15%) I = 291 (44%) A = 273 (41%) n = 663 16 min 28 max	I/A C = 51 (12%) I = 156 (35%) A = 237 (53%) n = 444 17 min 30 max	A A = 208 (100%) n = 208 20 min 33 max	A A = 134 (100%) n = 134 23 min 37 max	A A = 139 (100%) n = 139 28 min 42 max	I/A C = 277 (11%) I = 876 (37%) A = 1,235 (52%) n = 2,388 19 min 31 max

continued

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

Offense Class	Prior Record Level						Total
	I 0-1 Pts	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
G	I/A C = 176 (23%) I = 448 (59%) A = 131 (18%) n = 755 11 min 23 max	I/A C = 225 (19%) I = 650 (55%) A = 305 (26%) n = 1,180 12 min 24 max	I/A C = 104 (11%) I = 405 (44%) A = 423 (45%) n = 932 14 min 26 max	I/A C = 59 (12%) I = 185 (36%) A = 261 (52%) n = 505 16 min 28 max	A A = 169 (100%) n = 169 18 min 31 max	A A = 157 (100%) n = 157 22 min 36 max	I/A C = 564 (15%) I = 1,688 (46%) A = 1,446 (39%) n = 3,698 15 min 27 max
H	C/I/A C = 1,825 (57%) I = 1,053 (33%) A = 302 (10%) n = 3,180 5 min 16 max	I/A C = 1,114 (32%) I = 1,640 (46%) A = 796 (22%) n = 3,550 6 min 17 max	I/A C = 480 (20%) I = 981 (42%) A = 896 (38%) n = 2,357 8 min 19 max	I/A C = 206 (14%) I = 510 (35%) A = 744 (51%) n = 1,460 10 min 21 max	I/A C = 87 (11%) I = 218 (27%) A = 505 (62%) n = 810 13 min 25 max	A A = 809 (100%) n = 809 17 min 30 max	C/I/A C = 3,712 (31%) I = 4,402 (36%) A = 4,052 (33%) n = 12,166 10 min 22 max
I	C C = 1,542 (87%) I = 237 (13%) n = 1,779 N/A	C/I C = 1,261 (63%) I = 758 (37%) n = 2,019 N/A	I C = 418 (38%) I = 672 (62%) n = 1,090 N/A	I/A C = 156 (22%) I = 253 (37%) A = 280 (41%) n = 689 6 min 17 max	I/A C = 54 (15%) I = 130 (36%) A = 175 (49%) n = 359 7 min 18 max	I/A C = 62 (14%) I = 152 (34%) A = 236 (52%) n = 450 8 min 19 max	C/I/A C = 3,493 (55%) I = 2,202 (34%) A = 691 (11%) n = 6,386 7 min 18 max
Total	C/I/A C = 3,766 (48%) I = 2,569 (32%) A = 1,560 (20%) n = 7,895 48 min 74 max	C/I/A C = 2,731 (33%) I = 3,591 (43%) A = 2,015 (24%) n = 8,337 29 min 47 max	I/A C = 1,053 (20%) I = 2,214 (41%) A = 2,095 (39%) n = 5,362 27 min 43 max	I/A C = 421 (12%) I = 948 (29%) A = 1,934 (59%) n = 3,303 24 min 40 max	I/A C = 141 (8%) I = 348 (20%) A = 1,262 (72%) n = 1,751 29 min 45 max	I/A C = 62 (3%) I = 152 (8%) A = 1,694 (89%) n = 1,908 30 min 46 max	C/I/A C = 8,174 (29%) I = 9,822 (34%) A = 10,560 (37%) n = 28,556 31 min 48 max

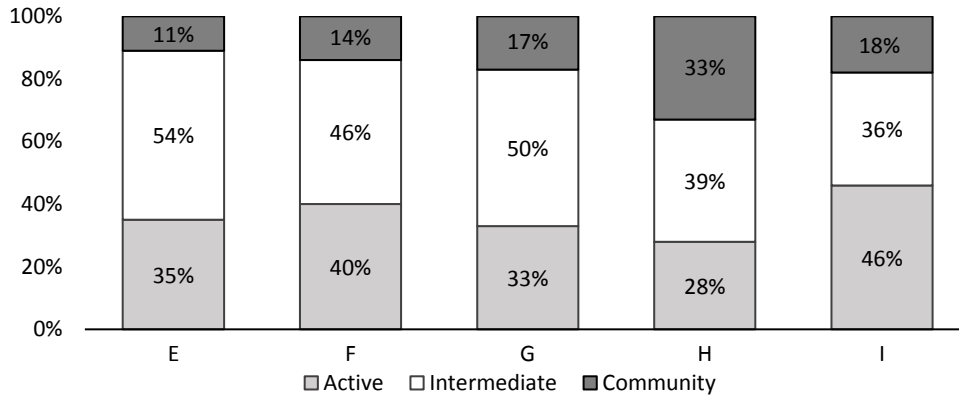
Note: Of the 28,985 felony convictions in FY 2017, 429 (or 1.5%) were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary 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 2017 Felony Statistical Report Data

C. Punishment Imposed in Discretionary Cells

As shown in Table 3, where the judge had the option of imposing either an Active or 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 (57%), an Intermediate punishment was most likely to be imposed for a conviction falling within Class G with Prior Record Level I (59%), while an Active sentence was most likely to be imposed for a conviction falling within Class H with Prior Record Level V (62%).

Figure 10 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 (33%), while an Intermediate punishment was most likely to be imposed for a Class E felony (54%). An Active punishment was most likely to be imposed for a Class I felony (46%) and least likely to be imposed for a Class H felony (28%).

Figure 10: Punishment Imposed in Discretionary Cells

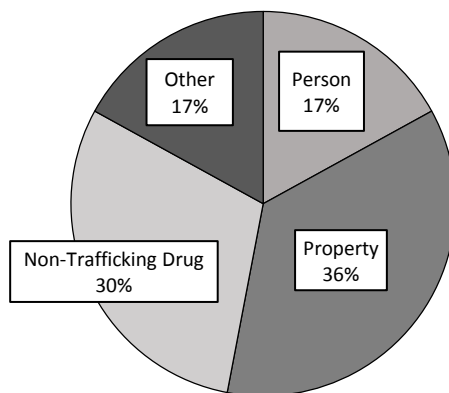


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

D. Punishment Imposed by Crime Type

During FY 2017, property offenses accounted for 36% of convictions, while convictions for non-trafficking drug offenses accounted for 30% of convictions (see Figure 11). For additional data on convictions by crime type, see Appendix D, Tables 1 and 2.

Figure 11: Convictions by Crime Type



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

The type of punishment imposed by crime type is shown in Table 4. Relative to other crime types, convictions for person offenses were most likely to result in the imposition of an Active punishment (60%), while convictions for non-trafficking drug offenses were least likely to result in the imposition of an Active punishment (19%). Of the four crime types, non-trafficking drug and property convictions had the highest percentage of Intermediate punishment sentences (40% and 35% respectively). Non-trafficking drug convictions had the highest percentage of Community punishment sentences (41%). Table 4 also displays the average minimum and maximum sentence lengths for convictions in which an Active punishment was imposed. The longest average Active sentences were imposed for convictions for person offenses.

Table 4: Convictions and Sentences by Crime Type

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	2,944	60	1,440	29	555	11	59	86	4,939
Property	3,412	33	3,573	35	3,348	32	13	25	10,333
Non-Trafficking Drug	1,669	19	3,389	40	3,529	41	16	28	8,587
Other Felony	2,535	54	1,420	30	742	16	34	51	4,697
Total	10,560	37	9,822	34	8,174	29	31	48	28,556

Note: Of the 28,985 felony convictions in FY 2017, 429 (or 1.5%) 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 2017 Felony Statistical Report Data

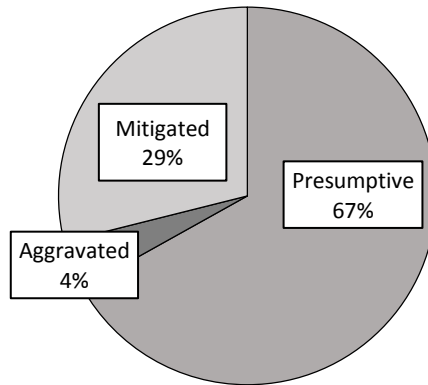
IV. ACTIVE PUNISHMENT

This section summarizes information about Active punishments. During FY 2017, there were 10,560 convictions for which an Active sentence was imposed. Class A convictions, which are subject to mandatory life or death sentences (n=65), as well as 1 Class B1 conviction sentenced to a life sentence without parole, were excluded from this section.

A. Sentencing Range

Figure 12 shows that 67% of all Active sentences fell within the presumptive range, 29% fell within the mitigated range, and 4% fell within the aggravated range.

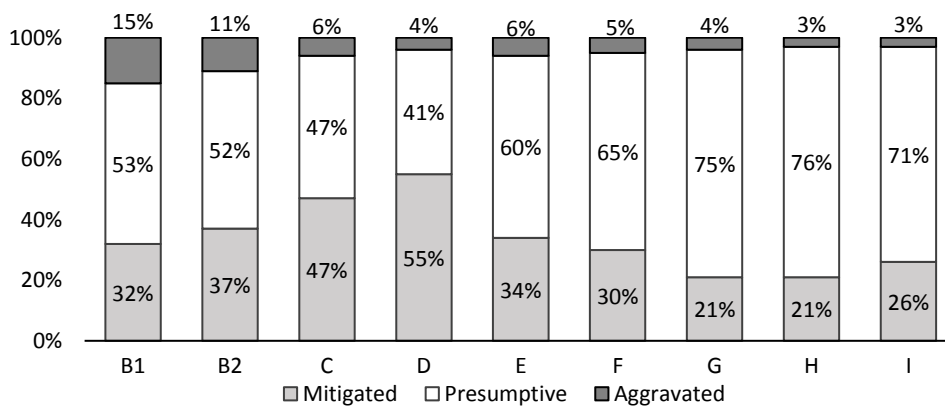
**Figure 12: Sentencing Range
Active Sentences Only**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

Figure 13 and Table 5 show the distribution of Active sentences by offense class and sentencing range (mitigated, presumptive, and aggravated), while Table 5 also includes data by prior record level. The majority of sentences for felony convictions, except Class C and Class D felonies, fell within the presumptive range. Class B1 and Class B2 felonies accounted for the highest percentage of sentences falling in the aggravated range (15% and 11% respectively). Class C and Class D convictions had the largest percentage of sentences in the mitigated range (47% and 55% respectively), which largely reflects the sentencing of habitual felons (see also Figure 18 in Section VI). Convictions for Class C and Class D offenses also had the lowest percentage of Active sentences in the presumptive range (47% and 41% respectively). Convictions for Class G, Class H, and Class I offenses had the highest percentage of Active sentences in the presumptive range (75%, 76%, and 71% respectively).

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



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

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

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
B1	Mitigated	57 37%	15 23%	12 32%	1 6%	5 56%	1 25%	91 32%
	Presumptive	70 46%	37 56%	22 60%	15 94%	4 44%	3 75%	151 53%
	Aggravated	26 17%	14 21%	3 8%	0 0%	0 0%	0 0%	43 15%
	Subtotal	153	66	37	16	9	4	285
B2	Mitigated	22 35%	11 35%	9 36%	5 50%	3 50%	3 37%	53 37%
	Presumptive	32 52%	18 56%	11 44%	5 50%	3 50%	5 63%	74 52%
	Aggravated	8 13%	3 9%	5 20%	0 0%	0 0%	0 0%	16 11%
	Subtotal	62	32	25	10	6	8	143
C	Mitigated	46 30%	66 52%	49 45%	62 56%	38 50%	42 58%	303 47%
	Presumptive	95 62%	54 43%	54 50%	44 40%	34 45%	27 37%	308 47%
	Aggravated	13 8%	7 5%	6 5%	4 4%	4 5%	4 5%	38 6%
	Subtotal	154	127	109	110	76	73	649
D	Mitigated	125 48%	107 53%	63 43%	65 60%	63 69%	82 71%	505 55%
	Presumptive	129 49%	85 42%	72 50%	40 37%	25 28%	33 28%	384 41%
	Aggravated	9 3%	10 5%	10 7%	3 3%	3 3%	1 1%	36 4%
	Subtotal	263	202	145	108	91	116	925
E	Mitigated	48 23%	60 30%	80 37%	72 37%	42 44%	62 42%	364 34%
	Presumptive	150 71%	131 64%	127 58%	108 56%	44 46%	83 56%	643 60%
	Aggravated	13 6%	12 6%	11 5%	13 7%	9 10%	3 2%	61 6%
	Subtotal	211	203	218	193	95	148	1,068

continued

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

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
F	Mitigated	56 23%	77 28%	70 30%	72 35%	55 41%	40 29%	370 30%
	Presumptive	177 73%	184 68%	157 66%	129 62%	71 53%	90 65%	808 65%
	Aggravated	11 4%	12 4%	10 4%	7 3%	8 6%	9 6%	57 5%
	Subtotal	244	273	237	208	134	139	1,235
G	Mitigated	18 14%	67 22%	101 24%	48 18%	39 23%	31 20%	304 21%
	Presumptive	112 85%	227 74%	317 75%	198 76%	121 72%	111 71%	1,086 75%
	Aggravated	1 1%	11 4%	5 1%	15 6%	9 5%	15 9%	56 4%
	Subtotal	131	305	423	261	169	157	1,446
H	Mitigated	58 19%	152 19%	195 22%	153 21%	98 19%	207 26%	863 21%
	Presumptive	237 79%	628 79%	683 76%	569 76%	393 78%	566 70%	3,076 76%
	Aggravated	7 2%	16 2%	18 2%	22 3%	14 3%	36 4%	113 3%
	Subtotal	302	796	896	744	505	809	4,052
I	Mitigated	N/A	N/A	N/A	68 24%	47 27%	66 28%	181 26%
	Presumptive	N/A	N/A	N/A	206 74%	123 70%	162 69%	491 71%
	Aggravated	N/A	N/A	N/A	6 2%	5 3%	8 3%	19 3%
	Subtotal	N/A	N/A	N/A	280	175	236	691
Total	Mitigated	430 28%	555 28%	579 28%	546 28%	390 31%	534 32%	3,034 29%
	Presumptive	1,002 66%	1,364 68%	1,443 69%	1,314 68%	818 65%	1,080 64%	7,021 67%
	Aggravated	88 6%	85 4%	68 3%	70 4%	52 4%	76 4%	439 4%
	Total	1,520	2,004	2,090	1,930	1,260	1,690	10,494

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. Class A convictions, which are subject to mandatory life or death sentences (n=65), and 1 Class B1 conviction sentenced to life without parole were also excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

The sentencing range for Active sentences by crime type is presented in Table 6. Of the four crime types, convictions for person offenses accounted for the highest percentage of aggravated sentences (7%). Convictions for other felony offenses accounted for the lowest percentage of presumptive sentences (56%) 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,⁵ accounted for the largest number of other felony convictions, representing 35% of convictions in this category.⁶ For additional information regarding convictions by crime type, see Appendix D, Tables 1 and 2.

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

Crime Type	Sentencing Range (Minimum Sentence)						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
Person	867	30	1,825	63	187	7	2,879
Property	733	21	2,577	76	102	3	3,412
Non-Trafficking Drug	418	25	1,190	71	61	4	1,669
Other Felony	1,016	40	1,429	56	89	4	2,534
Total	3,034	29	7,021	67	439	4	10,494

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. Class A convictions, which are subject to mandatory life or death sentences (n=65), and 1 Class B1 conviction sentenced to life without parole were also excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

Although the Felony Punishment Chart contains a range of minimum sentences for each combination of offense class and prior record level, over three-quarters (78%) of all Active minimum sentences were located on one of four specific spots of their respective sentencing ranges – the lowest spot of the mitigated range, the lowest spot of the presumptive range, the highest spot of the presumptive range, and the highest spot of the aggravated range (see Table 7 and Table 8).⁷ Of those Active sentences, 20% fell on the lowest spot of the mitigated range, 28% fell on the lowest spot of the presumptive range, 27% fell on the highest spot of the presumptive range, and 3% fell on the highest spot of the aggravated range.

Table 7 provides information regarding sentences imposed on one of the four specific spots of the sentencing range by offense class. Convictions for Class H and Class I offenses had the highest percentages

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

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

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

of Active sentences located on one of four specific spots of the range (87% and 86% respectively). Convictions for Class B1 and Class C offenses had the lowest percentages of Active sentences located on one of the four specific spots of the sentencing range (58% each). 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 (28% and 34% respectively). The majority of sentences for Class E through Class I convictions were located on either the lowest spot of the presumptive range 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. Class C and Class D convictions accounted for the highest percentage of sentences falling within the mitigated range or at the lowest spot of the presumptive range (62% and 69% respectively).

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

Offense Class	Location in the Sentencing Range (Minimum Sentence)				% on the Four Spots
	Mitigated	Presumptive		Aggravated	
	% Lowest Spot	% Lowest Spot	% Highest Spot	% Highest Spot	
B1	17	14	18	9	58
B2	20	15	20	5	60
C	28	15	12	3	58
D	34	15	11	2	62
E	24	24	23	4	75
F	19	26	26	4	75
G	13	32	28	2	75
H	17	35	33	2	87
I	21	32	31	2	86
Total	20	28	27	3	78

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. Class A convictions, which are subject to mandatory life or death sentences (n=65), and 1 Class B1 conviction sentenced to life without parole were also excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

Table 8 shows the percentage of sentences imposed on each of the four specific spots of the sentencing range by crime type. Property and non-trafficking drug offenses accounted for the largest percentage of sentences on the four spots of the range (86% and 81% respectively). The majority of sentences for person, property, and non-trafficking drug offenses were located on either the lowest spot of the presumptive range or the highest spot of the presumptive range, while sentences for other felony offenses, which includes sentences for habitual felons, were nearly equally likely to be located on the lowest spot of the mitigated range or the lowest spot of the presumptive range.

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

Crime Type	Location in the Sentencing Range (Minimum Sentence)				% on the Four Spots
	Mitigated	Presumptive		Aggravated	
	% Lowest Spot	% Lowest Spot	% Highest Spot	% Highest Spot	
Person	20	23	24	4	71
Property	17	34	33	2	86
Non-Trafficking Drug	18	32	29	2	81
Other Felony	26	25	19	2	72
Total	20	28	27	3	78

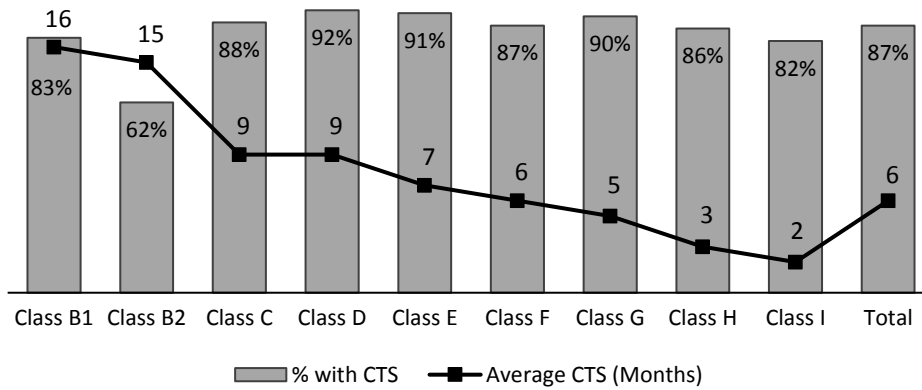
Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. Class A convictions, which are subject to mandatory life or death sentences (n=65), and 1 Class B1 conviction sentenced to life without parole were also excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

B. Credit for Time Served

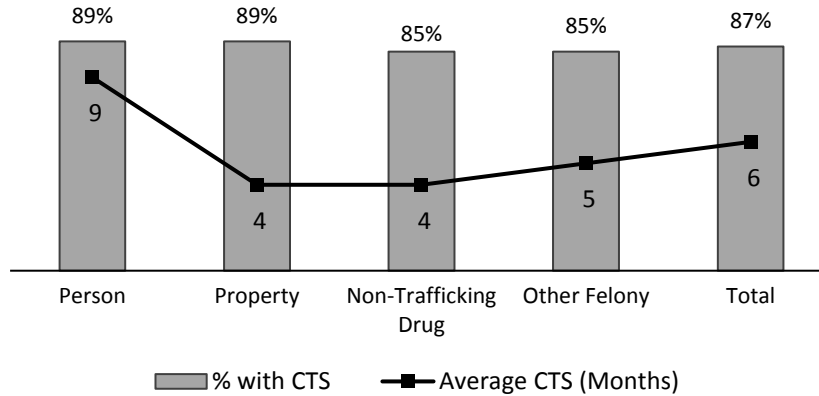
The vast majority (87%) of offenders with an Active sentence received credit for time (CTS) served, which is the amount of time an offender has spent committed to or confined in a State or local correctional, mental, or other institution prior to trial. Figure 14 provides detail on credit for time served for offenders with an Active sentence by offense class. Class B2 offenses had the lowest percentage (62%) of offenders with credit for time served and Class D and Class E offenses had the highest percentages (92% and 91% respectively). The average amount of credit ranged from 2 months (Class I) to 16 months (Class B1); overall, the average amount was 6 months. Generally, the length of credit for time served increased as offense seriousness increased. There was little difference between crime types in the percentage of offenders with credit for time served. Offenders convicted of person offenses had the greatest amount of credit for time served (9 months) of the crime types (see Figure 15).

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



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

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



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

V. INTERMEDIATE AND COMMUNITY PUNISHMENTS

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

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

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

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

During FY 2017, Intermediate punishments were imposed for 9,822 felony convictions and Community punishments were imposed for 8,174 felony convictions for a total of 17,996 non-active sentences. Overall, 17,692 convictions received supervised probation, 259 received unsupervised probation, and 45 did not receive probation. Based on statutory requirements, all offenders with an Intermediate punishment (100%) received supervised probation. Nearly all Community punishment convictions (96%) received supervised probation, with only 3% receiving unsupervised probation, and 1% having no probation ordered.

A. Probation Length by Type of Punishment

Table 9 provides the average length of probation by offense class and type of punishment for offenders sentenced to probation (n=17,951) in FY 2017. Nearly half of all probation sentences fell within Class H (n=8,096 or 45%). Overall, the average probation length was 26 months. Class I felonies resulted in the shortest average probation sentence (23 months) and Class D felonies resulted in the longest (40 months). Probation sentences were slightly shorter for convictions with a Community punishment.

Table 10 shows the average probation sentence length for Intermediate and Community punishment convictions by crime type. Property and non-trafficking drug offenses comprised 77% of probation sentences. Person and other felony offenses accounted for 11% and 12% respectively of probation sentences. Overall, person offenses resulted in the longest average probation sentence (30 months) and non-trafficking drug offenses resulted in the shortest average probation sentence (24 months).

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

Offense Class	Type of Punishment	Total	
		Months	#
D	Intermediate	40	10
	Subtotal	40	10
E	Intermediate	33	644
	Community	33	128
	Subtotal	33	772
F	Intermediate	31	876
	Community	31	277
	Subtotal	31	1,153
G	Intermediate	29	1,688
	Community	28	561
	Subtotal	29	2,249
H	Intermediate	28	4,402
	Community	25	3,694
	Subtotal	26	8,096
I	Intermediate	25	2,202
	Community	21	3,469
	Subtotal	23	5,671
Total		26	17,951

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 2017 Felony Statistical Report Data

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

Crime Type	Type of Punishment	Total	
		Months	#
Person	Intermediate	31	1,440
	Community	28	553
	Subtotal	30	1,993
Property	Intermediate	29	3,573
	Community	26	3,333
	Subtotal	27	6,906
Non-Trafficking Drug	Intermediate	26	3,389
	Community	22	3,506
	Subtotal	24	6,895
Other Felony	Intermediate	28	1,420
	Community	24	737
	Subtotal	26	2,157
Total		26	17,951

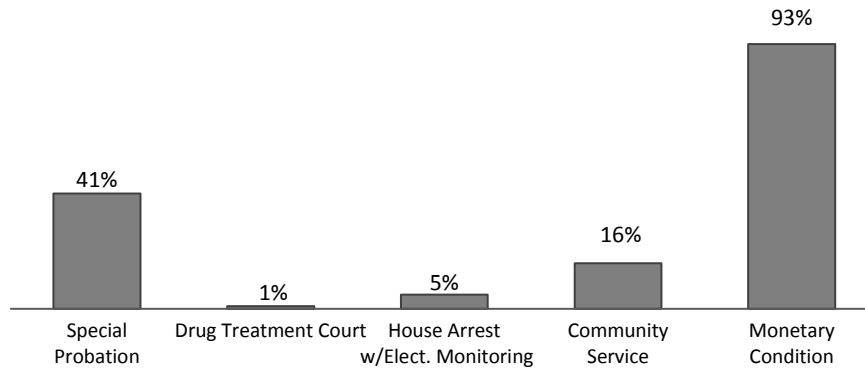
Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table. This table includes convictions for Intermediate or Community punishments where not authorized under the Felony Punishment Chart. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

B. Conditions of Probation⁸

In FY 2017, supervised probation was imposed for 17,692 convictions with an Intermediate or Community punishment. Figure 16 provides information on the conditions that were imposed for Community and Intermediate punishment convictions with supervised probation. Multiple probation conditions may have been ordered for a single conviction. As a result, the percentages provided in Figure 16 add to more than 100%. The most frequent condition imposed for supervised probation was a monetary condition (93%), which includes payment of fines, restitution, and/or court costs. Forty-one percent received special probation as a condition of supervised probation. Community service was imposed for 16% of Community and Intermediate punishment convictions with supervised probation. The least frequent conditions imposed were drug treatment court (1%) and house arrest with electronic monitoring (5%).

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

Figure 16: Probation Conditions for Convictions with Supervised Probation



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

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

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

Table 11: Probation Conditions for Convictions with Supervised Probation

Type of Punishment	Conditions of Probation (Number and Average Probation Length)					Total
	Special Probation	Drug Treatment Court	House Arrest w/ Elect. Monitoring	Community Service	Monetary Condition	
Intermediate	6,988 <i>28 months</i>	144 <i>27 months</i>	753 <i>29 months</i>	1,076 <i>27 months</i>	9,115 <i>28 months</i>	9,822 <i>28 months</i>
Community	216 <i>27 months</i>	13 <i>25 months</i>	71 <i>27 months</i>	1,691 <i>25 months</i>	7,317 <i>24 months</i>	7,870 <i>24 months</i>
Total	7,204 <i>28 months</i>	157 <i>27 months</i>	824 <i>29 months</i>	2,767 <i>26 months</i>	16,432 <i>26 months</i>	17,692 <i>26 months</i>

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

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

Overall, 9,822 Intermediate punishment convictions and 7,870 Community punishment convictions resulted in supervised probation sentences. The average length of probation imposed was 28 months for convictions with an Intermediate punishment and 24 months for convictions with a Community punishment. Other than a monetary condition, special probation was the condition of probation most

frequently ordered for Intermediate punishment convictions (n=6,988), while community service was the condition of probation most frequently ordered for Community punishment convictions (n=1,691). Convictions with house arrest with electronic monitoring had the longest average length of supervision (29 months) relative to other conditions of probation.

In FY 2017, unsupervised probation was imposed for 259 convictions with a Community punishment. Multiple probation conditions may have been ordered for a single conviction. Of these convictions, 3% (n=8) included community service as a condition of probation and 65% (n=169) 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 2017, 45 convictions with a Community punishment had no probation sentence ordered. As part of the sentence imposed, 4% (n=2) of these convictions included an order to perform community service and 73% (n=33) included payment of monetary obligations (i.e., fine, restitution, or court costs).

VI. SPECIAL ISSUES

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

A. Death and Life Sentences

Offenders convicted of first degree murder may receive a sentence of either death or life without parole. A sentence of life without parole is also required for offenders convicted of Class B1 felonies who are sentenced in the aggravated range in Prior Record Levels V and VI, certain offenders convicted of second or subsequent Class B1 felonies, and offenders found to be violent habitual felons (*see also* Habitual Status Offenders). During FY 2017, 62 life without parole sentences were imposed for felons convicted of first degree murder, sexual offense with a child, or accessory before the fact to murder. There were no death sentences imposed.

Minors (defined as offenders under the age of 18 at the time of the offense) convicted of first degree murder may receive a sentence of either life with or without parole. There were 4 minors convicted of first degree murder who received a sentence of life with parole in FY 2017.

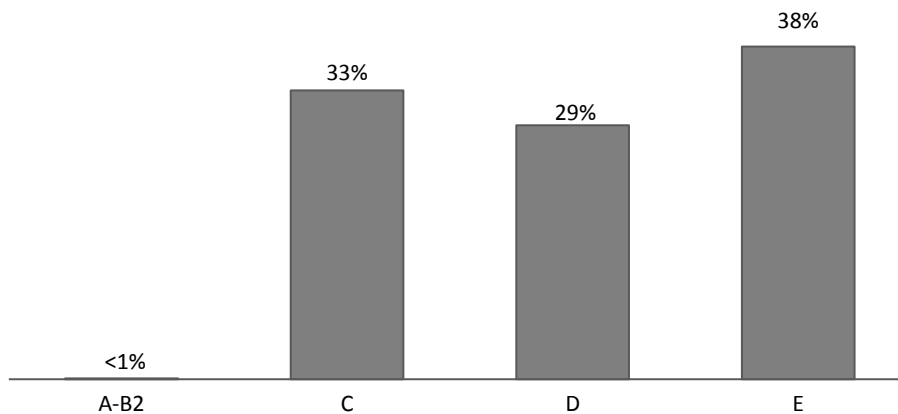
B. Habitual Status Offenders

A violent habitual felon is an offender with at least two prior Class A, B1, B2, C, D, or E felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a Class A, B1, B2, C, D, or E felony offense and who has been found by a jury to be a violent habitual felon. A violent habitual felon is sentenced to life without parole. (G.S. 14-7.7 to -7.12). During FY 2017, there was 1 life without parole sentence imposed for a violent habitual felon conviction. The most serious substantive offense associated with the violent habitual felon conviction was second degree murder without regard for human life.

A habitual felon is an offender with at least three prior felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a felony offense and who has been found by a jury to be a habitual felon. (G.S. 14- 7.1 to -7.6). A habitual felon is sentenced as a Class C felon if the substantive felony offense was committed prior to December 1, 2011. For substantive felony offenses committed on or after December 1, 2011, a habitual felon is sentenced at a felony class that is four classes higher than the substantive felony for which the person was convicted, but under no circumstances higher than Class C. Of the 964 habitual felon convictions in FY 2017, 1% (n=5) were for substantive offenses occurring prior to December 1, 2011, while 99% (n=959) were for substantive felony offenses committed on or after December 1, 2011.

Figure 17 shows the breakdown of habitual felon convictions by offense class. The largest proportion (38%) were sentenced as Class E felons, closely followed by those sentenced as Class C and Class D felons (33% and 29% respectively). Overall, 95% (n=917) were sentenced to an Active punishment, 5% (n=46) were sentenced to an Intermediate punishment, and less than 1% (n=1) were sentenced to a Community punishment.

Figure 17: Habitual Felon Convictions by Offense Class

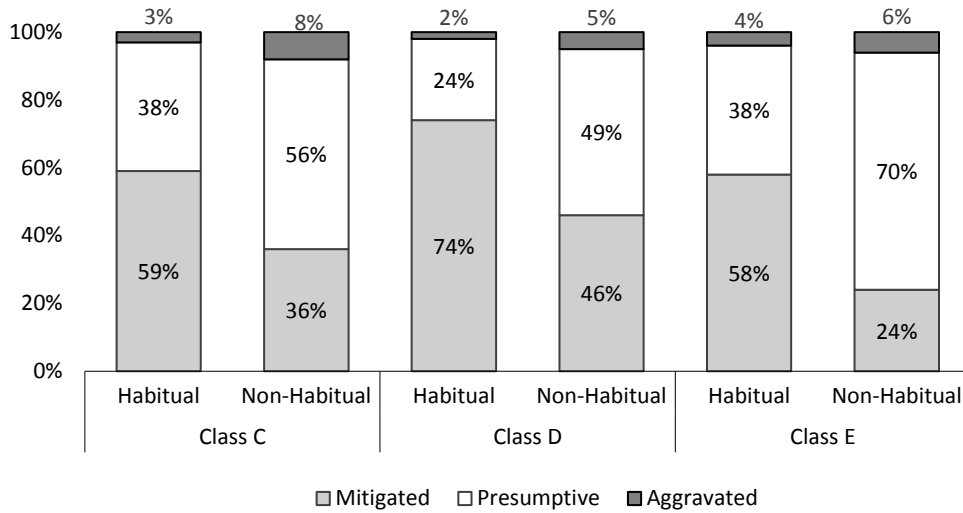


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

Figure 18 shows the breakdown of habitual felon convictions by sentencing range (mitigated, presumptive, and aggravated) as compared to non-habitual felons in the same offense classes. Overall, habitual felons were more likely to be sentenced in the mitigated range 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 (74%) compared to Class C (59%) and Class E habitual felons (58%).

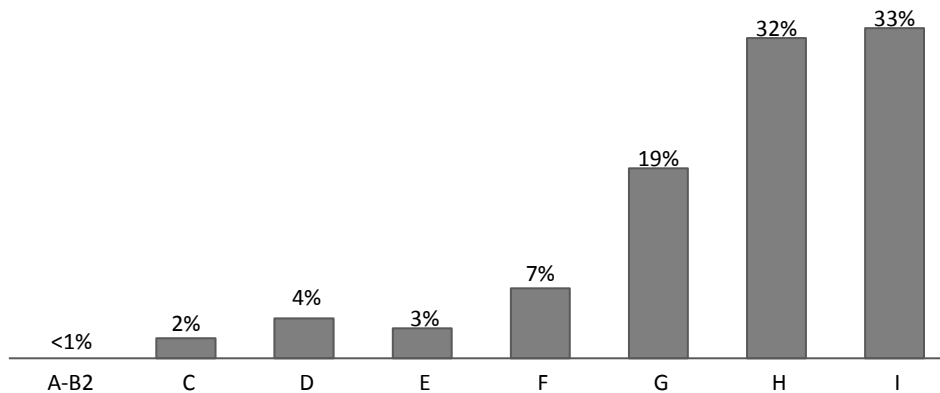
Figure 19 shows the offense class of the most serious substantive felony offense associated with habitual felon convictions. The most serious substantive offense represents the most serious current conviction for which the offender was sentenced as a habitual felon and does not take into account the offense class of the three previous felony convictions. Nearly two-thirds of habitual felon convictions were for offenders with a Class H (n=310 or 32%) or Class I (n=315 or 33%) felony as their most serious substantive offense.

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



Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this figure.
 SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

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



Note: The most serious substantive offense may not be the conviction used to establish habitual felon status.
 SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

Table 12 shows the top five most serious substantive offenses associated with habitual felon convictions. It should be noted that the most serious substantive offense may not be the conviction used to establish habitual felon status. It currently is not possible to determine the substantive conviction used to establish habitual felon status using data from the AOC’s information management system. Possession of a Firearm by a Felon was the most serious substantive conviction that occurred most frequently (n=94).

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

Offense	Class	#	% of Habitual Felon Convictions
Possession of a Firearm by a Felon	G	94	10
Breaking or Entering Buildings	H	84	9
Felony Possession of Cocaine	I	60	6
Breaking or Entering a Motor Vehicle	I	35	4
Possess Methamphetamine	I	35	4

Note: The most serious substantive offense may not be the conviction used to establish habitual felon status.
 SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

C. Firearm Enhancement

The firearm enhancement requires the judge to increase an offender’s active sentence if the offender is convicted of a felony and the jury finds that he or she used, displayed, or threatened to use or display a firearm during the commission of the felony. The firearm enhancement cannot be applied if the firearm is used to prove an element of the offense, nor can it be applied to non-active sentences. (G.S. 15A-1340.16A). For offenses committed on or after October 1, 2013, the firearm enhancement requires the judge to increase an offender’s active sentence by seventy-two months if the offender is convicted of a Class A, B1, B2, C, D or E felony, thirty-six months if the offender is convicted of a Class F or Class G felony, or 12 months if the offender is convicted of a Class H or Class I felony. Previously, the firearm enhancement was for sixty months and only applied to Class A, B1, B2, C, D or E felonies. The firearm enhancement was not applied to any felony convictions in FY 2017.

D. Drug Trafficking Convictions

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

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

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

As shown in Table 13, there were 452 convictions for drug trafficking offenses in FY 2017.⁹ The most frequently occurring drug trafficking convictions were in Class F (n=220), followed by Class G (n=98).

Table 13: Drug Trafficking Convictions

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
C	Consp. Traffic Meth.	2	67	1	33	.	.	178	225	3
	Traffic Methamphetamine	1	100	.	.	.	.	225	282	1
	Traffic Heroin	12	80	1	7	2	13	156	197	15
	Consp. Traffic Heroin	1	50	1	50	.	.	79	105	2
	Other Trafficking	11	92	1	8	.	.	159	203	12
	Subtotal	27	82	4	12	2	6	157	199	33
D	Traffic Cocaine	2	67	1	33	.	.	147	188	3
	Consp. Traffic Cocaine	1	100	.	.	.	.	175	219	1
	Other Trafficking	11	65	2	12	4	23	100	132	17
	Subtotal	14	67	3	14	4	19	110	144	21
E	Consp. Traffic Meth.	.	.	.	.	1	100	16	29	1
	Traffic Methamphetamine	5	100	.	.	.	.	80	108	5
	Traffic Heroin	27	96	1	4	.	.	86	115	28
	Consp. Traffic Heroin	2	67	1	33	.	.	70	96	3
	Other Trafficking	16	80	1	5	3	15	72	98	20
	Subtotal	50	88	3	5	4	7	78	106	57
F	Traffic MDA/MDMA	1	100	.	.	.	.	35	51	1
	Consp. Traffic Meth.	1	100	.	.	.	.	70	93	1
	Traffic Methamphetamine	36	95	.	.	2	5	66	88	38
	Traffic Cocaine	11	100	.	.	.	.	67	89	11
	Traffic Heroin	79	90	4	4	5	6	61	83	88
	Consp. Traffic Cocaine	5	100	.	.	.	.	64	86	5
	Consp. Traffic Heroin	5	56	3	33	1	11	52	72	9
	Other Trafficking	52	78	12	18	3	5	63	85	67
	Subtotal	190	86	19	9	11	5	63	84	220

continued

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

Table 13: Drug Trafficking Convictions

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
G	Traffic MDA/MDMA	1	25	2	50	1	25	29	44	4
	Traffic MDPV	.	.	.	.	1	100	12	24	1
	Consp. Traffic Meth.	1	100	.	.	.	.	17	30	1
	Traffic Marijuana	3	100	.	.	.	.	31	46	3
	Traffic Cocaine	42	88	3	6	3	6	33	48	48
	Traffic LSD	1	100	.	.	.	.	35	51	1
	Consp. Traffic Heroin	.	.	1	100	.	.	13	25	1
	Consp. Traffic Cocaine	3	60	.	.	2	40	27	42	5
	Other Trafficking	28	82	1	3	5	15	35	50	34
	Subtotal		79	81	7	7	12	12	32	47	98
H	Traffic Marijuana	10	71	2	14	2	14	22	34	14
	Consp. Traffic Heroin	.	.	.	.	1	100	5	15	1
	Consp. Traffic Marijuana	1	50	.	.	1	50	17	29	2
	Other Trafficking	3	75	1	25	.	.	75	100	4
	Subtotal		14	67	3	14	4	19	31	45	21
I	Traffic Heroin	.	.	.	.	1	100	6	17	1
	Other Trafficking	.	.	1	100	.	.	16	29	1
	Subtotal		.	.	1	50	1	50	11	23	2
Total		374	83	40	9	38	8	65	88	452

Note: This table reflects all drug trafficking convictions regardless of whether the offense classes are correct or whether the sentences are consistent with the minimum and maximum sentences set forth in G.S. 90-95(h). For example, according to statute, an offender can only be convicted of trafficking heroin in Class C, Class E, or Class F; there is one Class I conviction for trafficking heroin. Non-active sentences and those shorter than mandatory active sentences may reflect the use of the substantial assistance provision or incorrect offense identification. Percentages may not add to 100% due to rounding. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony 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. (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).

There were 93 convictions with an ASR sentence in FY 2017. Overall, there was 1 ASR sentence imposed in Class C, 42 in Class D, 16 in Class E, 13 in Class F, 7 in Class G, 14 in Class H, and 0 in Class I. Of these, 2 ASR sentences were imposed in an offense class and/or prior record level in which ASR is not authorized (1 each in Class C and Class D). 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 2017**

I. MISDEMEANOR CONVICTIONS IN FY 2017

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 2017 (July 1, 2016 through June 30, 2017).¹⁰ Overall, sentences for 94,150 misdemeanor convictions were imposed. For many of the tables, information on 2,679 convictions (or 2.9%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table.

The information in this report reflects the laws and practices that were in place during FY 2017. Sentences imposed for misdemeanor convictions are based on the Misdemeanor Punishment Chart, which takes into account offense seriousness and the offender’s prior criminal record. The Misdemeanor Punishment Chart for offenses committed on or after December 1, 2013 is printed on the inside back cover of the report. Current and previous misdemeanor punishment charts can also be found on the Commission’s website.

The following categories of misdemeanor convictions are excluded from this report:

- 1) Misdemeanor Driving While Impaired offenses (since they are not governed by Structured Sentencing laws);
- 2) Cases disposed of by a magistrate;
- 3) Class 2 and 3 criminal traffic offenses; and
- 4) Local ordinance offenses.

C. Distribution of Convictions within the Misdemeanor Punishment Chart

Table 14 shows the distribution of convictions within the Misdemeanor Punishment Chart. Overall, 11% of misdemeanor convictions were in Class A1, 50% were in Class 1, 14% were in Class 2, and 25% were in Class 3; 29% were in Prior Conviction Level I, 39% were in Prior Conviction Level II, and 32% were in Prior Conviction Level III. Relative to other cells within the Misdemeanor Punishment Chart, the greatest number of convictions were in Class 1 with Prior Conviction Level II (n=18,988 or 21%).

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

Table 14: Distribution of Convictions within the Misdemeanor Punishment Chart

Offense Class	Prior Conviction Level			Total
	I 0 Prior Convictions	II 1-4 Prior Convictions	III 5+ Prior Convictions	
A1	2,051 2%	3,657 4%	3,858 4%	9,566 11%
1	11,305 12%	18,988 21%	15,810 17%	46,103 50%
2	3,990 4%	5,007 5%	4,061 4%	13,058 14%
3	9,155 10%	7,620 8%	5,969 7%	22,744 25%
Total	26,501 29%	35,272 39%	29,698 32%	91,471 100%

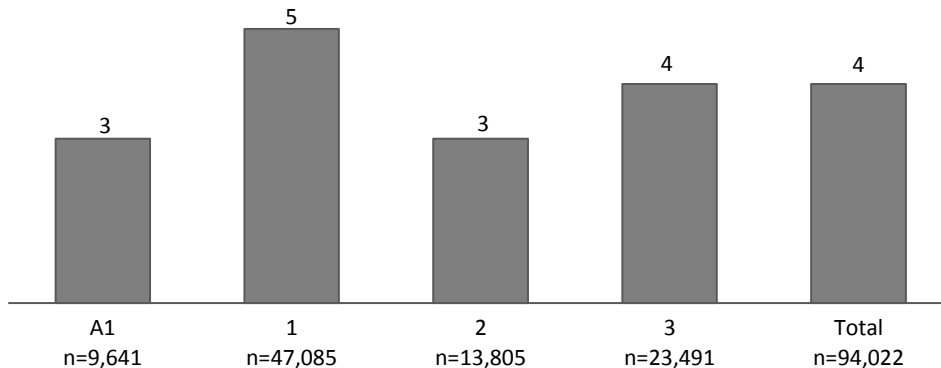
Note: Of the 94,150 misdemeanor convictions in FY 2017, 2,679 (or 2.9%) were excluded from this table. These convictions did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons. Percentages may not add to totals due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Misdemeanor Statistical Report Data

D. Time to Sentencing

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

Figure 20: Median Time to Sentencing (Months)



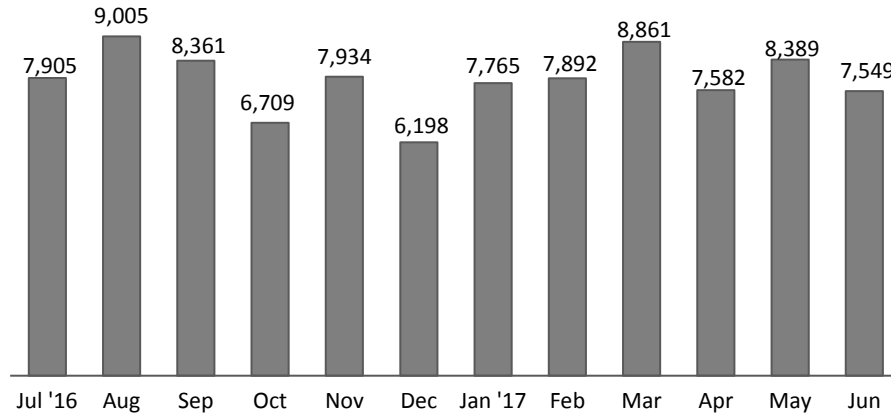
Note: Convictions with negative time to sentencing values were excluded (n=128).

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Misdemeanor Statistical Report Data

E. Convictions by Month of Sentencing

Figure 21 shows the number of misdemeanor convictions (N=94,150) by month of sentencing during FY 2017. Convictions were highest in August and lowest in December.

Figure 21: Convictions by Month of Sentencing



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Misdemeanor Statistical Report Data

F. Convictions by Judicial District

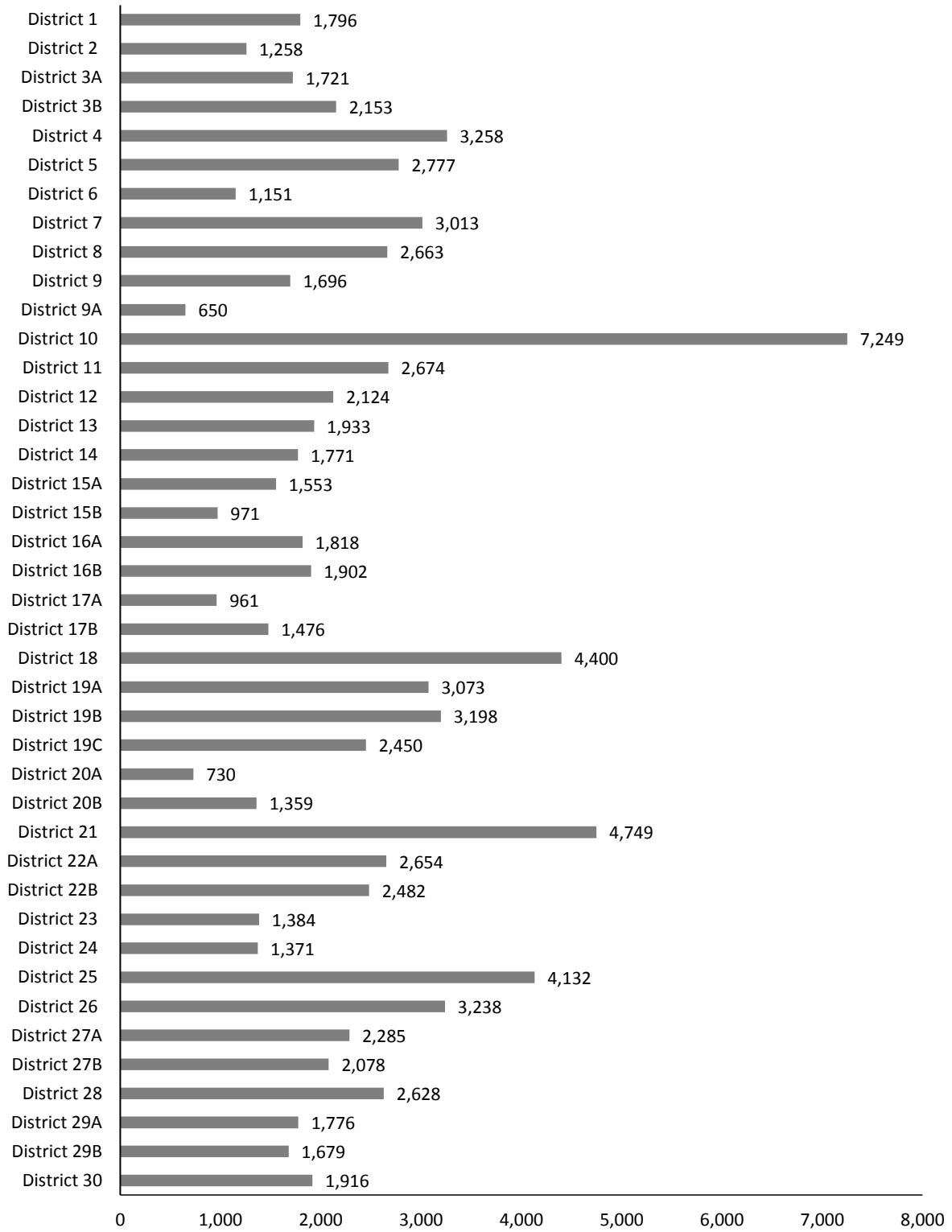
Figure 22 shows the number of misdemeanor convictions for each judicial district. Out of 94,150 convictions, there were 87,426 guilty pleas/bench trials in District Court, and 6,540 guilty pleas and 184 jury trials in Superior Court.¹¹ (See Appendix E, Table 1 for a detailed table of the total number of misdemeanor convictions for each judicial district and county.)

II. CHARACTERISTICS OF OFFENDERS

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

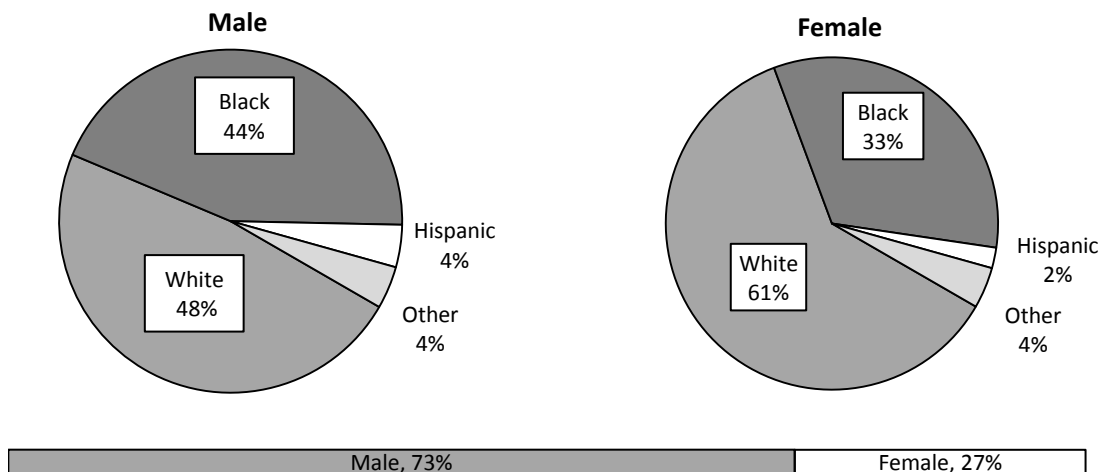
¹¹ For misdemeanor convictions in Superior Court, see G.S. 7A-271(a).

Figure 22: Convictions by Judicial District



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Misdemeanor Statistical Report Data

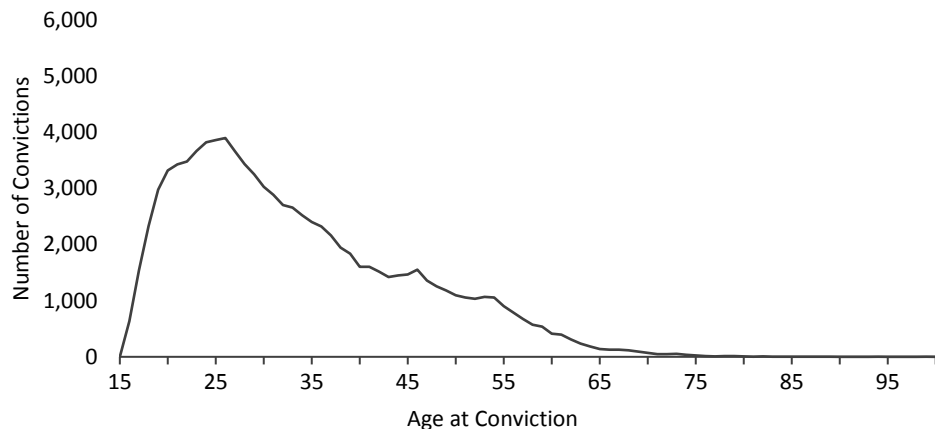
Figure 23: Convictions by Race and Sex



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Misdemeanor Statistical Report Data

Based on age at conviction, 12% of misdemeanor convictions were for offenders under the age of 21, 19% were 21-25 years of age, 18% were 26-30 years of age, 25% were 31-40 years of age, 15% were 41-50 years of age, and 11% were over 50 years of age. The average age at conviction was 33 years. Figure 24 illustrates the age distribution of misdemeanor offenders at conviction. The volume of offenders peaks in the mid-twenties and then generally declines.

Figure 24: Distribution of Convictions by Age



Note: Of the 94,150 misdemeanor convictions in FY 2017, 682 convictions with missing values for offenders' age were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Misdemeanor Statistical Report Data

Table 15 provides a summary of misdemeanor convictions by sex, race, and age of offenders. The lowest percentage of misdemeanor convictions for males was for offenders under age 21 and over age 50 (12% each). For females, the lowest percentage of misdemeanor convictions was for offenders over age 50 (8%). Forty-nine percent of misdemeanor convictions were for offenders 30 and under.

Table 15: Convictions by Sex, Race, and Age

Sex and Race		Total	Age at Conviction (%)					
			<21	21-25	26-30	31-40	41-50	>50
Male	White	33,496	11	17	18	26	16	12
	Black	30,136	13	22	17	21	14	13
	Hispanic	2,627	21	22	17	24	11	5
	Native Amer.	1,252	9	18	18	27	17	11
	Other	1,275	20	25	15	22	11	7
	Subtotal	68,786	12	19	18	24	15	12
Female	White	15,119	8	17	21	30	16	8
	Black	8,220	12	24	20	22	14	8
	Hispanic	422	22	25	18	23	9	3
	Native Amer.	546	7	16	18	32	18	9
	Other	375	16	22	16	21	17	8
	Subtotal	24,682	10	19	20	27	16	8
Total		93,468	12	19	18	25	15	11

Note: Of the 94,150 misdemeanor convictions in FY 2017, 682 convictions with missing values for offenders' age were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Misdemeanor Statistical Report Data

III. PUNISHMENT IMPOSED

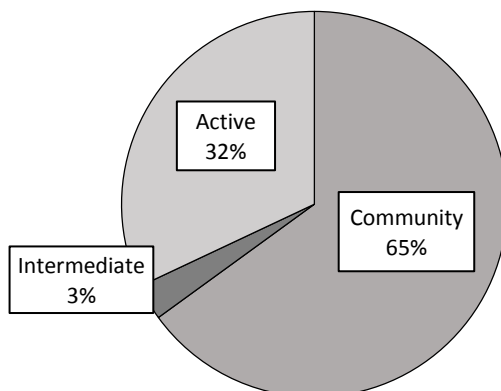
This section summarizes information about the types of punishment imposed (Active, Intermediate, or Community) for misdemeanor convictions. It also shows the average sentence imposed and the average time to be served – adjusting for credit for time served – for misdemeanants who received an Active punishment.

A. Overall Punishment

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

¹² Class 3 misdemeanor offenses committed on or after December 1, 2013 for offenders with three or fewer convictions are punishable by a fine only. Of the 22,744 Class 3 misdemeanor convictions, 10% (n=2,220) were identified as receiving a fine only, with no probation or additional sanctions ordered.

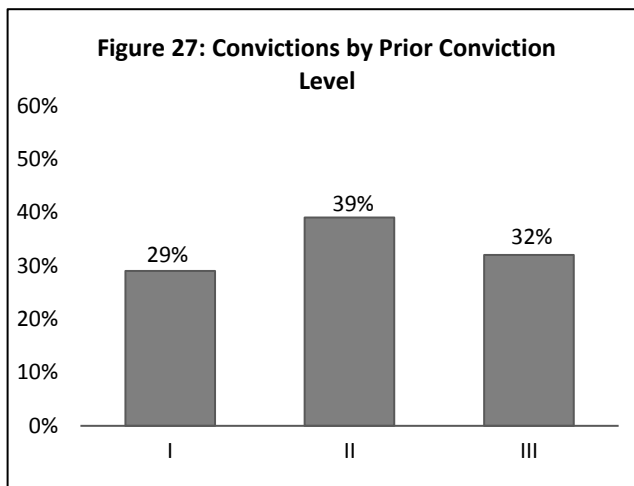
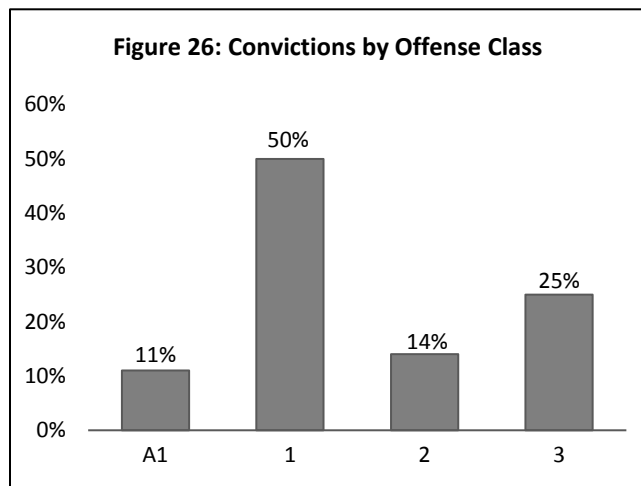
Figure 25: Convictions by Punishment Type



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Misdemeanor Statistical Report Data

B. Punishment Imposed by Offense Class and Prior Conviction Level

Figure 26 shows the percentage of convictions by offense class. Half of misdemeanor convictions (50%) were for Class 1 offenses. (See Appendix B for sample offenses in each offense class and for the top five convictions in each offense class.) As shown in Figure 27, Prior Conviction Level I had the smallest percentage of convictions (29%) and Prior Conviction Level II had the highest percentage (39%).



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Misdemeanor Statistical Report Data

Misdemeanor convictions and sentences imposed are presented within the context of the Misdemeanor Punishment Chart in Table 16. Most convictions – regardless of the offense class or prior conviction level – resulted in the imposition of a Community punishment (n=59,498 or 65%). The detailed information provided allows for examination of the overall number of convictions and type of punishment imposed (Active, Intermediate, or Community), as well as an examination of these data by offense class, by prior conviction level, and for each combination of offense class and prior conviction level (i.e., cell). The table also includes the average sentence length for convictions for which an Active sentence was imposed. Convictions for Class A1 and Class 2 misdemeanors accounted for the highest percentages of Active

sentences imposed relative to other offense classes (36% each). The likelihood of receiving an Active punishment increased as prior conviction level increased. Active sentences in cells in which an Active punishment is not a sentencing option may be attributed to the use of credit for time served.

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

Offense Class	Prior Conviction Level			Total
	I 0 Prior Convictions	II 1-4 Prior Convictions	III 5+ Prior Convictions	
A1	C/I/A C = 1,402 (69%) I = 149 (7%) A = 500 (24%) n = 2,051 37 days	C/I/A C = 2,138 (59%) I = 344 (9%) A = 1,175 (32%) n = 3,657 48 days	C/I/A C = 1,606 (42%) I = 438 (11%) A = 1,814 (47%) n = 3,858 90 days	C/I/A C = 5,146 (54%) I = 931 (10%) A = 3,489 (36%) n = 9,566 68 days
1	C C = 9,168 (81%) I = 176 (2%) A = 1,961 (17%) n = 11,305 21 days	C/I/A C = 12,563 (66%) I = 621 (3%) A = 5,804 (31%) n = 18,988 26 days	C/I/A C = 7,443 (47%) I = 928 (6%) A = 7,439 (47%) n = 15,810 56 days	C/I/A C = 29,174 (63%) I = 1,725 (4%) A = 15,204 (33%) n = 46,103 40 days
2	C C = 2,944 (74%) I = 29 (1%) A = 1,017 (25%) n = 3,990 13 days	C/I C = 3,378 (68%) I = 115 (2%) A = 1,514 (30%) n = 5,007 17 days	C/I/A C = 1,728 (43%) I = 103 (2%) A = 2,230 (55%) n = 4,061 28 days	C/I/A C = 8,050 (62%) I = 247 (2%) A = 4,761 (36%) n = 13,058 21 days
3	C C = 8,045 (88%) I = 2 (0%) A = 1,108 (12%) n = 9,155 7 days	C/I C = 6,061 (80%) I = 23 (0%) A = 1,536 (20%) n = 7,620 8 days	C/I/A C = 3,022 (51%) I = 74 (1%) A = 2,873 (48%) n = 5,969 10 days	C/I/A C = 17,128 (75%) I = 99 (1%) A = 5,517 (24%) n = 22,744 9 days
Total	C/I/A C = 21,559 (82%) I = 356 (1%) A = 4,586 (17%) n = 26,501 18 days	C/I/A C = 24,140 (69%) I = 1,103 (3%) A = 10,029 (28%) n = 35,272 24 days	C/I/A C = 13,799 (47%) I = 1,543 (5%) A = 14,356 (48%) n = 29,698 47 days	C/I/A C = 59,498 (65%) I = 3,002 (3%) A = 28,971 (32%) n = 91,471 34 days

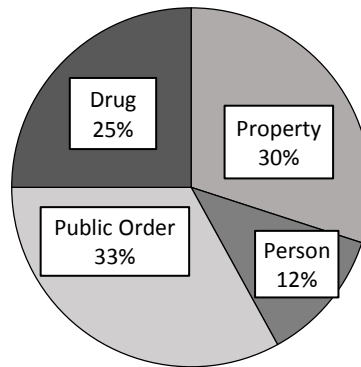
Note: Of the 94,150 misdemeanor convictions in FY 2017, 2,679 (or 2.9%) were excluded from this table. These convictions did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons. Active sentences in cells 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 2017 Misdemeanor Statistical Report Data

C. Punishment Imposed by Crime Type

As shown in Figure 28, public order and property offenses (33% and 30% respectively) accounted for the largest proportion of misdemeanor convictions, while misdemeanor person offenses accounted for the smallest proportion of misdemeanor offenses (12%).

Figure 28: Convictions by Crime Type



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Misdemeanor Statistical Report Data

Table 17 contains information about the type of punishment imposed by crime type for misdemeanor convictions, as well as the average sentence imposed and average time to be served for offenders who received an Active punishment. Relative to other crime types, public order offenses were most likely to result in an Active sentence (36%), closely followed by person offenses (34%) and property offenses (34%). Drug offenses were least likely to result in an Active sentence (23%). The average Active sentence imposed and average time to be served were longest for convictions for person offenses (59 days and 28 days respectively) and shortest for public order offenses (24 days and 10 days respectively).

Table 17: Convictions and Sentences by Crime Type

Crime Type	Type of Punishment						Average Active Sentence (Days)	Credit for Time Served (Days)	Time to be Served (Days)	Total
	Active		Intermediate		Community					
	#	%	#	%	#	%				
Person	3,796	34	892	8	6,606	58	59	31	28	11,294
Property	9,455	34	954	3	17,352	63	40	23	17	27,761
Drug	5,175	23	450	2	17,066	75	27	15	12	22,691
Public Order	10,545	36	706	2	18,474	62	24	14	10	29,725
Total	28,971	32	3,002	3	59,498	65	34	19	15	91,471

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

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Misdemeanor Statistical Report Data

IV. ACTIVE PUNISHMENT

During FY 2017, there were 28,971 convictions for which an Active sentence was imposed. As mentioned earlier, the likelihood of receiving an Active punishment increased as prior conviction level increased, as did the average active sentence length and average time to be served. However, as seriousness increased, the percent of active sentences equal to the credit for time served decreased.

A. Average Length of Active Sentences

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

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

Offense Class		Prior Conviction Level			Total
		I 0 Prior Convictions	II 1-4 Prior Convictions	III 5+ Prior Convictions	
A1	Average Active Sentence (Days)	37	48	90	68
	Average Credit for Time Served (Days)	28	30	38	34
	Average Time to be Served (Days)	9	18	52	34
	Number of Active Sentences	500	1,175	1,814	3,489
1	Average Active Sentence (Days)	21	26	56	40
	Average Credit for Time Served (Days)	21	18	24	22
	Average Time to be Served (Days)	0	8	31	18
	Number of Active Sentences	1,961	5,804	7,439	15,204
2	Average Active Sentence (Days)	13	17	28	21
	Average Credit for Time Served (Days)	13	17	16	16
	Average Time to be Served (Days)	0	0	11	5
	Number of Active Sentences	1,017	1,514	2,230	4,761
3	Average Active Sentence (Days)	7	8	10	9
	Average Credit for Time Served (Days)	7	8	7	7
	Average Time to be Served (Days)	0	0	3	2
	Number of Active Sentences	1,108	1,536	2,873	5,517
Total	Average Active Sentence (Days)	18	24	47	34
	Average Credit for Time Served (Days)	17	18	21	19
	Average Time to be Served (Days)	1	6	25	15
	Number of Active Sentences	4,586	10,029	14,356	28,971

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. The average time to be served is calculated by averaging the differences between the days ordered for each Active sentence and that sentence's corresponding credit for time served. Since it is an average of all the differences, the average time to be served may not equal the average Active sentence minus the average credit for time served.

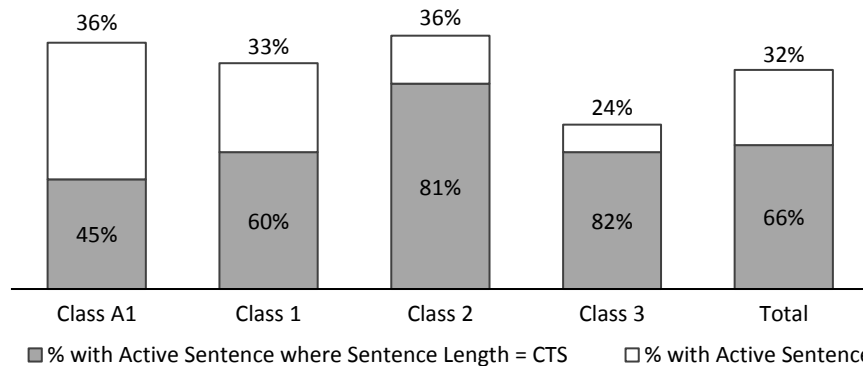
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Misdemeanor Statistical Report Data

imposed and time to be served were found to increase as offense class and prior conviction level increased. The longest average time to be served was for Class A1 misdemeanors (34 days). Overall, the average time to be served for misdemeanor convictions was 15 days.

B. Credit for Time Served

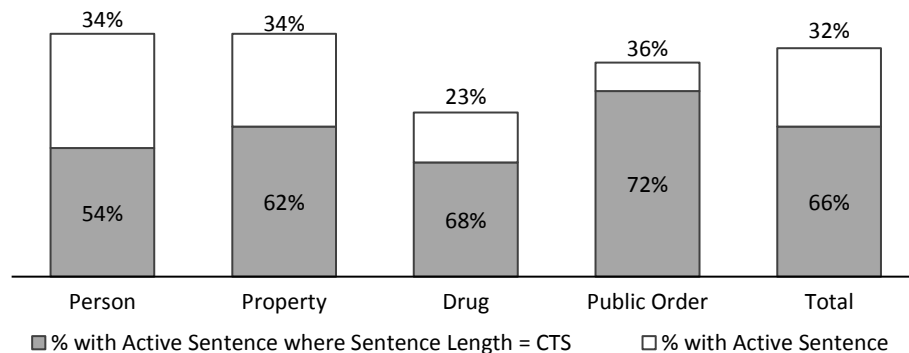
Credit for time served refers to the amount of time an offender spent committed to or confined in a State or local correctional, mental, or other institution prior to trial. A misdemeanor offender can be sentenced to time served when an Active punishment is imposed if the term of imprisonment is equal to or less than the total amount of time the offender has spent in pretrial confinement. Therefore, the examination of credit for time served is important when considering the interplay with the active rate. The vast majority of offenders (84%) with Active sentences received credit for time served, with an average credit of 19 days. Figure 29 provides detail on credit for time served for misdemeanor convictions by offense class. Of Active sentence offenders with credit for time served, 66% received a sentence equal to their credit for time served, potentially indicating a sentence to time served. Class 3 misdemeanors had the highest percentage (82%) of Active sentences equal to credit for time served. When examined by crime type, public order offenses had the highest percentage (72%) of Active sentences equal to credit for time served; person offenses had the lowest (54%).

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



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Misdemeanor Statistical Report Data

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



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Misdemeanor Statistical Report Data

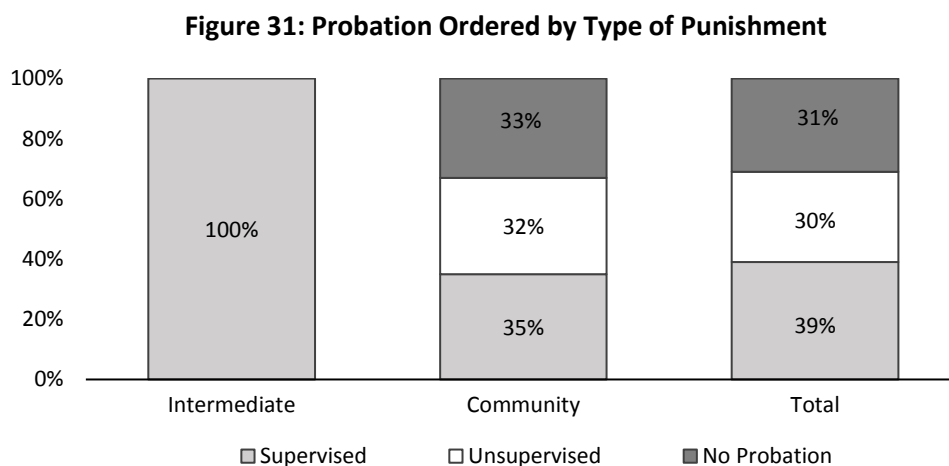
V. INTERMEDIATE AND COMMUNITY PUNISHMENTS

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

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

This section only includes information on probation conditions that were imposed for Intermediate or Community punishments at sentencing. A single conviction often results in the imposition of more than one probation condition. Probation conditions that are subsequently imposed as a result of modifications to probation are not included. During FY 2017, Intermediate punishments were imposed for 3,002 misdemeanor convictions and Community punishments were imposed for 59,498 misdemeanor convictions for a total of 62,500 non-active sentences. Overall, 24,107 convictions received supervised probation, 18,743 received unsupervised probation, and 19,650 did not receive probation.

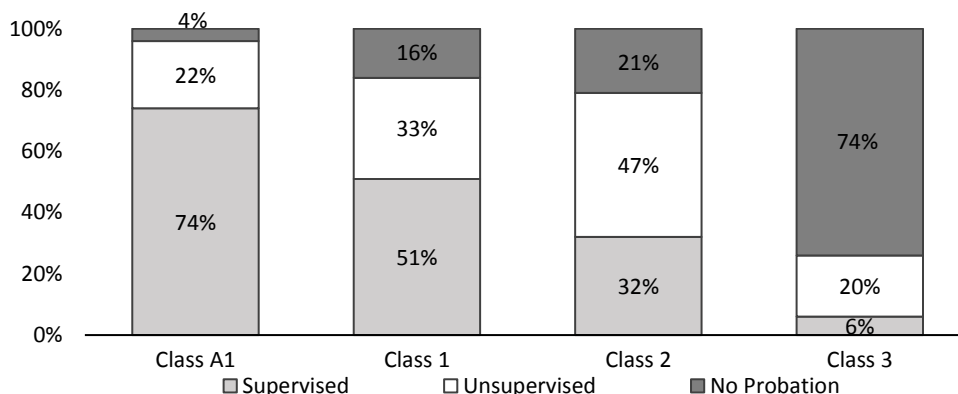
Figure 31 provides information regarding the type of probation imposed for Intermediate and Community punishment convictions. Based on statutory requirements, all offenders with an Intermediate punishment (100%) received supervised probation. Among offenders receiving a Community punishment, 35% received supervised probation, 32% received unsupervised probation, and 33% had no probation sentence ordered.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Misdemeanor Statistical Report Data

Figure 32 examines the type of probation ordered by offense class for convictions resulting in an Intermediate or Community punishment. The majority of Class A1 and Class 1 misdemeanor convictions received supervised probation (74% and 51% respectively). Just under half of Class 2 misdemeanors received unsupervised probation (47%). Class 3 misdemeanor convictions had the largest percentage with no probation ordered (74%).

Figure 32: Probation Ordered by Offense Class



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Misdemeanor Statistical Report Data

A. Probation Length by Type of Punishment

Table 19 provides the average length of probation by offense class and type of punishment for offenders sentenced to probation (n=42,850) in FY 2017. Overall, the average probation length for Intermediate and Community punishment convictions was 15 months. Class 3 misdemeanors resulted in the shortest average probation length (13 months) and Class A1 misdemeanors resulted in the longest (17 months). Probation lengths were slightly shorter for convictions with a Community punishment or with unsupervised probation. The greatest number of overall probation sentences fell within Class 1 (n=26,000 or 61%). Class 1 misdemeanors also accounted for the largest proportion of convictions resulting in supervised probation (n=15,856 or 66%) and unsupervised probation (n=10,144 or 54%).

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

Offense Class	Type of Punishment	Average Length of Probation					
		Supervised Probation		Unsupervised Probation		Total	
		Months	#	Months	#	Months	#
A1	Intermediate	18	931	N/A	N/A	18	931
	Community	17	3,557	15	1,313	16	4,870
	Subtotal	17	4,488	15	1,313	17	5,801
1	Intermediate	17	1,725	N/A	N/A	17	1,725
	Community	15	14,131	13	10,144	15	24,275
	Subtotal	16	15,856	13	10,144	15	26,000
2	Intermediate	16	247	N/A	N/A	16	247
	Community	14	2,412	13	3,868	13	6,280
	Subtotal	14	2,659	13	3,868	14	6,527
3	Intermediate	14	99	N/A	N/A	14	99
	Community	13	1,005	12	3,418	12	4,423
	Subtotal	13	1,104	12	3,418	13	4,522
Total		16	24,107	13	18,743	15	42,850

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 2017 Misdemeanor Statistical Report Data

Table 20 shows the average length of probation for Intermediate and Community punishment convictions by crime type. While little variation was found in the overall length of probation overall, person offenses resulted in the longest average probation sentence (16 months) and drug and public order offenses resulted in the shortest average probation sentences (14 months each). Consistent with the findings for offense class, probation sentences were slightly shorter for convictions with a Community punishment or with unsupervised probation. Of convictions in which probation sentences were imposed, over one-third (n=15,202 or 35%) were for property offenses. The greatest number of convictions resulting in supervised probation occurred for property offenses (n=9,316 or 39%) with an average probation length of 16 months, whereas the greatest number of convictions resulting in unsupervised probation were for public order offenses (n=6,839 or 36%) with an average probation length of 13 months.

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

Crime Type	Type of Punishment	Average Length of Probation					
		Supervised Probation		Unsupervised Probation		Total	
		Months	#	Months	#	Months	#
Person	Intermediate	18	892	N/A	N/A	18	892
	Community	16	3,894	15	2,201	16	6,095
	Subtotal	16	4,786	15	2,201	16	6,987
Property	Intermediate	17	954	N/A	N/A	17	954
	Community	16	8,362	13	5,886	15	14,248
	Subtotal	16	9,316	13	5,886	15	15,202
Drug	Intermediate	17	450	N/A	N/A	17	450
	Community	14	3,506	13	3,817	13	7,323
	Subtotal	15	3,956	13	3,817	14	7,773
Public Order	Intermediate	17	706	N/A	N/A	17	706
	Community	15	5,343	13	6,839	14	12,182
	Subtotal	15	6,049	13	6,839	14	12,888
Total		16	24,107	13	18,743	15	42,850

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.

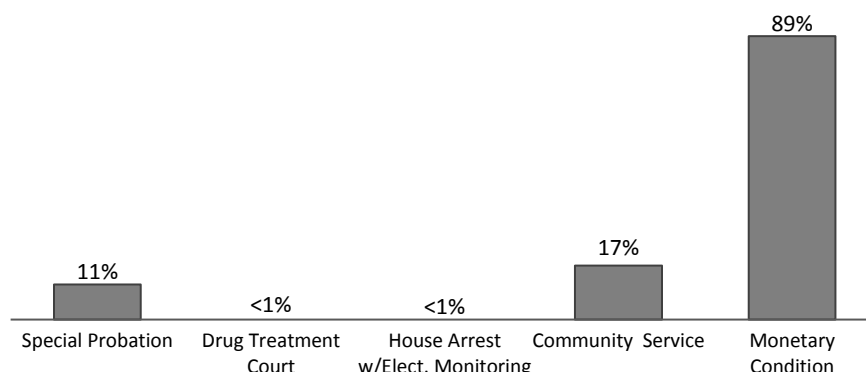
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Misdemeanor Statistical Report Data

B. Conditions of Probation¹³

In FY 2017, supervised probation was imposed for 24,107 convictions with an Intermediate or Community punishment. Figure 33 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 33 add to more than 100%. The most frequent condition imposed for supervised probation was a monetary condition (89%), which includes payment of fines, restitution, and/or court costs. Community service was imposed for 17% of Community and Intermediate punishment convictions with supervised probation. The least frequent conditions imposed were drug treatment court and house arrest with electronic monitoring (less than 1% each).

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

Figure 33: Probation Conditions for Convictions with Supervised Probation



Note: This figure includes information on probation conditions that are captured in AOC’s automated database. A single conviction may result in the imposition of more than one probation condition. As a result, the percentages reported add to more than 100%.
 SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Misdemeanor Statistical Report Data

Table 21 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 the AOC’s information management system (i.e., special probation or drug treatment court are not authorized conditions for a Community punishment). Overall, 3,002 Intermediate punishment convictions and 21,105 Community punishment convictions resulted in supervised probation sentences. The average length of supervised probation imposed was 17 months for convictions with an Intermediate punishment and 15 months for convictions with a Community punishment. Other than a monetary condition, special probation was the condition of probation most frequently ordered for Intermediate punishment convictions (n=1,948), while community service was the condition of probation most frequently ordered for Community punishment convictions (n=3,767). Convictions with house arrest with electronic monitoring as a condition of probation had the longest average length of supervision (23 months) relative to other conditions of probation.

In FY 2017, unsupervised probation was imposed for 18,743 convictions with a Community punishment. Multiple probation conditions may have been ordered for a single conviction. Of these convictions, 6% (n=1,196) included community service as a condition of probation and 91% (n=17,084) 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 2017, 19,650 convictions with a Community punishment had no probation sentence ordered. As part of the sentence imposed, 1% (n=132) of these convictions included an order to perform community service and 85% (n=16,719) included payment of monetary obligations (i.e., fine, restitution, or court costs).

Table 21: Probation Conditions for Convictions with Supervised Probation

Type of Punishment	Conditions of Probation (Number and Average Probation Length)					Total
	Special Probation	Drug Treatment Court	House Arrest w/ Elect. Monitoring	Community Service	Monetary Condition	
Intermediate	1,948 <i>17 months</i>	79 <i>20 months</i>	110 <i>23 months</i>	344 <i>19 months</i>	2,599 <i>17 months</i>	3,002 <i>17 months</i>
Community	674 <i>17 months</i>	19 <i>17 months</i>	20 <i>17 months</i>	3,767 <i>16 months</i>	18,830 <i>15 months</i>	21,105 <i>15 months</i>
Total	2,622 <i>17 months</i>	98 <i>20 months</i>	130 <i>23 months</i>	4,111 <i>16 months</i>	21,429 <i>16 months</i>	24,107 <i>16 months</i>

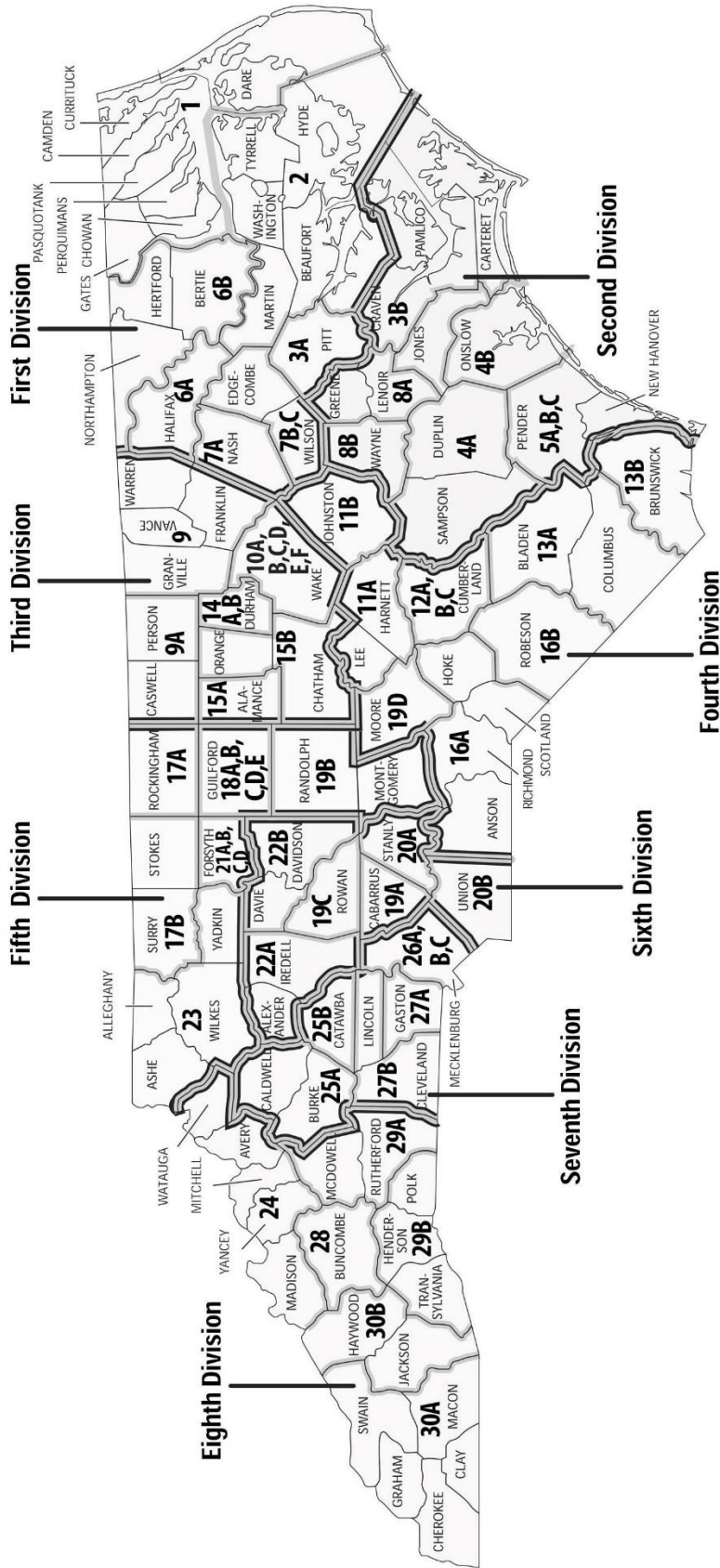
Note: This table includes information on probation conditions that are captured in AOC's automated database. Conditions ordered are reported regardless of possible errors in the automated database (i.e., special probation or drug treatment court are not authorized conditions for a Community punishment).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

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Misdemeanor Statistical Report Data

APPENDIX A
MAPS OF JUDICIAL DIVISIONS AND DISTRICTS

North Carolina Superior Court

Effective January 1, 2015

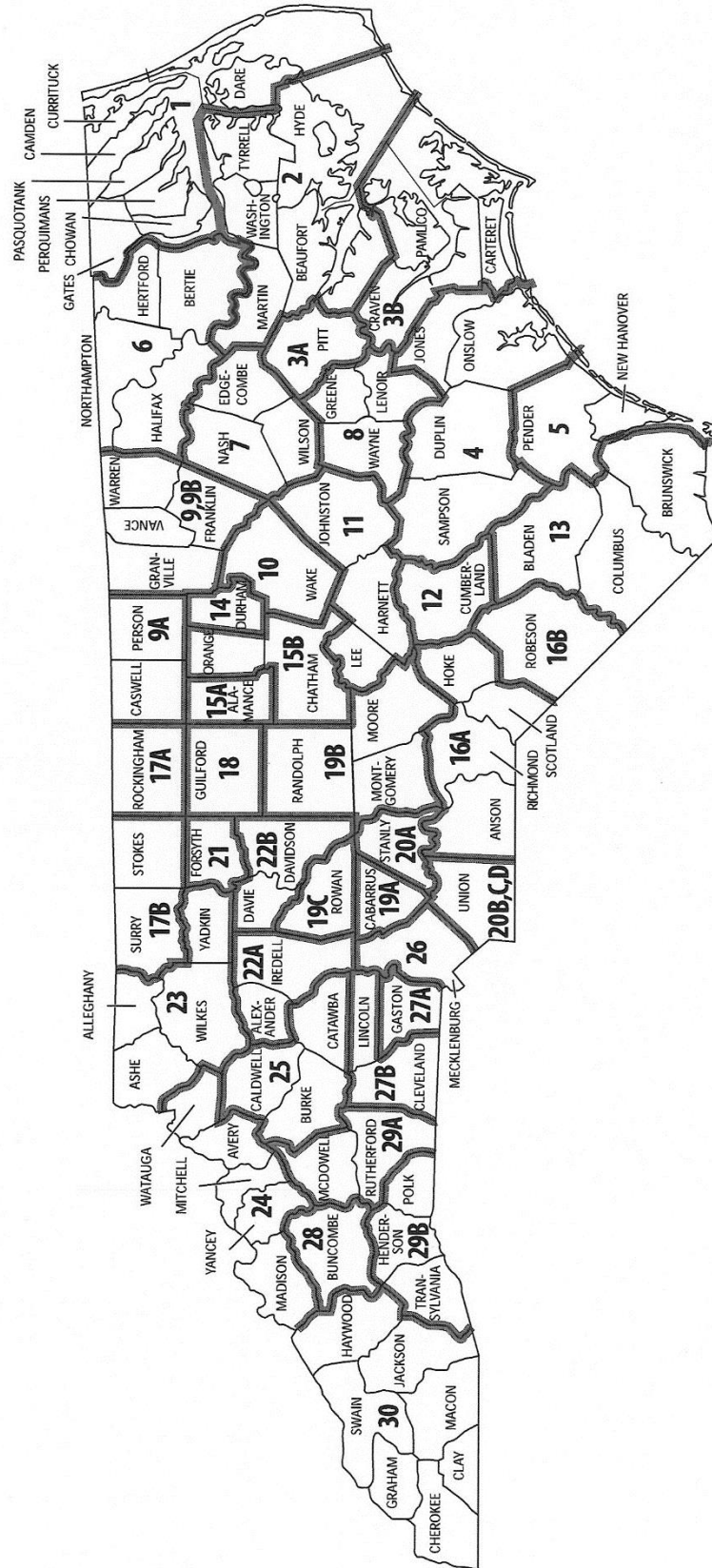


Note: Districts that have more than one letter associated with the district number (i.e., 10A, B, C, D) are divided into separate districts for electoral purposes. For administrative purposes, they are combined into a single district.

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North Carolina District Court Districts

Effective January 1, 2015



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

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APPENDIX B
SAMPLE OFFENSES AND
TOP FIVE CONVICTIONS BY OFFENSE CLASS

**Appendix B, Table 1: Classification of a Sample of Offenses
(Effective 12/1/16)**

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 Forcible Sexual Offense. (14-27.26)/First-Degree Statutory Sexual Offense. (14-27.29)
First-Degree Forcible Rape. (14-27.21)/First-Degree Statutory Rape. (14-27.24)	
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 Forcible Rape. (14-27.22)	First-Degree Kidnapping. (14-39)
Second-Degree Forcible Sexual Offense. (14-27.27)	Embezzlement (amount involved \$100,000 or more). (14-90)
Assault W/D/W/I/K/I/S/I. (14-32(a))	
CLASS D FELONIES	Maximum Punishment of 204* Months
Voluntary Manslaughter. (14-18)	Child Abuse Inflicting Serious Physical Injury. (14-318.4(a))
First-Degree Burglary. (14-51)	Death by Vehicle. (20-141.4(a)(1))
First-Degree Arson. (14-58)	Sell or Deliver a Controlled Substance to a Person Under 16 But More than 13 Years of Age. (90-95(e)(5))
Armed Robbery. (14-87)	
CLASS E FELONIES	Maximum Punishment of 88* Months
Sexual Activity by a Substitute Parent or Custodian. (14-27.31)	Assault with a Firearm on a Law Enforcement Officer. (14-34.5)
Assault W/D/W/I/S/I. (14-32(b))	Second-Degree Kidnapping. (14-39)
Assault W/D/W/I/K. (14-32i)	Sell or Deliver a Controlled Substance Within 1,000 Feet of a School. (90-95(e)(8))
Discharging Weapon Into Occupied Property. (14-34.1(a))	
CLASS F FELONIES	Maximum Punishment of 59 Months
Involuntary Manslaughter. (14-18)	Burning of Certain Other Buildings. (14-62)
Assault Inflicting Serious Bodily Injury. (14-32.4)	Taking Indecent Liberties with Children. (14-202.1)
Assault W/D/W on Governmental Officer or Employee. (14-34.2)	Patronizing a Prostitute (minor). (14-205.2(a))
Assault I/S/B/I on a Law Enforcement Officer. (14-34.7)	Possess Weapon of Mass Destruction. (14-288.8)
Felonious Restraint. (14-43.3)	Habitual Impaired Driving. (20-138.5)
CLASS G FELONIES	Maximum Punishment of 47 Months
Second-Degree Burglary. (14-51)	Identity Theft. (14-113.20)
Second-Degree Arson. (14-58)	Possession of Firearms, etc., by Felon. (14-415.1)
Common Law Robbery. (14-87.1)	Sale of a Schedule I or II Controlled Substance. (90-95(a)(1))
CLASS H FELONIES	Maximum Punishment of 39 Months
Assault by Strangulation. (14-32.4(b))	Embezzlement (amount involved less than \$100,000). (14-90)
Habitual Misdemeanor Assault. (14-33.2)	Obtaining Property by False Pretenses (amount involved less than \$100,000). (14-100)
Breaking or Entering Buildings (w/felonious intent). (14-54(a))	Hit and Run (resulted in injury). (20-166(a1))
Fraudulently Setting Fire to Dwelling Houses. (14-65)	Sale of a Schedule III, IV, V, or VI Controlled Substance. (90-95(a)(1))
Possessing Stolen Goods. (14-71.1)	Possession W/I/M/S/D Cocaine. (90-95(a)(1))
Larceny of Property (worth more than \$1,000). (14-72)	Escaping From State Prison System (felon). (148-45(b))

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

**Appendix B, Table 1: Classification of a Sample of Offenses (continued)
(Effective 12/1/16)**

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. (14-33I(1))	Assault on a State Officer or Employee. (14-33I(4))
Assault on a Female. (14-33I(2))	Assault by Pointing a Gun. (14-34)
Assault on a Child Under 12 Years of Age. (14-33I(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 (worth \$400 or less). (96-18(a))
CLASS 2 MISDEMEANORS	Maximum Punishment of 60 Days
Simple Assault/Assault and Battery. (14-33(a))	Using Profane, Indecent or Threatening Language to Any Person Over Telephone. (14-196)
Financial Transaction Card Fraud. (14-113.13)	Cyberstalking. (14-196.3)
First-Degree Trespass. (14-159.12)	Resisting Officers. (14-223)
Willful and Wanton Injury to Personal Property (damage of \$200 or less). (14-160(a))	Carrying Concealed Weapons. (14-269(a), (a1)/first offense)
Indecent Exposure. (14-190.9)	Disorderly Conduct. (14-288.4)
CLASS 3 MISDEMEANORS	Maximum Punishment of 20 Days
Concealment of merchandise in mercantile establishments (first conviction). (14-72.1)	Unsealed Wine/Liquor in Passenger Area. (18B-401)
Worthless Check for \$2,000 or Less. (14-107(d)(1))	Possess Marijuana (1/2 ounce or less). (90-95(a)(3))
Second-Degree Trespass. (14-159.13)	Possession of Marijuana Drug Paraphernalia (90-113.22A)
Failure to Return Rental Property. (14-167)	Hunting Without a License (first offense). (113-270.2)
Intoxicated and Disruptive in Public. (14-444)	Fishing Without a License (first offense). (113-271)
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

Class A Felonies		Total Convictions = 65	
	#	%	
First Degree Murder	65	100	
Class B1 Felonies		Total Convictions = 286	
	#	%	
Second Degree Murder	134	47	
Statutory Rape	40	14	
First Degree Sex Offense with a Child	21	7	
First Degree Rape	17	6	
First Degree Sexual Offense	13	5	
Class B2 Felonies		Total Convictions = 143	
	#	%	
Second Degree Murder	39	27	
Attempted First Degree Murder	24	17	
Second Degree Murder without Regard for Human Life	19	13	
Attempted First Degree Sexual Offense	4	3	
Child Abuse Inflicting Serious Bodily Injury	3	2	
Class C Felonies		Total Convictions = 649	
	#	%	
Habitual Felon	303	47	
AWDW Intent to Kill Inflicting Serious Injury	78	12	
Manufacture Methamphetamine	67	10	
First Degree Kidnapping	28	4	
Second Degree Sexual Offense	27	4	
Class D Felonies		Total Convictions = 935	
	#	%	
Robbery with a Dangerous Weapon	330	35	
Habitual Felon	280	30	
Voluntary Manslaughter	68	7	
First Degree Burglary	67	7	
Attempted Robbery with a Dangerous Weapon	52	6	
Class E Felonies		Total Convictions = 1,840	
	#	%	
Habitual Felon	362	20	
Assault with a Deadly Weapon Inflicting Serious Injury	308	17	
Conspiracy to Commit Robbery with a Dangerous Weapon	295	16	
Second Degree Kidnapping	113	6	
Habitual Breaking and Entering	109	6	

continued

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

Class F Felonies		Total Convictions = 2,388	
	#		%
Taking Indecent Liberties with a Child	387		16
Failure to Report New Address as a Sex Offender	265		11
Habitual Impaired Driving	204		9
Possess or Distribute a Methamphetamine Precursor	199		8
Assault Inflicting Serious Injury	161		7
Class G Felonies		Total Convictions = 3,698	
	#		%
Possession of a Firearm by a Felon	1,414		38
Common Law Robbery	566		15
Identity Theft	283		8
Sell Cocaine	192		5
Sell Schedule II Controlled Substance	163		4
Class H Felonies		Total Convictions = 12,166	
	#		%
Breaking or Entering Buildings	2,458		20
Obtaining Property by False Pretense (worth less than \$100,000)	1,642		14
Larceny of Property (worth more than \$1,000)	971		8
Speeding to Elude Arrest (2 aggravating factors)	407		3
PWISD Cocaine	399		3
Class I Felonies		Total Convictions = 6,386	
	#		%
Possess Cocaine	954		15
Possess Methamphetamine	863		14
Possess Heroin	614		10
Breaking or Entering a Motor Vehicle	501		8
Possess Schedule II Controlled Substance	411		6
Class A1 Misdemeanors		Total Convictions = 9,566	
	#		%
Assault on a Female	4,591		48
Domestic Violence Protective Order Violation	1,164		12
Assault on a Government Official or Employee	1,090		11
Assault with a Deadly Weapon	822		9
Assault Inflicting Serious Injury	500		5

continued

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

Class 1 Misdemeanors		Total Convictions = 46,103	
	#	%	
Larceny of Property (worth \$1,000 or less)	14,626	32	
Possess Drug Paraphernalia	6,361	14	
Driving while Licensed Revoked for Impaired Driving	3,972	9	
Communicating Threats	1,715	4	
Breaking or Entering Buildings	1,704	4	
Class 2 Misdemeanors		Total Convictions = 13,058	
	#	%	
Resisting Public Officer	4,753	36	
Simple Assault	2,463	19	
Disorderly Conduct	715	5	
Carrying a Concealed Gun	602	5	
Injury to Personal Property	444	3	
Class 3 Misdemeanors		Total Convictions = 22,744	
	#	%	
Possess Marijuana (1/2 ounce or less)	7,267	32	
Second Degree Trespass	4,267	19	
Possess Marijuana Paraphernalia	2,970	13	
Shoplifting/Concealment of Goods	2,332	10	
Simple Possession of Schedule VI Controlled Substance	2,228	10	

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 2017 Statistical Report Data

APPENDIX C
ADDITIONAL FELONY DATA
BY JUDICIAL DIVISION AND DISTRICT

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

Judicial Division, Judicial District, and County		Felony Convictions	Convictions per 1,000 Adults (16+)
First Judicial Division		2,621	4
District 1	Camden	10	1
	Chowan	38	3
	Currituck	47	2
	Dare	124	4
	Gates	16	2
	Pasquotank	154	5
	Perquimans	20	2
	Total	409	4
District 2	Beaufort	240	6
	Hyde	26	5
	Martin	105	5
	Tyrrell	20	6
	Washington	29	3
	Total	420	5
District 3A	Pitt	671	5
	Total	671	5
District 6A	Halifax	192	5
	Total	192	5
District 6B	Bertie	53	3
	Hertford	59	3
	Northampton	26	2
	Total	138	3
District 7A	Nash	379	5
	Total	379	5
District 7B	Edgecombe	219	5
	Wilson	193	3
	Total	412	4
Second Judicial Division		3,454	4
District 3B	Carteret	287	5
	Craven	368	5
	Pamlico	70	6
	Total	725	5
District 4A	Duplin	231	5
	Jones	60	7
	Sampson	272	5
	Total	563	5
District 4B	Onslow	454	3
	Total	454	3
District 5	New Hanover	934	5
	Pender	171	3
	Total	1,105	5

Judicial Division, Judicial District, and County		Felony Convictions	Convictions per 1,000 Adults (16+)
District 8A	Greene	81	5
	Lenoir	234	5
	Total	315	5
District 8B	Wayne	292	3
	Total	292	3
Third Judicial Division		4,459	3
District 9	Franklin	157	3
	Granville	113	2
	Vance	152	4
	Warren	30	2
	Total	452	3
District 9A	Caswell	71	4
	Person	157	5
	Total	228	4
District 10	Wake	2,306	3
	Total	2,306	3
District 14	Durham	619	3
	Total	619	3
District 15A	Alamance	580	4
	Total	580	4
District 15B	Chatham	104	2
	Orange	170	1
	Total	274	2
Fourth Judicial Division		4,494	4
District 11A	Harnett	337	3
	Lee	205	4
	Total	542	4
District 11B	Johnston	716	5
	Total	716	5
District 12	Cumberland	1,046	4
	Total	1,046	4
District 13A	Bladen	127	5
	Columbus	242	5
	Total	369	5
District 13B	Brunswick	499	4
	Total	499	4
District 16A	Anson	133	6
	Hoke	192	5
	Richmond	201	6
	Scotland	160	6
	Total	686	6

continued

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

Judicial Division, Judicial District, and County	Felony Convictions	Convictions per 1,000 Adults (16+)
District 16B Robeson	300	3
Total	300	3
District 19D Moore	336	4
Total	336	4
Fifth Judicial Division	4,210	4
District 17A Rockingham	400	5
Total	400	5
District 17B Stokes	156	4
Surry	179	3
Total	335	3
District 18 Guilford	1,540	4
Total	1,540	4
District 19B Montgomery	70	3
Randolph	330	3
Total	400	3
District 21 Forsyth	932	3
Total	932	3
District 23 Alleghany	47	5
Ashe	86	4
Wilkes	319	5
Yadkin	151	5
Total	603	5
Sixth Judicial Division	2,961	3
District 19A Cabarrus	660	4
Total	660	4
District 19C Rowan	561	5
Total	561	5
District 20A Stanly	193	4
Total	193	4
District 20B Union	439	2
Total	439	2
District 22A Alexander	100	3
Iredell	474	3
Total	574	3
District 22B Davidson	454	3
Davie	80	2
Total	534	3
Seventh Judicial Division	4,450	3
District 25A Burke	367	5
Caldwell	234	3
Total	601	4

Judicial Division, Judicial District, and County	Felony Convictions	Convictions per 1,000 Adults (16+)
District 25B Catawba	634	5
Total	634	5
District 26 Mecklenburg	1,619	2
Total	1,619	2
District 27A Gaston	769	4
Total	769	4
District 27B Cleveland	491	6
Lincoln	336	5
Total	827	6
Eighth Judicial Division	2,336	3
District 24 Avery	48	3
Madison	73	4
Mitchell	63	5
Watauga	97	2
Yancey	113	7
Total	394	4
District 28 Buncombe	458	2
Total	458	2
District 29A McDowell	267	7
Rutherford	397	7
Total	664	7
District 29B Henderson	275	3
Polk	31	2
Transylvania	62	2
Total	368	3
District 30A Cherokee	46	2
Clay	9	1
Graham	4	1
Macon	50	2
Swain	25	2
Total	134	2
District 30B Haywood	218	4
Jackson	100	3
Total	318	4
State Total	28,985	4

SOURCES: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data and NC Office of State Management and Budget, 2017 Population Projections from <https://www.osbm.nc.gov/demog/county-projections>

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

Judicial Division and District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
First Judicial Division	968	37	737	28	884	34	29	46	2,589
District 1	123	30	100	25	181	45	22	38	404
District 2	161	38	175	42	84	20	35	54	420
District 3A	207	31	157	24	303	45	29	46	667
District 6A	64	34	26	14	98	52	28	45	188
District 6B	64	47	28	21	43	32	31	47	135
District 7A	155	42	130	35	86	23	20	36	371
District 7B, C	194	48	121	30	89	22	36	54	404
Second Judicial Division	1,199	35	847	25	1,333	39	31	49	3,379
District 3B	242	34	62	9	414	58	28	45	718
District 4A	192	35	115	21	234	43	28	44	541
District 4B	130	29	107	24	212	47	33	52	449
District 5	409	38	381	35	289	27	33	52	1,079
District 8A	131	43	108	35	68	22	27	45	307
District 8B	95	33	74	26	116	41	40	60	285
Third Judicial Division	1,906	43	879	20	1,599	36	28	45	4,384
District 9	179	41	58	13	201	46	29	46	438
District 9A	94	41	89	39	44	19	27	43	227
District 10	1,080	47	355	16	845	37	23	39	2,280
District 14	247	42	188	32	155	26	39	60	590
District 15A	173	30	154	27	251	43	37	57	578
District 15B	133	49	35	13	103	38	35	55	271

continued

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

Judicial Division and District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>Fourth Judicial Division</i>	1,551	35	1,579	36	1,286	29	32	49	4,416
District 11A	176	33	157	30	196	37	28	45	529
District 11B	193	27	231	33	278	40	35	53	702
District 12	425	41	390	38	215	21	32	50	1,030
District 13A	109	31	176	49	72	20	39	60	357
District 13B	156	32	163	33	174	35	23	40	493
District 16A	262	38	235	34	185	27	30	47	682
District 16B	105	36	140	47	50	17	50	71	295
District 19D	125	38	87	27	116	35	23	37	328
<i>Fifth Judicial Division</i>	1,626	39	1,630	39	901	22	30	48	4,157
District 17A	146	37	204	51	50	13	27	44	400
District 17B	127	39	98	30	103	31	23	39	328
District 18	632	41	590	39	304	20	30	48	1,526
District 19B	105	26	229	58	63	16	29	47	397
District 21	462	51	282	31	170	19	34	52	914
District 23	154	26	227	38	211	36	31	47	592
<i>Sixth Judicial Division</i>	1,000	34	1,224	42	702	24	32	51	2,926
District 19A	187	29	334	51	135	21	26	43	656
District 19C	219	39	163	29	178	32	32	50	560
District 20A	51	27	86	46	51	27	19	33	188
District 20B	122	29	180	43	121	29	38	61	423
District 22A	208	36	266	47	97	17	37	56	571
District 22B	213	40	195	37	120	23	34	54	528

continued

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

Judicial Division and District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>Seventh Judicial Division</i>	1,489	34	1,981	45	927	21	34	53	4,397
District 25A	139	23	320	54	136	23	43	65	595
District 25B	171	27	324	52	132	21	38	57	627
District 26	631	39	652	41	318	20	35	55	1,601
District 27A	281	37	298	39	181	24	25	41	760
District 27B	267	33	387	48	160	20	36	56	814
<i>Eighth Judicial Division</i>	821	36	945	41	542	23	28	45	2,308
District 24	112	29	234	60	43	11	41	61	389
District 28	175	38	240	53	42	9	31	50	457
District 29A	265	41	184	28	202	31	20	35	651
District 29B	104	29	70	19	189	52	23	38	363
District 30A	53	40	67	51	12	9	51	73	132
District 30B	112	35	150	47	54	17	23	38	316
<i>State Total</i>	10,560	37	9,822	34	8,174	29	31	48	28,556

Note: Of the 28,985 felony convictions in FY 2017, 429 (or 1.5%) were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Death and life sentences were excluded from the calculation of the average minimum and maximum sentences. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

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

Judicial Division and District	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
<i>First Judicial Division</i>	184	19	748	78	30	3	962
District 1	21	17	94	78	6	5	121
District 2	47	29	109	68	5	3	161
District 3A	71	34	129	63	6	3	206
District 6A	16	25	46	72	2	3	64
District 6B	7	11	52	81	5	8	64
District 7A	14	9	138	90	2	1	154
District 7B, C	8	4	180	94	4	2	192
<i>Second Judicial Division</i>	304	26	849	71	37	3	1,190
District 3B	47	19	191	79	4	2	242
District 4A	63	33	122	64	7	4	192
District 4B	16	12	104	81	9	7	129
District 5	105	26	293	73	6	1	404
District 8A	43	33	80	62	7	5	130
District 8B	30	32	59	63	4	4	93
<i>Third Judicial Division</i>	618	33	1,209	64	67	4	1,894
District 9	27	15	146	82	4	2	177
District 9A	16	17	72	77	5	5	93
District 10	397	37	653	61	26	2	1,076
District 14	85	35	139	57	20	8	244
District 15A	69	40	99	58	4	2	172
District 15B	24	18	100	76	8	6	132

continued

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

Judicial Division and District	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
<i>Fourth Judicial Division</i>	451	29	1,033	67	60	4	1,544
District 11A	46	26	114	65	15	9	175
District 11B	107	55	81	42	5	3	193
District 12	130	31	286	67	9	2	425
District 13A	29	28	70	67	6	6	105
District 13B	43	28	109	70	4	3	156
District 16A	52	20	205	78	5	2	262
District 16B	20	19	75	73	8	8	103
District 19D	24	19	93	74	8	6	125
<i>Fifth Judicial Division</i>	571	35	948	59	99	6	1,618
District 17A	38	26	90	62	17	12	145
District 17B	43	34	79	63	4	3	126
District 18	169	27	425	67	36	6	630
District 19B	27	26	71	68	6	6	104
District 21	259	56	179	39	21	5	459
District 23	35	23	104	68	15	10	154
<i>Sixth Judicial Division</i>	315	32	369	64	38	4	992
District 19A	71	38	112	60	3	2	186
District 19C	78	36	127	59	12	6	217
District 20A	15	29	36	71	.	.	51
District 20B	26	21	93	77	2	2	121
District 22A	55	27	142	69	9	4	206
District 22B	70	33	129	61	12	6	211

continued

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

Judicial Division and District	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
<i>Seventh Judicial Division</i>	385	26	1,003	68	89	6	1,477
District 25A	42	30	95	69	1	1	138
District 25B	49	29	118	69	3	2	170
District 26	193	31	400	64	31	5	624
District 27A	46	16	196	70	38	14	280
District 27B	55	21	194	73	16	6	265
<i>Eighth Judicial Division</i>	206	25	592	72	19	2	817
District 24	40	36	66	59	5	5	111
District 28	44	25	128	73	3	2	175
District 29A	57	22	206	78	1	0	264
District 29B	27	26	71	69	5	5	103
District 30A	7	13	42	79	4	8	53
District 30B	31	28	79	71	1	1	111
<i>State Total</i>	3,034	29	7,021	67	439	4	10,494

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. Class A convictions, which are subject to mandatory life or death sentences (n=65), and 1 Class B1 conviction sentenced to life without parole were also excluded from this table. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony 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**

Crime Type and Offense	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	2,944	60	1,440	29	555	11	59	86	4,939
1 st Degree Murder	65	100	.	.	.	.	.	.	65
2 nd Degree Murder	215	100	.	.	.	.	218	274	215
Attempted/Solicited Murder	24	100	.	.	.	.	166	212	24
Voluntary Manslaughter	79	99	1	1	.	.	68	94	80
Involuntary Manslaughter	23	45	24	47	4	8	17	30	51
Felony Death by Vehicle	30	71	12	29	.	.	62	87	42
Armed Robbery	331	100	.	.	.	.	59	83	331
Att./Consp. Armed Robbery	185	53	146	42	19	5	35	54	350
Common Law Robbery	258	46	242	43	66	12	15	27	566
Att. Common Law Robbery	40	36	48	43	23	21	9	20	111
Other Robbery	32	37	26	30	29	33	22	37	87
AWDWIKISI	78	100	.	.	.	.	78	106	78
AWDW Intent to Kill	36	57	19	30	8	13	27	46	63
AWDW Serious Injury	151	49	127	41	30	10	29	47	308
Assault Govt. Official with Firearm	30	45	31	47	5	8	20	34	66
Assault Govt. Official	23	31	23	31	29	39	10	21	75
Assault by Strangulation	59	35	64	38	44	26	11	22	167
Other Felony Assaults	133	50	90	34	45	17	20	34	268
1 st Degree Rape/Sex Offense	72	100	.	.	.	.	243	344	72
Attempted 1 st Degree Rape/Sex Offense	6	100	.	.	.	.	167	244	6
2 nd Degree Rape/Sex Offense	62	100	.	.	.	.	75	143	62
Attempted 2 nd Degree Rape/Sex Offense	9	100	.	.	.	.	75	151	9
Statutory Rape/Sex Offense Against 13, 14, 15	58	100	.	.	.	.	186	271	58

continued

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

Crime Type and Offense	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Indecent Liberties with Child	197	51	151	39	39	10	17	29	387
Crime Against Nature, Incest, Bigamy	10	14	13	18	51	69	88	136	74
Sexual Exploitation of a Minor	43	46	33	35	17	18	23	73	93
Child Abuse	39	51	26	34	12	16	47	74	77
Registered Sex Off. Offenses	261	61	122	28	48	11	19	32	431
Other Sex Crimes	135	58	69	30	27	12	79	130	231
Kidnap/Abduction	100	61	53	32	12	7	42	68	165
Att./Consp. Kidnapping	2	67	1	33	.	.	66	91	3
Habitual Misdemeanor Assault	94	56	54	32	20	12	11	22	168
All Other Person Felonies	65	41	65	41	27	17	21	35	157
Property	3,412	33	3,573	35	3,348	32	13	25	10,333
1st Degree Burglary	67	100	.	.	.	.	61	85	67
Attempted 1st Degree Burglary	18	69	7	27	1	4	27	44	26
2nd Degree Burglary	58	53	41	38	10	9	16	28	109
Breaking/Entering	1,077	35	1,063	34	973	31	10	21	3,113
Attempted Breaking/Entering	14	19	23	32	35	49	7	18	72
Larceny	819	33	905	37	736	30	11	22	2,460
Attempted Larceny	10	16	19	31	33	53	9	20	62
Possess/Receive Stolen Goods/Property	265	33	288	35	262	32	9	20	815
1st Degree Arson	4	100	.	.	.	.	56	79	4
2nd Degree Arson	16	44	17	47	3	8	16	29	36
Other Arson/Burning	34	40	33	39	17	20	16	28	84
Forgery	55	17	105	33	162	50	11	22	322
Fraud	116	23	197	39	189	38	15	27	502

continued

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

Crime Type and Offense	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Embezzlement	20	10	59	30	115	59	26	41	194
Obtain Property by False Pretenses	454	28	591	36	605	37	11	22	1,650
Att./Consp. Obtain Property by False Pretenses	55	28	77	39	66	33	10	21	198
Habitual Breaking and Entering	98	90	10	9	1	1	32	51	109
Habitual Misdemeanor Larceny	192	70	63	23	18	7	14	26	273
All Other Property Felonies	40	17	75	32	122	51	10	21	237
Non-Trafficking Drugs	1,669	19	3,389	39	3,529	41	16	28	8,587
Sell/Deliver Drugs	345	28	551	45	327	27	15	27	1,223
Consp. To Sell/Deliver Drugs	16	16	42	43	39	40	14	26	97
Manufacture Drugs	75	56	16	12	43	32	59	82	134
Possession with Intent	318	20	587	37	690	43	9	21	1,595
Drug Possession	326	10	1,304	38	1,779	52	7	18	3,409
All Other Drug Felonies	589	28	889	42	651	31	19	32	2,129
Other Felony	2,535	54	1,420	30	742	16	34	51	4,697
Armed Habitual Felon	2	100	.	.	.	.	120	156	2
Habitual Felon	899	95	45	5	1	0	62	87	945
Habitual Impaired Driving	204	100	.	.	.	.	17	30	204
Weapon Offenses	768	42	756	42	284	16	17	30	1,808
Motor Vehicle Offenses	276	39	272	38	164	23	11	23	712
Crimes Against Admin. Justice	53	47	33	29	27	24	11	23	113
All Other Felonies	333	36	314	34	266	29	25	43	913
Total	10,560	37	9,822	34	8,174	29	31	48	28,556

Note: Of the 28,985 felony convictions in FY 2017, 429 (or 1.5%) 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 2017 Felony Statistical Report Data

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

Crime Type and Offense	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
Person	867	30	1,825	63	187	6	2,879
2 nd Degree Murder	61	28	118	55	36	17	215
Attempted/Solicited Murder	6	25	17	71	1	4	24
Voluntary Manslaughter	19	24	50	63	10	13	79
Involuntary Manslaughter	1	4	19	83	3	13	23
Felony Death by Vehicle	7	23	16	53	7	23	30
Armed Robbery	167	50	155	47	9	3	331
Att./Consp. Armed Robbery	67	36	112	61	6	3	185
Common Law Robbery	41	16	204	79	13	5	258
Att. Common Law Robbery	7	18	31	78	2	5	40
Other Robbery	5	16	25	78	2	6	32
AWDWIKISI	20	26	51	65	7	9	78
AWDW Intent to Kill	12	33	19	53	5	14	36
AWDW Serious Injury	35	23	103	68	13	9	151
Assault Govt. Official with Firearm	6	20	22	73	2	7	30
Assault Govt. Official	5	22	18	78	.	.	23
Assault by Strangulation	11	19	44	75	4	7	59
Other Felony Assaults	44	33	87	65	2	2	133
1 st Degree Rape/Sex Offense	20	28	32	45	19	27	71
Attempted 1 st Degree Rape/Sex Offense	2	33	4	67	.	.	6
2 nd Degree Rape/Sex Offense	11	18	48	77	3	5	62
Attempted 2 nd Degree Rape/Sex Offense	3	33	6	67	.	.	9
Statutory Rape/Sex Offense Against 13, 14, 15	27	47	30	52	1	2	58
Indecent Liberties with Child	26	13	156	79	15	8	197

continued

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

Crime Type and Offense	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
Crime Against Nature, Incest, Bigamy	2	20	8	80	.	.	10
Sexual Exploitation of a Minor	8	19	35	81	.	.	43
Child Abuse	14	36	25	64	.	.	39
Registered Sex Off. Offenses	119	46	134	51	8	3	261
Other Sex Crimes	53	39	77	57	5	4	135
Kidnap/Abduction	25	25	67	67	8	8	100
Att./Consp. Kidnapping	1	50	1	50	.	.	2
Habitual Misdemeanor Assault	27	29	64	68	3	3	94
All Other Person Felonies	15	23	47	72	3	5	65
Property	733	21	2,577	76	102	3	3,412
1 st Degree Burglary	31	46	35	52	1	1	67
Attempted 1 st Degree Burglary	6	33	12	67	.	.	18
2 nd Degree Burglary	4	7	51	88	3	5	58
Breaking/Entering	181	17	862	80	34	3	1,077
Attempted Breaking/Entering	6	43	8	57	.	.	14
Larceny	167	20	629	77	23	3	819
Attempted Larceny	1	10	8	80	1	10	10
Possess/Receive Stolen Goods/ Property	64	24	191	72	10	4	265
1 st Degree Arson	4	100	.	.	.	.	4
2 nd Degree Arson	3	19	12	75	1	6	16
Other Arson/Burning	4	12	30	88	.	.	34
Forgery	11	20	44	80	.	.	55
Fraud	24	21	87	75	5	4	116
Embezzlement	4	20	16	80	.	.	20

continued

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

Crime Type and Offense	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
Obtain Property by False Pretenses	126	28	317	70	11	2	454
Att./Consp. Obtain Property by False Pretenses	15	27	39	71	1	2	55
Habitual Breaking and Entering	26	27	68	69	4	4	98
Habitual Misdemeanor Larceny	48	25	138	72	6	3	192
All Other Property Felonies	8	20	30	75	2	5	40
<i>Non-Trafficking Drugs</i>	418	25	1,190	71	61	4	1,669
Sell/Deliver Drugs	63	18	272	79	10	3	345
Consp. To Sell/Deliver Drugs	3	19	12	75	1	6	16
Manufacture Drugs	47	63	27	36	1	1	75
Possession with Intent	70	22	234	74	14	4	318
Drug Possession	93	29	229	70	4	1	326
All Other Drug Felonies	142	24	416	71	31	5	589
<i>Other Felony</i>	1,016	40	1,429	56	89	4	2,534
Armed Habitual Felon	.	.	.	.	2	100	2
Habitual Felon	570	63	301	33	28	3	899
Habitual Impaired Driving	95	47	104	51	5	2	204
Weapon Offenses	195	25	549	71	24	3	768
Motor Vehicle Offenses	57	21	214	78	5	2	276
Crimes Against Admin. Justice	17	32	36	68	.	.	53
All Other Felonies	82	25	225	68	25	8	332
<i>Total</i>	3,034	29	7,021	67	439	4	10,494

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. Class A convictions, which are subject to mandatory life or death sentences (n=65), and 1 Class B1 conviction sentenced to life without parole were also excluded from this table. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

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

Offense Class	% Mitigated	% Mitigated and Lowest Spot in Presumptive Range
B1	32	46
B2	37	52
C	47	62
D	55	69
E	34	58
F	30	56
G	21	53
H	21	56
I	26	58
Total	29	57

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as extraordinary mitigation) were excluded from this table. Class A convictions, which are subject to mandatory life or death sentences (n=65), and 1 Class B1 conviction sentenced to life without parole were also excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

APPENDIX E
ADDITIONAL MISDEMEANOR DATA
BY JUDICIAL DISTRICT AND COUNTY

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

Judicial District and County		Misd. Convictions	Convictions per 1,000 Adults (16+)
District 1	Camden	57	7
	Chowan	109	9
	Currituck	214	10
	Dare	663	22
	Gates	75	8
	Pasquotank	563	17
	Perquimans	115	10
	Total	1,796	14
District 2	Beaufort	605	15
	Hyde	66	14
	Martin	359	19
	Tyrrell	72	21
	Washington	156	16
	Total	1,258	16
District 3A	Pitt	1,721	12
	Total	1,721	12
District 3B	Carteret	768	13
	Craven	1,210	15
	Pamlico	175	15
	Total	2,153	14
District 4	Duplin	669	14
	Jones	115	13
	Onslow	1,751	12
	Sampson	723	15
	Total	3,258	13
District 5	New Hanover	2,421	13
	Pender	356	7
	Total	2,777	12
District 6	Bertie	138	8
	Halifax	620	15
	Hertford	269	14
	Northampton	124	7
	Total	1,151	12
District 7	Edgecombe	841	20
	Nash	1,331	17
	Wilson	841	13
	Total	3,013	16
District 8	Greene	192	11
	Lenoir	1,011	22
	Wayne	1,460	15
	Total	2,663	16

Judicial District and County		Misd. Convictions	Convictions per 1,000 Adults (16+)
District 9	Franklin	581	11
	Granville	426	9
	Vance	593	17
	Warren	96	6
	Total	1,696	11
District 9A	Caswell	161	8
	Person	489	15
Total	650	12	
District 10	Wake	7,249	9
	Total	7,249	9
District 11	Harnett	761	8
	Johnston	1,318	9
	Lee	595	13
	Total	2,674	9
District 12	Cumberland	2,124	8
	Total	2,124	8
District 13	Bladen	395	14
	Brunswick	854	8
	Columbus	684	15
	Total	1,933	10
District 14	Durham	1,771	7
	Total	1,771	7
District 15A	Alamance	1,553	12
	Total	1,553	12
District 15B	Chatham	340	5
	Orange	631	5
	Total	971	5
District 16A	Anson	280	13
	Hoke	341	9
	Richmond	580	16
	Scotland	617	22
	Total	1,818	15
District 16B	Robeson	1,902	18
	Total	1,902	18
District 17A	Rockingham	961	13
	Total	961	13
District 17B	Stokes	476	12
	Surry	1,000	17
	Total	1,476	15

continued

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

Judicial District and County		Misd. Convictions	Convictions per 1,000 Adults (16+)
District 18	Guilford	4,400	10
	Total	4,400	10
District 19A	Cabarrus	3,073	19
	Total	3,073	19
District 19B	Montgomery	431	19
	Moore	925	12
	Randolph	1,842	16
	Total	3,198	15
District 19C	Rowan	2,450	22
	Total	2,450	22
District 20A	Stanly	730	14
	Total	730	14
District 20B	Union	1,359	8
	Total	1,359	8
District 21	Forsyth	4,749	16
	Total	4,749	16
District 22A	Alexander	398	13
	Iredell	2,256	16
	Total	2,654	15
District 22B	Davidson	2,051	15
	Davie	431	12
	Total	2,482	15
District 23	Alleghany	117	12
	Ashe	201	9
	Wilkes	676	12
	Yadkin	390	13
	Total	1,384	11
District 24	Avery	211	13
	Madison	297	16
	Mitchell	180	14
	Watauga	514	10
	Yancey	169	11
	Total	1,371	12

Judicial District and County		Misd. Convictions	Convictions per 1,000 Adults (16+)
District 25	Burke	1,077	14
	Caldwell	918	13
	Catawba	2,137	17
	Total	4,132	15
District 26	Mecklenburg	3,238	4
	Total	3,238	4
District 27A	Gaston	2,285	13
	Total	2,285	13
District 27B	Cleveland	1,393	17
	Lincoln	685	10
	Total	2,078	14
District 28	Buncombe	2,628	12
	Total	2,628	12
District 29A	McDowell	682	18
	Rutherford	1,094	20
	Total	1,776	19
District 29B	Henderson	1,137	12
	Polk	215	12
	Transylvania	327	11
	Total	1,679	12
District 30	Cherokee	273	11
	Clay	50	5
	Graham	73	10
	Haywood	767	15
	Jackson	367	10
	Macon	260	9
	Swain	126	11
	Total	1,916	11
State Total		94,150	11

SOURCES: NC Sentencing and Policy Advisory Commission, FY 2017 Misdemeanor Statistical Report Data and NC Office of State Management and Budget, 2017 Population Projections from <https://www.osbm.nc.gov/demog/county-projections>

Disclaimer for AOC Data

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

Offenses Committed on or after December 1, 2013

Misdemeanor Sentences and Dispositions

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

DISPOSITION C – Community I – Intermediate A – Active

* Unless otherwise provided for a specific offense, the judgment for a person convicted of a Class 3 misdemeanor who has no more than three prior convictions shall consist only of a fine.

Offenses Committed on or after October 1, 2013

Felony Minimum Sentences (in Months) and Dispositions

Offense Class	Prior Record Level					
	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts
A	Death or Life Without Parole					
	Defendant Under 18 at Time of Offense: Life With or 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