

North Carolina
Sentencing and Policy Advisory Commission



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

**Fiscal Year 2007/08
(July 1, 2007 – June 30, 2008)**

January 2009

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North Carolina Sentencing and Policy Advisory Commission

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INTRODUCTION

INTRODUCTION

This report provides detailed information about felony and misdemeanor convictions under Structured Sentencing during Fiscal Year 2007/08 (July 1, 2007 through June 30, 2008). This report only includes cases where an offender was convicted and sentenced for a crime which was committed on or after October 1, 1994 – the effective date of Structured Sentencing. The report presents information on the number of felony and misdemeanor convictions, the distribution of felony and misdemeanor convictions within their respective punishment charts, and the types of punishments imposed, as well as data about several other issues. Information for felony convictions is presented in *Section I*, while information for misdemeanor convictions is presented in *Section II*. Information regarding the substance and application of the sentencing laws under Structured Sentencing is provided in the North Carolina Sentencing and Policy Advisory Commission’s *Structured Sentencing Training and Reference Manual*.

REPORTING OF CONVICTIONS AND SENTENCES

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

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

Definition of a Sentencing Episode:

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

SUMMARY OF FINDINGS

FELONY AND MISDEMEANOR CONVICTIONS
IN FISCAL YEAR 2007/08

**STRUCTURED SENTENCING STATISTICAL REPORT
SUMMARY OF FINDINGS
FISCAL YEAR 2007/08 CONVICTIONS**

Felony Convictions

- During Fiscal Year 2007/08, sentences for 31,603 felony convictions were imposed under Structured Sentencing. (Note: This number excludes sentences imposed for drug trafficking and violent habitual felon convictions, which are subject to mandatory penalties.)
- The greatest number of convictions fell into Offense Class H with Prior Record Level II (n=3,654 or almost 13%).
- The majority of felony convictions (57%) were for offenders with Prior Record Levels I and II. Eight percent of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).
- Eighty-five percent of convictions were for male offenders; 36% of convictions were for offenders under the age of 26; and 52% of convictions were for Black offenders.
- Thirty-nine percent of felony convictions resulted in an Active punishment, 44% resulted in an Intermediate punishment, and 17% resulted in a Community punishment.
- Of the four crime types, non-trafficking drug offenses (34%) and property offenses (34%) accounted for the largest group of felony convictions. Person offenses represented 18% of convictions and other felonies accounted for 14% of convictions.
- Seventy-two percent of all Active sentences fell within the presumptive range; 25% fell within the mitigated range; and 3% fell within the aggravated range.
- Where a specific intermediate sanction was indicated in the AOC database, Intensive Supervision Probation was the most frequently invoked punishment (54%). Offenders who received an Intermediate punishment were most frequently convicted of a Class H offense (n=6,530).
- Of all felony offenders who received a Community punishment, 96% received supervised probation; 3% received unsupervised probation; and less than 1% were ordered to perform community service, pay restitution and/or a fine as their most serious punishment. The remainder had no sanction specified.
- Other information of interest includes: 4 death sentences and 92 life without parole sentences were imposed; there was 1 violent habitual felon conviction; there were 736 habitual felon convictions; there were 910 convictions for drug trafficking offenses; performance of community service was ordered for nearly 13% of all felony convictions; and payment of restitution was ordered for 27% of all felony convictions.

Misdemeanor Convictions

- During Fiscal Year 2007/08, sentences for 164,442 misdemeanor convictions were imposed under Structured Sentencing. (Note: This number excludes Driving While Impaired convictions, cases disposed of by magistrates, Class 2 and Class 3 criminal traffic offenses, and local ordinance offenses.)
- Eight percent of misdemeanor convictions fell into Offense Class A1, 59% fell into Offense Class 1, 17% fell into Offense Class 2, and 16% fell into Offense Class 3.
- Forty-three percent of misdemeanor convictions fell into Prior Conviction Level I (0 points), about 37% fell into Prior Conviction Level II (1-4 points), and 20% fell into Prior Conviction Level III (5 or more points).
- The greatest number of misdemeanor convictions fell into Offense Class 1 with Prior Conviction Level I (n=37,909 or 24%), followed by Offense Class 1 with Prior Conviction Level II (n=35,774 or 22%).
- Seventy-six percent of convictions were for male offenders; 36% of convictions were for offenders under the age of 26; and 46% of convictions were for Black offenders.
- Twenty-two percent of misdemeanor convictions resulted in an Active punishment, 2% resulted in an Intermediate punishment, and 76% resulted in a Community punishment.
- Public order offenses accounted for the majority of misdemeanor convictions (49%), while misdemeanor person offenses accounted for the lowest proportion (10%). Convictions for person offenses were most likely to result in an Active punishment (25%), followed closely by property offenses (23%), public order offenses at 21% and drug offenses at 20%. Person offenses resulted in the longest average Active sentences.
- Where a specific intermediate sanction was indicated in the AOC database, Special Probation was the most frequently invoked punishment (60%). Offenders who received Special Probation were most likely convicted of a Class 1 offense with Prior Conviction Level III.
- Of all misdemeanor offenders who received a Community punishment, 44% received unsupervised probation; 34% received supervised probation; and 12% were ordered to perform community service, pay restitution and/or a fine as their most serious punishment. The remainder had no sanction specified.
- Seven percent of all misdemeanor offenders were ordered to perform community service and 12% were ordered to pay restitution. On average, offenders were ordered to perform almost 36 hours of community service. The mean amount of restitution ordered was \$952. The median amount of restitution ordered was \$230.

SECTION I

**FELONY CONVICTIONS
IN FISCAL YEAR 2007/08**

I. FELONY CONVICTIONS IN FY 2007/08

A. Definition of the Unit of Analysis

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

Definition of a Sentencing Episode:

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

B. Felony Convictions

This section contains information on felony convictions and sentences imposed under Structured Sentencing during Fiscal Year 2007/08. Overall, sentences for 31,603 felony convictions were imposed. (This number excludes sentences imposed for drug trafficking and violent habitual felon convictions, which are subject to mandatory penalties. Information regarding convictions for these offenses is summarized in *Section VII: Special Issues*.) For many of the tables, information on 2,504 convictions (or almost 8%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table. Efforts are ongoing to understand the nature of the data discrepancies and to resolve reporting problems.

C. Distribution of Convictions within the Felony Punishment Chart

Table 1 shows the distribution of felony convictions within the Felony Punishment Chart. Overall, the greatest number of convictions fell into Offense Class H (n=11,702 or 40%) and into Prior Record Level II (n=9,709 or 33%). Relative to other cells in the Felony Punishment Chart, the greatest number of convictions fell into Offense Class H with Prior Record Level II (n=3,654 or almost 13%). Sentences imposed for Offense Classes A through E accounted for 12% of felony convictions during FY 2007/08. Sixty-six percent of sentences imposed were for Class H and I felony convictions.

**Table 1: Distribution of Convictions within the Felony Punishment Chart
FY 2007/08 Felonies**

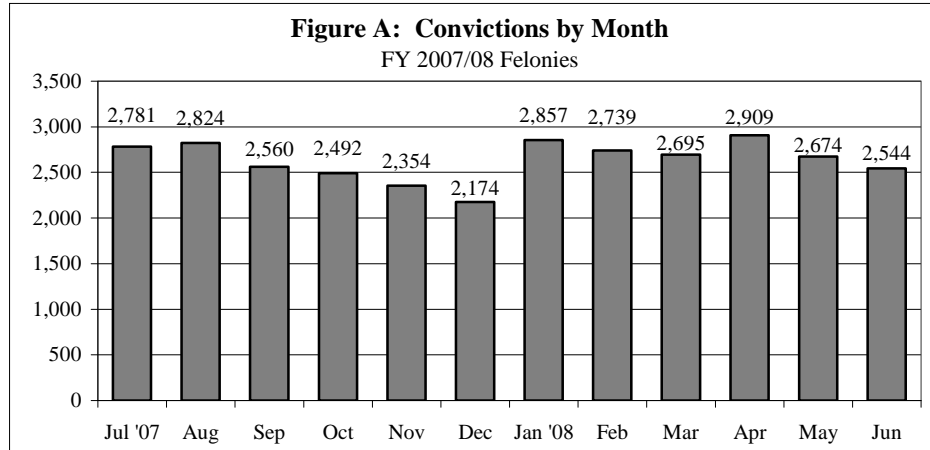
Offense Class	Prior Record Level						Total
	I 0 Points	II 1-4 Points	III 5-8 Points	IV 9-14 Points	V 15-18 Points	VI 19+ Points	
A	45 (0.2%)	28 (0.1%)	9 (0.0%)	9 (0.0%)	3 (0.0%)	2 (0.0%)	96 (0.3%)
B1	69 (0.2%)	40 (0.1%)	23 (0.1%)	8 (0.0%)	1 (0.0%)	3 (0.0%)	144 (0.5%)
B2	107 (0.4%)	97 (0.3%)	44 (0.2%)	41 (0.1%)	6 (0.0%)	2 (0.0%)	297 (1.0%)
C	111 (0.4%)	180 (0.6%)	238 (0.8%)	294 (1.0%)	115 (0.4%)	92 (0.3%)	1,030 (3.5%)
D	292 (1.0%)	228 (0.8%)	140 (0.5%)	80 (0.3%)	21 (0.1%)	20 (0.1%)	781 (2.7%)
E	469 (1.6%)	434 (1.5%)	153 (0.5%)	96 (0.3%)	29 (0.1%)	23 (0.1%)	1,204 (4.1%)
F	622 (2.1%)	714 (2.5%)	469 (1.6%)	312 (1.1%)	71 (0.2%)	45 (0.2%)	2,233 (7.7%)
G	715 (2.5%)	1,270 (4.4%)	994 (3.4%)	714 (2.5%)	146 (0.5%)	98 (0.3%)	3,937 (13.5%)
H	2,794 (9.6%)	3,654 (12.6%)	2,331 (8.0%)	1,877 (6.5%)	567 (2.0%)	479 (1.7%)	11,702 (40.2%)
I	1,724 (5.9%)	3,064 (10.5%)	1,267 (4.4%)	1,053 (3.6%)	268 (0.9%)	299 (1.0%)	7,675 (26.4%)
TOTAL	6,948 (23.9%)	9,709 (33.4%)	5,668 (19.5%)	4,484 (15.4%)	1,227 (4.2%)	1,063 (3.7%)	29,099 (100.0%)

Note: Of the 31,603 felony convictions in FY 2007/08, 2,504 convictions were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Percentages may not add to totals due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

D. Convictions by Month of Sentencing

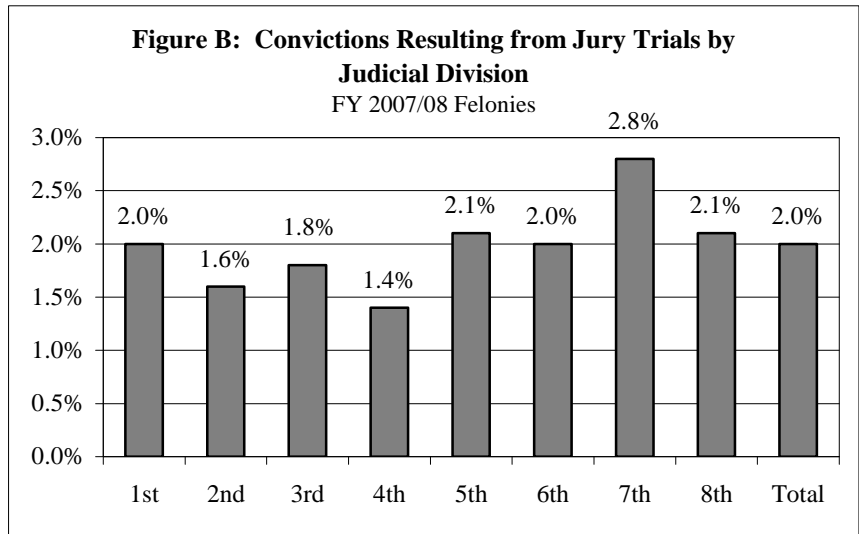
Figure A shows the total number of felony convictions by month of sentencing during Fiscal Year 2007/08 (N=31,603). Convictions peaked in April and were lowest in December.



Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

E. Convictions by Judicial Division, District, and County

Table 2 displays the total number of convictions by judicial division, judicial district, and county. (See Appendix A for a map of judicial divisions and districts.) The distribution of convictions by judicial division ranged from a low of almost 9.0% in the first judicial division to a high of 18.0% in the fifth judicial division. This table also indicates whether the conviction resulted from a guilty plea or jury trial. Overall, 2.0% of convictions statewide resulted from jury trials (see Figure B). The percentage of jury trials varied slightly by judicial division with a low of 1.4% in the fourth division and a high of 2.8% in the seventh division.



Source: NC Sentencing and Policy Advisory Commission
FY 2007/08 Statistical Report Data

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition
FY 2007/08 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
<i>First Judicial Division</i>		2,764	56	2,820
District 1	Camden	18	1	19
	Chowan	53	3	56
	Currituck	91	0	91
	Dare	143	1	144
	Gates	11	0	11
	Pasquotank	149	1	150
	Perquimans	27	1	28
	Total	492	7	499
District 2	Beaufort	309	10	319
	Hyde	22	0	22
	Martin	96	1	97
	Tyrrell	20	0	20
	Washington	56	2	58
	Total	503	13	516
District 3A	Pitt	612	11	623
Total	612	11	623	
District 6A	Halifax	212	3	215
Total	212	3	215	
District 6B	Bertie	78	0	78
	Hertford	104	0	104
	Northampton	45	6	51
	Total	227	6	233
District 7A	Nash	250	8	258
Total	250	8	258	
District 7B, C	Edgecombe	160	7	167
	Wilson	308	1	309
	Total	468	8	476
<i>Second Judicial Division</i>		3,942	63	4,005
District 3B	Carteret	286	3	289
	Craven	375	5	380
	Pamlico	28	1	29
	Total	689	9	698
District 4A	Duplin	259	0	259
	Jones	20	0	20
	Sampson	368	5	373
	Total	647	5	652

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2007/08 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 4B	Onslow	566	14	580
	Total	566	14	580
District 5	New Hanover	1,059	11	1,070
	Pender	166	3	169
	Total	1,225	14	1,239
District 8A	Greene	80	1	81
	Lenoir	314	3	317
	Total	394	4	398
District 8B	Wayne	421	17	438
	Total	421	17	438
Third Judicial Division		4,564	85	4,649
District 9	Franklin	188	3	191
	Granville	215	1	216
	Vance	183	1	184
	Warren	44	0	44
	Total	630	5	635
District 9A	Caswell	60	4	64
	Person	138	4	142
	Total	198	8	206
District 10	Wake	2,218	46	2,264
	Total	2,218	46	2,264
District 14	Durham	607	14	621
	Total	607	14	621
District 15A	Alamance	610	12	622
	Total	610	12	622
District 15B	Chatham	130	0	130
	Orange	171	0	171
	Total	301	0	301
Fourth Judicial Division		3,641	52	3,693
District 11A	Harnett	263	5	268
	Lee	247	2	249
	Total	510	7	517
District 11B	Johnston	518	7	525
	Total	518	7	525
District 12	Cumberland	931	13	944
	Total	931	13	944

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2007/08 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 13A	Bladen	155	1	156
	Columbus	255	7	262
	Total	410	8	418
District 13B	Brunswick	400	8	408
	Total	400	8	408
District 16A	Hoke	213	3	216
	Scotland	209	0	209
	Total	422	3	425
District 16B	Robeson	450	6	456
	Total	450	6	456
<i>Fifth Judicial Division</i>		<i>5,603</i>	<i>117</i>	<i>5,720</i>
District 17A	Rockingham	433	6	439
	Total	433	6	439
District 17B	Stokes	168	3	171
	Surry	207	1	208
	Total	375	4	379
District 18	Guilford	2,172	47	2,219
	Total	2,172	47	2,219
District 19B	Montgomery	98	1	99
	Randolph	410	8	418
	Total	508	9	517
District 19D	Moore	424	9	433
	Total	424	9	433
District 21	Forsyth	1,180	38	1,218
	Total	1,180	38	1,218
District 23	Alleghany	36	2	38
	Ashe	70	0	70
	Wilkes	293	2	295
	Yadkin	112	0	112
	Total	511	4	515
<i>Sixth Judicial Division</i>		<i>3,031</i>	<i>61</i>	<i>3,092</i>
District 19A	Cabarrus	528	13	541
	Total	528	13	541
District 19C	Rowan	591	12	603
	Total	591	12	603

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2007/08 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 20A	Anson	112	2	114
	Richmond	163	3	166
	Stanly	141	2	143
	Total	416	7	423
District 20B	Union	286	5	291
	Total	286	5	291
District 22	Alexander	60	1	61
	Davidson	644	7	651
	Davie	104	2	106
	Iredell	402	14	416
	Total	1,210	24	1,234
<i>Seventh Judicial Division</i>		<i>4,637</i>	<i>135</i>	<i>4,772</i>
District 25A	Burke	338	11	349
	Caldwell	200	5	205
	Total	538	16	554
District 25B	Catawba	375	9	384
	Total	375	9	384
District 26	Mecklenburg	2,310	67	2,377
	Total	2,310	67	2,377
District 27A	Gaston	809	17	826
	Total	809	17	826
District 27B	Cleveland	391	17	408
	Lincoln	214	9	223
	Total	605	26	631
<i>Eighth Judicial Division</i>		<i>2,792</i>	<i>60</i>	<i>2,852</i>
District 24	Avery	78	2	80
	Madison	82	0	82
	Mitchell	103	0	103
	Watauga	151	4	155
	Yancey	62	0	62
	Total	476	6	482
District 28	Buncombe	887	19	906
	Total	887	19	906
District 29A	McDowell	200	2	202
	Rutherford	342	6	348
	Total	542	8	550

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2007/08 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 29B	Henderson	353	7	360
	Polk	35	2	37
	Transylvania	72	2	74
	Total	460	11	471
District 30A	Cherokee	68	2	70
	Clay	19	1	20
	Graham	12	3	15
	Macon	93	4	97
	Swain	20	0	20
	Total	212	10	222
District 30B	Haywood	140	5	145
	Jackson	75	1	76
	Total	215	6	221
STATE TOTAL		30,974	629	31,603

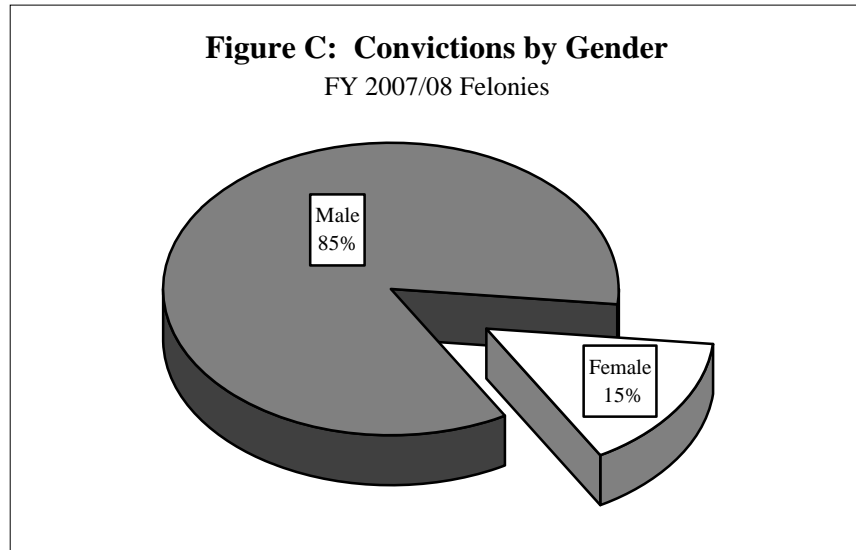
Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

F. Felony Pleas in District Court

In 1996, the General Assembly amended the law to allow District Court judges to accept pleas for Class H and I felonies. This amendment applies to offenses committed on or after December 1, 1996. In Fiscal Year 2007/08, 2,964 Class H (or 23% of Class H convictions) and 2,120 Class I (or almost 25% of Class I convictions) felony pleas were accepted in District Court for a total of 5,084 pleas (24% of all Class H and I felony convictions).

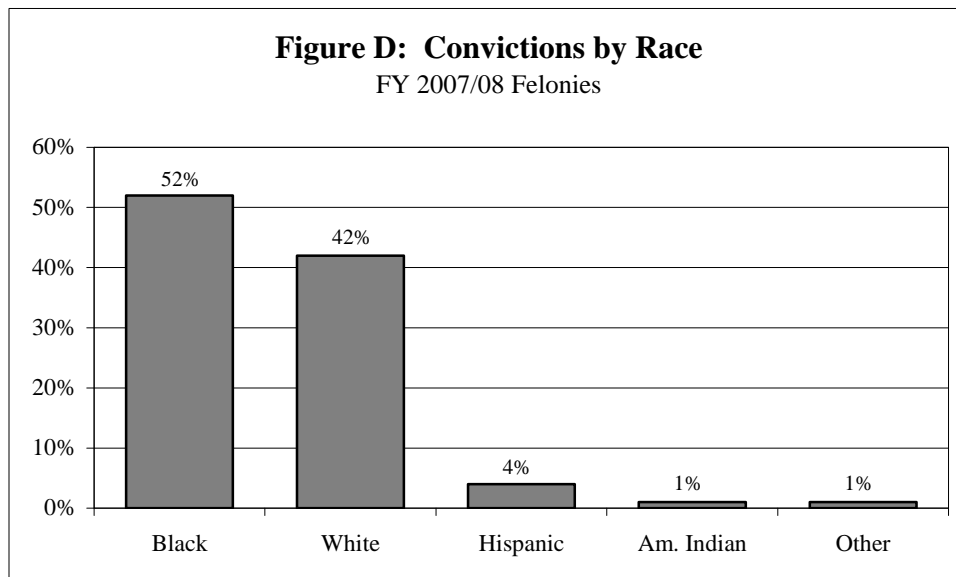
II. CHARACTERISTICS OF OFFENDERS

This section provides a breakdown of convictions by offenders' gender, race, and age. Of the 31,603 felony convictions, 85% were for males (see *Figure C*).



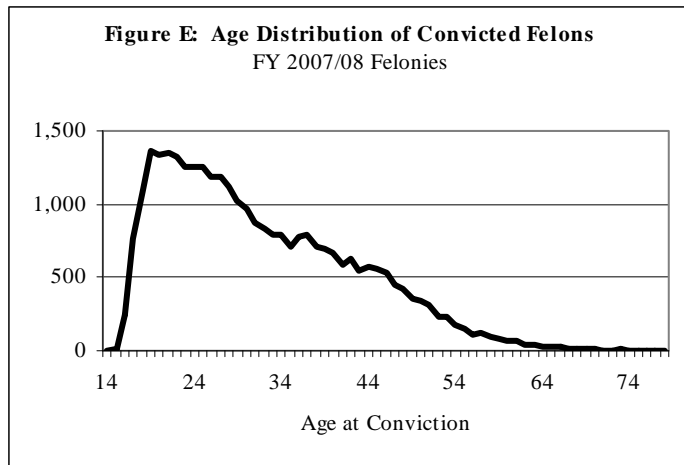
Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

Figure D shows that 52% of all felony offenders were Black, 42% were White, and a small percentage were Hispanic (4%), American Indian (1%), or Other (1%).



Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

Based on age at conviction, 15% of felony convictions were for offenders under the age of 21, 21% were 21-25 years of age, 15% were 26-29 years of age, 25% were 30-39 years of age, 17% were 40-49 years of age, and 7% were 50 years of age or older. The average age at conviction was 32 years. *Figure E* illustrates that the volume of offenders peaks in the late teens and early twenties, and then generally declines as age increases. *Table 3* provides a summary of convictions by gender, race, and age of offenders.



Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

**Table 3: Convictions by Gender, Race, and Age
FY 2007/08 Felonies**

Gender and Race		Age at Conviction						Total
		<21	21-25	26-29	30-39	40-49	>49	
Male	White	1,377	2,055	1,444	2,635	1,888	881	10,280
	Black	2,802	3,190	2,074	3,252	2,264	1,006	14,588
	Hispanic	196	280	211	331	75	27	1,120
	Amer. Indian	52	69	60	102	46	11	340
	Other	27	49	17	41	25	5	164
	Subtotal	4,454	5,643	3,806	6,361	4,298	1,930	26,492
Female	White	165	450	418	977	619	172	2,801
	Black	190	327	276	547	394	137	1,871
	Hispanic	14	12	9	29	10	1	75
	Amer. Indian	6	12	10	23	14	2	67
	Other	2	2	6	12	1	0	23
	Subtotal	377	803	719	1,588	1,038	312	4,837
TOTAL		4,831	6,446	4,525	7,949	5,336	2,242	31,329

Note: Of the 31,603 felony convictions in FY 2007/08, 274 convictions with missing values for offenders' age were excluded from this table.

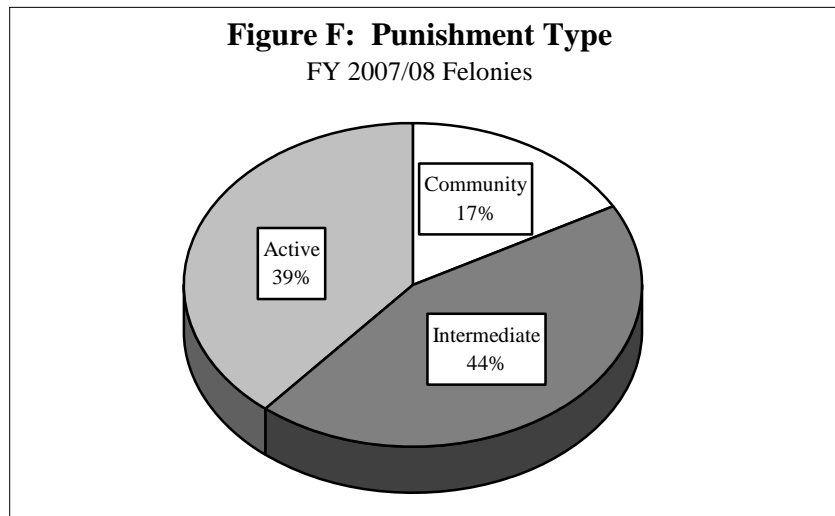
Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

III. PUNISHMENT IMPOSED FOR FELONIES

This section details the type of sentence imposed (Active, Intermediate, or Community) for convictions during Fiscal Year 2007/08. The tables in this section also show the average minimum and maximum sentences for convictions for which an Active punishment was imposed. *The reader should note that this information is based on the most serious sentence an offender received.*¹

A. Overall Punishment

An Active punishment was imposed for 39% of felony convictions, an Intermediate punishment was imposed for 44% of felony convictions, and a Community punishment was imposed for 17% of felony convictions (see *Figure F*).

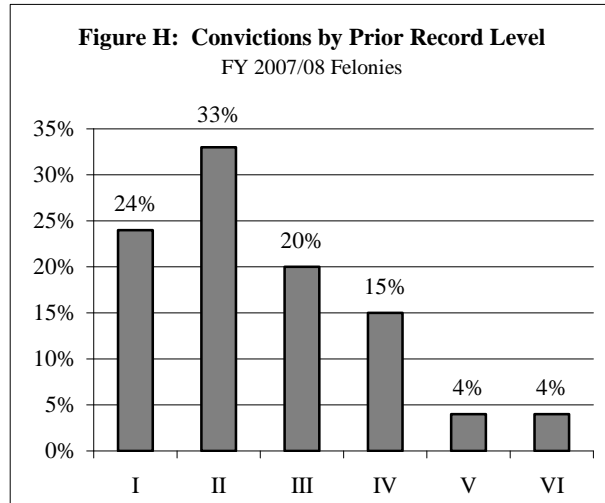
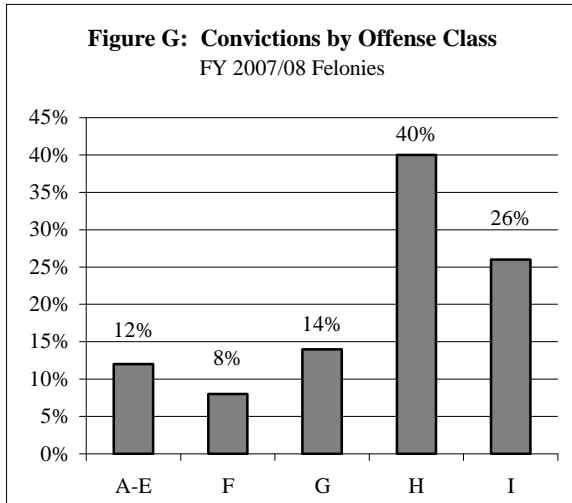


Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

B. Punishment Imposed by Offense Class and Prior Record Level

Figure G shows the percentage of convictions by offense class. The majority of felony convictions (66%) were for Class H and Class I offenses. (See *Appendix B* for sample offenses for each offense class.) As shown in *Figure H*, the majority of felony convictions (57%) were for offenders with Prior Record Levels I and II, indicating little or no prior criminal record. Eight percent of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).

¹ Convictions that did not fit within the Felony Punishment Chart were excluded from this section (n=2,504 or almost 8%). These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation).



Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

Table 4 presents felony convictions and sentences imposed within the context of the Felony Punishment Chart (see also Table 1). The table also includes the average minimum and maximum sentences for convictions for which an Active sentence was imposed.² The greatest number of convictions fell within Offense Class H with Prior Record Level II (n=3,654 or almost 13%).

The data presented in Table 4 indicate that the percentage of offenders receiving an Active sentence typically increases as the offense seriousness increases. As shown in the vertical “Total” column in Table 4, the average minimum and maximum sentences imposed increase as offense class increases. The average minimum sentence for all convictions resulting in an Active punishment (n=11,210) 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 (244 months).

Convictions for offenders falling into Prior Record Levels I and II resulted in the highest average minimum sentences (41 months and 32 months respectively). The higher minimum sentences for the lower prior record levels can be attributed to the fact that the majority of offenders eligible for an Active sentence in these prior record levels are those convicted in the more serious offense classes (*i.e.*, Class B1 through E felonies). For information on punishment imposed by judicial division, see Appendix C.

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

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level
FY 2007/08 Felonies**

Offense Class	Prior Record Level						Total
	I 0 Points	II 1-4 Points	III 5-8 Points	IV 9-14 Points	V 15-18 Points	VI 19+ Points	
A	A A = 45 (100%) (n = 45) Life/Death	A A = 28 (100%) (n = 28) Life/Death	A A = 9 (100%) (n = 9) Life/Death	A A = 9 (100%) (n = 9) Life/Death	A A = 3 (100%) (n = 3) Life/Death	A A = 2 (100%) (n = 2) Life/Death	A A = 96 (100%) (n = 96) Life/Death
B1	A A = 69 (100%) (n = 69) 196 min 245 max	A A = 40 (100%) (n = 40) 250 min 309 max	A A = 23 (100%) (n = 23) 303 min 372 max	A A = 8 (100%) (n = 8) 348 min 427 max	A A = 1 (100%) (n = 1) 433 min 529 max	A A = 3 (100%) (n = 3) 464 min 563 max	A A = 144 (100%) (n = 144) 244 min 302 max
B2	A A = 107 (100%) (n = 107) 136 min 172 max	A A = 97 (100%) (n = 97) 169 min 212 max	A A = 44 (100%) (n = 44) 201 min 250 max	A A = 41 (100%) (n = 41) 227 min 282 max	A A = 6 (100%) (n = 6) 263 min 325 max	A A = 2 (100%) (n = 2) 277 min 341 max	A A = 297 (100%) (n = 297) 172 min 216 max
C	A A = 111 (100%) (n = 111) 60 min 81 max	A A = 180 (100%) (n = 180) 77 min 101 max	A A = 238 (100%) (n = 238) 85 min 110 max	A A = 294 (100%) (n = 294) 95 min 123 max	A A = 115 (100%) (n = 115) 106 min 136 max	A A = 92 (100%) (n = 92) 118 min 149 max	A A = 1,030 (100%) (n = 1,030) 89 min 115 max
D	A A = 292 (100%) (n = 292) 49 min 69 max	A A = 228 (100%) (n = 228) 62 min 83 max	A A = 140 (100%) (n = 140) 82 min 108 max	A A = 80 (100%) (n = 80) 97 min 126 max	A A = 21 (100%) (n = 21) 107 min 138 max	A A = 20 (100%) (n = 20) 122 min 155 max	A A = 781 (100%) (n = 781) 67 min 90 max
E	I/A I = 319 (68%) A = 150 (32%) (n = 469) 22 min 36 max	I/A I = 264 (61%) A = 170 (39%) (n = 434) 25 min 39 max	A A = 153 (100%) (n = 153) 29 min 44 max	A A = 96 (100%) (n = 96) 40 min 57 max	A A = 29 (100%) (n = 29) 46 min 65 max	A A = 23 (100%) (n = 23) 54 min 74 max	I/A I = 583 (48%) A = 621 (52%) (n = 1,204) 30 min 45 max
F	I/A I = 391 (63%) A = 231 (37%) (n = 622) 14 min 18 max	I/A I = 367 (51%) A = 347 (49%) (n = 714) 16 min 19 max	I/A I = 209 (45%) A = 260 (55%) (n = 469) 18 min 22 max	A A = 312 (100%) (n = 312) 20 min 25 max	A A = 71 (100%) (n = 71) 27 min 32 max	A A = 45 (100%) (n = 45) 31 min 38 max	I/A I = 967 (43%) A = 1,266 (57%) (n = 2,233) 18 min 22 max

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level (continued)
FY 2007/08 Felonies**

Offense Class	Prior Record Level						Total
	I 0 Points	II 1-4 Points	III 5-8 Points	IV 9-14 Points	V 15-18 Points	VI 19+ Points	
G	I/A I = 537 (75%) A = 178 (25%) (n = 715) 11 min 14 max	I/A I = 910 (72%) A = 360 (28%) (n = 1,270) 13 min 16 max	I/A I = 545 (55%) A = 449 (45%) (n = 994) 14 min 17 max	I/A I = 278 (39%) A = 436 (61%) (n = 714) 17 min 21 max	A A = 146 (100%) (n = 146) 18 min 22 max	A A = 98 (100%) (n = 98) 25 min 31 max	I/A I = 2,270 (58%) A = 1,667 (42%) (n = 3,937) 15 min 19 max
H	C/I/A C = 1,474 (53%) I = 985 (35%) A = 335 (12%) (n = 2,794) 5 min 7 max	I/A I = 2,714 (74%) A = 940 (26%) (n = 3,654) 7 min 8 max	I/A I = 1,300 (56%) A = 1,031 (44%) (n = 2,331) 8 min 10 max	I/A I = 698 (37%) A = 1,179 (63%) (n = 1,877) 10 min 12 max	I/A I = 120 (21%) A = 447 (79%) (n = 567) 13 min 16 max	A A = 479 (100%) (n = 479) 18 min 21 max	C/I/A C = 1,474 (12%) I = 5,817 (50%) A = 4,411 (38%) (n = 11,702) 10 min 12 max
I	C C = 1,724 (100%) (n = 1,724) N/A	C/I C = 1,799 (59%) I = 1,265 (41%) (n = 3,064) N/A	I I = 1,267 (100%) (n = 1,267) N/A	I/A I = 495 (47%) A = 558 (53%) (n = 1,053) 6 min 8 max	I/A I = 93 (35%) A = 175 (65%) (n = 268) 8 min 10 max	I/A I = 72 (24%) A = 227 (76%) (n = 299) 9 min 11 max	C/I/A C = 3,523 (46%) I = 3,255 (42%) A = 897 (12%) (n = 7,675) 7 min 9 max
TOTAL	C/I/A C = 3,198 (46%) I = 2,232 (32%) A = 1,518 (22%) (n = 6,948) 41 min 53 max	C/I/A C = 1,799 (18%) I = 5,520 (57%) A = 2,390 (25%) (n = 9,709) 32 min 41 max	I/A I = 3,321 (59%) A = 2,347 (41%) (n = 5,668) 31 min 39 max	I/A I = 1,534 (34%) A = 2,950 (66%) (n = 4,484) 27 min 35 max	I/A I = 213 (17%) A = 1,014 (83%) (n = 1,227) 29 min 37 max	I/A I = 72 (7%) A = 991 (93%) (n = 1,063) 31 min 38max	C/I/A C = 4,997 (17%) I = 12,892 (44%) A = 11,210 (39%) (n = 29,099) 31 min 40 max

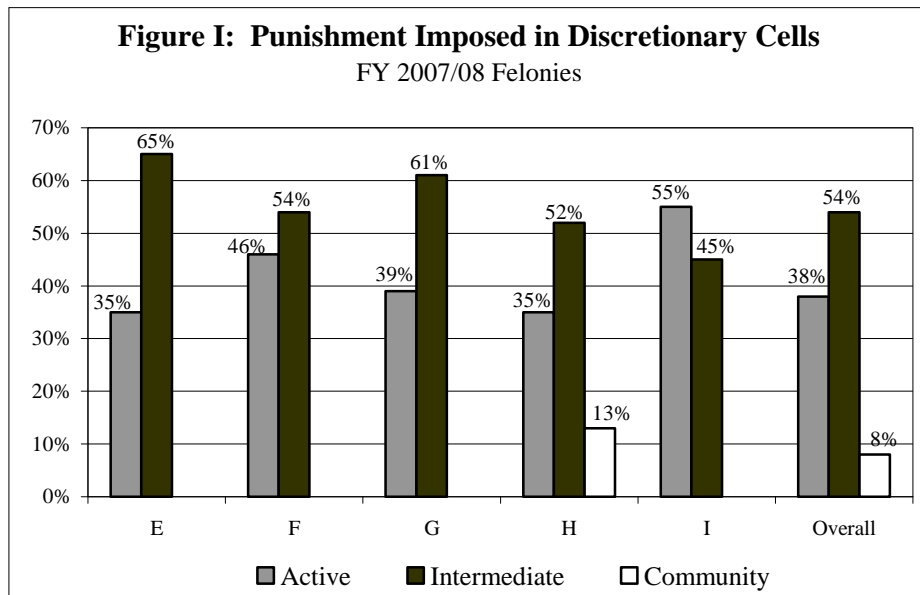
Note: Of the 31,603 felony convictions in FY 2007/08, 2,504 convictions were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Death and life without parole sentences were excluded from the calculation of the average minimum and maximum sentences.

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

C. Punishment Imposed in Discretionary Cells

As shown in *Table 4*, where the judge had the option of imposing either an Active or community-based punishment (*i.e.*, either an Intermediate or Community punishment), an Intermediate punishment was most likely to be imposed for convictions falling within Offense Class G with Prior Record Level I (75%), while an Active sentence was most likely to be imposed for convictions falling within Offense Class H with Prior Record Level V (79%).

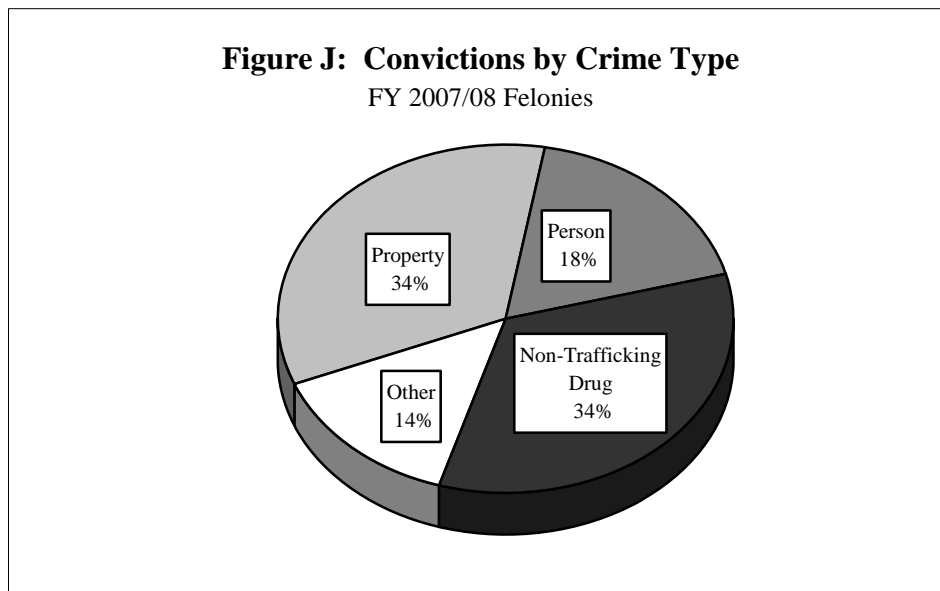
Figure I summarizes sentences imposed by offense class for discretionary cells with an Active punishment option.



Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

D. Punishment Imposed by Crime Type

During Fiscal Year 2007/08, non-trafficking drug offenses accounted for 34% of convictions, as did convictions for property offenses (34%). (See Figure J.) For additional data on convictions by crime type, see Appendix D.



Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

The type of punishment imposed by crime type is shown in *Table 5*. Relative to other crime types, convictions for person offenses were most likely to result in the imposition of an Active punishment (65%), while convictions for non-trafficking drug offenses were least likely to result in the imposition of an Active punishment (21%). Of the four crime types, non-trafficking drug convictions had the highest percentage of Intermediate and Community punishment sentences (49% and 30%, respectively).

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

**Table 5: Convictions and Sentences by Crime Type
FY 2007/08 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	3,365	65	1,734	33	97	2	58	75	5,196
Property	3,554	36	4,753	48	1,706	17	12	15	10,013
Non-Trafficking Drug	2,115	21	4,897	49	2,949	30	12	14	9,961
Other Felony	2,176	55	1,508	38	245	6	41	52	3,929
TOTAL	11,210	39	12,892	44	4,997	17	31	40	29,099

Note: Of the 31,603 felony convictions in FY 2007/08, 2,504 convictions were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation).

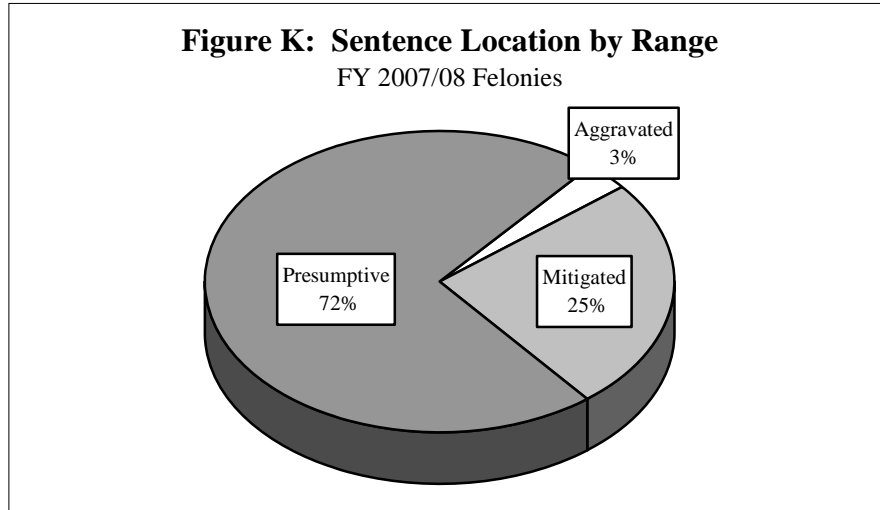
Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

IV. SENTENCE LOCATION IN THE SENTENCING RANGES

This section presents information regarding the location of sentences imposed in the sentencing ranges and *deals only with convictions for which an Active sentence was imposed (n=11,210)*. Class A convictions, which are subject to mandatory life or death sentences, are excluded from this section (n=96).

A. Sentence Location

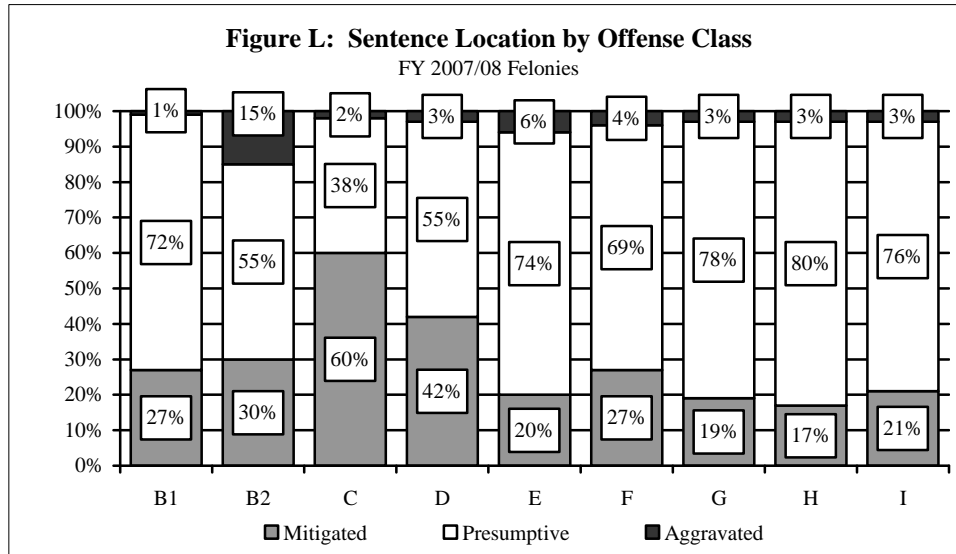
Figure K shows that 72% of all Active sentences fell within the presumptive range; 25% fell within the mitigated range; and 3% fell within the aggravated range.



Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

B. Sentence Location by Offense Class and Prior Record Level

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



Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

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

the presumptive range (80% and 78%, respectively), while convictions for Class C offenses had the lowest percentage of Active sentences in the presumptive range (38%). Convictions falling into Prior Record Level I had the highest percentage of Active sentences in the mitigated range (28%) and in the aggravated range (5%).

Overall, 25% of Active sentences were in the mitigated range and an additional 30% were at the lowest possible point of the presumptive range. Convictions for Class C offenses had the highest percentage of Active sentences in the mitigated range (60%), followed by convictions for Class D offenses (42%). In addition, as shown in *Appendix D*, 73% of Class C convictions and 62% of Class D convictions were sentenced within the mitigated range or at the lowest possible point of the presumptive range.

**Table 6: Sentence Location by Offense Class and Prior Record Level
(Active Sentences Only)
FY 2007/08 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0 Points	II 1-4 Points	III 5-8 Points	IV 9-14 Points	V 15-18 Points	VI 19+ Points	
B1	Mitigated	27 (39%)	8 (20%)	3 (13%)	1 (13%)	0 (0%)	0 (0%)	39 (27%)
	Presumptive	41 (60%)	32 (80%)	20 (87%)	7 (87%)	1 (100%)	3 (100%)	104 (72%)
	Aggravated	1 (1%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	1 (1%)
	Subtotal	69	40	23	8	1	3	144
B2	Mitigated	38 (36%)	29 (30%)	9 (21%)	10 (24%)	1 (17%)	1 (50%)	88 (30%)
	Presumptive	56 (52%)	49 (50%)	27 (61%)	26 (64%)	4 (66%)	1 (50%)	163 (55%)
	Aggravated	13 (12%)	19 (20%)	8 (18%)	5 (12%)	1 (17%)	0 (0%)	46 (15%)
	Subtotal	107	97	44	41	6	2	297
C	Mitigated	43 (39%)	92 (51%)	150 (63%)	193 (66%)	74 (64%)	63 (69%)	615 (60%)
	Presumptive	58 (52%)	84 (47%)	82 (35%)	98 (33%)	40 (35%)	29 (31%)	391 (38%)
	Aggravated	10 (9%)	4 (2%)	6 (2%)	3 (1%)	1 (1%)	0 (0%)	24 (2%)
	Subtotal	111	180	238	294	115	92	1,030

Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
(Active Sentences Only)
FY 2007/08 Felonies

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0 Points	II 1-4 Points	III 5-8 Points	IV 9-14 Points	V 15-18 Points	VI 19+ Points	
D	Mitigated	144 (49%)	88 (39%)	49 (35%)	29 (36%)	9 (43%)	6 (30%)	325 (42%)
	Presumptive	143 (49%)	132 (58%)	88 (63%)	45 (56%)	11 (52%)	13 (65%)	432 (55%)
	Aggravated	5 (2%)	8 (3%)	3 (2%)	6 (8%)	1 (5%)	1 (5%)	24 (3%)
	Subtotal	292	228	140	80	21	20	781
E	Mitigated	26 (17%)	38 (22%)	35 (23%)	20 (21%)	6 (21%)	3 (13%)	128 (20%)
	Presumptive	113 (76%)	123 (73%)	109 (71%)	71 (74%)	23 (79%)	18 (78%)	457 (74%)
	Aggravated	11 (7%)	9 (5%)	9 (6%)	5 (5%)	0 (0%)	2 (9%)	36 (6%)
	Subtotal	150	170	153	96	29	23	621
F	Mitigated	41 (18%)	90 (26%)	68 (26%)	101 (32%)	26 (37%)	14 (31%)	340 (27%)
	Presumptive	177 (77%)	242 (70%)	182 (70%)	197 (63%)	44 (62%)	30 (67%)	872 (69%)
	Aggravated	13 (5%)	15 (4%)	10 (4%)	14 (5%)	1 (1%)	1 (2%)	54 (4%)
	Subtotal	231	347	260	312	71	45	1,266
G	Mitigated	31 (17%)	66 (18%)	86 (19%)	91 (21%)	28 (19%)	14 (14%)	316 (19%)
	Presumptive	139 (78%)	281 (78%)	352 (79%)	329 (75%)	116 (80%)	80 (82%)	1,297 (78%)
	Aggravated	8 (5%)	13 (4%)	11 (2%)	16 (4%)	2 (1%)	4 (4%)	54 (3%)
	Subtotal	178	360	449	436	146	98	1,667
H	Mitigated	61 (18%)	178 (19%)	196 (19%)	172 (15%)	70 (16%)	85 (18%)	762 (17%)
	Presumptive	265 (79%)	743 (79%)	823 (80%)	976 (83%)	364 (81%)	374 (78%)	3,545 (80%)
	Aggravated	9 (3%)	19 (2%)	12 (1%)	31 (2%)	13 (3%)	20 (4%)	104 (3%)
	Subtotal	335	940	1,031	1,179	447	479	4,411

**Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
(Active Sentences Only)
FY 2007/08 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0 Points	II 1-4 Points	III 5-8 Points	IV 9-14 Points	V 15-18 Points	VI 19+ Points	
I	Mitigated	N/A	N/A	N/A	116 (23%)	31 (18%)	46 (20%)	193 (22%)
	Presumptive	N/A	N/A	N/A	369 (75%)	139 (79%)	174 (77%)	682 (76%)
	Aggravated	N/A	N/A	N/A	10 (2%)	5 (3%)	7 (3%)	22 (3%)
	Subtotal	N/A	N/A	N/A	495	175	227	897
TOTAL	Mitigated	411 (28%)	589 (25%)	596 (26%)	733 (25%)	245 (25%)	232 (24%)	2,806 (25%)
	Presumptive	992 (67%)	1,686 (71%)	1,683 (72%)	2,118 (72%)	742 (73%)	722 (73%)	7,943 (72%)
	Aggravated	70 (5%)	87 (4%)	59 (2%)	90 (3%)	24 (2%)	35 (3%)	365 (3%)
	Subtotal	1,473	2,362	2,338	2,941	1,011	989	11,114

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. In addition, 96 convictions requiring a mandatory life sentence were excluded from this table.

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

C. Sentence Location by Crime Type

The sentence location for selected crime types is contained in *Table 7*. Of the four crime types, convictions for person offenses accounted for the highest percentage of aggravated sentences (6%). Convictions in the category of other felony offenses accounted for the lowest percentage of presumptive sentences (59%), the highest percentage of mitigated sentences (39%), and the lowest percentage of aggravated sentences (2%) relative to the other crime types. Habitual felon convictions accounted for the largest number of convictions in the other felony category, representing 32% of convictions in this category. For additional information regarding convictions by crime type, see *Appendix D*.

**Table 7: Sentence Location by Crime Type
(Active Sentences Only)
FY 2007/08 Felonies**

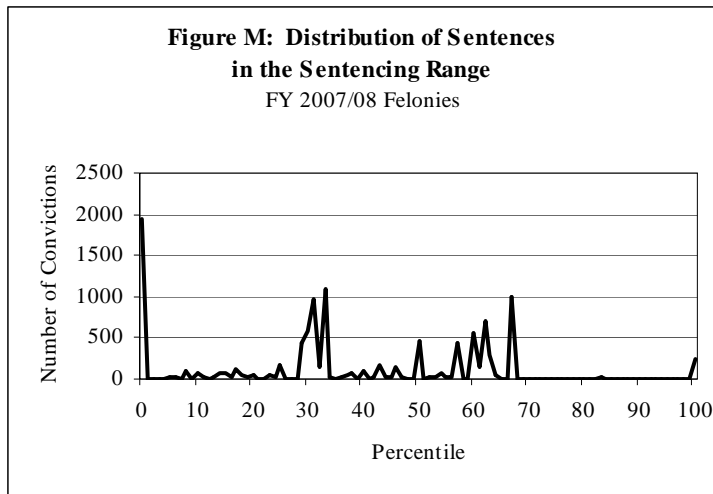
Crime Type	Sentencing Range						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
Person	867	26	2,217	68	185	6	3,269
Property	678	19	2,798	79	78	2	3,554
Non-Trafficking Drug	408	19	1,652	78	55	3	2,115
Other Felony	853	39	1,276	59	47	2	2,176
TOTAL	2,806	25	7,943	72	365	3	11,114

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. In addition, 96 convictions requiring a mandatory life sentence were excluded from this table. Percentages may not add to 100% due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

D. Length of Active Sentence Relative to the Sentencing Range

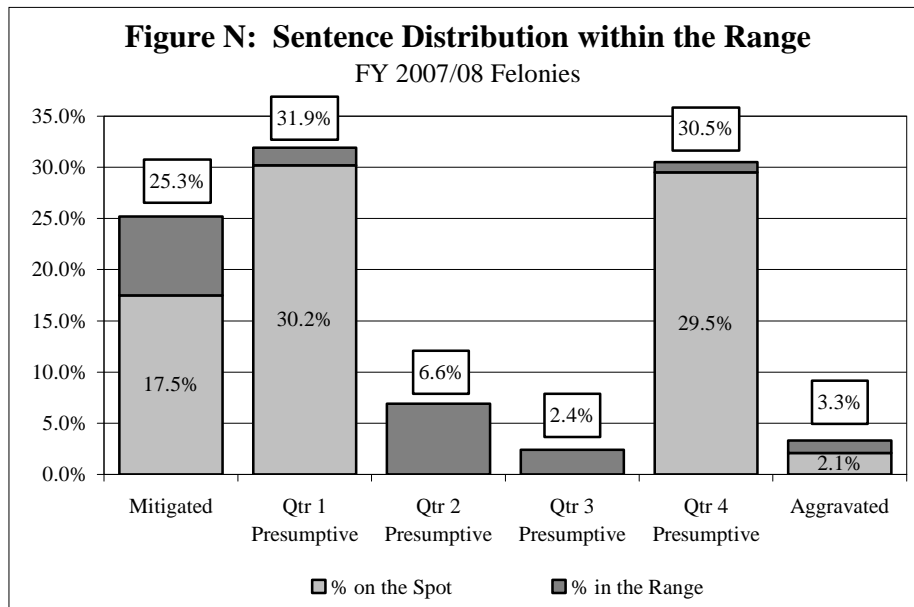
Viewing the entire sentencing range as a continuum from the lowest possible sentence imposed in the mitigated range to the highest possible sentence imposed in the aggravated range, on average the 11,114 active sentences imposed (excluding the 96 convictions with a mandatory life sentence) fell below the midpoint of the range (at the 37th percentile above the minimum). Close examination of the actual location of each Active sentence within its respective range revealed that the majority of offenders were sentenced within the first or fourth quarter of the presumptive portion of the range (31.9% and 30.5% of all cases, respectively) (see *Figure M* and *Table 9*).



Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

Further analysis indicates that over three-quarters (79.4%) of all Active sentences were located on one of only *four* specific spots of their respective ranges (*i.e.*, the lowest spot of the mitigated range, the lowest spot of the presumptive range, the highest spot of the presumptive range, and the highest spot of the aggravated range). As shown in *Table 8* and *Figure N*, 17.5% of Active sentences fell on the lowest point of the mitigated range; 30.2% fell on the lowest point of the presumptive range; 29.5% fell on the highest point of the presumptive range; and 2.1% fell on the highest point of the aggravated range.

For information regarding sentences imposed on one of the four specific spots of the sentencing range by offense class, see *Table 8*. Convictions for Class H and I offenses had the highest percentages of Active sentences located on one of the four spots, with 87.4% and 86.3% of all Active sentences, respectively, located on one of four specific spots of the range. Convictions for Class B2 offenses had the lowest percentage of Active sentences located on one of the four specific spots of the sentencing range (46.8%).



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

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

**Table 8: Most Frequent Sentencing Range Spots by Offense Class
(Active Sentences Only)
FY 2007/08 Felonies**

Offense Class	Location in the Range				% on the Four Spots
	Mitigated Range	Presumptive Range		Aggravated Range	
	% Lowest Spot	% Lowest Spot	% Highest Spot	% Highest Spot	
B1	16.7	11.1	39.6	0.0	67.4
B2	8.1	11.1	19.9	7.7	46.8
C	45.9	12.8	11.2	0.8	70.7
D	24.7	20.0	16.7	0.8	62.1
E	10.5	24.3	28.8	3.7	67.3
F	15.6	31.3	25.0	3.0	75.0
G	13.9	34.6	31.5	2.3	82.4
H	13.1	36.7	35.8	1.9	87.4
I	17.6	31.0	35.9	1.8	86.3
TOTAL	17.5	30.2	29.5	2.1	79.4

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. In addition, 96 convictions requiring a mandatory life sentence were excluded from this table. Percentages may not add to 100% due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

A similar pattern is evident by crime type, especially for property and non-trafficking drug offenses, with 86.0% and 84.4% of all Active sentences, respectively, located on four specific spots of the range (see *Table 9*).

**Table 9: Sentencing Range by Crime Type
(Active Sentences Only)
FY 2007/08 Felonies**

Crime Type	Location in the Range						% on the Four Spots
	% Mitigated Range (Min. Spot)	Presumptive Range				% Aggravated Range (Max. Spot)	
		% First Quarter (Min. Spot)	% Second Quarter	% Third Quarter	% Fourth Quarter (Max. Spot)		
Person	26.5 (15.5)	27.2 (23.4)	5.8	4.8	30.1 (27.2)	5.7 (3.5)	69.6
Property	19.1 (14.2)	35.7 (35.3)	7.3	0.8	34.9 (34.8)	2.2 (1.7)	86.0
Non-Trafficking Drug	19.3 (14.5)	35.7 (35.0)	7.1	2.1	33.3 (33.2)	2.6 (1.7)	84.4
Other Felony	39.2 (28.8)	29.2 (27.5)	6.2	1.8	21.4 (20.8)	2.2 (1.2)	78.3
TOTAL	25.3 (17.5)	31.9 (30.2)	6.6	2.4	30.5 (29.5)	2.4 (2.1)	79.4

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. Percentages may not add to 100% due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

V. INTERMEDIATE PUNISHMENTS

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

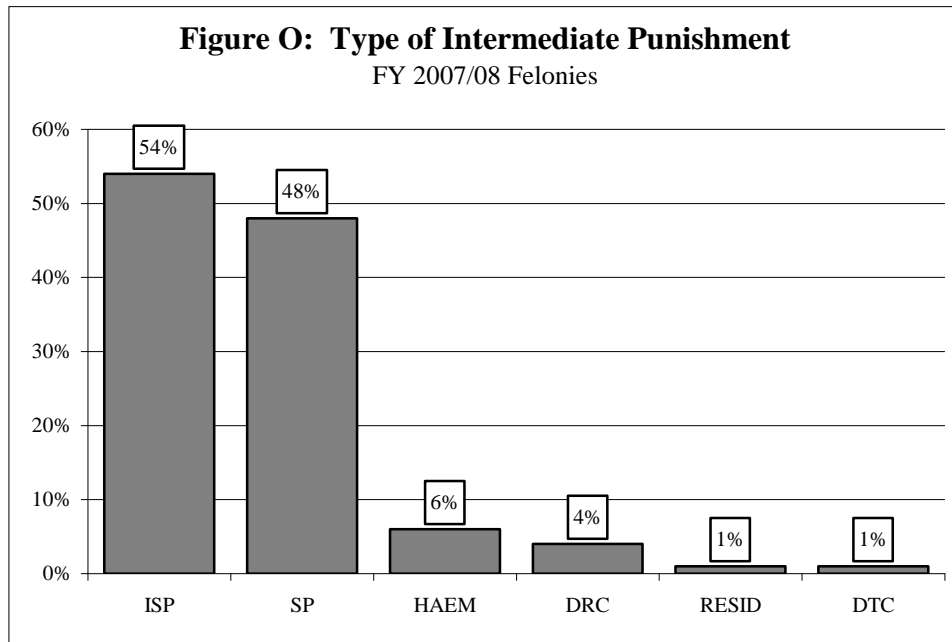
During Fiscal Year 2007/08, Intermediate punishments were imposed for 12,892 convictions. The specific type(s) of intermediate sanction(s) imposed was reported in the AOC database for 12,745 convictions – a reporting rate of 99%.

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

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

A. Intermediate Punishments Imposed

Figure O illustrates the percentage of convictions for which specific intermediate sanctions were imposed. The figure indicates that Intensive Supervision Probation accounted for the highest percentage of convictions for which a specific intermediate sanction was reported (54%). Assignment to Drug Treatment Court or a Residential Treatment Facility accounted for the smallest percentage of convictions for which a specific intermediate sanction was reported (1% each).



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

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

B. Intermediate Punishments by Offense Class and Prior Record Level

Table 10 shows the frequency and average probation length of Intermediate punishments by offense class and prior record level. Of those convictions for which specific intermediate sanctions were reported, the greatest number was imposed for Class H felonies (n=6,530). For Class H, Intensive Supervision Probation was the most frequently invoked sanction (n=3,098), followed by Special Probation (n=2,690). Convictions for Class E felonies resulted in the longest average probation sentences for Intermediate punishments (37 months). Convictions for which a Residential Facility sanction was imposed resulted in the longest average probation sentence of all the Intermediate punishments (36 months). Overall, convictions for which an Intermediate punishment was imposed resulted in an average probation sentence of 31 months.

**Table 10: Type of Intermediate Punishment by Offense Class and Prior Record Level
FY 2007/08 Felonies**

Offense Class	Prior Record Level	Type of Intermediate Punishment (Number and Average Probation Length)						Total
		Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	Drug Treatment Court	House Arrest w/ Elect. Mon.	
E	I	196	3	6	165	0	22	392
	II	183	1	7	128	0	14	333
	Subtotal	379 <i>36 months</i>	4 <i>42 months</i>	13 <i>40 months</i>	293 <i>38 months</i>	0 <i>N/A</i>	36 <i>37 months</i>	725 <i>37 months</i>
F	I	204	4	8	202	0	27	445
	II	201	2	8	194	0	27	432
	III	132	3	6	88	0	12	241
	Subtotal	537 <i>35 months</i>	9 <i>41 months</i>	22 <i>37 months</i>	484 <i>38 months</i>	0 <i>N/A</i>	66 <i>38 months</i>	1,118 <i>36 months</i>
G	I	308	2	22	275	2	35	644
	II	481	9	40	488	4	45	1,067
	III	293	8	16	297	4	24	642
	IV	189	5	6	121	3	17	341
	Subtotal	1,271 <i>32 months</i>	24 <i>39 months</i>	84 <i>33 months</i>	1,181 <i>34 months</i>	13 <i>37 months</i>	121 <i>34 months</i>	2,694 <i>33 months</i>
H	I	437	8	66	499	6	71	1,087
	II	1,218	32	131	1,468	17	140	3,006
	III	623	22	50	720	11	76	1,502
	IV	337	17	31	356	13	37	791
	V	75	3	3	55	2	6	144
	Subtotal	2,690 <i>31 months</i>	82 <i>37 months</i>	281 <i>30 months</i>	3,098 <i>32 months</i>	49 <i>30 months</i>	330 <i>34 months</i>	6,530 <i>31 months</i>

**Table 10: Type of Intermediate Punishment by Offense Class and Prior Record Level
(continued)
FY 2007/08 Felonies**

Offense Class	Prior Record Level	Type of Intermediate Punishment (Number and Average Probation Length)						Total
		Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	Drug Treatment Court	House Arrest w/ Elect. Mon.	
I	II	465	11	73	717	18	79	1,363
	III	485	12	72	718	11	66	1,364
	IV	249	7	16	313	12	24	621
	V	35	1	5	51	2	6	100
	VI	33	3	1	38	3	5	83
	Subtotal	1,267 <i>27 months</i>	34 <i>31 months</i>	167 <i>26 months</i>	1,837 <i>29 months</i>	46 <i>30 months</i>	180 <i>28 months</i>	3,531 <i>28 months</i>
TOTAL	6,144 <i>31 months</i>	153 <i>36 months</i>	567 <i>30 months</i>	6,893 <i>32 months</i>	108 <i>31 months</i>	733 <i>33 months</i>	14,598 <i>31 months</i>	

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

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

C. Intermediate Punishments by Crime Type

Table 11 shows the frequency of Intermediate punishments by crime type. Of those convictions for which a specific intermediate sanction was reported, the largest number was for non-trafficking drug offenses (n=5,479), followed by property offenses (n=5,310).

**Table 11: Type of Intermediate Punishment by Crime Type
FY 2007/08 Felonies**

Crime Type	Type of Intermediate Punishment						Total
	Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	Drug Treatment Court	House Arrest w/ Elect. Mon.	
Person	1,040	19	43	867	4	103	2,076
Property	2,244	82	211	2,471	44	258	5,310
Non-Trafficking Drug	2,078	41	267	2,765	58	270	5,479
Other Felony	782	11	46	790	2	102	1,733
TOTAL	6,144	153	567	6,893	108	733	14,598

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

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

VI. COMMUNITY PUNISHMENTS

*This section includes only those convictions for which a Community punishment was the most serious sanction imposed. During Fiscal Year 2007/08, there were 4,997 convictions for which a Community punishment was imposed. The specific type(s) of Community punishment(s) imposed was reported in the AOC database for 4,966 convictions – a reporting rate of 99%.⁴ Of these 4,966 convictions, 4,798 were for supervised probation; 147 were for unsupervised probation, and 21 were for restitution, fines, and/or community service only. For more information about community service and restitution, refer to *Appendix F*.*

A. Community Punishments by Offense Class

Table 12 shows the type of Community punishment imposed – either Supervised Probation, Unsupervised Probation, Restitution/Fine/Community Service Only, or Sanction Not Specified – by offense class, as well as information regarding the average length of probation sentences. Class I felony offenses accounted for the largest number of convictions for which a Community punishment was imposed (n=3,523). Convictions for Class H felonies resulted in the longest average probation sentences for Community punishments (29 months). Overall, convictions for which a Community punishment was imposed resulted in an average probation sentence of 25 months.

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

**Table 12: Type of Community Punishment by Offense Class
FY 2007/08 Felonies**

Offense Class	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
H	1,420 <i>29 months</i>	41 <i>19 months</i>	4 <i>N/A</i>	9 <i>N/A</i>	1,474 <i>29 months</i>
I	3,378 <i>24 months</i>	106 <i>19 months</i>	17 <i>N/A</i>	22 <i>N/A</i>	3,523 <i>24 months</i>
TOTAL	4,798 <i>25 months</i>	147 <i>19 months</i>	21 <i>N/A</i>	31 <i>N/A</i>	4,997 <i>25 months</i>

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

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

B. Community Punishments by Crime Type

Information regarding the type of Community punishment imposed by crime type is provided in *Table 13*. The table also includes the average length of probation sentences. Non-trafficking drug offenses represented the largest offense category for which a Community punishment was imposed (n=2,949). Convictions for person offenses had the longest average probation sentences (30 months).

**Table 13: Type of Community Punishment by Crime Type
FY 2007/08 Felonies**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
Person	90 <i>30 months</i>	6 <i>20 months</i>	0 <i>N/A</i>	1 <i>N/A</i>	97 <i>30 months</i>
Property	1,650 <i>29 months</i>	45 <i>19 months</i>	7 <i>N/A</i>	4 <i>N/A</i>	1,706 <i>29 months</i>
Non-Trafficking Drug	2,832 <i>23 months</i>	82 <i>19 months</i>	13 <i>N/A</i>	22 <i>N/A</i>	2,949 <i>23 months</i>
Other Felony	226 <i>25 months</i>	14 <i>16 months</i>	1 <i>N/A</i>	4 <i>N/A</i>	245 <i>24 months</i>
TOTAL	4,798 <i>25 months</i>	147 <i>19 months</i>	21 <i>N/A</i>	31 <i>N/A</i>	4,997 <i>25 months</i>

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

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

VII. SPECIAL ISSUES

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

A. Habitual Felons

An habitual felon is an offender with at least three prior felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a felony offense and who has been found by a jury to be an habitual felon. An habitual felon is sentenced as a Class C felon. (N.C.G.S. §§ 14-7.1 to -7.6) There were 736 habitual felon convictions during Fiscal Year 2007/08. *Table 14* shows the breakdown by offense class and crime type of the most serious conviction associated with habitual felon convictions. Forty percent of habitual felons had a conviction for a Class H offense as their underlying conviction (n=298). Almost thirty-eight percent of habitual felons had some type of drug offense as their underlying conviction (n=276). Felony Breaking and/or Entering was the most frequently occurring most serious crime associated with habitual felon convictions (n=114). Seventy-two percent of habitual felon convictions were sentenced in the mitigated range and an additional 14% were sentenced at the lowest point of the presumptive range (see *Appendix D*).

**Table 14: Most Serious Crime Associated with Habitual Felon Convictions
by Offense Class and Offense
FY 2007/08 Felonies**

Offense Class	Offense	Total	Offense Class	Offense	Total
Class A	1 st Degree Murder	1	Class E (cont.)	Other Person Offenses	1
	Subtotal	1		Subtotal	24
Class B2	2 nd Degree Murder	2	Class F	Involuntary Manslaughter	2
	Attempted 1 st Degree Murder	1		Abduction of Children	1
	Attempted 2 nd Degree Rape	1		Felonious Restraint	1
	Subtotal	4		Indecent Liberties with Child	8
Class C	1 st Degree Kidnapping	3		Failure to Reg. Sex Offender	9
	2 nd Degree Rape	1		Malicious Conduct by Prisoner	1
	2 nd Degree Sexual Offense	1		Assault Serious Bodily Injury	1
	AWDWIKISI	2		AWDW Government Official	8
	Manufacture Methamphetamine	1		Assault LEO/PO Other Ser. Inj.	1
	Habitual Felon*	1		Trafficking in Cocaine	1
	Other Property Offenses	1		Conspire Traffic Opium/Heroin	1
	Other Drug Offenses	3		Habitual Impaired Driving	8
	Other Felony Offenses	2		Other Person Offenses	1
	Subtotal	15		Other Drug Offenses	1
Class D	Voluntary Manslaughter	2		Other Felony Offenses	2
	Att. Robbery Dang. Weapon	5	Subtotal	46	
	Robbery w/ Dangerous Weapon	23	Class G	Common Law Robbery	28
	1 st Degree Arson	1		2 nd Degree Burglary	3
	1 st Degree Burglary	11		Identity Theft	6
	Disch. Weap. Occup. Dwell/MV	1		Sell/Deliver Sch. II CS	9
	Other Person Offenses	1		Trafficking in LSD	1
	Subtotal	44		Sell/Deliver Cocaine	12
Class E	2 nd Degree Kidnapping	3		Conspire Sell/Deliver Cocaine	1
	Consp. Robbery Dang. Weapon	1		Sell Cocaine	50
	AWDW Intent to Kill	3	Sell Heroin	4	
	AWDW Serious Injury	10	Sell Schedule I CS	1	
	Assault LEO/PO/Other Firearm	1	Sell Schedule II CS	8	
	Poss. CS w/in 300 ft. of School	1	Conspire Sell Cocaine	1	
	Discharge Weapon Occ. Prop.	1	Trafficking in Cocaine	4	
	Elude Arrest MV Death >=3 AF	1	Conspire to Traffic in Marijuana	1	
	Other Drug Offenses	2	Conspire to Traffic in Cocaine	2	

**Table 14: Most Serious Crime Associated with Habitual Felon Convictions
by Offense Class and Offense (continued)
FY 2007/08 Felonies**

Offense Class	Offense	Total	Offense Class	Offense	Total
Class G (cont.)	Possession of Firearm by Felon	40	Class H (cont.)	Other Person Offenses	1
	Other Drug Offenses	7		Other Property Offenses	1
	Other Felony Offenses	1		Other Drug Offenses	4
	Subtotal	179		Other Felony Offenses	1
				Subtotal	298
Class H	Fail. Rep. Sex Off. Non-Comply	2	Class I	Possession of Burglary Tools	4
	Breaking and or Entering	114		Break or Enter a Motor Vehicle	16
	Felony Larceny	17		Forgery of Instrument	5
	Larceny of Chose in Action	1		Uttering Forged Instrument	3
	Larceny from the Person	4		Financial Card Theft	1
	Poss. Stolen Goods/Prop.	19		Obtain CS by Fraud/Forgery	1
	Larceny After Break/Enter	2		Att. Obtain CS Forgery/Fraud	1
	Larceny of Motor Vehicle	11		Sell/Deliver Marijuana	1
	Att. Obtain Prop. False Pretense	3		Deliver Marijuana	1
	Obtain Property False Pretense	16		Possess Methamphetamine	4
	Poss. CS Prison/Jail Premises	2		Manufacture Sch. VI CS	1
	Sell/Deliver Marijuana	1		Sell or Deliver Counterfeit CS	1
	Conspire Sell/Deliver Cocaine	1		PWIMSD Sch. VI CS	1
	Sell Marijuana	1		Felony Possession Sch. I CS	1
	Deliver Cocaine	1		Felony Possession Sch. II CS	12
	PWIMSD Methamphetamine	1		PWISD Marijuana	5
	Poss/Dist. Precursor Chemical	1		Felony Possession Marijuana	1
	PWIMSD Sch. I CS	1		Felony Possession Cocaine	57
	PWIMSD Sch. II CS	7		3 rd Degree Sex. Exploit. Minor	1
	PWISD Cocaine	49		Crime Against Nature	1
	PWIMSD Cocaine	6		Failure to Appear on Felony	2
	Fel. Hit/Run Fail Stop Inj. RV 1	1		Maintain Veh/Dwell/Place CS	4
	Escape from State Prison	4		Other Drug Offenses	1
	Intimidating Witness	1		Subtotal	125
	Possess Stolen Motor Vehicle	9		TOTAL	736
	Elude Arrest MV 2 Agg. Factors	7			
	Elude Arrest MV >=3 Agg. Fact.	9			

*Of the 736 habitual felon convictions, the most serious associated conviction could not be determined for one conviction. This conviction is represented in the table as a Class C habitual felon conviction.

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

B. Firearm Enhancement

The firearm enhancement requires the judge to increase an offender's active sentence by sixty months if the offender is convicted of a Class A, B1, B2, C, D, or E felony and the jury finds that he or she used, displayed, or threatened to use or display a firearm during the commission of the felony. The firearm enhancement cannot be applied if the firearm is used to prove an element of the offense, nor can it be applied to non-active sentences. (N.C.G.S. § 15A-1340.16A) The firearm enhancement was not applied to any convictions during Fiscal Year 2007/08.

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

Offenders convicted of first degree murder may receive either a death sentence or life without parole. The sentence of life without parole is also required for offenders found to be violent habitual felons, certain offenders convicted of second or subsequent Class B1 felonies, and offenders convicted of first-degree rape or sexual assault who are sentenced from the aggravated range in Prior Record Levels V and VI. During Fiscal Year 2007/08, four death sentences and 92 life without parole sentences were imposed for felons convicted of first degree murder.

A violent habitual felon is an offender with at least two prior Class A, B1, B2, C, D, or E felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a Class A, B1, B2, C, D, or E felony offense and who has been found by a jury to be a violent habitual felon. A violent habitual felon is sentenced to life without parole. (N.C.G.S. §§ 14-7.7-7.12) During Fiscal Year 2007/08, one life without parole sentence was imposed for a violent habitual felon conviction. The most serious offense associated with the violent habitual felon conviction was robbery with a dangerous weapon.

D. Drug Trafficking Convictions

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

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

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

As shown in *Table 15*, there were 910 convictions for drug trafficking offenses in FY 2007/08. Trafficking Cocaine (Offense Class G) was the most frequently occurring drug trafficking offense (n=238).

**Table 15: Drug Trafficking Convictions
FY 2007/08 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
C	Traffic Methamphetamine	1	100	.	.	.	.	225	279	1
	Traffic Cocaine	1	100	.	.	.	.	35	42	1
	Traffic Heroin	2	100	.	.	.	.	148	182	2
	Consp. Traffic Heroin	2	100	.	.	.	.	92	115	2
	Other Trafficking	4	44	4	45	1	11	115	144	9
	Subtotal	10	67	4	27	1	6	118	147	15
D	Traffic Cocaine	14	93	1	7	.	.	136	170	15
	Consp. Traffic Cocaine	5	83	.	.	1	17	158	197	6
	Other Trafficking	29	85	4	12	1	3	128	161	34
	Subtotal	48	87	5	9	2	4	133	167	55
E	Traffic Methamphetamine	5	100	.	.	.	.	90	117	5
	Traffic Cocaine	2	100	.	.	.	.	70	84	2
	Traffic Heroin	9	90	1	10	.	.	85	110	10
	Consp. Traffic Cocaine	1	100	.	.	.	.	90	117	1
	Other Trafficking	15	75	4	20	1	5	77	100	20
	Subtotal	32	84	5	13	1	3	81	104	38
F	Traffic Methamphetamine	15	79	4	21	.	.	66	79	19
	Traffic MDA/MDMA	1	50	1	50	.	.	70	84	2
	Traffic Marijuana	1	50	1	50	.	.	48	57	2
	Traffic Cocaine	29	91	.	.	3	9	59	71	32
	Traffic Heroin	45	79	12	21	.	.	60	72	57
	Consp. Traffic Cocaine	9	100	.	.	.	.	70	84	9
	Consp. Traffic Heroin	1	100	.	.	.	.	70	84	1
	Other Trafficking	53	73	16	22	4	5	57	69	73
	Subtotal	154	79	34	17	7	4	60	72	195

**Table 15: Drug Trafficking Convictions (continued)
FY 2007/08 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
G	Traffic Methamphetamine	.	.	1	100	.	.	35	42	1
	Traffic LSD	1	100	.	.	.	.	26	32	1
	Consp. Traffic LSD	1	100	.	.	.	.	35	42	1
	Traffic in MDA/MDMA	9	90	1	10	.	.	33	39	10
	Consp. Traffic MDA/MDMA	1	100	.	.	.	.	35	42	1
	Traffic Marijuana	7	100	.	.	.	.	32	39	7
	Traffic Cocaine	208	88	27	11	3	1	33	40	238
	Traffic Heroin	3	100	.	.	.	.	60	75	3
	Consp. Traffic Marijuana	2	100	.	.	.	.	21	25	2
	Consp. Traffic Cocaine	18	82	4	18	.	.	30	36	22
	Other Trafficking	191	82	33	14	10	4	32	38	234
Subtotal		441	85	66	13	13	2	33	39	520
H	Traffic Marijuana	27	82	4	12	2	6	23	27	33
	Traffic Heroin	1	100	.	.	.	.	6	8	1
	Consp. Traffic Marijuana	5	83	1	17	.	.	25	30	6
	Consp. Traffic Cocaine	.	.	1	50	1	50	6	8	2
	Other Trafficking	34	87	3	8	2	5	23	28	39
Subtotal		67	83	9	11	5	6	23	27	81
I	Traffic in MDA/MDMA	.	.	.	.	1	100	4	5	1
	Traffic Marijuana	1	33	.	.	2	67	5	6	3
	Other Trafficking	2	100	.	.	.	.	74	84	2
Subtotal		3	50	.	.	3	50	28	32	6
TOTAL		755	83	123	14	32	3	47	57	910

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

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

SECTION II

**MISDEMEANOR CONVICTIONS
IN FISCAL YEAR 2007/08**

I. MISDEMEANOR CONVICTIONS IN FY 2007/08

A. Definition of the Unit of Analysis

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

Definition of a Sentencing Episode:

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

B. Misdemeanor Convictions

This section contains detailed information about misdemeanor convictions and sentences imposed under Structured Sentencing during Fiscal Year 2007/08 (July 1, 2007 through June 30, 2008). Overall, sentences for 164,442 misdemeanor convictions were imposed. For many of the tables, information on 4,024 convictions (or 2.5%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table.

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

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

C. Distribution of Convictions within the Misdemeanor Punishment Chart

Table 16 shows the distribution of convictions within the Misdemeanor Punishment Chart. Relative to other cells within the Misdemeanor Punishment Chart, the greatest number of convictions fell into Offense Class 1 with Prior Conviction Level I (n=37,909 or 24%).

**Table 16: Distribution of Convictions within the Misdemeanor Punishment Chart
FY 2007/08 Misdemeanors**

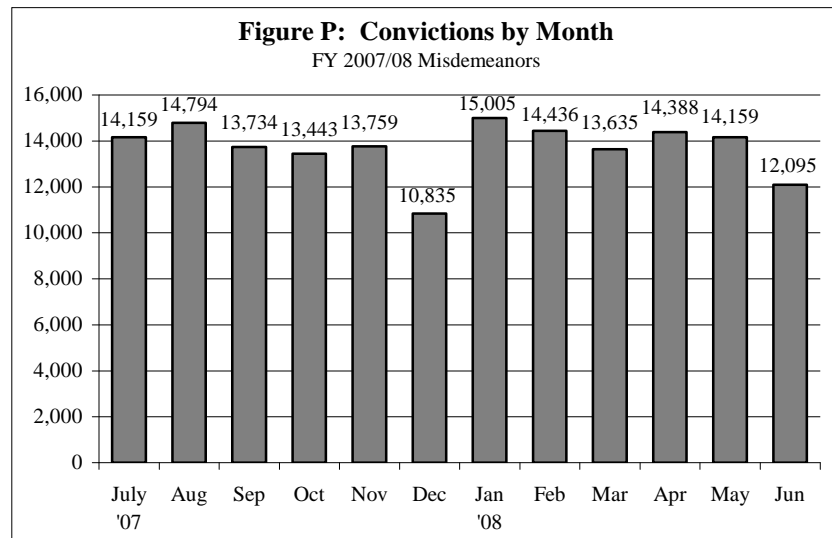
Offense Class	Prior Conviction Level			Total
	I 0 Points	II 1-4 Points	III 5+ Points	
A1	4,101 (2.6%)	5,233 (3.3%)	4,048 (2.5%)	13,382 (8.3%)
1	37,909 (23.6%)	35,774 (22.3%)	20,596 (12.8%)	94,279 (58.8%)
2	13,957 (8.7%)	9,565 (6.0%)	4,074 (2.5%)	27,596 (17.2%)
3	13,605 (8.5%)	8,048 (5.0%)	3,508 (2.2%)	25,161 (15.7%)
TOTAL	69,572 (43.4%)	58,620 (36.5%)	32,226 (20.1%)	160,418 (100.0%)

Note: Of the 164,442 misdemeanor convictions in FY 2007/08, 4,024 (2.5%) were excluded from this table. These convictions did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons. Percentages may not add to totals due to rounding.

Source: NC Sentencing and Policy Commission, FY 2007/08 Statistical Report Data

D. Convictions by Month of Sentencing

Figure P shows the number of misdemeanor convictions (N=164,442) by month of sentencing during Fiscal Year 2007/08. Convictions peaked in January and were lowest in December.



Source: NC Sentencing and Policy Commission, FY 2007/08 Statistical Report Data

E. Convictions by Judicial District and County

Table 17 shows the number of misdemeanor convictions by judicial district and county. The table also indicates whether a conviction occurred in District or Superior Court and whether it resulted from a guilty plea, a bench trial, or a jury trial.⁵ See Appendix A for a map of judicial districts. In FY 2007/08, there were 156,113 guilty pleas/bench trials in District Court, 8,143 guilty pleas/bench trials in Superior Court, and 186 jury trials in Superior Court.

**Table 17: Convictions by Judicial District, County, and Mode of Disposition
FY 2007/08 Misdemeanors**

Judicial District and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 1	Camden	104	6	0	110
	Chowan	381	46	2	429
	Currituck	372	52	7	431
	Dare	945	98	0	1,043
	Gates	157	13	0	170
	Pasquotank	1,042	93	1	1,136
	Perquimans	198	27	0	225
	Total	3,199	335	10	3,544
District 2	Beaufort	1,082	116	3	1,201
	Hyde	140	5	0	145
	Martin	566	28	1	595
	Tyrrell	129	16	0	145
	Washington	333	22	0	355
	Total	2,250	187	4	2,441
District 3A	Pitt	2,509	124	5	2,638
	Total	2,509	124	5	2,638
District 3B	Carteret	1,613	70	3	1,686
	Craven	1,876	111	2	1,989
	Pamlico	235	7	0	242
	Total	3,724	188	5	3,917
District 4	Duplin	999	108	0	1,107
	Jones	181	14	1	196
	Onslow	2,018	305	2	2,325
	Sampson	1,384	16	2	1,402
	Total	4,582	443	5	5,030
District 5	New Hanover	3,672	144	4	3,820
	Pender	503	35	0	538
	Total	4,175	179	4	4,358

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

**Table 17: Convictions by Judicial District, County, and Mode of Disposition (continued)
FY 2007/08 Misdemeanors**

Judicial District and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 6A	Halifax	1,435	61	2	1,498
	Total	1,435	61	2	1,498
District 6B	Bertie	432	48	1	481
	Hertford	646	85	0	731
	Northampton	365	53	0	418
	Total	1,443	186	1	1,630
District 7	Edgecombe	1,389	206	2	1,597
	Nash	1,553	167	0	1,720
	Wilson	1,171	131	1	1,303
	Total	4,113	504	3	4,620
District 8	Greene	298	43	0	341
	Lenoir	1,708	173	1	1,882
	Wayne	2,475	213	4	2,692
	Total	4,481	429	5	4,915
District 9	Franklin	969	96	0	1,065
	Granville	994	194	0	1,188
	Vance	1,638	199	2	1,839
	Warren	374	53	0	427
	Total	3,975	542	2	4,519
District 9A	Caswell	309	33	0	342
	Person	886	62	1	949
	Total	1,195	95	1	1,291
District 10	Wake	13,717	201	9	13,927
	Total	13,717	201	9	13,927
District 11	Harnett	1,267	16	3	1,286
	Johnston	1,880	44	2	1,926
	Lee	965	48	2	1,015
	Total	4,112	108	7	4,227
District 12	Cumberland	3,949	185	2	4,136
	Total	3,949	185	2	4,136
District 13	Bladen	924	49	1	974
	Brunswick	1,644	52	0	1,696
	Columbus	1,071	61	3	1,135
	Total	3,639	162	4	3,805
District 14	Durham	4,894	34	4	4,932
	Total	4,894	34	4	4,932
District 15A	Alamance	3,167	156	5	3,328
	Total	3,167	156	5	3,328
District 15B	Chatham	643	10	0	653

**Table 17: Convictions by Judicial District, County, and Mode of Disposition (continued)
FY 2007/08 Misdemeanors**

Judicial District and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 15B (cont.)	Orange	1,124	33	2	1,159
	Total	1,767	43	2	1,812
District 16A	Hoke	562	45	1	608
	Scotland	906	82	0	988
	Total	1,468	127	1	1,596
District 16B	Robeson	4,127	98	2	4,227
	Total	4,127	98	2	4,227
District 17A	Rockingham	1,518	56	0	1,574
	Total	1,518	56	0	1,574
District 17B	Stokes	663	55	1	719
	Surry	1,357	65	1	1,423
	Total	2,020	120	2	2,142
District 18	Guilford	5,897	432	5	6,334
	Total	5,897	432	5	6,334
District 19A	Cabarrus	3,762	217	1	3,980
	Total	3,762	217	1	3,980
District 19B	Montgomery	642	23	1	666
	Randolph	2,181	100	4	2,285
	Total	2,823	123	5	2,951
District 19C	Rowan	3,214	112	5	3,331
	Total	3,214	112	5	3,331
District 19D	Moore	1,277	57	1	1,335
	Total	1,277	57	1	1,335
District 20A	Anson	647	97	0	744
	Richmond	1,194	244	1	1,439
	Stanly	1,035	131	1	1,167
	Total	2,876	472	2	3,350
District 20B	Union	1,203	329	2	1,534
	Total	1,203	329	2	1,534
District 21	Forsyth	6,820	73	15	6,908
	Total	6,820	73	15	6,908
District 22	Alexander	465	30	0	495
	Davidson	2,528	147	2	2,677
	Davie	501	22	0	523
	Iredell	2,579	53	0	2,632
	Total	6,073	252	2	6,327
District 23	Alleghany	223	1	0	224
	Ashe	367	5	1	373

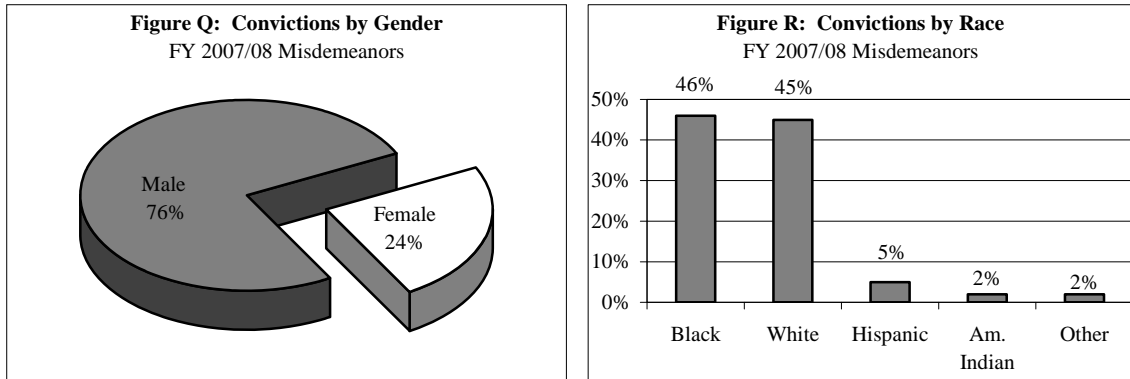
**Table 17: Convictions by Judicial District, County, and Mode of Disposition (continued)
FY 2007/08 Misdemeanors**

Judicial District and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 23 (cont.)	Wilkes	1,206	22	1	1,229
	Yadkin	591	16	0	607
	Total	2,387	44	2	2,433
District 24	Avery	247	17	0	264
	Madison	202	7	0	209
	Mitchell	195	5	0	200
	Watauga	654	46	3	703
	Yancey	254	9	0	263
	Total	1,552	84	3	1,639
District 25	Burke	1,646	93	6	1,745
	Caldwell	1,465	78	2	1,545
	Catawba	2,777	118	3	2,898
	Total	5,888	289	11	6,188
District 26	Mecklenburg	9,838	269	21	10,128
Total	9,838	269	21	10,128	
District 27A	Gaston	3,277	241	1	3,519
Total	3,277	241	1	3,519	
District 27B	Cleveland	2,074	73	9	2,156
	Lincoln	1,393	51	0	1,444
	Total	3,467	124	9	3,600
District 28	Buncombe	5,282	71	7	5,360
Total	5,282	71	7	5,360	
District 29A	McDowell	825	82	0	907
	Rutherford	2,231	91	2	2,324
	Total	3,056	173	2	3,231
District 29B	Henderson	2,126	31	0	2,157
	Polk	365	14	1	380
	Transylvania	593	15	1	609
	Total	3,084	60	2	3,146
District 30	Cherokee	316	16	0	332
	Clay	112	4	0	116
	Graham	156	10	0	166
	Haywood	1,043	64	2	1,109
	Jackson	533	31	2	566
	Macon	451	17	1	469
	Swain	267	16	0	283
	Total	2,878	158	5	3,041
STATE TOTAL		156,113	8,143	186	164,442

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

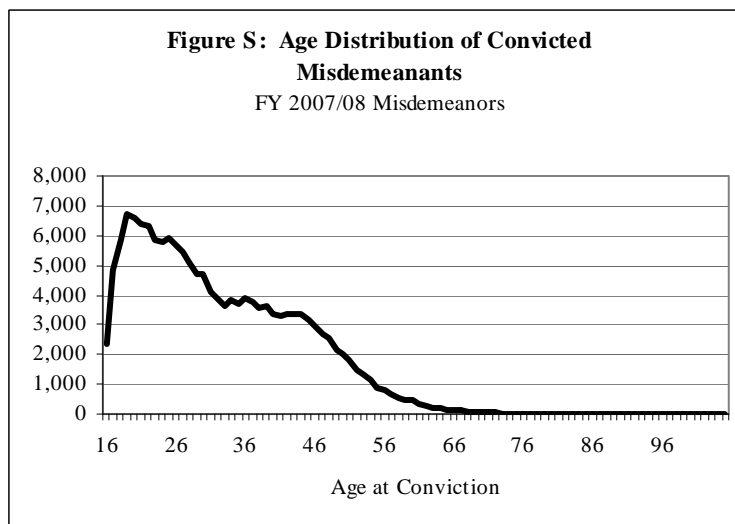
II. CHARACTERISTICS OF OFFENDERS

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



Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

Based on age at conviction, 17% of misdemeanor convictions were for offenders under the age of 21, 19% were 21-25 years of age, 13% were 26-29 years of age, 24% were 30-39 years of age, 19% were 40-49 years of age, and 8% were 50 years of age or older. The average age at conviction was 32 years. *Figure S* illustrates the age distribution of misdemeanor offenders at conviction. As with felons, the volume of offenders peaks in the late teens and early twenties and then generally declines. *Table 18* provides a summary of misdemeanor convictions by gender, race, and age of offenders.



Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

**Table 18: Convictions by Gender, Race, and Age
FY 2007/08 Misdemeanors**

Gender and Race		Age at Conviction						Total
		<21	21-25	26-29	30-39	40-49	>49	
Male	White	9,703	10,268	6,668	12,177	10,085	4,665	53,566
	Black	9,478	10,556	7,051	13,181	11,561	5,929	57,756
	Hispanic	1,131	1,980	1,581	2,272	726	194	7,884
	Amer. Indian	365	415	299	500	326	169	2,074
	Other	201	225	172	310	189	94	1,191
	Subtotal	20,878	23,444	15,771	28,440	22,887	11,051	122,471
Female	White	2,615	3,378	2,605	5,439	3,749	1,174	18,960
	Black	2,564	3,151	2,248	4,375	3,177	1,010	16,525
	Hispanic	119	147	121	226	62	25	700
	Amer. Indian	85	138	99	268	161	48	799
	Other	65	63	49	114	70	32	393
	Subtotal	5,448	6,877	5,122	10,422	7,219	2,289	37,377
TOTAL		26,326	30,321	20,893	38,862	30,106	13,340	159,848

Note: Of the 164,442 misdemeanor convictions in FY 2007/08, 4,594 convictions with missing values for offenders' age were excluded from this table.

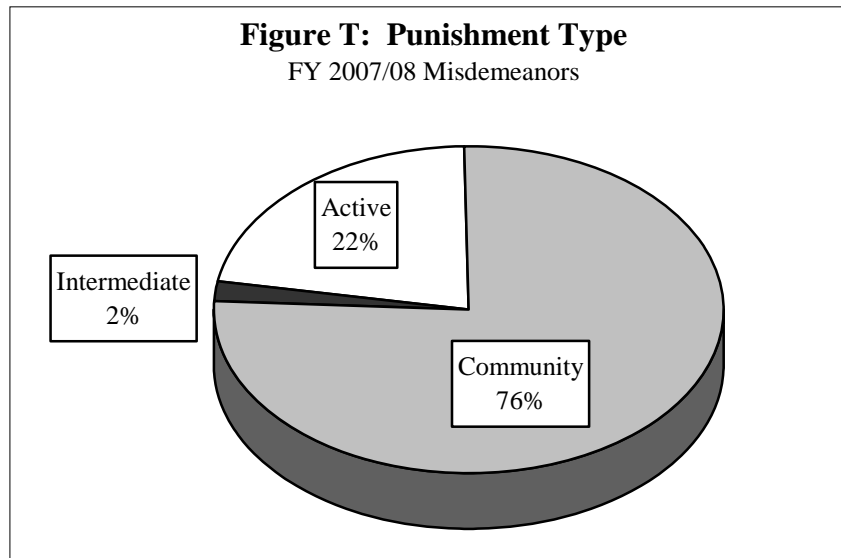
Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

III. PUNISHMENT IMPOSED FOR MISDEMEANORS

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

A. Overall Punishment

As shown in *Figure T*, an Active punishment was imposed for 22% of misdemeanor convictions; an Intermediate punishment was imposed for 2% of misdemeanor convictions; and a Community punishment was imposed for 76% of misdemeanor convictions. Of the Active punishments imposed, 88% were for sentences of 90 days or less, with the remaining 12% for sentences greater than 90 days.



Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

B. Punishment Imposed by Offense Class and Prior Conviction Level

Misdemeanor convictions and sentences imposed are presented within the context of the Misdemeanor Punishment Chart in *Table 19*. Most convictions – regardless of the offense class or prior conviction level – resulted in the imposition of a Community punishment. Eight percent of misdemeanor convictions fell into Offense Class A1, 59% fell into Offense Class 1, 17% fell into Offense Class 2, and 16% fell into Offense Class 3. Forty-three percent of misdemeanor convictions fell into Prior Conviction Level I, 37% fell into Prior Conviction Level II, and 20% fell into Prior Conviction Level III.

Convictions for Class A1 misdemeanors accounted for the largest percentage of Active sentences imposed relative to other offense classes (28%). The majority of convictions fell into Offense Class 1 with Prior Conviction Level I (n=37,909). The likelihood of receiving an Active punishment increased as prior conviction level increased.

**Table 19: Convictions and Sentences by Offense Class and Prior Conviction Level
FY 2007/08 Misdemeanors**

Offense Class	Prior Conviction Level			Total
	I 0 Points	II 1-4 Points	III 5+ Points	
A1	C/I/A C = 3,224 (79%) I = 129 (3%) A = 748 (18%) (n=4,104) 34.0 days	C/I/A C = 3,629 (69%) I = 316 (6%) A = 1,288 (25%) (n=5,233) 50.3 days	C/I/A C = 1,970 (49%) I = 333 (8%) A = 1,745 (43%) (n=4,048) 106.2 days	C/I/A C = 8,823 (66%) I = 778 (6%) A = 3,781 (28%) (n=13,382) 72.9 days
1	C C = 32,695 (86%) I = 210 (1%) A = 5,004 (13%) (n=37,909) 21.3 days	C/I/A C = 28,107 (79%) I = 907 (2%) A = 6,760 (19%) (n=35,774) 28.4 days	C/I/A C = 11,548 (56%) I = 1,263 (6%) A = 7,785 (38%) (n=20,596) 71.9 days	C/I/A C = 72,350 (77%) I = 2,380 (2%) A = 19,549 (21%) (n=94,279) 43.9 days
2	C C = 12,008 (86%) I = 23 (0%) A = 1,926 (14%) (n=13,957) 14.8 days	C/I C = 7,498 (78%) I = 152 (2%) A = 1,915 (20%) (n=9,565) 20.9 days	C/I/A C = 2,321 (57%) I = 89 (2%) A = 1,664 (41%) (n=4,074) 33.1 days	C/I/A C = 21,827 (79%) I = 264 (1%) A = 5,505 (20%) (n=27,596) 22.4 days
3	C C = 11,097 (82%) I = 12 (0%) A = 2,496 (18%) (n=13,605) 6.5 days	C/I C = 6,062 (75%) I = 65 (1%) A = 1,921 (24%) (n=8,048) 7.4 days	C/I/A C = 1,888 (54%) I = 33 (1%) A = 1,587(45%) (n=3,508) 12.7 days	C/I/A C = 19,047 (76%) I = 110 (1%) A = 6,004 (24%) (n=25,161) 8.4 days
TOTAL	C/I/A C = 59,024 (85%) I = 374 (1%) A = 10,174 (14%) (n=69,572) 17.4 days	C/I/A C = 45,296 (77%) I = 1,440 (3%) A = 11,884 (20%) (n=58,620) 26.1 days	C/I/A C = 17,727 (55%) I = 1,718 (5%) A = 12,781 (40%) (n=32,226) 64.1 days	C/I/A C = 122,047 (76%) I = 3,532 (2%) A = 34,839 (22%) (n=160,418) 37.5 days

Note: Of the 164,442 misdemeanor convictions in FY 2007/08, 4,024 (2.5%) were excluded from this table. These convictions did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons. Active sentences in cells in which an Active punishment is not a sentencing option may be attributed to the use of credit for time served.

Source: NC Sentencing and Policy Commission, FY 2007/08 Statistical Report Data

C. Average Length of Active Sentences

Information on the average sentence imposed, average credit for time served, and average time to be served for misdemeanor convictions resulting in an Active punishment is presented in *Table 20*. Time to be served is calculated by subtracting credit for time served from the Active sentence imposed. The length of Active sentences imposed and time to be served were found to increase as offense class and prior conviction level increased. The longest average time to be served was for Class A1 misdemeanors (47.3 days). Overall, the average time to be served for misdemeanor convictions was 23.7 days. Sixty-four percent of offenders with Active sentences received credit for time served.

**Table 20: Average Length of Active Sentences by Offense Class and Prior Conviction Level
FY 2007/08 Misdemeanors**

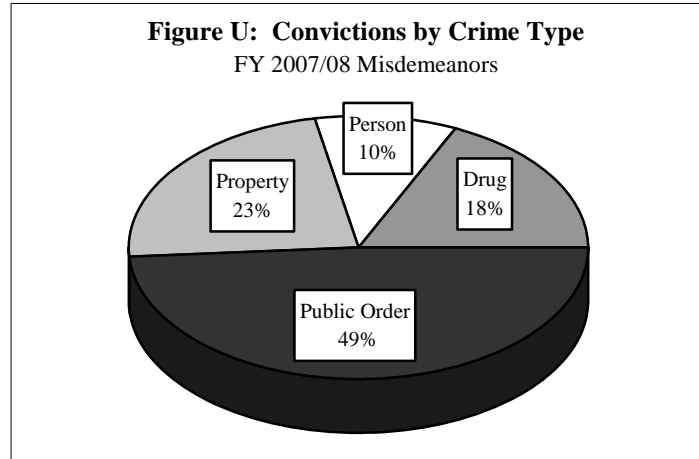
Offense Class		Prior Conviction Level			Total
		I 0 Points	II 1-4 Points	III 5+ Points	
A1	Average Active Sentence (Days)	34.0	50.3	106.2	72.9
	Average Credit for Time Served (Days)	19.6	24.3	29.2	25.6
	Average Time to be Served (Days)	14.4	26.0	77.0	47.3
	No. of Active Sentences	748	1,288	1,745	3,781
1	Average Active Sentence (Days)	21.3	28.4	71.9	43.9
	Average Credit for Time Served (Days)	13.2	12.8	16.7	14.4
	Average Time to be Served (Days)	8.1	15.5	55.2	29.4
	No. of Active Sentences	5,004	6,760	7,785	19,549
2	Average Active Sentence (Days)	14.8	20.9	33.1	22.4
	Average Credit for Time Served (Days)	11.5	12.4	13.5	12.4
	Average Time to be Served (Days)	3.3	8.5	19.6	10.0
	No. of Active Sentences	1,926	1,915	1,664	5,505
3	Average Active Sentence (Days)	6.5	7.4	12.7	8.4
	Average Credit for Time Served (Days)	5.5	5.3	5.6	5.4
	Average Time to be Served (Days)	1.0	2.2	7.1	3.0
	No. of Active Sentences	2,496	1,921	1,587	6,004
TOTAL	Average Active Sentence (Days)	17.4	26.1	64.1	37.5
	Average Credit for Time Served (Days)	11.4	12.8	16.6	13.8
	Average Time to be Served (Days)	5.9	13.4	47.6	23.7
	No. of Active Sentences	10,174	11,884	12,781	34,839

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 2007/08 Statistical Report Data

D. Punishment Imposed by Crime Type

As shown in *Figure U*, public order offenses (49%) accounted for the majority of misdemeanor convictions, while misdemeanor person offenses accounted for the lowest proportion (10%).



Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

Table 21 contains information about the type of punishment imposed by crime type for misdemeanor convictions, as well as the average minimum sentence imposed and average time to be served for offenders who received an Active punishment. Of the convictions for the four crime types, those for drug offenses were least likely to result in an Active punishment (20%). Twenty-three percent of convictions for property offenses resulted in an Active punishment, while 21% of public order offenses and 25% of person offenses resulted in an Active punishment. The average minimum sentence imposed and average time to be served were longest for convictions for person offenses.

Table 21: Punishment by Crime Type
FY 2007/08 Misdemeanors

Crime Type	Type of Punishment						Minimum Active Sentence (Days)	Credit for Time Served (Days)	Time to be Served (Days)	Total
	Active		Intermediate		Community					
	#	%	#	%	#	%				
Person	4,191	25	781	5	11,787	70	63.2	23.9	39.3	16,759
Property	8,570	23	884	2	27,828	75	42.2	17.0	25.2	37,282
Drug	5,596	20	596	2	22,444	78	30.4	12.9	17.5	28,636
Public Order	16,482	21	1,271	2	59,988	77	31.0	9.9	21.1	77,741
TOTAL	34,839	22	3,532	2	122,047	76	37.5	13.8	23.7	160,418

Note: Of the 164,442 misdemeanor convictions in FY 2007/08, 4,024 (2.5%) were excluded from this table. These convictions did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons.

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

IV. INTERMEDIATE PUNISHMENTS

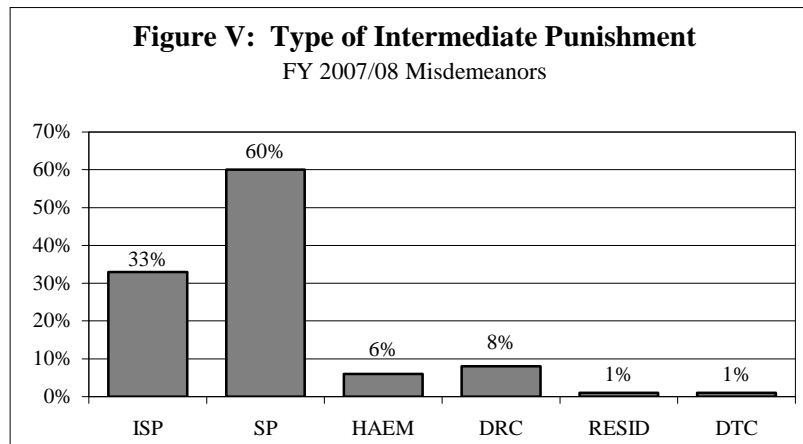
This section provides a summary of the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed at sentencing.*⁶ Under Structured Sentencing, all offenders who receive an Intermediate punishment must receive a term of supervised probation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

During Fiscal Year 2007/08, there were 3,532 convictions for which an Intermediate punishment was imposed. One or more specific intermediate sanctions were reported for 3,469 of these convictions (a reporting rate of 98%).

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

A. Intermediate Punishments Imposed

Figure V shows the percentage of convictions for which each intermediate sanction was imposed. Where a specific intermediate sanction was reported in the AOC database, data indicated that Special Probation accounted for the highest percentage of convictions (60%). Assignment to a Residential Treatment Facility and Drug Treatment Court accounted for the smallest percentage of convictions for which a specific intermediate sanction was reported (1% each).



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

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

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

B. Intermediate Punishments by Offense Class and Prior Conviction Level

Table 22 contains the frequency of intermediate sanctions by offense class and prior conviction level, with the greatest number of intermediate sanctions imposed for Class 1 with Prior Conviction Level III (n=1,384). Overall, intermediate sanctions were most frequently imposed for Class 1 convictions (n=2,550).

**Table 22: Type of Intermediate Punishment by Offense Class and Prior Conviction Level
FY 2007/08 Misdemeanors**

Offense Class	Prior Conviction Level	Type of Intermediate Punishment						Total
		Special Probation	Residential Facility	Day Reporting Center	Drug Treatment Court	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
A1	I	88	0	10	0	32	5	135
	II	212	1	17	1	86	23	340
	III	209	1	17	1	122	14	364
	Subtotal	509	2	44	2	240	42	839
1	I	115	1	35	2	50	8	211
	II	485	7	62	12	326	63	955
	III	746	13	78	22	432	93	1,384
	Subtotal	1,346	21	175	36	808	164	2,550
2	I	14	0	6	0	2	1	23
	II	105	0	25	1	36	4	171
	III	51	0	5	1	32	6	95
	Subtotal	170	0	36	2	70	11	289
3	I	4	1	3	0	4	0	12
	II	32	1	18	0	14	2	67
	III	19	0	3	0	12	2	36
	Subtotal	55	2	24	0	30	4	115
TOTAL		2,080	25	279	40	1,148	221	3,793

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

C. Intermediate Punishments by Crime Type

Table 23 shows the frequency of specific intermediate sanctions by crime type. Of those convictions for which an intermediate sanction was reported, the majority were for public order offenses (n=1,346).

**Table 23: Type of Intermediate Punishment by Crime Type
FY 2007/08 Misdemeanors**

Crime Type	Type of Intermediate Punishment						Total
	Special Probation	Residential Facility	Day Reporting Center	Drug Treatment Court	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
Person	511	2	54	2	233	38	840
Property	451	13	78	14	357	60	973
Drug	234	7	91	20	250	32	634
Public Order	884	3	56	4	308	91	1,346
TOTAL	2,080	25	279	40	1,148	221	3,793

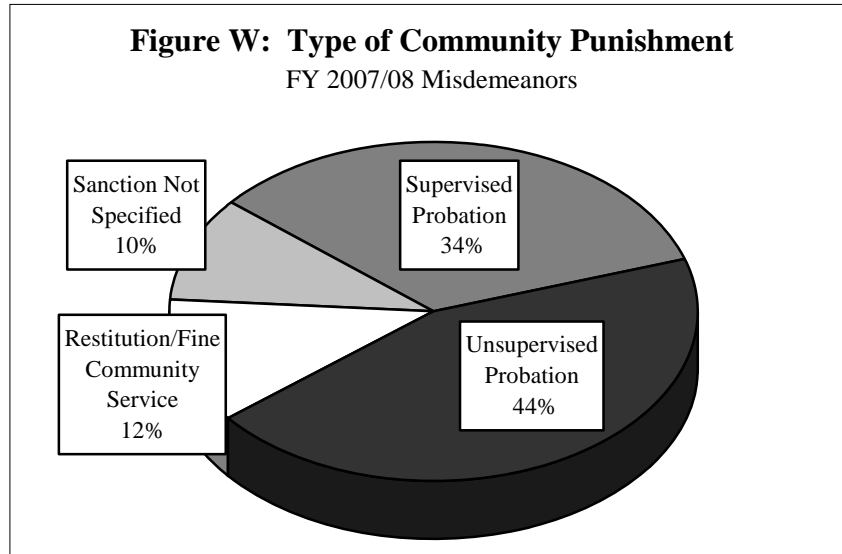
Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

V. COMMUNITY PUNISHMENTS

A. Community Punishments by Offense Class

This section includes only those convictions for which a Community punishment was imposed. Of the 122,047 convictions for which a Community punishment was imposed, the specific type of Community punishment imposed was reported for 110,133 convictions. Overall, 44% received Unsupervised Probation; 34% received Supervised Probation; 12% received only Restitution/Fine/Community Service without probation; and 10% had no specific sanction ordered (see Figure W).⁷

⁷ It is not clear why a specific Community punishment was not reported for 10% of the convictions in which a Community punishment was imposed. In some cases, the court may not have specified a sanction. In other instances, the court may have imposed a sanction for which there is no specific data field in the AOC's ACIS (e.g., outpatient drug/alcohol treatment or referral to TASC).



Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

Table 24 shows the type of Community punishment imposed – either Supervised Probation, Unsupervised Probation, Restitution/Fine/Community Service, or Sanction Not Specified – by offense class, as well as information regarding the average length of probation sentences. Convictions for Class 1 offenses comprised the majority of convictions resulting in a Community punishment (n=72,350). Convictions for Class A1 offenses resulted in the longest average probation sentences (18 months).

Table 24: Type of Community Punishment by Offense Class
FY 2007/08 Misdemeanors

Offense Class	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
A1	5,368 <i>18 months</i>	2,719 <i>18 months</i>	106 <i>N/A</i>	630 <i>N/A</i>	8,823 <i>18 months</i>
1	28,556 <i>17 months</i>	29,399 <i>15 months</i>	8,231 <i>N/A</i>	6,164 <i>N/A</i>	72,350 <i>16 months</i>
2	5,434 <i>15 months</i>	11,264 <i>13 months</i>	2,986 <i>N/A</i>	2,143 <i>N/A</i>	21,827 <i>14 months</i>
3	2,376 <i>13 months</i>	9,964 <i>13 months</i>	3,730 <i>N/A</i>	2,977 <i>N/A</i>	19,047 <i>13 months</i>
TOTAL	41,734 <i>16 months</i>	53,346 <i>14 months</i>	15,053 <i>N/A</i>	11,914 <i>N/A</i>	122,047 <i>15 months</i>

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

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

B. Community Punishments by Crime Type

The type of Community punishment imposed by crime type and the average length of probation sentences are provided in *Table 25*. Public order offenses were the largest offense category for which Supervised Probation was imposed (n=15,847) followed by property offenses (n=12,705). The largest number sentenced to Unsupervised Probation were convicted of public order offenses (n=27,411).

**Table 25: Type of Community Punishment by Crime Type
FY 2007/08 Misdemeanors**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
Person	6,095 <i>18 months</i>	4,481 <i>16 months</i>	310 <i>N/A</i>	901 <i>N/A</i>	11,787 <i>17 months</i>
Property	12,705 <i>17 months</i>	10,931 <i>14 months</i>	2,194 <i>N/A</i>	1,998 <i>N/A</i>	27,828 <i>16 months</i>
Drug	7,087 <i>15 months</i>	10,523 <i>14 months</i>	3,002 <i>N/A</i>	1,832 <i>N/A</i>	22,444 <i>14 months</i>
Public Order	15,847 <i>16 months</i>	27,411 <i>14 months</i>	9,547 <i>N/A</i>	7,183 <i>N/A</i>	59,998 <i>15 months</i>
TOTAL	41,734 <i>16 months</i>	53,346 <i>14 months</i>	15,053 <i>N/A</i>	11,914 <i>N/A</i>	122,047 <i>15 months</i>

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

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

VI. SPECIAL ISSUES

This section reviews other areas of interest, including Community Service and Restitution.

A. Community Service

During Fiscal Year 2007/08, 7% of all misdemeanor convictions were sentenced to perform Community Service, with an average of nearly 36 hours ordered. *Table 26* shows the average hours ordered and the number of convictions for which Community Service was part of the sentence relative to the total number of convictions within each offense class. It should be noted

that Community Service can be used as a sole condition of probation or in conjunction with other types of punishment.

Class 1 offenses accounted for the largest number of Community Service sentences (n=7,704). Of the four offense classes, convictions for Class 1 offenses were most likely to result in a Community Service sentence (8%), while convictions for Class A1 offenses had the highest average hours of Community Service ordered (44.1 hours).

**Table 26: Community Service by Offense Class
FY 2007/08 Misdemeanors**

Offense Class	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
A1	44.1	807	6.0
1	37.0	7,704	8.2
2	33.0	1,762	6.4
3	28.7	1,444	5.7
TOTAL	35.8	11,717	7.3

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

Table 27 contains information on the average hours ordered and the number of convictions for which Community Service was ordered by crime type. Also shown is the percentage of convictions for which Community Service was part of the sentence relative to the total number of convictions for each crime type. Convictions for public order offenses accounted for the largest number of Community Service sentences (n=4,578). Of the four crime types, property convictions were the most likely to result in a Community Service sentence (11.7%), while person convictions had the highest number of Community Service hours ordered (an average of 39.6 hours).

**Table 27: Community Service by Crime Type
FY 2007/08 Misdemeanors**

Crime Type	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
Person	39.6	1,194	7.1
Property	35.7	4,367	11.7
Drug	34.6	1,578	5.5
Public Order	35.4	4,578	5.9
TOTAL	35.8	11,717	7.3

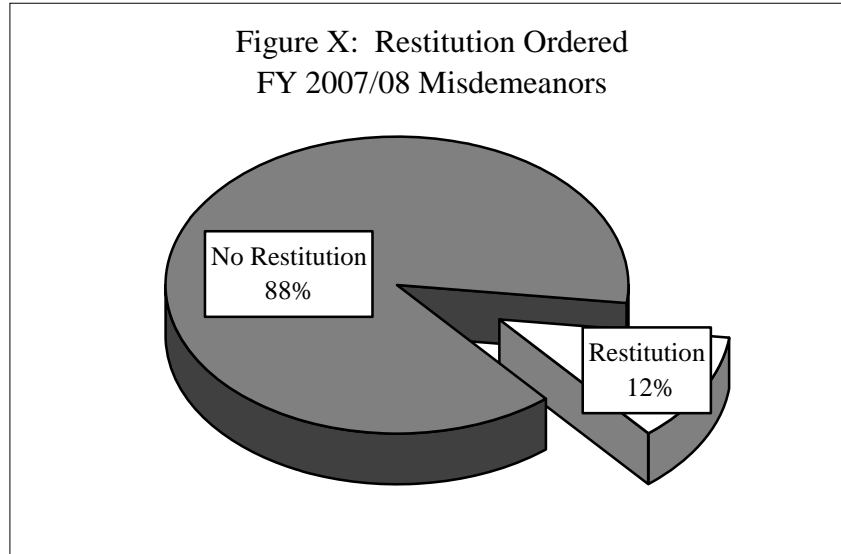
Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

B. Restitution

This section presents information about the amount of Restitution ordered for all misdemeanor convictions; it does not reflect the amount paid. Restitution can be ordered as a sole sanction or in conjunction with other sanctions.

The following tables provide four pieces of information: the total number and percentage of convictions for which payment of Restitution was ordered, the mean (average) dollar amount ordered, and the median dollar amount ordered (*i.e.*, the amount which has the same number of Restitution orders above it as below it). Note that the mean is often much higher than the median due to one or more amounts ordered which are higher than the “normal” amount of Restitution ordered.

As shown in *Figure X*, payment of Restitution was ordered for 12% of all misdemeanor convictions during Fiscal Year 2007/08.



Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

Table 28 provides information on the mean and median dollar amounts of Restitution ordered and the total number of convictions for which payment of Restitution was ordered by offense class. The table also includes the percentage of convictions for which payment of Restitution was ordered relative to the total number of convictions in each offense class. The average (mean) amount of Restitution ordered was \$952, while the median amount was \$230. The highest amount of Restitution, on average, was ordered for Class A1 convictions (a mean of \$1,481 and a median of \$350). Convictions for Class 1 misdemeanors comprised the largest group with a Restitution sentence (n=10,370), followed by Class 2 misdemeanors (n=7,311). Nearly 27% percent of all convictions for Class 2 offenses were ordered to pay Restitution – the largest percentage of any offense class.

**Table 28: Restitution Ordered by Offense Class
FY 2007/08 Misdemeanors**

Offense Class	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
A1	1,481	350	1,454	10.9
1	1,163	300	10,370	11.0
2	634	164	7,311	26.5
3	172	115	821	3.3
TOTAL	952	230	19,956	12.4

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

Table 29 shows the mean and median dollar amounts of Restitution ordered and the total number of convictions for which payment of Restitution was ordered by crime type. The table also includes the percentage of convictions for which Restitution was ordered relative to the total number of convictions for each crime type. The highest amount of Restitution, on average, was ordered for person convictions (a mean of \$1,465 and a median of \$350). Property offense convictions accounted for the majority of convictions for which payment of Restitution was ordered (n=15,014). Forty percent of all convictions for a property offense were ordered to pay Restitution – the largest percentage of any crime type.

**Table 29: Restitution Ordered by Crime Type
FY 2007/08 Misdemeanors**

Crime Type	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Person	1,465	350	1,827	10.9
Property	878	235	15,014	40.3
Drug	243	213	835	2.9
Public Order	1,290	200	2,280	2.9
TOTAL	952	230	19,956	12.4

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

Table 30 provides information on the mean and median amounts of Restitution ordered and the total number of convictions for which Restitution was ordered by type of punishment. The table also includes the percentage of convictions for which payment of Restitution was ordered

relative to the total number of convictions by type of punishment imposed. The highest mean Restitution was ordered for convictions for which an Intermediate punishment was imposed (\$1,339). Twenty-two percent of all convictions resulting in the imposition of an Intermediate punishment were ordered to pay Restitution – the largest percentage of any punishment type. The vast majority of convictions sentenced to pay Restitution received a Community punishment (n=19,038).

**Table 30: Restitution Ordered by Punishment Imposed
FY 2007/08 Misdemeanors**

Type of Punishment	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Active	750	300	138	0.4
Intermediate	1,339	340	780	22.1
Community	937	225	19,038	15.6
TOTAL	952	230	19,956	12.4

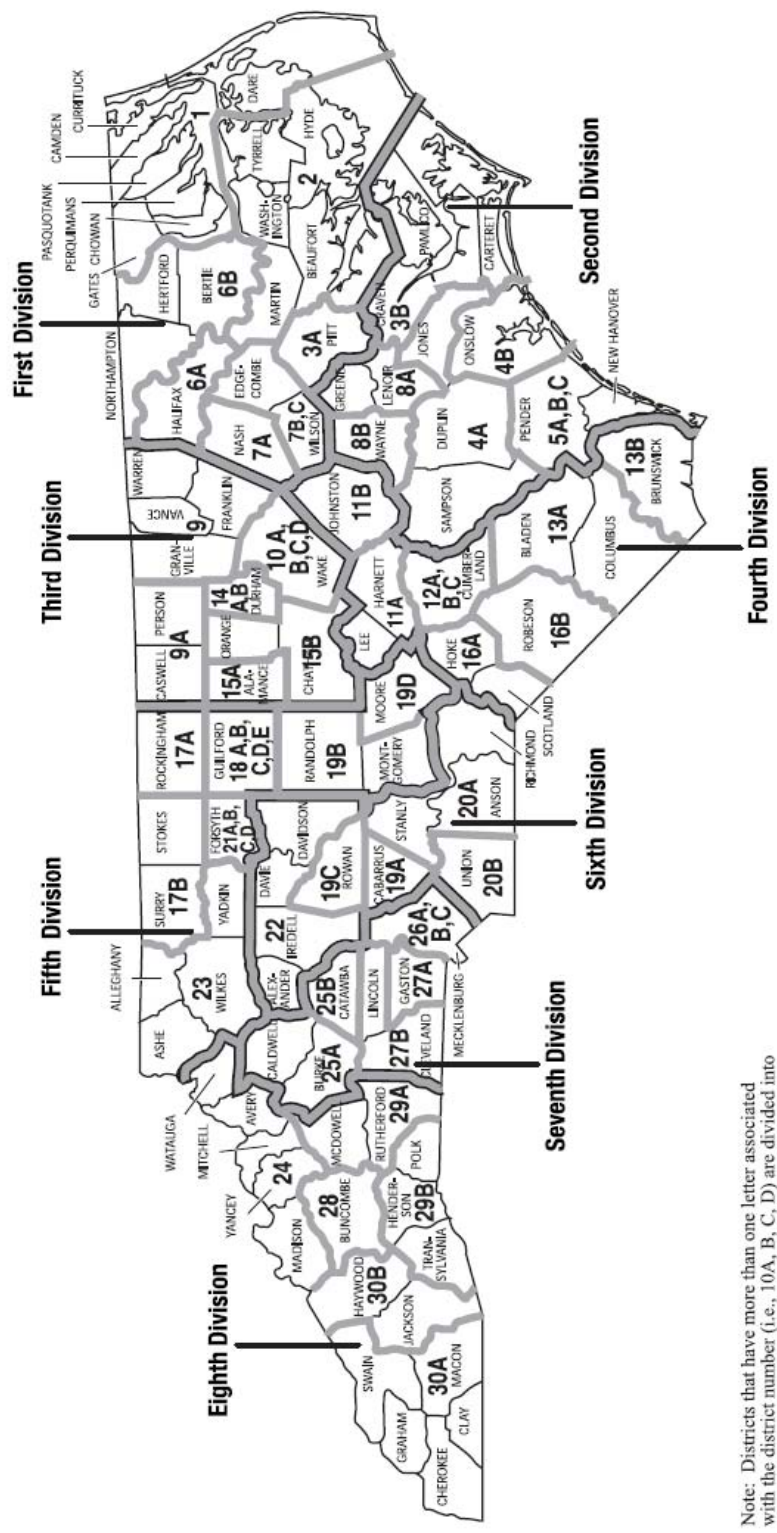
Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

APPENDIX A

MAP OF JUDICIAL DIVISIONS AND DISTRICTS

North Carolina Superior Court

Effective June 30, 2007



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

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APPENDIX B

SAMPLE OFFENSES

CLASS I FELONIES		Maximum Punishment of 15 Months
Breaking or Entering Motor Vehicles. (14-56)	Possession W/I/M/S/D Marijuana. (90-95(a)(1))	
Financial Transaction Card Theft. (14-113.9)	Possess Cocaine. (90-95(a)(3))	
Forgery of Notes, Checks, Securities. (14-119(a))	Maintain Dwelling or Motor Vehicle for Keeping or Selling a Controlled Substance. (90-108(a)(7), (b))	
Uttering Forged Paper or Instrument. (14-120)	Obtain a Controlled Substance by Fraud. (90-108(a)(10), (b))	
CLASS A1 MISDEMEANORS		Maximum Punishment of 150 Days
Assault Inflicting Serious Injury or Using a Deadly Weapon. (14-33(c)(1))	Assault on a State Officer or Employee. (14-33(c)(4))	
Assault on a Female. (14-33(c)(2))	Assault by Pointing a Gun. (14-34)	
Assault on a Child Under 12 Years of Age. (14-33(c)(3))	Violation of a Valid Protective Order. (50B-4.1(a))	
CLASS 1 MISDEMEANORS		Maximum Punishment of 120 Days
Breaking or Entering Buildings. (14-54(b))	Willful and Wanton Injury to Real Property. (14-127)	
Larceny of Property (worth \$1,000 or less). (14-72)	Communicating Threats. (14-277.1)	
Unauthorized Use of a Motor Vehicle. (14-72.2)	Possession of Drug Paraphernalia. (90-113.22)	
Worthless Checks for \$2,000 or Less (closed account). (14-107(d)(4))	Misrepresentation to Obtain Employment Security Benefits. (96-18(a))	
CLASS 2 MISDEMEANORS		Maximum Punishment of 60 Days
Simple Assault/Assault and Battery. (14-33(a))	Failure to Return Rental Property. (14-167)	
Obtaining Property in Return for Worthless Check. (14-106)	Using Profane, Indecent or Threatening Language to Any Person Over Telephone. (14-196)	
Worthless Check for \$2,000 or Less. (14-107(d)(1))	Resisting Officers. (14-223)	
First-Degree Trespass. (14-159.12)	Carrying Concealed Weapons. (14-269(a), (a1)/first offense)	
Willful and Wanton Injury to Personal Property. (14-160(a))	Disorderly Conduct. (14-288.4)	
CLASS 3 MISDEMEANORS		Maximum Punishment of 20 Days
Concealment of merchandise in mercantile establishments (first conviction). (14-72.1)	Operate Motorboat Without Lifesaving Device. (75A-6)	
Second-Degree Trespass. (14-159.13)	Hunting Without a License. (113-270.2)	
Intoxicated and Disruptive in Public. (14-444)	Fishing Without a License. (113-271)	
Unsealed Wine/Liquor in Passenger Area. (18B-401)	Possess Marijuana (1/2 ounce or less). (90-95(a)(3))	
CONSPIRACY to commit an offense is classified as one class lower than the offense the person conspired to commit. (14-2.4)		
ATTEMPT to commit an offense is classified as one class lower than the offense the person attempted to commit. (14-2.5)		
SOLICITATION to commit an offense is classified as two classes lower than the offense the person solicited the other person to commit. (14-2.6)		
ACCESSORY BEFORE THE FACT punishable as the principal felon. (14-5.2)		
ACCESSORY AFTER THE FACT punishable as two classes lower than the felony the principal felon committed. (14-7)		

APPENDIX C

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

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District
FY 2007/08 Felonies**

Sentence Type and Average Length of Active Sentences by Judicial Division and Judicial District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>First Judicial Division</i>	1,067	41.0	1,049	40.3	487	18.7	27.8	35.6	2,603
District 1	139	30.8	170	37.6	143	31.6	31.1	39.2	452
District 2	174	35.5	250	51.0	66	13.5	29.2	37.8	490
District 3A	260	45.5	229	40.1	82	14.4	32.0	41.3	571
District 6A	59	29.5	100	50.0	41	20.5	23.1	29.6	200
District 6B	79	39.7	70	35.2	50	25.1	29.4	37.0	199
District 7A	119	48.6	104	42.4	22	9.0	27.8	35.7	245
District 7B,C	237	53.1	126	28.3	83	18.6	20.7	26.6	446
<i>Second Judicial Division</i>	1,326	38.5	1,372	39.8	750	21.8	27.9	35.7	3,448
District 3B	184	29.3	334	53.2	110	17.5	30.4	38.6	628
District 4A	235	41.1	213	37.2	124	21.7	23.0	29.5	572
District 4B	189	35.0	242	44.8	109	20.2	29.9	38.7	540
District 5	413	43.8	255	27.1	274	29.1	23.3	29.7	942
District 8A	134	36.0	178	47.8	60	16.1	32.8	41.8	372
District 8B	171	43.4	150	38.1	73	18.5	37.2	47.4	394
<i>Third Judicial Division</i>	1,892	44.1	1,713	39.9	684	15.9	27.3	35.0	4,289
District 9	267	46.0	238	41.0	76	13.1	20.0	25.6	581
District 9A	77	38.1	103	51.0	22	10.9	30.8	39.8	202
District 10	927	44.1	741	35.2	435	20.7	24.2	31.1	2,103
District 14	251	44.7	279	49.6	32	5.7	39.7	51.4	562
District 15A	246	43.3	234	41.2	88	15.5	32.9	41.0	568
District 15B	124	45.4	118	43.2	31	11.4	29.1	37.0	273

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District
(continued)
FY 2007/08 Felonies**

Sentence Type and Average Length of Active Sentences by Judicial Division and Judicial District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>Fourth Judicial Division</i>	1,318	39.2	1,522	45.3	519	15.5	31.1	39.8	3,359
District 11A	165	35.6	233	50.3	65	14.0	29.7	37.0	463
District 11B	162	36.1	211	47.0	76	16.9	23.9	30.9	449
District 12	377	42.5	378	42.6	133	15.0	35.8	46.3	888
District 13A	150	40.1	174	46.5	50	13.4	27.0	34.9	374
District 13B	143	40.1	132	37.0	82	23.0	33.7	43.3	357
District 16A	132	33.6	198	50.4	63	16.0	24.4	30.0	393
District 16B	189	43.4	196	45.1	50	11.5	34.7	44.7	435
<i>Fifth Judicial Division</i>	1,943	35.9	2,644	48.9	824	15.2	33.0	42.4	5,411
District 17A	134	32.7	204	49.8	72	17.6	30.9	40.4	410
District 17B	128	36.9	165	47.6	54	15.6	28.4	36.1	347
District 18	751	35.1	1,072	50.2	314	14.7	32.7	42.2	2,137
District 19B	149	30.5	263	53.8	77	15.7	28.9	37.2	489
District 19D	117	29.6	192	48.6	86	21.8	36.0	45.7	395
District 21	530	45.2	495	42.2	148	12.6	37.0	47.6	1,173
District 23	134	29.1	253	55.0	73	15.9	27.0	34.4	460
<i>Sixth Judicial Division</i>	1,034	36.3	1,357	47.6	457	16.0	36.3	46.8	2,848
District 19A	187	39.5	178	37.6	109	23.0	31.0	40.0	474
District 19C	191	34.4	270	48.6	95	17.1	43.1	55.6	556
District 20A	145	38.8	180	48.1	49	13.1	31.0	40.2	374
District 20B	88	33.0	132	49.4	47	17.6	38.1	49.9	267
District 22	423	35.9	597	50.7	157	13.3	37.1	47.6	1,177

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District
(continued)
FY 2007/08 Felonies**

Sentence Type and Average Length of Active Sentences by Judicial Division and Judicial District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Seventh Judicial Division	1,587	34.9	2,187	48.2	768	16.9	34.9	44.6	4,542
District 25A	144	26.6	278	51.3	120	22.1	39.5	50.6	542
District 25B	103	28.7	176	49.0	80	22.3	38.6	50.3	359
District 26	818	36.5	1,032	46.0	393	17.5	33.4	43.3	2,243
District 27A	307	38.7	405	51.0	82	10.3	31.5	40.3	794
District 27B	215	35.6	296	49.0	93	15.4	40.1	48.8	604
Eighth Judicial Division	1,043	40.1	1,048	40.3	508	19.5	31.2	39.6	2,599
District 24	151	33.4	203	44.9	98	21.7	26.9	33.6	452
District 28	390	46.1	351	41.5	105	12.4	30.4	38.5	846
District 29A	191	38.0	218	43.4	93	18.5	24.7	31.6	502
District 29B	166	43.5	117	30.6	99	25.9	50.3	38.9	382
District 30A	79	38.2	75	36.2	53	25.6	53.8	68.2	207
District 30B	66	31.4	84	40.0	60	28.6	39.4	50.0	210
STATE TOTAL	11,210	38.5	12,892	44.3	4,997	17.2	31.1	39.9	29,099

Note: Of the 30,603 felony convictions in FY 2007/08, 2,504 convictions were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Percentages may not add to totals due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

**Appendix C, Table 2: Sentence Location by Judicial Division and District
(Active Sentences Only)
FY 2007/08 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Judicial Division and Judicial District	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<i>First Judicial Division</i>	198	18.7	836	78.9	25	2.4	1,059
District 1	16	11.6	118	85.5	4	2.9	138
District 2	46	26.4	125	71.8	3	1.7	174
District 3A	66	25.6	182	70.5	10	3.9	258
District 6A	12	20.3	46	78.0	1	1.7	59
District 6B	30	38.0	49	62.0	.	.	79
District 7A	13	11.1	104	88.9	.	.	117
District 7B,C	15	6.4	212	90.6	7	3.0	234
<i>Second Judicial Division</i>	321	24.4	934	71.0	61	4.6	1,316
District 3B	46	25.1	129	70.5	8	4.4	183
District 4A	72	30.8	146	62.4	16	6.8	234
District 4B	34	18.2	148	79.1	5	2.7	187
District 5	65	15.9	328	80.4	15	3.7	408
District 8A	41	30.8	84	63.2	8	6.0	133
District 8B	63	36.8	99	57.9	9	5.3	171
<i>Third Judicial Division</i>	485	25.8	1,355	72.1	39	2.1	1,879
District 9	35	13.1	229	85.8	3	1.1	267
District 9A	6	7.9	69	90.8	1	1.3	76
District 10	238	25.8	666	72.3	17	1.8	921
District 14	95	38.6	147	59.8	4	1.6	246
District 15A	83	33.9	158	64.5	4	1.6	245
District 15B	28	22.6	86	69.4	10	8.1	124

**Appendix C, Table 2: Sentence Location by Judicial Division and District
(Active Sentences Only) (continued)
FY 2007/08 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Judicial Division and Judicial District	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<i>Fourth Judicial Division</i>	343	26.3	912	70.0	48	3.7	1,303
District 11A	30	18.3	132	80.5	2	1.2	164
District 11B	53	33.1	102	63.8	5	3.1	160
District 12	113	30.3	244	65.4	16	4.3	373
District 13A	33	22.3	107	72.3	8	5.4	148
District 13B	31	22.0	105	74.5	5	3.5	141
District 16A	44	33.6	85	64.9	2	1.5	131
District 16B	39	21.0	137	73.7	10	5.4	186
<i>Fifth Judicial Division</i>	596	31.0	1,243	64.7	82	4.3	1,921
District 17A	33	25.0	86	65.2	13	9.8	132
District 17B	20	15.7	105	82.7	2	1.6	127
District 18	169	22.7	535	71.9	40	5.4	744
District 19B	43	28.9	99	66.4	7	4.7	149
District 19D	36	31.6	73	64.0	5	4.4	114
District 21	265	50.8	244	46.7	13	2.5	522
District 23	30	22.6	101	75.9	2	1.5	133
<i>Sixth Judicial Division</i>	284	27.7	709	69.2	31	3.0	1,024
District 19A	69	37.3	111	60.0	5	2.7	185
District 19C	50	26.5	134	70.9	5	2.6	189
District 20A	30	20.8	112	77.8	2	1.4	144
District 20B	26	29.9	59	67.8	2	2.3	87
District 22	109	26.0	293	69.9	17	4.1	419

**Appendix C, Table 2: Sentence Location by Judicial Division and District
(Active Sentences Only) (continued)
FY 2007/08 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Judicial Division and Judicial District	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<i>Seventh Judicial Division</i>	355	22.5	1,162	73.7	59	3.7	1,576
District 25A	48	33.6	91	63.6	4	2.8	143
District 25B	31	30.4	71	69.6	.	.	102
District 26	202	24.8	586	72.0	26	3.2	814
District 27A	45	14.8	237	78.0	22	7.2	304
District 27B	29	13.6	177	83.1	7	3.3	213
<i>Eighth Judicial Division</i>	224	21.6	792	76.4	20	1.9	1,036
District 24	22	14.8	122	81.9	5	3.4	149
District 28	128	33.0	254	65.5	6	1.5	388
District 29A	21	11.1	165	87.3	3	1.6	189
District 29B	32	19.3	133	80.1	1	0.6	166
District 30A	11	14.1	64	82.1	3	3.8	78
District 30B	10	15.2	54	81.8	2	3.0	66
STATE TOTAL	2,806	25.2	7,943	71.5	365	3.3	11,114

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. In addition, 96 convictions requiring a mandatory life or death sentence were excluded from this table. Percentages may not add to totals due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

APPENDIX D

ADDITIONAL FELONY DATA BY CRIME TYPE AND OFFENSE

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense
FY 2007/08 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	3,365	64.8	1,734	33.4	97	1.9	58.0	75.0	5,196
1 st Degree Murder	96	100.0	.	.	.	.	.	.	96
2 nd Degree Murder	209	100.0	.	.	.	.	178.9	224.0	209
Attempted Murder	25	100.0	.	.	.	.	181.1	226.7	25
Voluntary Manslaughter	83	98.8	1	1.2	.	.	71.4	95.0	84
Involuntary Manslaughter	56	60.9	36	39.1	.	.	18.9	23.0	92
Felony Death by Vehicle	24	64.9	13	35.1	.	.	25.9	38.1	37
Armed Robbery	492	100.0	.	.	.	.	64.6	87.0	492
Att. Armed Robbery	134	54.3	113	45.7	.	.	45.7	64.0	247
Common Law Robbery	398	52.0	367	48.0	.	.	15.4	18.9	765
Att. Common Law Robbery	62	49.2	56	44.4	8	6.3	9.3	11.5	126
Other Robbery	35	44.3	34	43.0	10	12.7	24.3	32.9	79
AWDWIKISI	87	100.0	.	.	.	.	88.9	116.0	87
AWDW Intent to Kill	21	45.7	25	54.3	.	.	32.9	48.8	46
ADWD Serious Injury	223	56.0	175	44.0	.	.	30.9	46.3	398
Assault Govt. Official	72	63.2	41	36.0	1	0.9	20.8	26.6	114
Assault by Strangulation	66	46.5	68	46.9	11	7.6	8.9	11.2	145
Other Felony Assaults	142	46.3	164	53.4	1	0.3	20.8	25.8	307
1 st Degree Rape	88	100.0	.	.	.	.	254.9	315.1	88
Attempted 1 st Degree Rape	26	100.0	.	.	.	.	141.5	179.2	26
2 nd Degree Rape	103	100.0	.	.	.	.	90.3	117.6	103
Attempted 2 nd Degree Rape	16	100.0	.	.	.	.	79.3	104.5	16
Statutory Rape	51	100.0	.	.	.	.	178.5	223.4	51
Indecent Liberties with Child	286	51.3	271	48.7	.	.	17.3	21.1	557
Crime Against Nature	11	18.3	17	28.3	32	53.3	27.6	34.5	60

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)
FY 2007/08 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Sexual Exploitation of Minor	9	34.6	7	26.9	10	38.5	31.7	41.2	26
Child Abuse	34	50.0	34	50.0	.	.	32.2	47.9	68
Registered Sex Off. Offenses	178	62.7	106	37.3	.	.	18.7	22.8	284
Other Sex Crimes	110	60.4	52	28.6	20	11.0	83.9	106.7	182
Kidnap, Abduction	146	67.0	72	33.0	.	.	51.8	70.4	218
Attempted Kidnapping	1	100.0	.	.	.	.	16.0	20.0	1
All Other Person Felonies	81	48.59	82	49.1	4	2.4	20.5	25.1	167
Property	3,554	35.5	4,753	47.5	1,706	17.0	12.0	15.2	10,013
1st Degree Burglary	84	100.0	.	.	.	.	75.9	100.5	84
Att. 1st Degree Burglary	25	80.6	6	19.4	.	.	33.6	49.5	31
2nd Degree Burglary	65	40.3	79	54.9	.	.	15.4	18.8	144
Breaking/Entering	1,411	40.3	1,613	46.0	481	13.7	9.9	12.3	3,505
Att. Breaking/Entering	18	31.0	17	29.3	23	39.7	6.5	8.3	58
Larceny	772	38.6	947	47.3	283	14.1	9.6	11.9	2,002
Attempted Larceny	19	28.4	25	37.3	23	34.3	7.5	9.4	67
1st Degree Arson	9	100.0	.	.	.	.	81.8	107.7	9
2nd Degree Arson	17	36.2	30	63.8	.	.	14.5	17.8	47
Other Arson/Burning	35	31.5	54	48.6	22	19.8	15.8	21.1	111
Forgery	90	17.0	233	44.0	207	39.1	8.1	10.2	530
Fraud	110	23.3	258	54.7	104	22.0	14.2	17.7	472
Embezzlement	32	11.6	119	43.0	126	45.5	20.2	26.6	277
Obt. Prop. by False Pretenses	387	28.8	756	56.3	199	14.8	10.0	12.6	1,342
Att. Obt. Prop. False Pretenses	30	33.0	46	50.5	15	16.5	8.8	10.9	91
All Other Property Felonies	450	36.2	570	45.9	223	17.9	9.5	11.8	1,243

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)
FY 2007/08 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>Non-Trafficking Drug</i>	2,115	21.2	4,897	49.2	2,949	29.6	11.5	14.4	9,961
Sell/Deliver Drugs	540	33.5	1,017	63.1	55	3.4	14.4	17.7	1,612
Consp. to Sell/Deliver Drugs	52	41.3	66	52.4	8	6.3	14.8	18.2	126
Manufacture Drugs	25	18.0	54	38.8	60	43.2	39.4	51.6	139
Possession with Intent	736	27.8	1,311	49.4	605	22.8	9.0	11.2	2,652
Drug Possession	438	10.5	1,890	45.1	1,863	44.5	7.1	9.0	4,191
Other Drug Felonies	324	26.1	559	45.0	358	28.8	15.4	20.0	1,241
<i>Other Felony</i>	2,176	55.4	1,508	38.4	245	6.2	41.1	52.3	3,929
Weapon Offense	537	40.2	778	58.2	22	1.6	16.3	20.6	1,337
Habitual Felon	701	100.0	.	.	.	.	90.2	116.4	701
Habitual Misd. Assault	84	60.9	53	38.4	1	0.7	11.1	13.8	138
Habitual Impaired Driving	291	97.7	7	2.3	.	.	17.4	21.2	298
Motor Vehicle Offenses	273	40.7	329	49.0	69	10.3	10.4	13.0	671
Crimes Against Admin. Just.	22	46.8	17	36.2	8	17.0	10.6	13.2	47
All Other Felonies	268	36.4	324	44.0	145	19.7	31.0	40.5	737
<i>STATE TOTAL</i>	11,210	38.5	12,892	44.3	4,997	17.2	31.1	39.9	29,099

Note: Of the 31,603 felony convictions in FY 2007/08, 2,504 convictions were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Percentages may not add to totals due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

**Appendix D, Table 2: Sentence Location by Crime Type and Offense
FY 2007/08 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Crime Type and Offense	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<i>Person</i>	867	26.5	2,217	67.8	185	5.7	3,269
2 nd Degree Murder	52	24.9	116	55.5	41	19.6	209
Attempted Murder	4	16.0	18	72.0	3	12.0	25
Voluntary Manslaughter	15	18.1	62	74.7	6	7.2	83
Involuntary Manslaughter	5	8.9	45	80.4	6	10.7	56
Felony Death by Vehicle	2	8.3	18	75.0	4	16.7	24
Armed Robbery	228	46.3	256	52.0	8	1.6	492
Attempted Armed Robbery	35	26.1	92	68.7	7	5.2	134
Common Law Robbery	51	12.8	321	80.7	26	6.5	398
Att. Common Law Robbery	11	17.7	47	75.8	4	6.5	62
Other Robbery	13	37.1	22	62.9	.	.	35
AWDWIKISI	21	24.1	62	71.3	4	4.6	87
AWDW Intent to Kill	4	19.0	16	76.2	1	4.8	21
AWDW Serious Injury	47	21.1	165	74.0	11	4.9	223
Assault Govt. Official	13	18.1	58	80.6	1	1.4	72
Assault by Strangulation	6	9.1	56	84.8	4	6.1	66
Other Fel. Assaults/Sex Off.	29	20.4	109	76.8	4	2.8	142
1 st Degree Rape	17	19.3	70	79.5	1	1.1	88
Attempted 1 st Degree Rape	17	65.4	9	34.6	.	.	26
2 nd Degree Rape	28	27.2	70	68.0	5	4.9	103
Attempted 2 nd Degree Rape	5	31.3	10	62.5	1	6.3	16
Stat Rape/Sex Off Against 13, 14, 15	23	45.1	28	54.9	.	.	51
Indecent Liberties w/ Child	40	14.0	223	78.0	23	8.0	286
Crime Against Nature	1	9.1	10	90.9	.	.	11
Sexual Exploitation of Minor	1	11.1	8	88.9	.	.	9

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
FY 2007/08 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Crime Type and Offense	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<i>Person (cont.)</i>							
Child Abuse	11	12.5	25	78.1	3	9.4	32
Reg. Sex Offender Offenses	94	53.0	76	45.2	3	1.8	168
Other Sex Crimes	37	37.9	61	59.2	3	2.9	103
Kidnap, Abduction	28	18.5	120	76.4	8	5.1	157
Attempted Kidnapping	1	100.0	.	.	.	.	1
All Other Person Felonies	28	34.6	51	63.0	2	2.5	81
<i>Property</i>	678	19.1	2,798	78.7	78	2.2	3,554
1 st Degree Burglary	33	39.3	48	57.1	3	3.6	84
Att. 1 st Degree Burglary	5	20.0	18	72.0	2	8.0	25
2 nd Degree Burglary	9	13.8	53	81.5	3	4.6	65
Breaking/Entering	225	15.9	1,148	81.4	38	2.7	1,411
Att. Breaking/Entering	6	33.3	12	66.7	.	.	18
Larceny	142	18.4	613	79.4	17	2.2	772
Attempted Larceny	3	15.8	15	78.9	1	5.3	19
1 st Degree Arson	4	44.4	4	44.4	1	11.1	9
2 nd Degree Arson	3	17.6	14	82.4	.	.	17
Other Arson/Burning	9	25.7	24	68.6	2	5.7	35
Forgery	13	14.4	76	84.4	1	1.1	90
Fraud	27	24.5	83	75.5	.	.	110
Embezzlement	7	21.9	24	75.0	1	3.1	32
Obt. Prop. by False Pretenses	81	20.9	303	78.3	3	0.8	387
Att. Obt. Prop. False Pretenses	9	30.0	21	70.0	.	.	30
All Other Property Felonies	102	22.7	342	76.0	6	1.3	450

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
FY 2007/08 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Crime Type and Offense	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<i>Non-Trafficking Drug</i>	408	19.3	1,652	78.1	55	2.6	2,115
Sell/Deliver Drugs	106	19.6	427	79.1	7	1.3	540
Consp. to Sell/Deliver Drugs	8	15.4	42	80.8	2	3.8	52
Manufacture Drugs	8	32.0	17	68.0	.	.	25
Possession with Intent	120	16.3	590	80.2	26	3.5	736
Drug Possession	94	21.5	335	76.5	9	2.1	438
All Other Drug Felonies	72	22.2	241	74.4	11	3.4	324
<i>Other Felony</i>	853	39.2	1,276	58.6	47	2.2	2,176
Weapon Offense	126	23.5	398	74.1	13	2.4	537
Habitual Felon	508	72.5	182	26.0	11	1.6	701
Habitual Misd. Assault	17	20.2	66	78.6	1	1.2	84
Habitual Impaired Driving	91	31.3	197	67.7	3	1.0	291
Motor Vehicle Offenses	37	13.6	229	83.9	7	2.6	273
Crimes Against Admin. Just.	4	18.2	18	81.8	.	.	22
All Other Felonies	70	26.1	186	69.4	12	4.5	268
<i>STATE TOTAL</i>	2,806	25.2	7,943	71.5	365	3.3	11,114

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. In addition, 96 convictions requiring a mandatory life or death sentence were excluded from this table.

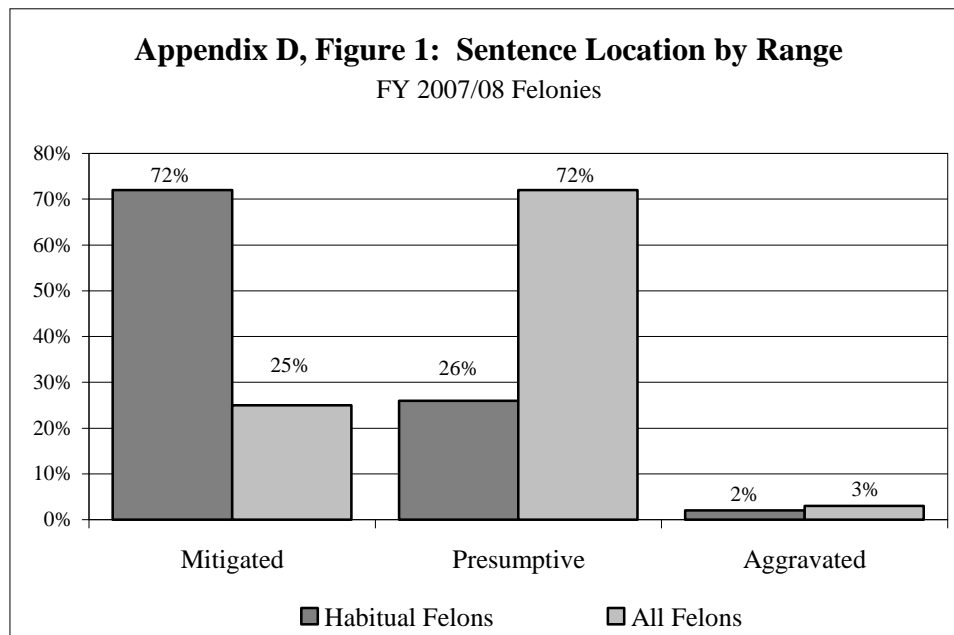
Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

**Appendix D, Table 3: Percent of Sentences in the Mitigated Range and at the Lowest Spot of the Presumptive Range by Offense Class
FY 2007/08 Felonies**

Offense Class	% Mitigated	% Mitigated and Lowest Spot in Presumptive Range
B1	27.1	38.2
B2	29.6	40.7
C	59.7	72.5
Habitual Felons Only	72.3	86.1
D	41.6	61.6
E	20.6	44.9
F	26.9	58.2
G	19.0	53.6
H	17.3	54.0
I	21.5	52.5
TOTAL	25.3	55.5

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. In addition, 96 convictions requiring a mandatory life or death sentence were excluded from this table.

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data



Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

APPENDIX E

**INTERMEDIATE AND COMMUNITY
PUNISHMENTS**

INTERMEDIATE PUNISHMENTS

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

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

COMMUNITY PUNISHMENTS

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

APPENDIX F

**COMMUNITY SERVICE AND RESTITUTION
FOR FELONIES**

**Appendix F, Table 1: Community Service by Offense Class
FY 2007/08 Felonies**

Offense Class	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
E	71.4	82	6.8
F	68.2	176	7.9
G	60.5	437	11.1
H	57.5	1,443	12.3
I	52.8	1,496	19.5
TOTAL	56.7	3,634	12.5

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

**Appendix F, Table 2: Community Service by Crime Type
FY 2007/08 Felonies**

Crime Type	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
Person	66.8	297	5.7
Property	57.8	1,340	13.4
Non-Trafficking Drug	53.4	1,661	16.7
Other Felony	60.4	336	8.6
TOTAL	56.7	3,634	12.5

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

**Appendix F, Table 3: Community Service by Type of Punishment
FY 2007/08 Felonies**

Type of Punishment	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
Active	0.0	0	0.0
Intermediate	59.8	2,376	18.4
Community	51.0	1,258	25.2
TOTAL	56.7	3,634	12.5

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

Appendix F, Table 4: Restitution Ordered by Offense Class⁸
FY 2007/08 Felonies

Offense Class	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
A	5,000	5,000	2	2.1
B1	1,926	1,500	3	2.1
B2	8,961	5,000	22	7.4
C	17,225	1,260	47	4.6
D	5,088	1,200	73	9.4
E	8,115	1,946	291	24.2
F	6,997	1,924	277	12.4
G	2,174	344	993	25.2
H	3,934	1,053	4,253	36.3
I	1,403	300	1,901	24.8
TOTAL	3,466	720	7,862	27.0

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

Appendix F, Table 5: Restitution Ordered by Crime Type
FY 2007/08 Felonies

Crime Type	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Person	5,330	1,186	800	15.4
Property	4,349	1,275	4,675	46.7
Non-Trafficking Drug	435	300	1,956	19.6
Other Felony	4,181	936	431	11.0
TOTAL	3,466	720	7,862	27.0

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

⁸ Appendix F, Tables 4-6 present information about the amount of restitution ordered; they do not reflect the amount paid. Restitution can be ordered as a sole sanction or in conjunction with other sanctions.

**Appendix F, Table 6: Restitution Ordered by Type of Punishment
FY 2007/08 Felonies**

Type of Punishment	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Active	5,626	1,057	696	6.2
Intermediate	3,195	718	5,322	41.3
Community	3,432	630	1,844	36.9
TOTAL	3,466	720	7,862	27.0

Source: NC Sentencing and Policy Advisory Commission, FY 2007/08 Statistical Report Data

Disclaimer for AOC Data

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

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

MISDEMEANOR PUNISHMENT CHART

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

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

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

**FELONY PUNISHMENT CHART
PRIOR RECORD LEVEL**

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

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

Revised: 08-04-95

