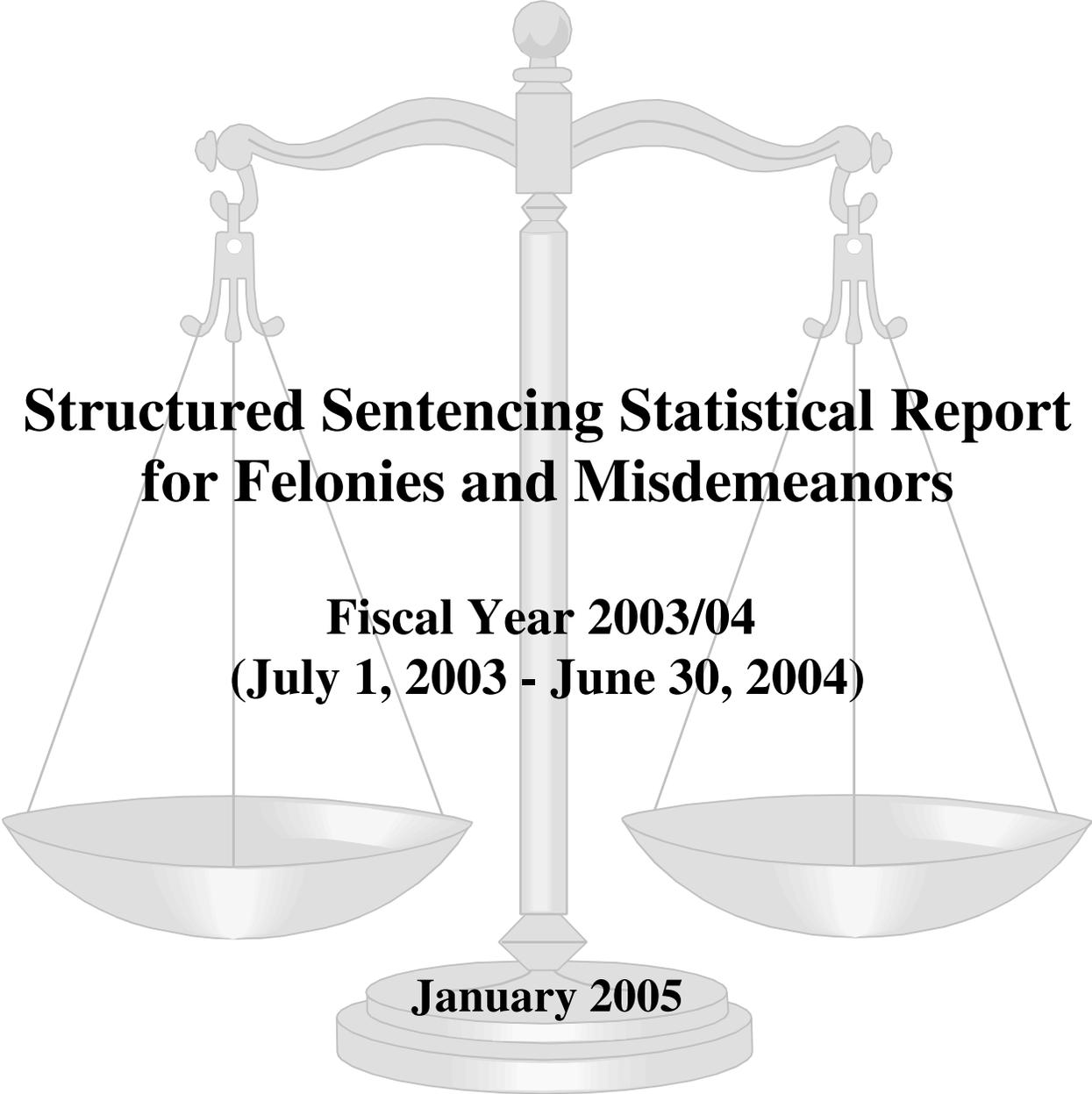


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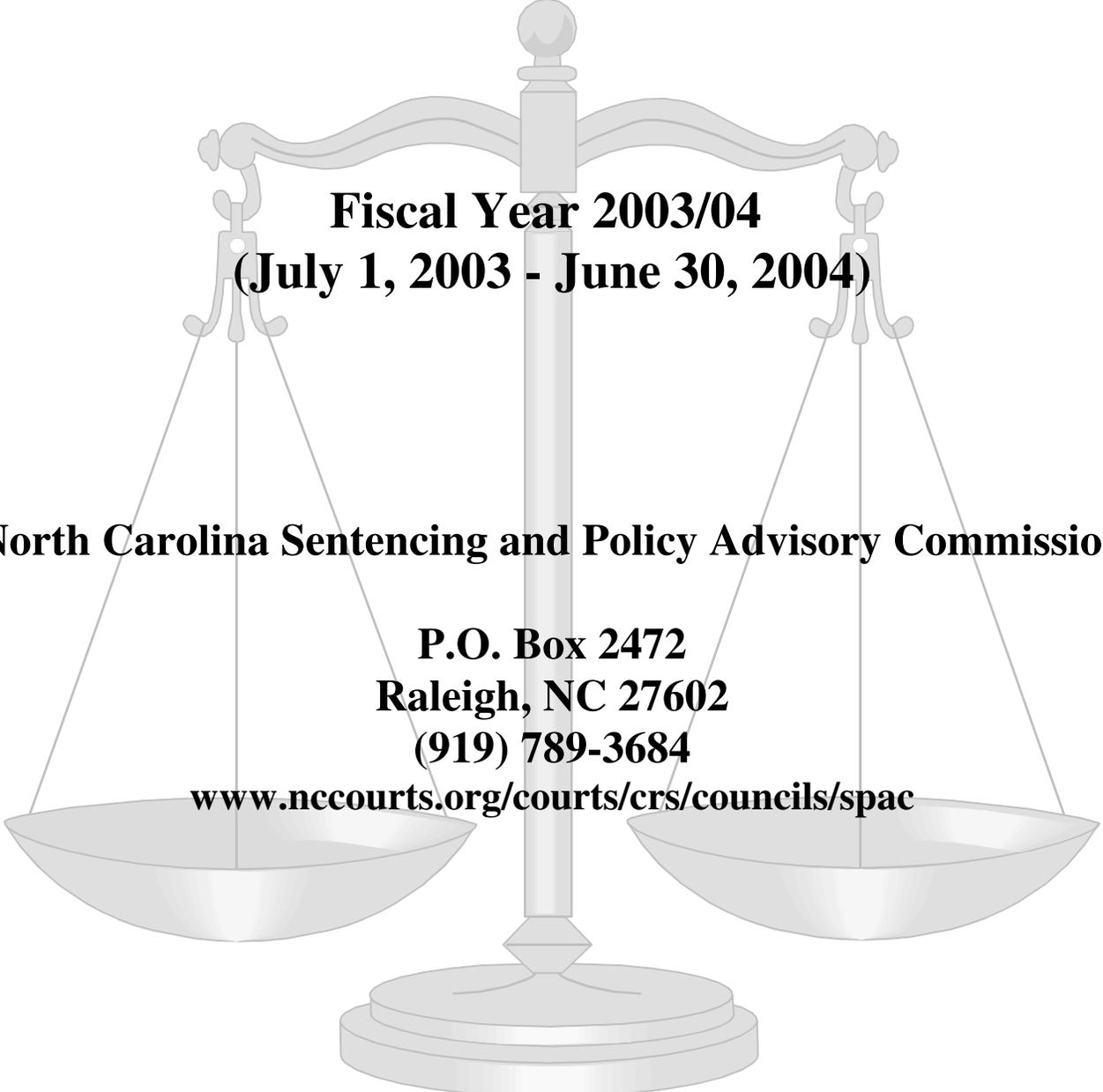
**Structured Sentencing Statistical Report
for Felonies and Misdemeanors**

**Fiscal Year 2003/04
(July 1, 2003 - June 30, 2004)**

January 2005

Rebecca G. Ebron, Senior Research and Policy Associate
Susan Katzenelson, Executive Director

Structured Sentencing Statistical Report for Felonies and Misdemeanors



**Fiscal Year 2003/04
(July 1, 2003 - June 30, 2004)**

North Carolina Sentencing and Policy Advisory Commission

**P.O. Box 2472
Raleigh, NC 27602
(919) 789-3684**

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INTRODUCTION

INTRODUCTION

This report provides detailed information about felony and misdemeanor convictions under Structured Sentencing during Fiscal Year 2003/04 (July 1, 2003 through June 30, 2004). The report only includes cases where an offender was convicted and sentenced for a crime which was committed on or after October 1, 1994 -- the effective date of Structured Sentencing. The report presents information on the number of felony and misdemeanor convictions, the distribution of felony and misdemeanor convictions within their respective punishment grids, 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) Criminal Information System 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 "convictions."

SUMMARY OF FINDINGS

FELONY AND MISDEMEANOR CONVICTIONS

IN FISCAL YEAR 2003/04

SUMMARY OF FINDINGS FISCAL YEAR 2003/04 CONVICTIONS

Felony Convictions

- During Fiscal Year 2003/04, sentences for 27,830 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=3,178 or 13%).
- The majority of felony convictions (58%) were for offenders with Prior Record Levels I and II. Seven 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; 40% of convictions were for offenders under the age of 26; and 54% of convictions were for Black offenders.
- Thirty-eight percent of felony convictions resulted in an Active punishment, 44% resulted in an Intermediate punishment, and 18% resulted in a Community punishment.
- Of the four crime types, property offenses accounted for the largest group of felony convictions (36%), followed closely by non-trafficking drug offenses (34%). Person offenses represented 19% of convictions and other felonies accounted for 11% of convictions.
- Seventy percent of all Active sentences fell within the presumptive range; 23% fell within the mitigated range; and 7% 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 (59%). Offenders convicted of a Class H offense most frequently received an intermediate sanction (n=5,898).
- Of all felony offenders who received a Community punishment, 95% received supervised probation; 3% received unsupervised probation; and 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: 7 death sentences and 96 life without parole sentences were imposed; there were 615 habitual felon convictions; there were 708 convictions for drug trafficking offenses; performance of community service was ordered for 14% of all felony convictions; and payment of restitution was ordered for 29% of all felony convictions.

Misdemeanor Convictions

- During Fiscal Year 2003/04, sentences for 159,491 misdemeanor convictions were imposed under Structured Sentencing. (This number excludes Driving While Impaired convictions, cases disposed of by magistrates, Class 2 and Class 3 criminal traffic offenses, and Class 3 local ordinance offenses.)
- Nine percent of misdemeanor convictions fell into Offense Class A1, 57% fell into Offense Class 1, 19% fell into Offense Class 2, and 15% fell into Offense Class 3.
- Forty-three percent of misdemeanor convictions fell into Prior Conviction Level I (0 points), about 41% fell into Prior Conviction Level II (1-4 points), and the remainder fell into Prior Conviction Level III (5 or more points).
- The greatest number of misdemeanor convictions fell into Offense Class 1 with Prior Conviction Level II (n=36,689 or 24%), followed closely by Offense Class 1 with Prior Convictions Level I (n=36,039 or 23%).
- Seventy-seven percent of convictions were for male offenders; 38% of convictions were for offenders under the age of 26; and 46% of convictions were for Black offenders.
- Nineteen percent of misdemeanor convictions resulted in an Active punishment, 2% resulted in an Intermediate punishment, and 79% resulted in a Community punishment.
- Public order offenses accounted for the majority of misdemeanor convictions (47%), while misdemeanor person offenses accounted for the lowest proportion (12%). Convictions for person and property offenses were most likely to result in an Active punishment (20% each). 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 (57%). Offenders convicted of a Class 1 offense with Prior Conviction Level III most frequently received Special Probation.
- Of all misdemeanor offenders who received a Community punishment, 46% received unsupervised probation; 30% received supervised probation; and 13% were ordered to perform community service, pay restitution and/or a fine as their most serious punishment. The remainder had no sanction specified.
- Almost nine percent of all misdemeanor offenders were ordered to perform community service and about 15% were ordered to pay restitution. On average, offenders were ordered to perform almost 35 hours of community service. The mean amount of restitution ordered was \$699. The median amount of restitution ordered was \$200.

SECTION I

**FELONY CONVICTIONS
IN FISCAL YEAR 2003/04**

I. FELONY CONVICTIONS IN FY 2003/04

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 “convictions.”

B. Felony Convictions

This section contains information on felony convictions and sentences imposed under Structured Sentencing during Fiscal Year 2003/04. Overall, sentences for 27,830 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 2,914 convictions (or 11%) 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 Structured Sentencing Grid

Table 1 shows the distribution of felony convictions within the Structured Sentencing Grid. Overall, the greatest number of convictions fell into Offense Class H (n=10,184 or 41%) and into Prior Record Level II (n=8,377 or 34%). Relative to other grid cells, the greatest number of convictions fell into Offense Class H with Prior Record Level II (n=3,178 or 13%). Sentences imposed for Offense Classes A-E accounted for 13% of felony convictions during FY 2003/04. Sixty-seven percent of sentences imposed were for Class H and I felony convictions.

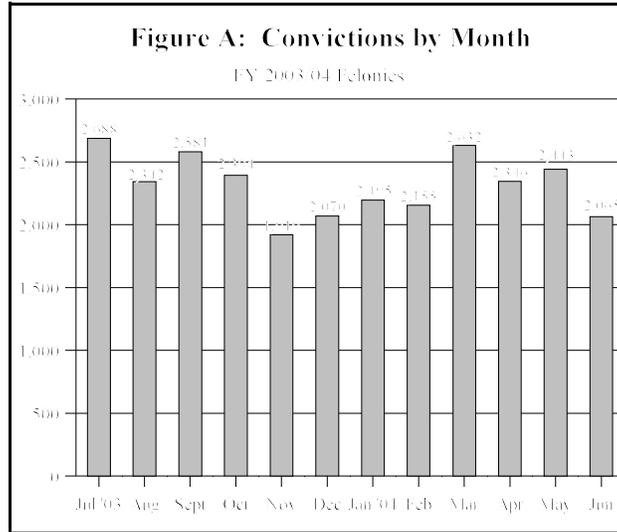
**Table 1: Distribution of Convictions within the Felony Structured Sentencing Grid
FY 2003/04 Felonies**

Offense Class	Prior Record Level						Total
	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
A	43 (0.2%)	18 (0.1%)	21 (0.1%)	15 (0.0%)	4 (0.0%)	0 (0.0%)	101 (0.4%)
B1	43 (0.2%)	33 (0.1%)	19 (0.1%)	10 (0.1%)	5 (0.0%)	4 (0.0%)	114 (0.5%)
B2	93 (0.4%)	83 (0.3%)	40 (0.2%)	25 (0.1%)	6 (0.0%)	6 (0.0%)	253 (1.0%)
C	103 (0.4%)	149 (0.6%)	232 (0.9%)	258 (1.0%)	70 (0.3%)	65 (0.3%)	877 (3.5%)
D	261 (1.0%)	257 (1.0%)	162 (0.7%)	117 (0.5%)	28 (0.1%)	28 (0.1%)	853 (3.4%)
E	402 (1.6%)	397 (1.6%)	133 (0.5%)	98 (0.4%)	27 (0.1%)	19 (0.1%)	1,076 (4.3%)
F	587 (2.4%)	588 (2.4%)	423 (1.7%)	195 (0.8%)	52 (0.2%)	43 (0.1%)	1,888 (7.6%)
G	584 (2.3%)	996 (4.0%)	719 (2.9%)	544 (2.2%)	111 (0.4%)	90 (0.4%)	3,044 (12.2%)
H	2,349 (9.4%)	3,178 (12.8%)	2,142 (8.6%)	1,729 (6.9%)	466 (1.9%)	320 (1.3%)	10,184 (40.9%)
I	1,449 (5.8%)	2,678 (10.7%)	1,154 (4.6%)	850 (3.4%)	210 (0.9%)	185 (0.8%)	6,526 (26.2%)
TOTAL	5,914 (23.7%)	8,377 (33.6%)	5,045 (20.3%)	3,841 (15.4%)	979 (3.9%)	760 (3.1%)	24,916 (100%)

Note: Of the 27,830 felony convictions in FY 2003/04, 2,914 convictions were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation).

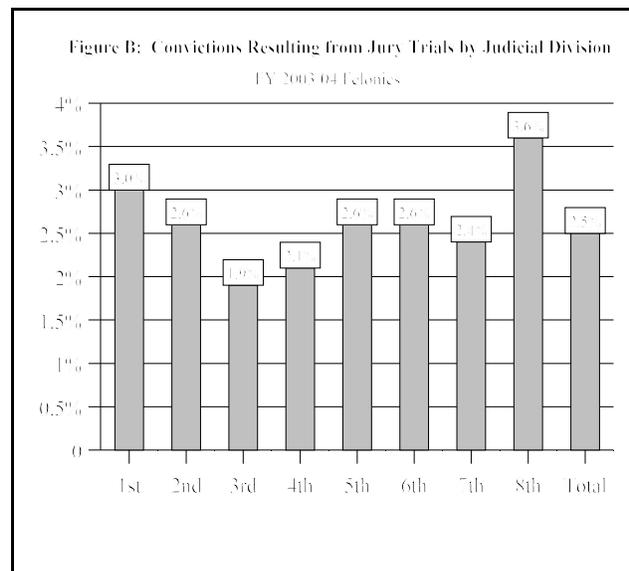
D. Convictions by Month of Sentencing

Figure A shows the total number of felony convictions by month of sentencing during Fiscal Year 2003/04 (N=27,830). Convictions peaked in July and March and were lowest in November and June.



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 7% in the eighth judicial division to a high of 18% in the fifth judicial division. This table also indicates whether the conviction resulted from a guilty plea or jury trial. Overall, 2.5% of all convictions statewide resulted from jury trials (see Figure B). The percentage of jury trials varied slightly by judicial division with a low of 1.9% in the third division and a high of 3.6% in the eighth division.



**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition
FY 2003/04 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
First Judicial Division		2,580	81	2,661
District 1	Camden	27	0	27
	Chowan	39	2	41
	Currituck	47	2	49
	Dare	176	2	178
	Gates	18	0	18
	Pasquotank	176	3	179
	Perquimans	35	0	35
	Total	518	9	527
District 2	Beaufort	177	8	185
	Hyde	8	1	9
	Martin	80	1	81
	Tyrrell	13	0	13
	Washington	47	3	50
	Total	325	13	338
District 3A	Pitt	619	14	633
Total	619	14	633	
District 6A	Halifax	186	6	192
Total	186	6	192	
District 6B	Bertie	71	3	74
	Hertford	118	3	121
	Northampton	72	2	74
	Total	261	8	269
District 7A	Nash	255	14	269
Total	255	14	269	
District 7B,C	Edgecombe	134	12	146
	Wilson	282	5	287
	Total	416	17	433
Second Judicial Division		3,289	86	3,375
District 3B	Carteret	184	2	186
	Craven	299	10	309
	Pamlico	52	1	53
	Total	535	13	548

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2003/04 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 4A	Duplin	212	1	213
	Jones	23	0	23
	Sampson	217	5	222
	Total	452	6	458
District 4B	Onslow	398	15	413
	Total	398	15	413
District 5	New Hanover	982	31	1013
	Pender	155	2	157
	Total	1,137	33	1,170
District 8A	Greene	91	2	93
	Lenoir	275	6	281
	Total	366	8	374
District 8B	Wayne	401	11	412
	Total	401	11	412
Third Judicial Division		4,565	87	4,652
District 9	Franklin	111	0	111
	Granville	195	3	198
	Vance	180	3	183
	Warren	61	0	61
	Total	547	6	553
District 9A	Caswell	61	3	64
	Person	182	1	183
	Total	243	4	247
District 10	Wake	2,168	41	2,209
	Total	2,168	41	2,209
District 14	Durham	493	18	511
	Total	493	18	511
District 15A	Alamance	785	15	800
	Total	785	15	800
District 15B	Chatham	93	1	94
	Orange	236	2	238
	Total	329	3	332

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2003/04 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
<i>Fourth Judicial Division</i>		3,472	73	3,545
District 11A	Harnett	330	8	338
	Lee	225	2	227
	Total	555	10	565
District 11B	Johnston	370	3	373
	Total	370	3	373
District 12	Cumberland	1,026	18	1,044
	Total	1,026	18	1,044
District 13	Bladen	112	1	113
	Brunswick	338	10	348
	Columbus	201	3	204
	Total	651	14	665
District 16A	Hoke	138	1	139
	Scotland	285	4	289
	Total	423	5	428
District 16B	Robeson	447	23	470
	Total	447	23	470
<i>Fifth Judicial Division</i>		4,738	126	4,864
District 17A	Rockingham	329	6	335
	Total	329	6	335
District 17B	Stokes	108	0	108
	Surry	275	2	277
	Total	383	2	385
District 18	Guilford	1,812	41	1,853
	Total	1,812	41	1,853
District 19B	Montgomery	51	2	53
	Randolph	220	10	230
	Total	271	12	283
District 19D	Moore	234	6	240
	Total	234	6	240
District 21	Forsyth	1,258	52	1,310
	Total	1,258	52	1,310

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2003/04 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 23	Alleghany	21	1	22
	Ashe	59	1	60
	Wilkes	250	2	252
	Yadkin	121	3	124
	Total	451	7	458
<i>Sixth Judicial Division</i>		<i>2,673</i>	<i>72</i>	<i>2,745</i>
District 19A	Cabarrus	510	13	523
	Total	510	13	523
District 19C	Rowan	407	17	424
	Total	407	17	424
District 20A	Anson	82	4	86
	Richmond	282	3	285
	Total	364	7	371
District 20B	Stanly	152	5	157
	Union	338	11	349
	Total	490	16	506
District 22	Alexander	43	0	43
	Davidson	411	7	418
	Davie	64	4	68
	Iredell	384	8	392
	Total	902	19	921
<i>Seventh Judicial Division</i>		<i>3,931</i>	<i>98</i>	<i>4,029</i>
District 25A	Burke	296	3	299
	Caldwell	215	6	221
	Total	511	9	520
District 25B	Catawba	330	4	334
	Total	330	4	334
District 26	Mecklenburg	1,900	44	1,944
	Total	1,900	44	1,944
District 27A	Gaston	729	27	756
	Total	729	27	756

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2003/04 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 27B	Cleveland	269	10	279
	Lincoln	192	4	196
	Total	461	14	475
<i>Eighth Judicial Division</i>		<i>1,889</i>	<i>70</i>	<i>1,959</i>
District 24	Avery	53	3	56
	Madison	77	0	77
	Mitchell	62	0	62
	Watauga	113	7	120
	Yancey	64	1	65
	Total	369	11	380
District 28	Buncombe	663	22	685
	Total	663	22	685
District 29	Henderson	181	11	192
	McDowell	118	7	125
	Polk	15	1	16
	Rutherford	134	7	141
	Transylvania	43	2	45
	Total	491	28	519
District 30A	Cherokee	75	0	75
	Clay	18	0	18
	Graham	14	1	15
	Macon	78	3	81
	Swain	22	1	23
	Total	207	5	212
District 30B	Haywood	112	2	114
	Jackson	47	2	49
	Total	159	4	163
<i>STATE TOTAL</i>		<i>27,137</i>	<i>693</i>	<i>27,830</i>

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 2003/04, 2,128 Class H (or 18% of Class H convictions) and 1,438 Class I (or 20% of Class I convictions) felony pleas were accepted in District Court for a total of 3,566 pleas (19% 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 27,830 felony convictions, 85% were for males (see *Figure C*).

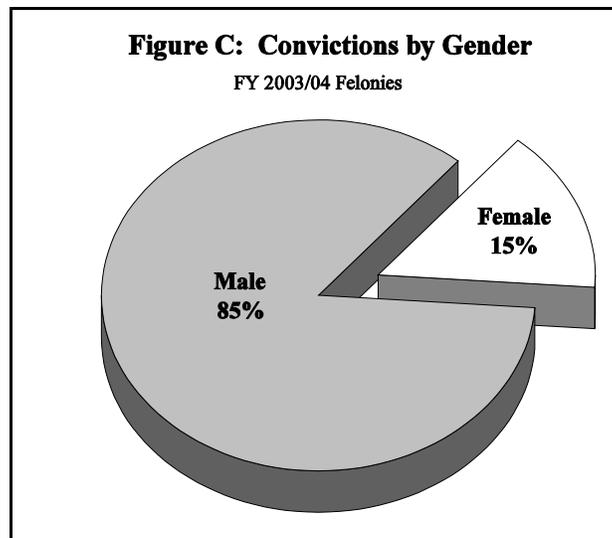
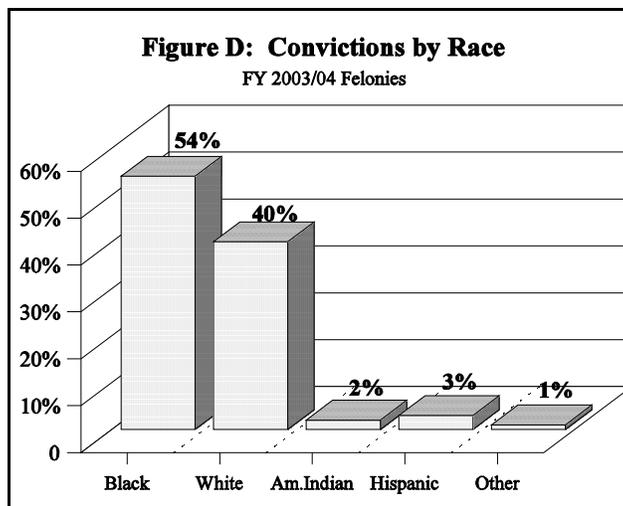
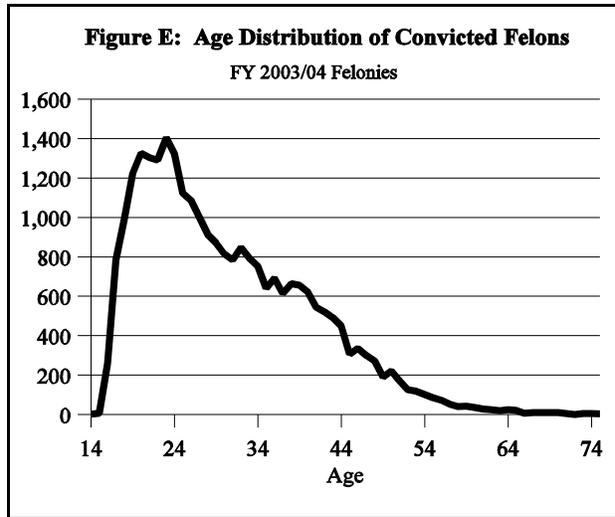


Figure D shows that 54% of all felony offenders were Black, 40% were White, and a small percentage were American Indian (2%), Hispanic (3%), or Other (1%).



Seventeen percent of felony convictions were for offenders under the age of 21, 23% were 21-25 years of age, 14% were 26-29 years of age, 26% were 30-39 years of age, 15% were 40-49 years of age, and 5% were 50 years of age or older. *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.



**Table 3: Convictions by Gender, Race, and Age
FY 2003/04 Felonies**

Gender and Race		Age						Total
		<21	21-25	26-29	30-39	40-49	>49	
Male	White	1,477	1,947	1,129	2,363	1,423	509	8,848
	Black	2,529	3,328	1,887	3,150	1,751	575	13,220
	Hispanic	136	255	152	214	65	11	833
	Amer. Indian	49	97	60	92	33	12	343
	Other	41	39	19	37	17	9	162
	Subtotal	4,232	5,666	3,247	5,856	3,289	1,116	23,406
Female	White	171	371	332	782	441	81	2,178
	Black	182	388	268	576	293	70	1,777
	Hispanic	7	11	9	17	2	0	46
	Amer. Indian	7	9	13	25	5	2	61
	Other	2	4	2	7	3	2	20
	Subtotal	369	783	624	1,407	744	155	4,082
TOTAL		4,601	6,449	3,871	7,623	4,033	1,271	27,488

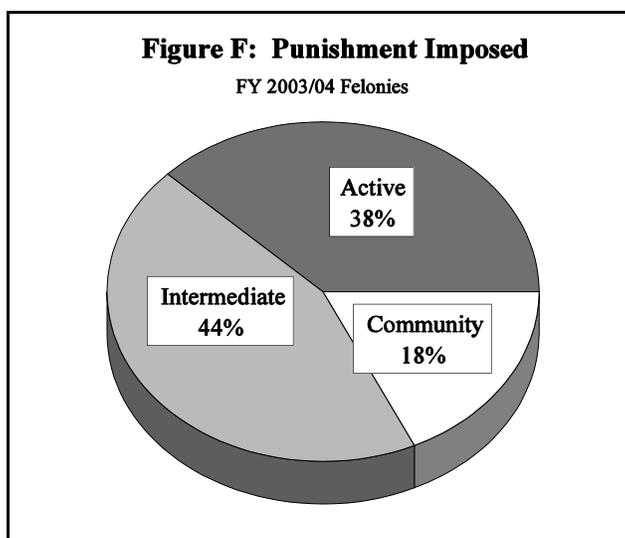
Note: Of the 27,830 felony convictions in FY 2003/04, 342 convictions with missing values for offenders' age were excluded from this table.

III. PUNISHMENT IMPOSED FOR FELONIES

This section details the type of sentence imposed (Active, Intermediate, or Community) for convictions during Fiscal Year 2003/04. 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 38% of felony convictions, an Intermediate punishment was imposed for 44% of felony convictions, and a Community punishment was imposed for 18% of felony convictions (see *Figure F*).



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 (67%) were for Class H and Class I offenses. (See *Appendix B* for sample offenses for each offense class.) As shown in *Figure H*, the majority of felony convictions (58%) were for offenders with Prior Record Levels I and II, indicating little or no prior criminal record. Seven 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 sentencing grid were excluded from this section (n=2,914 or 11%). These convictions did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation).

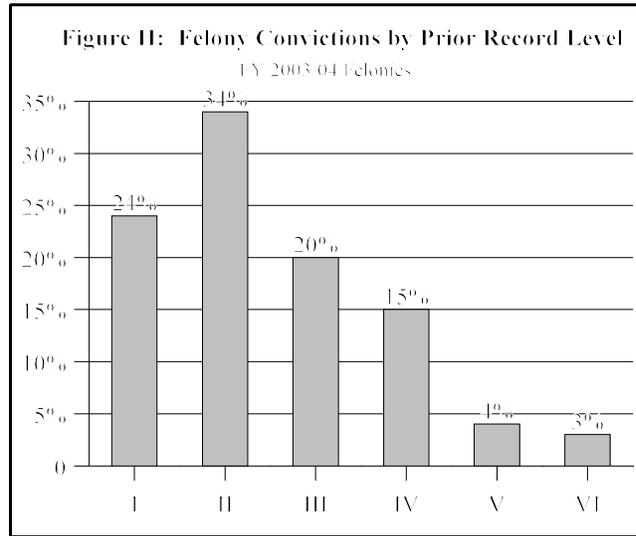
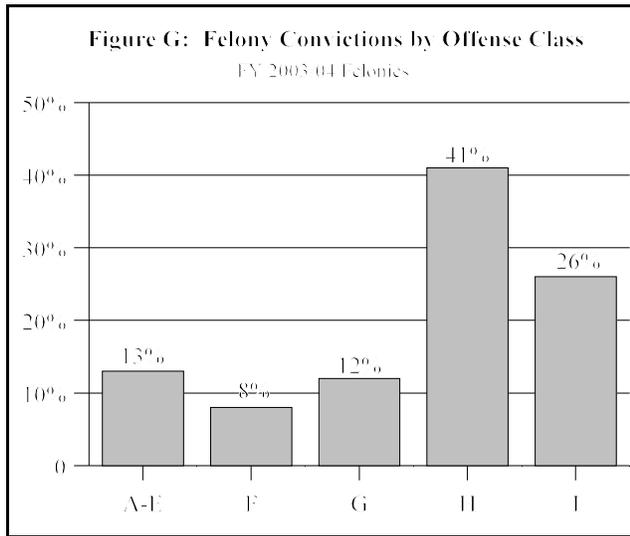


Table 4 presents felony convictions and sentences imposed within the context of the felony sentencing grid (see also *Table 1*). The table also includes the average minimum and maximum sentences for convictions for which an Active sentence was imposed.² The greatest number of convictions fell within Offense Class H with Prior Record Level II (n=3,178 or 13%), followed closely by convictions within Offense Class I with Prior Record Level II (n=2,678 or 11%).

The data presented in *Table 4* indicate that the percentage of offenders receiving an Active sentence typically increases as the offense class 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=9,355) was 33 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 (255 months).

Convictions for offenders falling into Prior Record Levels I and VI resulted in the highest average minimum sentences (44 months and 37 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 2003/04 Felonies**

Offense Class	Prior Record Level						Total
	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
A	A A = 43 (100%) (n=43) Life/Death	A A = 18 (100%) (n=18) Life/Death	A A = 21 (100%) (n=21) Life/Death	A A = 15 (100%) (n=15) Life/Death	A A = 4 (100%) (n=4) Life/Death	A A = 0 (0%) (n=0) Life/Death	A A = 101 (100%) (n=101) Life/Death
B1	A A = 43 (100%) (n=43) 201 min 250 max	A A = 33 (100%) (n=33) 238 min 295 max	A A = 19 (100%) (n=19) 284 min 350 max	A A = 10 (100%) (n=10) 366 min 450 max	A A = 5 (100%) (n=5) 389 min 476 max	A A = 4 (100%) (n=4) 399 min 488 max	A A = 114 (100%) (n=114) 255 min 316 max
B2	A A = 93 (100%) (n=93) 136 min 173 max	A A = 83 (100%) (n=83) 169 min 212 max	A A = 40 (100%) (n=40) 205 min 256 max	A A = 25 (100%) (n=25) 228 min 283 max	A A = 6 (100%) (n=6) 244 min 302 max	A A = 6 (100%) (n=6) 307 min 378 max	A A = 253 (100%) (n=253) 174 min 218 max
C	A A = 103 (100%) (n=103) 64 min 86 max	A A = 149 (100%) (n=149) 77 min 102 max	A A = 232 (100%) (n=232) 86 min 113 max	A A = 258 (100%) (n=258) 94 min 121 max	A A = 70 (100%) (n=70) 112 min 143 max	A A = 65 (100%) (n=65) 123 min 158 max	A A = 877 (100%) (n=877) 89 min 116 max
D	A A = 261 (100%) (n=261) 51 min 70 max	A A = 257 (100%) (n=257) 63 min 85 max	A A = 162 (100%) (n=162) 82 min 108 max	A A = 117 (100%) (n=117) 98 min 127 max	A A = 28 (100%) (n=28) 110 min 141 max	A A = 28 (100%) (n=28) 118 min 151 max	A A = 853 (100%) (n=853) 71 min 95 max
E	I/A I = 289 (72%) A = 113 (28%) (n=402) 23 min 36 max	I/A I = 258 (65%) A = 139 (35%) (n=397) 26 min 40 max	A A = 133 (100%) (n=133) 30 min 45 max	A A = 98 (100%) (n=98) 41 min 59 max	A A = 27 (100%) (n=27) 46 min 64 max	A A = 19 (100%) (n=19) 50 min 68 max	I/A I = 547 (51%) A = 529 (49%) (n=1,076) 31 min 46 max
F	I/A I = 436 (74%) A = 151 (26%) (n=587) 15 min 18 max	I/A I = 352 (60%) A = 236 (40%) (n=588) 16 min 20 max	I/A I = 216 (51%) A = 207 (49%) (n=423) 18 min 22 max	A A = 195 (100%) (n=195) 22 min 26 max	A A = 52 (100%) (n=52) 28 min 34 max	A A = 43 (100%) (n=43) 34 min 41 max	I/A I = 1,004 (53%) A = 884 (47%) (n=1,888) 19 min 24 max

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level (continued)
FY 2003/04 Felonies**

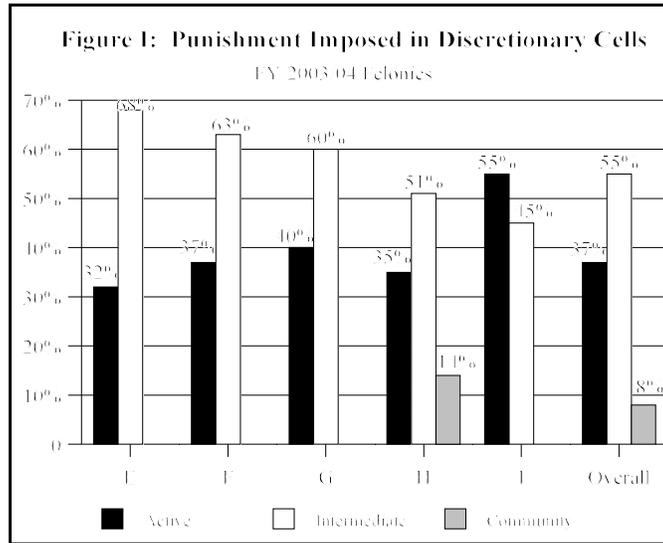
Offense Class	Prior Record Level						Total
	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
G	I/A I = 473 (81%) A = 111 (19%) (n=584) 11 min 14 max	I/A I = 703 (71%) A = 293 (29%) (n=996) 13 min 16 max	I/A I = 356 (49%) A = 363 (51%) (n=719) 14 min 17 max	I/A I = 187 (34%) A = 357 (66%) (n=544) 17 min 21 max	A A = 111 (100%) (n=111) 18 min 23 max	A A = 90 (100%) (n=90) 25 min 30 max	I/A I = 1,719 (56%) A = 1,325 (44%) (n=3,044) 15 min 19 max
H	C/I/A C = 1,374 (59%) I = 762 (32%) A = 213 (9%) (n=2,349) 5 min 7 max	I/A I = 2,316 (73%) A = 862 (27%) (n=3,178) 7 min 9 max	I/A I = 1,223 (57%) A = 919 (43%) (n=2,142) 9 min 11 max	I/A I = 642 (37%) A = 1,087 (63%) (n=1,729) 10 min 12 max	I/A I = 132 (28%) A = 334 (72%) (n=466) 13 min 16 max	A A = 320 (100%) (n=320) 18 min 22 max	C/I/A C = 1,374 (13%) I = 5,075 (50%) A = 3,735 (37%) (n=10,184) 10 min 12 max
I	C C = 1,449 (100%) (n=1,449) N/A	C/I C = 1,765 (66%) I = 913 (34%) (n=2,678) N/A	I I = 1,154 (100%) (n=1,154) N/A	I/A I = 425 (50%) A = 425 (50%) (n=850) 7 min 8 max	I/A I = 85 (40%) A = 125 (60%) (n=210) 8 min 10 max	I/A I = 51 (28%) A = 134 (72%) (n=185) 9 min 11 max	C/I/A C = 3,214 (49%) I = 2,628 (40%) A = 684 (11%) (n=6,526) 7 min 9 max
TOTAL	C/I/A C = 2,823 (48%) I = 1,960 (33%) A = 1,131 (19%) (n=5,914) 44 min 59 max	C/I/A C = 1,765 (21%) I = 4,542 (54%) A = 2,070 (25%) (n=8,377) 33 min 42 max	I/A I = 2,949 (58%) A = 2,096 (42%) (n=5,045) 33 min 42 max	I/A I = 1,254 (33%) A = 2,587 (67%) (n=3,841) 28 min 36 max	I/A I = 217 (22%) A = 762 (78%) (n=979) 32 min 40 max	I/A I = 51 (7%) A = 709 (93%) (n=760) 37 min 46 max	C/I/A C = 4,588 (18%) I = 10,973 (44%) A = 9,355 (38%) (n=24,916) 33 min 43 max

Note: Of the 27,830 felony convictions in FY 2003/04, 2,914 convictions were excluded from this table. These convictions did not fit within the sentencing grid 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.

C. Punishment Imposed in Discretionary Cells

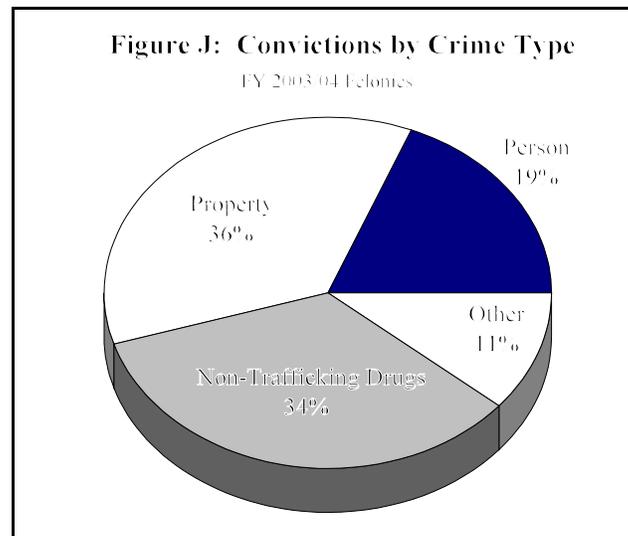
As shown in *Table 4*, where the judge had the option of imposing either an Active or community-based punishment (*i.e.*, either an Intermediate or Community punishment), an Intermediate punishment was most likely to be imposed for convictions falling within Offense Class G with Prior Record Level I (81%), while an Active sentence was most likely to be imposed for convictions falling within Offense Class H with Prior Record Level V and Offense Class I with Prior Record Level VI (72% each).

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



D. Punishment Imposed by Crime Type

During Fiscal Year 2003/04, property offenses accounted for 36% of convictions, followed closely by convictions for non-trafficking drug offenses (34%). (See Figure J.) For additional data on convictions by crime type, see Appendix D.



The type of punishment imposed by crime type is shown in Table 5. Relative to other crime types, convictions for person offenses were most likely to result in the imposition of an Active punishment (63%), while convictions for non-trafficking drug offenses were least likely to result in the imposition of an Active punishment (21%). Of the four crime types, non-trafficking drug and property convictions had the highest percentage of Intermediate punishment sentences (49% and 46% respectively) and non-trafficking drug convictions had the highest percentage of Community punishment sentences (30%).

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 2003/04 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	3,029	63	1,735	36	61	1	62	80	4,825
Property	3,012	33	4,212	46	1,861	21	12	15	9,085
Non-Trafficking Drug	1,783	21	4,100	49	2,498	30	11	14	8,381
Other Felony	1,531	58	926	35	168	6	45	57	2,625
TOTAL	9,355	38	10,973	44	4,588	18	33	43	24,916

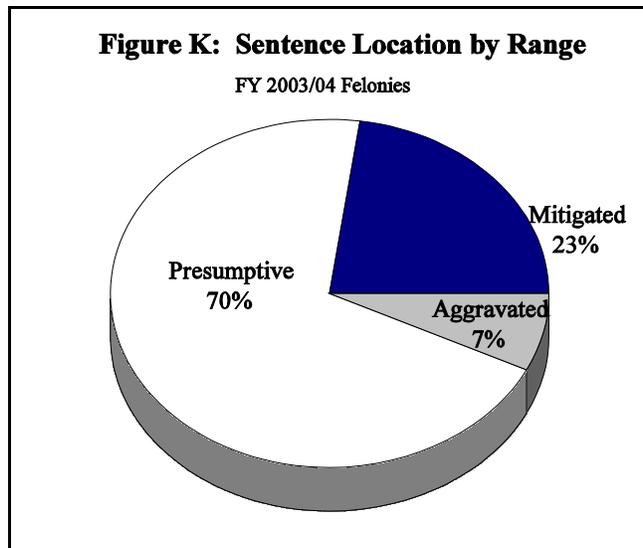
Note: Of the 27,830 felony convictions in FY 2003/04, 2,914 convictions were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation).

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=9,254). Class A convictions, which are subject to mandatory life or death sentences, are excluded from this section (n=101), as are Class B1 convictions that fall in the aggravated range of Prior Record Levels V and VI with a sentence of life without parole (n=0).

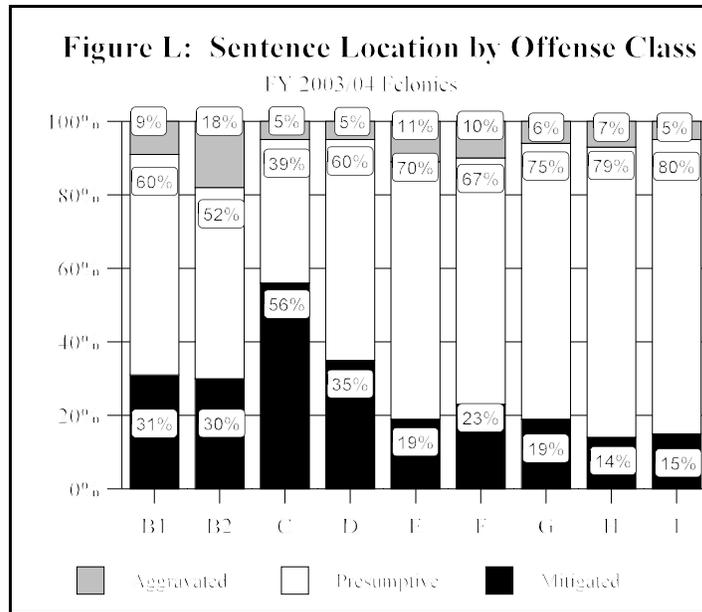
A. Sentence Location

Figure K shows that 70% of all Active sentences fell within the presumptive range; 23% fell within the mitigated range; and 7% fell within the aggravated range.



B. Sentence Location by Offense Class and Prior Record Level

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



For information regarding sentence location by offense class and prior record level, see *Table 6*. Convictions for Class H and Class I offenses had the highest percentage of Active sentences in the presumptive range (79% and 80% respectively), while convictions for Class C offenses had the lowest percentage of Active sentences in the presumptive range (39%). Convictions falling into Prior Record Level I had the highest percentage of Active sentences in the mitigated range (27%). Convictions falling into Prior Record Level I also had the highest percentage of Active sentences in the aggravated range (10%).

Overall, 23% of Active sentences were in the mitigated range and an additional 30% were at the lowest possible point of the presumptive range. As shown in *Appendix D*, convictions for Class C offenses had the highest percentage of Active sentences in the mitigated range (56%), followed by convictions for Class D offenses (35%). In addition, 72% of Class C convictions and 60% 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 2003/04 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
B1	Mitigated	17 (40%)	12 (36%)	5 (26%)	0 (0%)	1 (20%)	1 (25%)	36 (31%)
	Presumptive	21 (49%)	18 (55%)	14 (74%)	8 (80%)	4 (80%)	3 (75%)	68 (60%)
	Aggravated	5 (12%)	3 (9%)	0 (0%)	2 (20%)	0 (0%)	0 (0%)	10 (9%)
	Subtotal	43	33	19	10	5	4	114
B2	Mitigated	35 (38%)	22 (27%)	10 (25%)	7 (28%)	1 (17%)	1 (17%)	76 (30%)
	Presumptive	39 (42%)	47 (57%)	22 (55%)	14 (56%)	5 (83%)	4 (67%)	131 (52%)
	Aggravated	19 (20%)	14 (17%)	8 (20%)	4 (16%)	0 (0%)	1 (17%)	46 (18%)
	Subtotal	93	83	40	25	6	6	253
C	Mitigated	25 (24%)	79 (53%)	140 (60%)	172 (67%)	38 (54%)	39 (60%)	493 (56%)
	Presumptive	66 (64%)	60 (40%)	78 (34%)	81 (31%)	31 (44%)	26 (40%)	342 (39%)
	Aggravated	12 (12%)	10 (7%)	14 (6%)	5 (2%)	1 (2%)	0 (0%)	42 (5%)
	Subtotal	103	149	232	258	70	65	877
D	Mitigated	104 (40%)	89 (34%)	58 (36%)	32 (27%)	8 (29%)	10 (36%)	301 (35%)
	Presumptive	141 (54%)	151 (59%)	103 (63%)	80 (69%)	18 (64%)	18 (64%)	511 (60%)
	Aggravated	16 (6%)	17 (7%)	1 (1%)	5 (4%)	2 (7%)	0 (0%)	41 (5%)
	Subtotal	261	257	162	117	28	28	853

**Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
(Active Sentences Only)
FY 2003/04 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
E	Mitigated	20 (18%)	25 (18%)	25 (19%)	23 (24%)	4 (14%)	4 (21%)	101 (19%)
	Presumptive	81 (72%)	96 (69%)	93 (70%)	66 (67%)	21 (79%)	14 (74%)	371 (70%)
	Aggravated	12 (10%)	18 (13%)	15 (11%)	9 (9%)	2 (7%)	1 (5%)	57 (11%)
	Subtotal	113	139	133	98	27	19	529
F	Mitigated	28 (18%)	50 (21%)	53 (26%)	48 (25%)	17 (33%)	11 (26%)	207 (23%)
	Presumptive	101 (67%)	162 (69%)	135 (65%)	131 (67%)	32 (61%)	28 (65%)	589 (67%)
	Aggravated	22 (15%)	24 (10%)	19 (9%)	16 (8%)	3 (6%)	4 (9%)	88 (10%)
	Subtotal	151	236	207	195	52	43	884
G	Mitigated	16 (14%)	50 (17%)	77 (21%)	70 (20%)	23 (21%)	19 (21%)	255 (19%)
	Presumptive	86 (78%)	226 (77%)	268 (74%)	268 (75%)	85 (77%)	64 (71%)	997 (75%)
	Aggravated	9 (8%)	17 (6%)	18 (5%)	19 (5%)	3 (3%)	7 (8%)	73 (6%)
	Subtotal	111	293	363	357	111	90	1,325
H	Mitigated	44 (21%)	103 (12%)	139 (15%)	149 (14%)	50 (15%)	36 (11%)	521 (14%)
	Presumptive	151 (71%)	666 (77%)	750 (82%)	872 (80%)	263 (79%)	252 (79%)	2,954 (79%)
	Aggravated	18 (8%)	93 (11%)	30 (3%)	66 (6%)	21 (6%)	32 (10%)	260 (7%)
	Subtotal	213	862	919	1,087	334	320	3,735

**Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
(Active Sentences Only)
FY 2003/04 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
I	Mitigated	N/A	N/A	N/A	73 (17%)	15 (12%)	13 (10%)	101 (15%)
	Presumptive	N/A	N/A	N/A	332 (78%)	100 (80%)	113 (84%)	545 (80%)
	Aggravated	N/A	N/A	N/A	20 (5%)	10 (8%)	8 (6%)	38 (5%)
	Subtotal	N/A	N/A	N/A	425	125	134	684
TOTAL	Mitigated	289 (27%)	430 (21%)	507 (24%)	574 (22%)	157 (21%)	134 (19%)	2,091 (23%)
	Presumptive	686 (63%)	1,426 (70%)	1,463 (71%)	1,852 (72%)	559 (74%)	522 (74%)	6,508 (70%)
	Aggravated	113 (10%)	196 (9%)	105 (5%)	146 (6%)	42 (5%)	53 (7%)	655 (7%)
	Subtotal	1,088	2,052	2,075	2,572	758	709	9,254

Note: Convictions that did not fit within the sentencing grid 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, 101 convictions requiring a mandatory life or death sentence were excluded from this table.

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 (10%). Convictions in the category of other felony offenses accounted for the lowest percentage of presumptive sentences (55%), the highest percentage of mitigated sentences (40%), and the lowest percentage of aggravated sentences (5%) relative to the other crime types. Habitual felon convictions accounted for the largest number of convictions in the other felony category, representing 37% of convictions in this category. For additional information regarding convictions by crime type, see *Appendix D*.

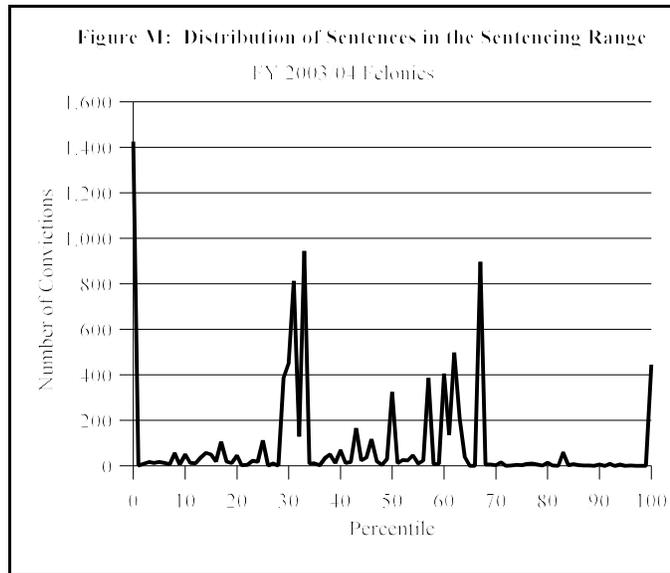
**Table 7: Sentence Location by Crime Type
(Active Sentences Only)
FY 2003/04 Felonies**

Crime Type	Sentencing Range						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
Person	721	24	1,927	66	280	10	2,928
Property	425	14	2,386	79	201	7	3,012
Non-Trafficking Drug	334	19	1,347	75	102	6	1,783
Other Felony	611	40	848	55	72	5	1,531
TOTAL	2,091	23	6,508	70	655	7	9,254

Note: Convictions that did not fit within the sentencing grid 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, 101 convictions requiring a mandatory life or death sentence were excluded from this table.

D. Length of Active Sentence Relative to the Sentencing Range

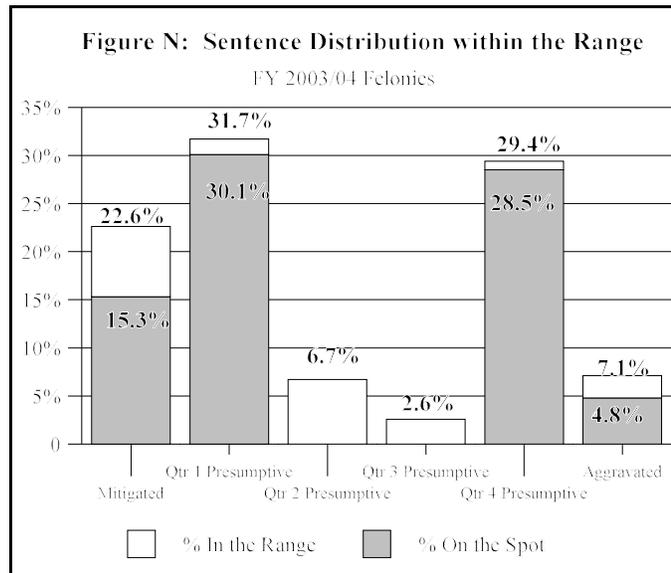
Viewing the entire sentencing range as a continuum from the lowest possible sentence imposed in the mitigated range to the highest possible sentence imposed in the aggravated range, on average the 9,254 active sentences imposed (excluding the 101 convictions with mandatory life or death sentences) fell below the midpoint of the range (at the 40th 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 (31.7% and 29.4% of all cases, respectively) (see *Figure M* and *Table 9*).



Further analysis indicates that over three-quarters (78.8%) 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*, 15.3% of Active sentences fell on the lowest point of the mitigated range; 30.1% fell on the lowest point of the presumptive range; 28.5% fell on the highest point of the presumptive range; and 4.8% fell on the highest point of the aggravated range.

For information regarding sentences imposed on one of the four specific spots of the sentencing range by offense class, see *Table 8*. Convictions for Class H and I offenses had the highest percentages of Active sentences located on one of the four spots, with 86.8% 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 (56.5%).



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

**Table 8: Sentencing Range by Offense Class
(Active Sentences Only)
FY 2003/04 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	20.2	17.5	28.1	5.3	71.1
B2	13.0	10.7	21.7	11.1	56.5
C	42.9	15.5	10.5	3.2	72.1
D	20.5	24.7	15.1	2.1	62.5
E	12.3	26.5	28.2	7.4	74.3
F	13.7	24.6	26.5	6.9	71.6
G	12.1	35.5	27.0	4.0	78.6
H	10.7	35.1	36.0	5.0	86.8
I	9.7	37.4	35.7	3.5	86.3
TOTAL	15.3	30.1	28.5	4.8	78.8

Note: Convictions that did not fit within the sentencing grid 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, 101 convictions requiring a mandatory life or death sentence were excluded from this table.

A similar pattern is evident by crime type, especially for property and drug offenses, with 86.1% and 83.3% of all Active sentences, respectively, located on four specific spots of the range (see *Table 9*). This pattern is less apparent for person offenses, with only 69.7% of all sentences on the four spots, and with a considerably higher rate of sentences outside the presumptive range.

**Table 9: Sentencing Range by Crime Type
(Active Sentences Only)
FY 2003/04 Felonies**

Offense 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	24.6 (14.7)	27.4 (23.9)	6.3	5.4	26.8 (24.6)	9.6 (6.6)	69.7
Property	14.1 (10.5)	34.6 (34.4)	7.4	0.7	36.6 (36.5)	6.7 (4.8)	86.1
Non-Traff. Drugs	18.7 (13.0)	36.3 (36.1)	7.0	1.6	30.6 (30.5)	5.7 (3.7)	83.3
Other Felonies	39.9 (28.7)	28.7 (26.8)	5.9	2.2	18.6 (18.0)	4.7 (2.9)	76.4
TOTAL	22.6 (15.3)	31.7 (30.1)	6.7	2.6	29.4 (28.5)	7.1 (4.8)	78.8

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

V. INTERMEDIATE PUNISHMENTS

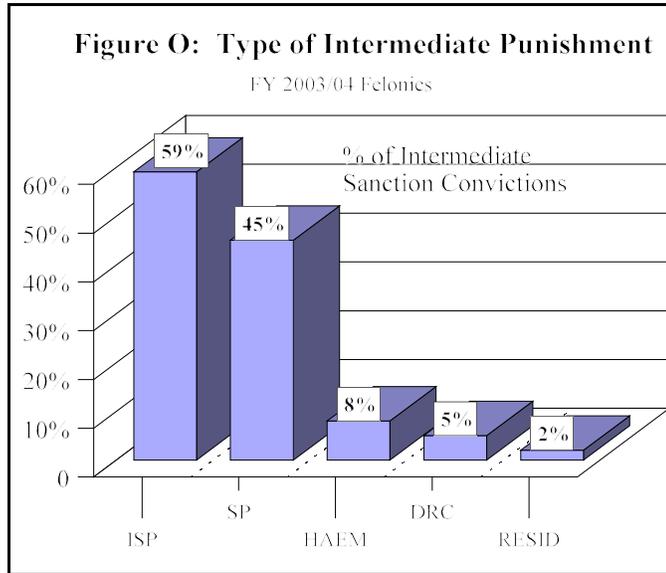
This section summarizes the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed.* Under Structured Sentencing, all offenders who receive an Intermediate punishment must receive a term of supervised probation plus at least one additional sanction. The specific intermediate sanctions are Intensive Supervision Probation (ISP), Special Probation (SP), House Arrest with Electronic Monitoring (HAEM), Day Reporting Center (DRC), and Residential Treatment Facility (RESID). 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, and *Appendix F* for additional information on Special Probation.

During Fiscal Year 2003/04, Intermediate punishments were imposed for 10,973 convictions, with an average supervised probation sentence length of 33 months. The specific type(s) of intermediate sanction(s) imposed was reported in the AOC database for 10,847 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.*

A. Intermediate Punishments Imposed

Figure O illustrates the percentage of convictions for which specific intermediate sanctions were imposed. The figure indicates that Intensive Supervision accounted for the highest percentage of convictions for which a specific intermediate sanction was reported (59%). Assignment to a Residential Treatment Facility accounted for the smallest percentage of convictions for which a specific intermediate sanction was reported (2%).



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

B. Intermediate Punishments by Offense Class and Prior Record Level

Table 10 shows the frequency 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=5,898). For Class H, Intensive Supervision Probation was the most frequently invoked sanction (n=3,011). Overall, the most frequently invoked sanction was Intensive Supervision Probation (n=6,425), followed by Special Probation (n=4,868).

**Table 10: Type of Intermediate Punishment by Offense Class and Prior Record Level
FY 2003/04 Felonies**

Offense Class	Prior Record Level	Type of Intermediate Punishment					Total
		Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
E	I	152	1	10	171	26	360
	II	159	6	8	149	17	339
	Subtotal	311	7	18	320	43	699
F	I	215	4	13	224	29	485
	II	199	4	13	180	32	428
	III	118	0	7	120	16	261
	Subtotal	532	8	33	524	77	1,174
G	I	250	3	20	289	28	590
	II	340	7	20	456	48	871
	III	189	15	11	203	33	451
	IV	109	15	2	110	9	245
	Subtotal	888	40	53	1,058	118	2,157
H	I	288	5	44	450	75	862
	II	950	40	130	1,343	160	2,623
	III	528	36	59	747	79	1,449
	IV	298	22	25	393	50	788
	V	70	9	5	78	14	176
	Subtotal	2,134	11	263	3,011	378	5,898

**Table 10: Type of Intermediate Punishment by Offense Class and Prior Record Level
(continued)
FY 2003/04 Felonies**

Offense Class	Prior Record Level	Type of Intermediate Punishment					Total
		Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
I	II	301	10	50	547	89	997
	III	455	17	56	660	98	1,286
	IV	181	9	19	237	38	484
	V	43	6	4	46	9	108
	VI	23	10	2	22	3	60
	Subtotal	1,003	52	131	1,512	237	2,935
TOTAL	4,868	219	498	6,425	853	12,863	

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

C. Intermediate Punishments by Crime Type

Table 11 shows the frequency of Intermediate punishments by crime type. Of those convictions for which a specific intermediate sanction was reported, the largest number was for property offenses (n=4,898), followed closely by non-trafficking drug offenses (n=4,767).

**Table 11: Type of Intermediate Punishment by Crime Type
FY 2003/04 Felonies**

Crime Type	Type of Intermediate Punishment					Total
	Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
Person	950	31	55	926	132	2,094
Property	1,806	119	210	2,439	324	4,898
Non-Trafficking Drug	1,635	62	194	2,551	325	4,767
Other Felony	477	7	39	509	72	1,104
TOTAL	4,868	219	498	6,425	853	12,863

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

VI. COMMUNITY PUNISHMENTS

This section includes only those convictions for which a Community punishment was imposed. During Fiscal Year 2003/04, there were 4,588 convictions for which a Community punishment was imposed. The specific type(s) of Community punishment(s) imposed was reported in the AOC database for 4,544 convictions. Of these 4,544 convictions, 4,377 were for supervised probation; 143 were for unsupervised probation; and 24 were for restitution, fines, and/or community service only. For more information about community service and restitution, refer to *Appendix G*.

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=3,214). Convictions for Class H felonies resulted in the longest average probation sentences for Community punishments (30 months). Overall, convictions for which a Community punishment was imposed resulted in an average probation sentence of 27 months.

**Table 12: Type of Community Punishment by Offense Class
FY 2003/04 Felonies**

Offense Class	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
H	1,325 <i>31 months</i>	40 <i>22 months</i>	1 <i>N/A</i>	8 <i>N/A</i>	1,374 <i>30 months</i>
I	3,052 <i>26 months</i>	103 <i>21 months</i>	23 <i>N/A</i>	36 <i>N/A</i>	3,214 <i>26 months</i>
TOTAL	4,377 <i>27 months</i>	143 <i>21 months</i>	24 <i>N/A</i>	44 <i>N/A</i>	4,588 <i>27 months</i>

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

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=2,498). Convictions for property offenses had the longest average probation sentences (30 months).

**Table 13: Type of Community Punishment by Crime Type
FY 2003/04 Felonies**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
Person	59 <i>29 months</i>	2 <i>18 months</i>	0 <i>N/A</i>	0 <i>N/A</i>	61 <i>28 months</i>
Property	1,786 <i>31 months</i>	59 <i>23 months</i>	1 <i>N/A</i>	15 <i>N/A</i>	1,861 <i>30 months</i>
Non-Trafficking Drug	2,377 <i>25 months</i>	73 <i>20 months</i>	21 <i>N/A</i>	27 <i>N/A</i>	2,498 <i>25 months</i>
Other Felony	155 <i>28 months</i>	9 <i>21 months</i>	2 <i>N/A</i>	2 <i>N/A</i>	168 <i>28 months</i>
TOTAL	4,377 <i>27 months</i>	143 <i>21 months</i>	24 <i>N/A</i>	44 <i>N/A</i>	4,588 <i>27 months</i>

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

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. Gen. Stat. §§ 14-7.1 to -7.6) There were 615 habitual felon convictions during Fiscal Year 2003/04.³ *Table 14* shows the breakdown by offense class and crime type of the most serious conviction associated with habitual felon convictions. Forty-nine percent of habitual felons had a conviction for a Class H offense as their underlying conviction (n=304). Thirty percent of habitual felons had some type of drug offense as their underlying conviction (n=169). Felony Breaking and/or Entering was the most frequently occurring most serious crime associated with

³In FY 2000/01, an improvement was made in the way the Sentencing Commission reports the number of habitual felon convictions. The improvement in reporting allows the Commission to identify a larger number of habitual felon convictions.

habitual felon convictions (n=108). Almost sixty-six percent of habitual felon convictions were sentenced in the mitigated range and an additional 19% 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 2003/04 Felonies**

Offense Class	Offense	Total
Class B1	1 st Degree Rape Child	1
	Subtotal	1
Class B2	2 nd Degree Murder	3
	Subtotal	3
Class C	1 st Degree Kidnapping	5
	2 nd Degree Rape	2
	Other Sex Offense	1
	AWDWIKISI	1
	Other Drug Offense	4
	Habitual Felon*	7
	Other Property Offense	2
	Other Felony Offense	1
Subtotal	23	
Class D	Attempted 2 nd Degree Rape	1
	Attempted Robbery - Dang. Weap.	2
	Robbery - Dangerous Weapon	30
	1 st Degree Burglary	6
	Other Property Offense	1
	Other Drug Offense	1
	Subtotal	41
Class E	2 nd Degree Kidnapping	6
	AWDW Intent to Kill	1
	AWDW Serious Injury	6
	Assault LEO/PO/Other w/ Firearm	3
	Attempt 1 st Degree Burglary	1
	Other Property Offense	1
	Sell/Del. C.S. w/i 300 ft of School	1
	Discharge Weapon Occupied Prop.	1
	Subtotal	20

Offense Class	Offense	Total
Class F	Felonious Restraint	2
	Indecent Liberties with Child	11
	Fail to Register as Sex Offender	7
	Malicious Conduct by Prisoner	7
	Assault Serious Bodily Injury	1
	AWDW - Government Official	4
	Felony Stalking	1
	Habitual Impaired Driving	4
Subtotal	37	
Class G	Common Law Robbery	21
	2 nd Degree Arson	1
	2 nd Degree Burglary	5
	Other Property Offense	2
	Financial Identity Fraud	2
	Sell/Deliver Schedule II C.S.	7
	Sell/Deliver Cocaine	12
	Sell Cocaine	30
	Sell Heroin	1
	Sell Schedule I C.S.	1
	Sell Schedule II C.S.	2
	Conspire Sell Cocaine	1
	Trafficking in Cocaine	2
	Conspire to Traffic in Cocaine	1
	Other Drug Offense	4
	Possession of Firearm by Felon	24
Felony Death by Vehicle	1	
Subtotal	117	
Class H	Attempted Common Law Robbery	4
	Habitual Misdemeanor Assault	4

**Table 14: Most Serious Crime Associated with Habitual Felon Convictions
by Offense Class and Offense (continued)
FY 2003/04 Felonies**

Offense Class	Offense	Total
Class H (cont.)	Other Assault Offense	1
	Breaking and/or Entering	108
	Felony Larceny	23
	Larceny of a Firearm	1
	Larceny by Employee	1
	Larceny from the Person	9
	Possess Stolen Firearm	1
	Possession of Stolen Goods	21
	Larceny after Break/Enter	6
	Larceny of Motor Vehicle	8
	Common Law Forgery	1
	Att. Obtain Prop. by False Pretense	1
	Obtain Property by False Pretenses	18
	Embezzlement	1
	Possession of C.S. Prison/Jail	5
	Conspire Sell/Deliver Sch. II C.S.	1
	Sell Marijuana	1
	PWIMSD Schedule II C.S.	8
	PWISD Cocaine	44
	PWIMSD Cocaine	8
	PWIMSD Heroin	1
	Other Drug Offense	3
	Hit/Run Fail Stop Injury	1
	Possess Stolen Motor Vehicle	9
Flee/Elude Arrest W/ Motor Veh.	1	

Offense Class	Offense	Total
Class H (cont.)	Elude Arrest MV 2 Agg. Factors	7
	Elude Arrest MV >=3 Agg. Factors	7
	Subtotal	304
Class I	Possession of Burglary Tools	1
	Attempt Break/Enter Building	3
	Break/Enter Motor Vehicle	14
	Break Coin/Currency Machine	1
	Other Property Offense	2
	Forgery of Instrument	11
	Uttering Forged Instrument	3
	Uttering Forged Endorsement	1
	Obtain Contr. Subst. by Fraud	1
	Possess Schedule II C.S.	9
	Possess Schedule IV C.S.	1
	Felony Possession of Sch. VI C.S.	1
	Manufacture Marijuana	1
	PWISD Marijuana	4
	Felony Possession of Cocaine	13
	Other Drug Offense	1
	Other Felony Offense	1
Subtotal	68	
Class A1	Assault Government Official	1
	Subtotal	1
TOTAL		615

* Of the 615 habitual felon convictions, the most serious associated conviction could not be determined for 7 convictions. These 7 convictions are represented in the table as Class C habitual felon convictions.

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. Gen. Stat. § 15A-1340.16A) The firearm enhancement was not applied to any convictions during Fiscal Year 2003/04.

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 2003/04, seven death sentences and 96 life without parole sentences were imposed.

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. Gen. Stat. §§ 14-7.7 to -7.12) Of the 96 life without parole sentences imposed during Fiscal Year 2003/04, two were imposed for a violent habitual felon conviction. The most serious offenses associated with the violent habitual felon convictions were assault with a deadly weapon with intent to kill or inflict serious injury and second degree rape.

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. Gen. Stat. § 90-95(h))

As shown in *Table 15*, there were 708 convictions for drug trafficking offenses.⁴ Trafficking Cocaine (Offense Class G) was the most frequently occurring drug trafficking offense (n=239).

⁴ In FY 1999/00, a change was made in the way the Sentencing Commission reports the number of drug trafficking convictions and the sentences imposed for these convictions. The reporting change allows the Commission to capture a larger number of drug trafficking convictions by examining the sentences imposed for convictions with the AOC offense code for "Dangerous Drugs – Free Text" (*i.e.*, offense code 3599). Convictions with sentences that meet the criteria for drug trafficking sentences are counted as such and are represented in the "Other Trafficking" category. These convictions would have previously been counted as non-trafficking drug convictions.

**Table 15: Drug Trafficking Convictions
FY 2003/04 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
C	Traffic Heroin	2	66.7	1	33.3	.	.	225.0	279.0	3
	Other Trafficking	2	100.0	.	.	.	.	225.0	277.0	2
	Subtotal	4	80.0	1	20.0	.	.	225.0	278.0	5
D	Traffic MDA/MDMA	1	50.0	1	50.0	.	.	30.0	36.0	2
	Consp. Traffic MDA/MDMA	.	.	1	100.0	.	.	.	.	1
	Traffic Cocaine	16	88.9	2	11.1	.	.	93.3	117.7	18
	Consp. Traffic Cocaine	5	62.5	3	37.5	1	.	103.0	127.2	8
	Other Trafficking	14	93.3	1	6.7	.	.	175.0	219.0	15
	Subtotal	36	81.8	8	18.2	.	.	124.7	156.1	44
E	Traffic Methamphetamine	4	100.0	.	.	.	.	74.5	96.3	4
	Traffic MDA/MDMA	3	100.0	.	.	.	.	71.7	92.0	3
	Traffic Cocaine	4	100.0	.	.	.	.	26.0	31.3	4
	Traffic Heroin	5	100.0	.	.	.	.	90.0	117.0	5
	Other Trafficking	7	87.5	1	12.5	.	.	90.0	117.0	8
	Subtotal	23	95.8	1	4.2	.	.	73.8	95.2	24
F	Traffic Methamphetamine	15	88.2	1	5.9	1	5.9	59.3	71.8	17
	Traffic LSD	1	100.0	.	.	.	.	58.0	79.0	1
	Consp. Traffic Meth.	3	75.0	.	.	1	25.0	41.7	50.0	4
	Traffic MDA/MDMA	.	.	1	50.0	1	50.0	.	.	2
	Consp. Traffic MDA/MDMA	.	.	1	33.3	2	66.7	.	.	3
	Traffic Marijuana	1	100.0	.	.	.	.	35.0	42.0	1
	Traffic Cocaine	37	97.4	1	2.6	.	.	68.3	82.1	38
	Traffic Heroin	21	91.3	1	4.3	1	4.3	68.0	88.5	23
	Consp. Traffic Cocaine	5	71.4	2	28.6	.	.	51.4	61.8	7
	Consp. Traffic Heroin	3	100.0	.	.	.	.	70.0	84.0	3
	Other Trafficking	36	87.8	4	9.8	1	2.4	70.0	83.9	41
	Subtotal	122	87.1	11	7.9	7	5.0	66.0	80.5	140

**Table 15: Drug Trafficking Convictions (continued)
FY 2003/04 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
	Traffic Methamphetamine	2	50.0	2	50.0	.	.	52.5	63.0	4
	Traffic LSD	1	100.0	.	.	.	.	35.0	42.0	1
	Consp. Traffic Methamphetamine	1	100.0	.	.	.	.	15.0	18.0	1
	Traffic MDA/MDMA	26	83.9	5	16.1	.	.	31.8	38.2	31
	Consp. Traffic MDA/MDMA	4	57.1	.	.	3	42.9	21.5	27.0	7
	Traffic Marijuana	9	90.0	.	.	1	10.0	33.9	40.7	10
	Traffic Cocaine	208	87.0	23	9.6	8	3.3	34.9	42.1	239
	Traffic Heroin	1	100.0	.	.	.	.	70.0	84.0	1
	Consp. Traffic Marijuana	2	100.0	.	.	.	.	35.0	42.0	2
	Consp. Traffic Cocaine	8	50.0	7	43.8	1	6.3	36.4	44.0	16
	Other Trafficking	93	75.6	23	18.7	7	5.7	35.0	42.0	123
	Subtotal	55	81.6	60	13.8	20	4.6	34.7	41.8	435
H	Consp. Traffic MDA/MDMA	.	.	1	100.0	.	.	.	.	1
	Traffic Marijuana	24	75.0	5	15.6	3	9.4	23.5	28.2	32
	Traffic Cocaine	1	50.0	.	.	1	50.0	70.0	84.0	2
	Traffic Heroin	.	.	.	.	1	100.0	.	.	1
	Consp. Traffic Marijuana	4	66.7	1	16.7	1	16.7	20.0	24.0	6
	Consp. Traffic Cocaine	.	.	1	100.0	.	.	.	.	1
	Other Trafficking	7	63.6	4	36.4	.	.	25.0	30.0	11
Subtotal	36	66.7	12	22.2	6	11.1	24.7	29.6	54	
I	Traffic MDA/MDMA	.	.	.	.	1	100.0	.	.	1
	Traffic Cocaine	4	100.0	.	.	.	.	20.5	25.0	4
	Traffic Heroin	.	.	.	.	1	100.0	.	.	1
	Subtotal	4	66.7	.	.	2	33.3	20.5	25.0	6
TOTAL	580	81.9	93	13.1	35	4.9	49.0	59.9	708	

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. Gen. Stat. §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 cocaine, and trafficking heroin. Non-active sentences and shorter than mandatory Active sentences may reflect the use of the substantial assistance provision or incorrect offense identification.

SECTION II

**MISDEMEANOR CONVICTIONS
IN FISCAL YEAR 2003/04**

I. MISDEMEANOR CONVICTIONS IN FY 2003/04

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 “convictions.”

B. Misdemeanor Convictions

This section contains detailed information about misdemeanor convictions and sentences imposed under Structured Sentencing during Fiscal Year 2003/04 (July 1, 2003 through June 30, 2004). Overall, sentences for 159,491 misdemeanor convictions were imposed. For many of the tables, information on 3,925 convictions (2%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table. Efforts are being made to understand the nature of the data discrepancies and to resolve reporting problems.

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) Class 3 local ordinance offenses.

C. Distribution of Convictions within the Misdemeanor Structured Sentencing Grid

Table 16 shows the distribution of convictions within the Structured Sentencing Grid. Relative to other grid cells, the greatest number of convictions fell into Offense Class 1 with Prior Conviction Level II (n=36,689 or 24%).

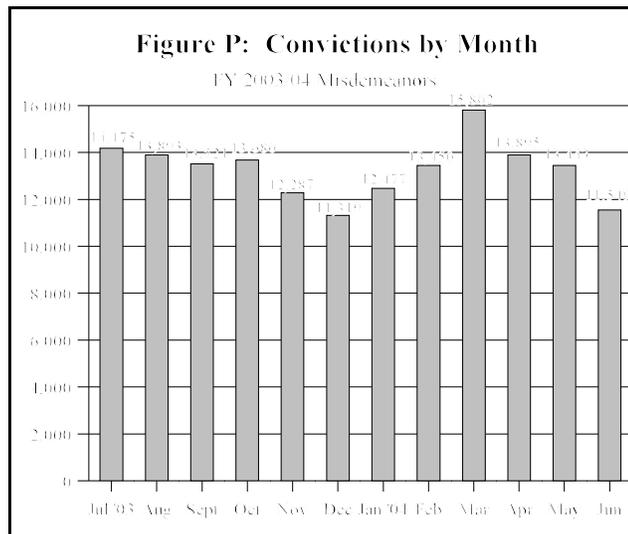
**Table 16: Distribution of Convictions within the Misdemeanor Structured Sentencing Grid
FY 2003/04 Misdemeanors**

Offense Class	Prior Conviction Level			Total
	I 0 Pts	II 1-4 Pts	III 5+ Pts	
A1	3,919 (2.5%)	6,077 (3.9%)	3,885 (2.5%)	13,881 (8.9%)
1	36,039 (23.2%)	36,689 (23.5%)	15,238 (9.8%)	87,966 (56.5%)
2	14,460 (9.3%)	12,075 (7.8%)	3,592 (2.3%)	30,127 (19.4%)
3	12,474 (8.0%)	8,331 (5.4%)	2,787 (1.8%)	23,592 (15.2%)
TOTAL	66,892 (43.0%)	63,172 (40.6%)	25,502 (16.4%)	155,566 (100%)

Note: Of the 159,491 misdemeanor convictions in FY 2003/04, 3,925 (2%) were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior conviction levels, or for other reasons. Percentages may not add to 100% due to rounding.

D. Convictions by Month of Sentencing

Figure P shows the number of misdemeanor convictions (N=159,491) by month of sentencing during Fiscal Year 2003/04. Convictions peaked in March and were lowest in December.



E. Convictions by Judicial Division, District, and County

Table 17 shows the number of misdemeanor convictions by judicial division, 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.⁷ Of the 159,491 convictions in FY 2003/04, 11% (n=16,869) occurred in the first judicial division, 12% (n=19,500) in the second judicial division, 18% (n=28,256) in the third judicial division, 11% (n=16,735) in the fourth judicial division, 14% (n=22,584) in the fifth judicial division, 11% (n=17,836) in the sixth judicial division, 14% (n=22,852) in the seventh judicial division, and 9% (n=14,859) in the eighth judicial division. See Appendix A for a map of judicial divisions and districts.

**Table 17: Convictions by Judicial Division, Judicial District, County, and Mode of Disposition
FY 2003/04 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
First Judicial Division		15,550	1,294	25	16,869
District 1	Camden	157	8	0	165
	Chowan	285	16	0	301
	Currituck	420	51	3	474
	Dare	1,191	132	1	1,324
	Gates	166	13	0	179
	Pasquotank	994	85	0	1,079
	Perquimans	179	16	0	195
	Total	3,392	321	4	3,717
District 2	Beaufort	1,249	72	3	1,324
	Hyde	132	5	1	138
	Martin	599	27	1	627
	Tyrrell	204	12	0	216
	Washington	303	20	2	325
	Total	2,487	136	7	2,630
District 3A	Pitt	3,034	121	1	3,156
	Total	3,034	121	1	3,156
District 6A	Halifax	1,277	96	2	1,375
	Total	1,277	96	2	1,375

⁷ For misdemeanor convictions in superior court, see N.C. Gen. Stat. §7A-271(a).

**Table 17: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 2003/04 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 6B	Bertie	352	18	0	370
	Hertford	592	33	2	627
	Northampton	357	50	2	409
	Total	1,301	101	4	1,406
District 7	Edgecombe	1,147	167	3	1,317
	Nash	1,607	181	3	1,791
	Wilson	1,305	171	1	1,477
	Total	4,059	519	7	4,585
Second Judicial Division		18,507	970	23	19,500
District 3B	Carteret	1,391	59	0	1,450
	Craven	1,936	78	0	2,014
	Pamlico	231	14	1	246
	Total	3,558	151	1	3,710
District 4	Duplin	875	41	0	916
	Jones	201	10	0	211
	Onslow	2,247	234	2	2,483
	Sampson	1,355	33	0	1,388
	Total	4,678	318	2	4,998
District 5	New Hanover	4,568	107	6	4,681
	Pender	605	47	1	653
	Total	5,173	154	7	5,334
District 8	Greene	449	17	2	468
	Lenoir	1,921	130	6	2,057
	Wayne	2,728	200	5	2,933
	Total	5,098	347	13	5,458
Third Judicial Division		27,236	997	23	28,256
District 9	Franklin	1,026	61	0	1,087
	Granville	917	94	2	1,013
	Vance	1,587	132	1	1,720
	Warren	272	51	0	323
	Total	3,802	338	3	4,143

**Table 17: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 2003/04 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 9A	Caswell	337	40	1	378
	Person	937	104	1	1,042
	Total	1,274	144	2	1,420
District 10	Wake	13,472	158	13	13,643
	Total	13,472	158	13	13,643
District 14	Durham	4,191	50	3	4,244
	Total	4,191	50	3	4,244
District 15A	Alamance	3,002	277	1	3,280
	Total	3,002	277	1	3,280
District 15B	Chatham	595	16	1	612
	Orange	900	14	0	914
	Total	1,495	30	1	1,526
<i>Fourth Judicial Division</i>		<i>16,167</i>	<i>556</i>	<i>12</i>	<i>16,735</i>
District 11	Harnett	1,619	68	2	1,689
	Johnston	2,135	35	1	2,171
	Lee	1,166	80	2	1,248
	Total	4,920	183	5	5,108
District 12	Cumberland	2,588	144	4	2,736
	Total	2,588	144	4	2,736
District 13	Bladen	654	35	0	689
	Brunswick	1,274	37	0	1,311
	Columbus	903	35	2	940
	Total	2,831	107	2	2,940
District 16A	Hoke	629	28	0	657
	Scotland	1,391	50	0	1,441
	Total	2,020	78	0	2,098
District 16B	Robeson	3,808	44	1	3,853
	Total	3,808	44	1	3,853
<i>Fifth Judicial Division</i>		<i>21,866</i>	<i>694</i>	<i>24</i>	<i>22,584</i>
District 17A	Rockingham	1,461	131	3	1,595
	Total	1,461	131	3	1,595

**Table 17: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 2003/04 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 17B	Stokes	797	70	0	867
	Surry	1,310	77	0	1,387
	Total	2,107	147	0	2,254
District 18	Guilford	7,065	220	8	7,293
	Total	7,065	220	8	7,293
District 19B	Montgomery	538	15	1	554
	Moore	1,284	39	0	1,323
	Randolph	1,946	30	2	1,978
	Total	3,768	84	3	3,855
District 21	Forsyth	5,484	62	7	5,553
	Total	5,484	62	7	5,553
District 23	Alleghany	146	4	0	150
	Ashe	292	3	0	295
	Wilkes	1,055	31	2	1,088
	Yadkin	488	12	1	501
	Total	1,981	50	3	2,034
<i>Sixth Judicial Division</i>		<i>16,446</i>	<i>1,365</i>	<i>25</i>	<i>17,836</i>
District 19A	Cabarrus	4,039	242	6	4,287
	Total	4,039	242	6	4,287
District 19C	Rowan	2,515	61	5	2,581
	Total	2,515	61	5	2,581
District 20	Anson	700	95	0	795
	Richmond	1,003	284	3	1,290
	Stanly	958	186	2	1,146
	Union	1,709	290	6	2,005
	Total	4,370	855	11	5,236
District 22	Alexander	422	8	0	430
	Davidson	2,146	94	0	2,240
	Davie	422	23	0	445
	Iredell	2,532	82	3	2,617
	Total	5,522	207	3	5,732

**Table 17: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 2003/04 Misdemeanors**

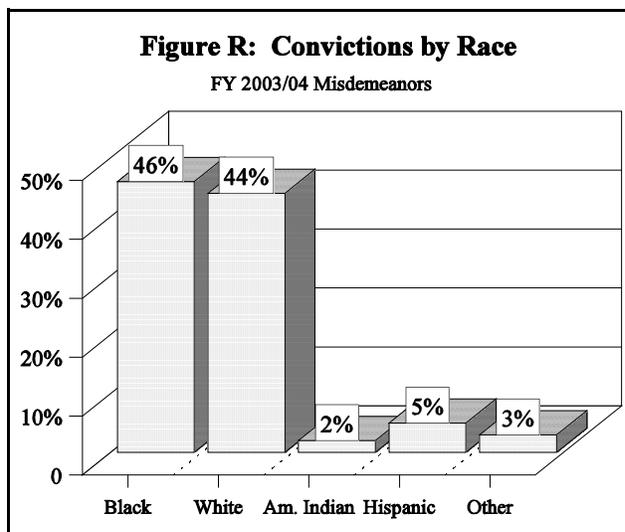
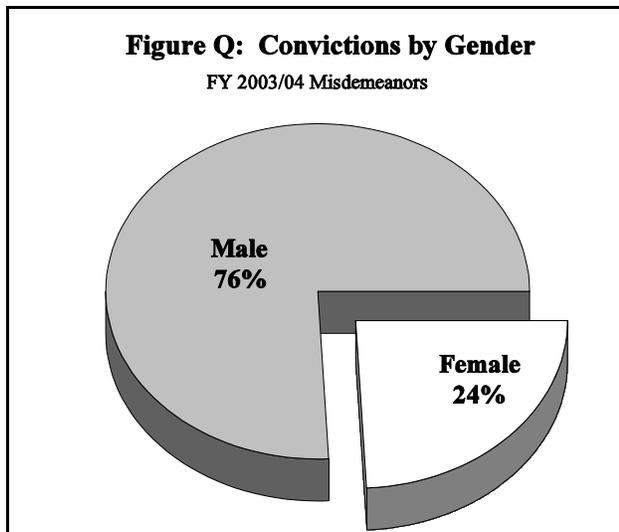
Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
<i>Seventh Judicial Division</i>		21,875	949	28	22,852
District 25	Burke	1,100	118	2	1,220
	Caldwell	1,115	118	0	1,233
	Catawba	2,808	227	4	3,039
	Total	5,023	463	6	5,492
District 26	Mecklenburg	9,867	236	6	10,109
	Total	9,867	236	6	10,109
District 27A	Gaston	4,176	135	10	4,321
	Total	4,176	135	10	4,321
District 27B	Cleveland	1,616	63	5	1,684
	Lincoln	1,193	52	1	1,246
	Total	2,809	115	6	2,930
<i>Eighth Judicial Division</i>		14,464	367	28	14,859
District 24	Avery	226	7	0	233
	Madison	142	10	0	152
	Mitchell	195	7	1	203
	Watauga	466	31	2	499
	Yancey	165	4	1	170
	Total	1,194	59	4	1,257
District 28	Buncombe	5,177	82	7	5,266
	Total	5,177	82	7	5,266
District 29	Henderson	1,665	28	3	1,696
	McDowell	749	18	2	769
	Polk	388	5	0	393
	Rutherford	2,106	49	8	2,163
	Transylvania	549	8	1	558
	Total	5,457	108	14	5,579

**Table 17: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 2003/04 Misdemeanors**

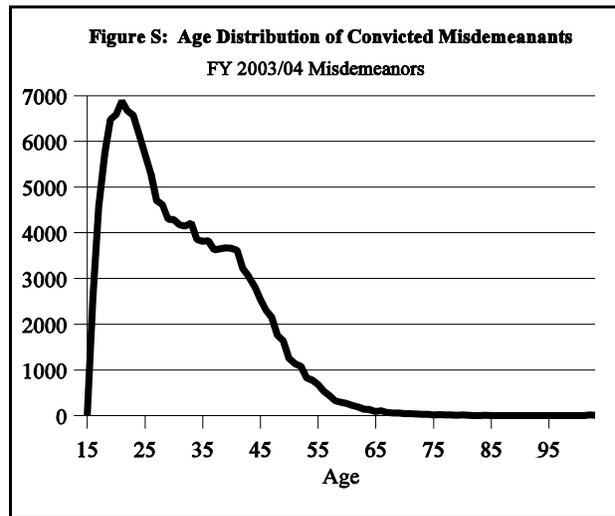
Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 30	Cherokee	463	5	0	468
	Clay	67	0	0	67
	Graham	83	12	0	95
	Haywood	961	46	0	1,007
	Jackson	427	16	0	443
	Macon	420	24	2	446
	Swain	215	15	1	231
	Total	2,636	118	3	2,757
STATE TOTAL		152,111	7,192	188	159,491

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 44% were White. Only a small percentage were American Indian (2%), Hispanic (5%), or Other (3%).



Seventeen percent of misdemeanor convictions were for offenders under the age of 21, 21% were 21-25 years of age, 12% were 26-29 years of age, 26% were 30-39 years of age, 18% were 40-49 years of age, and 6% were 50 years of age or older. *Figure S* illustrates the age distribution of misdemeanor offenders. 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.



**Table 18: Convictions by Gender, Race, and Age
FY 2003/04 Misdemeanors**

Gender and Race		Age						Total
		<21	21-25	26-29	30-39	40-49	>49	
Male	White	10,243	10,767	5,734	12,173	8,870	3,251	51,038
	Black	8,571	11,342	6,759	14,134	10,974	3,935	55,715
	Hispanic	1,171	2,307	1,387	1,761	521	90	7,237
	Amer. Indian	358	402	206	431	263	98	1,758
	Other	244	317	219	385	234	86	1,485
	Subtotal	20,587	25,135	14,305	28,884	20,862	7,460	117,233
Female	White	2,742	3,067	2,125	5,035	3,001	831	16,801
	Black	2,364	3,356	2,208	4,815	2,683	670	16,096
	Hispanic	107	179	111	185	62	13	657
	Amer. Indian	112	141	121	205	104	25	708
	Other	65	117	55	147	66	36	486
	Subtotal	5,390	6,860	4,620	10,387	5,916	1,575	34,748
TOTAL		25,977	31,995	18,925	39,271	26,778	9,035	151,981

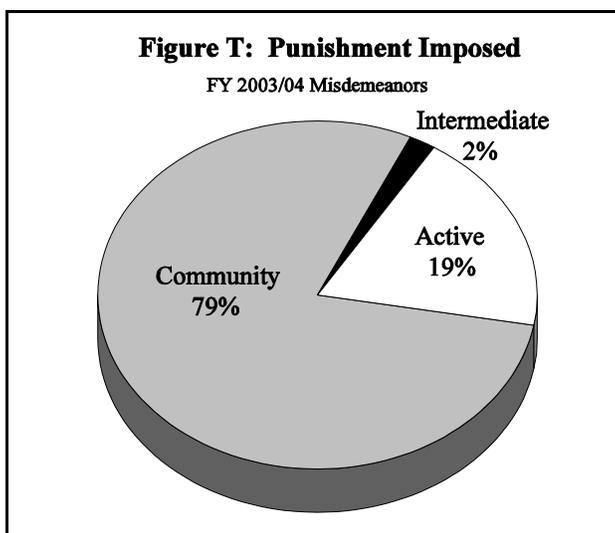
Note: Of the 159,491 misdemeanor convictions in FY 2003/04, 7,510 convictions with missing values for offenders' age were excluded from this table.

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.⁸

A. Overall Punishment

As shown in *Figure T*, an Active punishment was imposed for 19% of misdemeanor convictions; an Intermediate punishment was imposed for 2% of misdemeanor convictions; and a Community punishment was imposed for 79% 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.



B. Punishment Imposed by Offense Class and Prior Conviction Level

Misdemeanor convictions and sentences imposed are presented within the context of the misdemeanor sentencing grid in *Table 19*. Most convictions -- regardless of offense class or prior conviction level -- resulted in the imposition of a Community punishment. Nine percent of misdemeanor convictions fell into Offense Class A1, 57% fell into Offense Class 1, 19% fell into Offense Class 2, and 15% fell into Offense Class 3. Forty-three percent of misdemeanor convictions fell into Prior Conviction Level I, 41% fell into Prior Conviction Level II, and 16% 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 (24%). The majority of convictions fell into Offense Class 1 with Prior Conviction Level II (n=36,689). The likelihood of receiving an Active punishment increased as prior conviction level increased.

⁸ In the fall of 2001, the AOC restructured the appearance of the data entry fields in its criminal database. These changes may result in improved reporting rates for affected fields, such as credit for time served.

**Table 19: Convictions and Sentences by Offense Class and Prior Conviction Level
FY 2003/04 Misdemeanors**

Offense Class	Prior Conviction Level			Total
	I 0 Pts	II 1-4 Pts	III 5+ Pts	
A1	C/I/A C = 3,259 (83%) I = 107 (3%) A = 553 (14%) (n=3,919) 29.1 days	C/I/A C = 4,737 (78%) I = 213 (3%) A = 1,127 (19%) (n=6,077)	C/I/A C = 2,043 (53%) I = 242 (6%) A = 1,600 (41%) (n=3,885)	C/I/A C = 10,039 (72%) I = 562 (4%) A = 3,280 (24%) (n=13,881) 72.7 days
1	C C = 31,323 (87%) I = 201 (1%) A = 4,515 (12%) (n=36,039) 20.3 days	C/I/A C = 30,172 (82%) I = 649 (2%) A = 5,868 (16%) (n=36,689)	C/I/A C = 8,285 (54%) I = 956 (6%) A = 5,997 (40%) (n=15,238)	C/I/A C = 69,780 (79%) I = 1,806 (2%) A = 16,380 (19%) (n=87,966) 43.2 days
2	C C = 12,705 (88%) I = 34 (0%) A = 1,721 (12%) (n=14,460) 12.6 days	C/I C = 10,433 (86%) I = 120 (1%) A = 1,522 (13%) (n=12,075)	C/I/A C = 2,151 (60%) I = 81 (2%) A = 1,360 (38%) (n=3,592)	C/I/A C = 25,289 (84%) I = 235 (1%) A = 4,603 (15%) (n=30,127) 23.0 days
3	C C = 9,837 (79%) I = 8 (0%) A = 2,629 (21%) (n=12,474) 5.1 days	C/I C = 6,900 (83%) I = 41 (0%) A = 1,390 (17%) (n=8,331)	C/I/A C = 1,501 (54%) I = 24 (1%) A = 1,262 (45%) (n=2,787)	C/I/A C = 18,238 (77%) I = 73 (0%) A = 5,281 (23%) (n=23,592) 8.0 days
TOTAL	C/I/A C = 57,124 (85%) I = 350 (1%) A = 9,418 (14%) (n=66,892) 15.2 days	C/I/A C = 52,242 (83%) I = 1,023 (1%) A = 9,907 (16%) (n=63,172)	C/I/A C = 13,980 (55%) I = 1,303 (5%) A = 10,219 (40%) (n=25,502)	C/I/A C = 123,346 (79%) I = 2,676 (2%) A = 29,544 (19%) (n=155,566) 37.0 days

Note: Of the 159,491 misdemeanor convictions in FY 2003/04, 3,925 (2%) were excluded from this table. These convictions did not fit within the sentencing grid 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.

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 (54 days). Overall, the average time to be served for misdemeanor convictions was 26 days. Fifty-nine 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 2003/04 Misdemeanors**

Offense Class		Prior Conviction Level			Overall
		I 0 Pts	II 1-4 Pts	III 5+ Pts	
A1	Average Active Sentence (Days)	29.1	50.1	103.7	72.7
	Average Credit for Time Served (Days)	14.6	16.4	22.0	18.9
	Average Time to be Served (Days)	14.5	33.7	81.6	53.8
	No. of Active Sentences	553	1,127	1,600	3,280
1	Average Active Sentence (Days)	20.3	29.4	74.0	43.2
	Average Credit for Time Served (Days)	11.2	10.7	13.9	12.0
	Average Time to be Served (Days)	9.1	18.7	60.1	31.2
	No. of Active Sentences	4,515	5,868	5,997	16,380
2	Average Active Sentence (Days)	12.6	23.0	36.1	23.0
	Average Credit for Time Served (Days)	9.1	11.1	10.7	10.2
	Average Time to be Served (Days)	3.6	11.9	25.3	12.7
	No. of Active Sentences	1,721	1,522	1,360	4,603
3	Average Active Sentence (Days)	5.1	8.9	13.1	8.0
	Average Credit for Time Served (Days)	4.5	5.7	4.9	4.9
	Average Time to be Served (Days)	0.6	3.2	8.2	3.1
	No. of Active Sentences	2,629	1,390	1,262	5,281
TOTAL	Average Active Sentence (Days)	15.2	27.9	66.1	37.0
	Average Credit for Time Served (Days)	9.2	10.7	13.6	11.2
	Average Time to be Served (Days)	6.0	17.2	52.5	25.8
	No. of Active Sentences	9,418	9,907	10,219	29,544

Note: Convictions that did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons were excluded from this table.

D. Punishment Imposed by Crime Type

As shown in *Figure U*, public order offenses (47%) accounted for the majority of misdemeanor convictions, while misdemeanor person offenses accounted for the lowest proportion (12%).

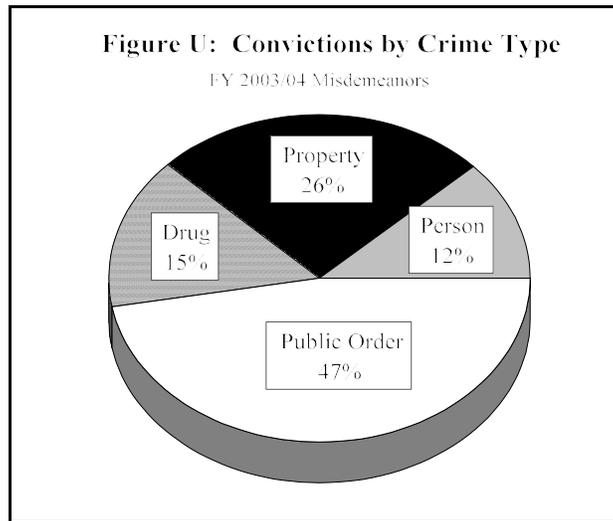


Table 21 contains information about the type of punishment imposed by crime type for misdemeanor convictions, as well as the average minimum sentence imposed and average time to be served for offenders who received an Active punishment. Of the convictions for the four crime types, those for drug offenses were least likely to result in an Active punishment (16%). Twenty percent of convictions for person and for property offenses resulted in an Active punishment and 19% of public order 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 2003/04 Misdemeanors

Crime Type	Type of Punishment						Minimum Active Sentence (Days)	Credit for Time Served (Days)	Time to be Served (Days)	Total
	Active		Intermediate		Community					
	No.	%	No.	%	No.	%				
Person	3,631	20	570	3	13,792	77	63	18	45	17,993
Property	8,266	20	732	2	31,720	78	40	13	27	40,718
Drug	3,822	16	316	1	19,488	83	30	11	19	23,626
Public Order	13,825	19	1,058	1	58,346	80	30	8	22	73,229
TOTAL	29,544	19	2,676	2	123,346	79	37	11	26	155,566

Note: Of the 159,491 misdemeanor convictions in FY 2003/04, 3,925 (2%) were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior conviction levels, or for other reasons.

IV. INTERMEDIATE PUNISHMENTS

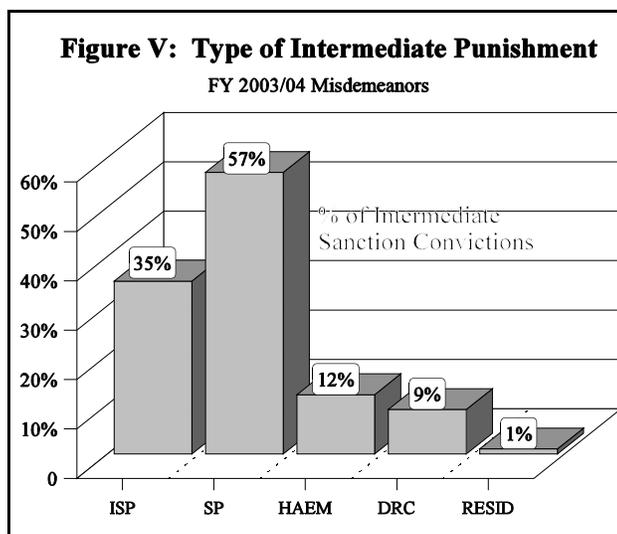
This section provides a summary of the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed.* The types of intermediate sanctions include Special Probation (SP), House Arrest with Electronic Monitoring (HAEM), Intensive Supervision Probation (ISP), Day Reporting Center (DRC), and Residential Treatment Facility (RESID). See *Appendix E* for a brief description of each sanction.

During Fiscal Year 2003/04, there were 2,676 convictions for which an Intermediate punishment was imposed. One or more specific intermediate sanction was reported for 2,645 of these 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 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 database, data indicated that Special Probation accounted for the highest percentage of convictions (57%). Assignment to a Residential Treatment Facility accounted for the smallest percentage of convictions for which a specific intermediate sanction was reported (1%).



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

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=1,062) followed by Class 1 with Prior Conviction Level II (n=706). Overall, intermediate sanctions were most frequently imposed for Class 1 convictions (n=1,978).

**Table 22: Type of Intermediate Punishment by Offense Class and Prior Conviction Level
FY 2003/04 Misdemeanors**

Offense Class	Prior Conviction Level	Type of Intermediate Punishment					Total
		Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
A1	I	72	1	5	30	6	114
	II	146	0	18	74	13	251
	III	153	1	10	96	27	287
	Subtotal	371	2	33	200	46	652
1	I	111	4	35	40	20	210
	II	334	2	63	234	73	706
	III	528	6	50	341	137	1,062
	Subtotal	973	12	148	615	230	1,978
2	I	19	1	7	5	3	35
	II	82	0	23	48	12	165
	III	40	0	9	32	8	89
	Subtotal	141	1	39	85	23	289
3	I	4	0	3	1	0	8
	II	21	0	11	17	4	53
	III	9	0	6	10	1	26
	Subtotal	34	0	20	28	5	87
TOTAL		1,519	15	240	928	304	3,006

Note: Convictions that did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons were excluded from this table.

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=1,154).

**Table 23: Type of Intermediate Punishment by Crime Type
FY 2003/04 Misdemeanors**

Crime Type	Type of Intermediate Punishment					Total
	Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
Person	379	2	39	214	46	680
Property	353	10	88	306	63	820
Drug	95	3	62	149	43	352
Public Order	692	0	51	259	152	1,154
TOTAL	1,519	15	240	928	304	3,006

Note: Convictions that did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons were excluded from this table.

D. Special Probation

Table 24 contains the number and average length of Special Probation sentences by offense class. Where a specific intermediate sanction was reported in the database, Special Probation was imposed for 1,519 convictions. All but 80 of these convictions resulted in a sentence to jail to serve the time for the split sentence. The largest category of Special Probation cases was Class 1 misdemeanors (n=973). Class 3 misdemeanors received the longest average Special Probation sentences (36.6 days).

**Table 24: Special Probation by Offense Class
FY 2003/04 Misdemeanors**

Offense Class	Number	Mean Special Probation Length (Days) ⁹
Class A1	371	27.2
Class 1	973	29.5
Class 2	141	20.8
Class 3	34	36.6
TOTAL	1,519	28.3

⁹ The mean special probation length does not include any adjustment for credit for time served.

As shown in *Table 25*, the majority of Special Probation convictions were for public order offenses (n=692) and the least number were for drug offenses (n=95). Relative to the other crime types, drug convictions resulted in the longest Special Probation length (49.2 days).

**Table 25: Special Probation by Crime Type
FY 2003/04 Misdemeanors**

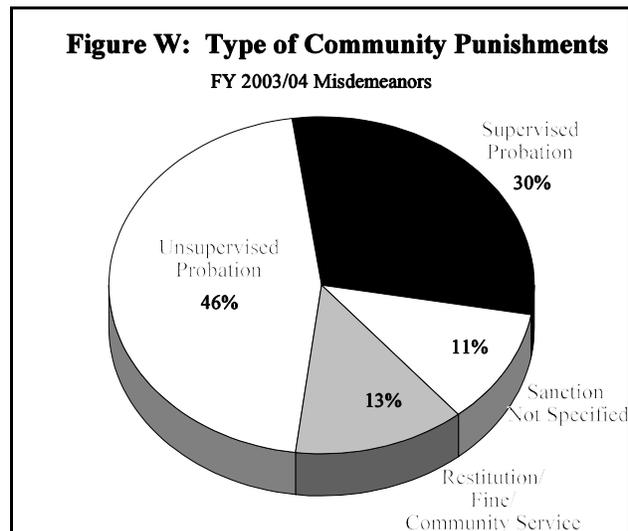
Offense Class	Number	Mean Special Probation Length (Days) ¹⁰
Person	379	27.0
Property	353	26.0
Drug	95	49.2
Public Order	692	27.3
TOTAL	1,519	28.3

V. COMMUNITY PUNISHMENTS

A. Community Punishments by Offense Class

*This section includes only those convictions for which a Community punishment was imposed. Of the 123,346 convictions for which a Community punishment was imposed, the specific type of Community punishment imposed was reported for 109,710 convictions. Overall, 46% received Unsupervised Probation; 30% received Supervised Probation; 13% received only Restitution/Fine/Community Service without probation; and 11% had no specific sanction ordered (see *Figure W*).¹¹*

Table 26 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



¹⁰ The mean special probation length does not include any adjustment for credit for time served.

¹¹ It is not clear why a specific Community punishment was not reported for 11% 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 Criminal Information System (e.g., outpatient drug/alcohol treatment or referral to TASC).

of probation sentences. Convictions for Class 1 offenses comprised the majority of convictions resulting in a Community punishment (n=69,780). Convictions for Class A1 offenses resulted in the longest average probation sentences (19 months).

**Table 26: Type of Community Punishment by Offense Class
FY 2003/04 Misdemeanors**

Offense Class	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
Class A1	5,392 <i>19 months</i>	3,697 <i>19 months</i>	232 <i>N/A</i>	718 <i>N/A</i>	10,039 <i>19 months</i>
Class 1	24,430 <i>18 months</i>	30,295 <i>16 months</i>	8,481 <i>N/A</i>	6,574 <i>N/A</i>	69,780 <i>17 months</i>
Class 2	5,715 <i>16 months</i>	13,071 <i>14 months</i>	3,148 <i>N/A</i>	3,355 <i>N/A</i>	25,289 <i>15 months</i>
Class 3	2,039 <i>14 months</i>	9,386 <i>14 months</i>	3,824 <i>N/A</i>	2,989 <i>N/A</i>	18,238 <i>14 months</i>
TOTAL	37,576 <i>17 months</i>	56,449 <i>15 months</i>	15,685 <i>N/A</i>	13,636 <i>N/A</i>	123,346 <i>16 months</i>

Note: Convictions that did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons were excluded from this table.

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 27*. Property offenses were the largest offense category for which Supervised Probation was imposed (n=13,334) followed closely by public order offenses (n=12,902). The largest number sentenced to Unsupervised Probation were convicted of public order offenses (n=27,620).

**Table 27: Type of Community Punishment by Crime Type
FY 2003/04 Misdemeanors**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
Person	6,246 <i>19 months</i>	5,971 <i>17 months</i>	571 <i>N/A</i>	1,004 <i>N/A</i>	13,792 <i>18 months</i>
Property	13,334 <i>18 months</i>	13,117 <i>15 months</i>	2,257 <i>N/A</i>	3,012 <i>N/A</i>	31,720 <i>16 months</i>
Drug	5,094 <i>16 months</i>	9,741 <i>15 months</i>	2,890 <i>N/A</i>	1,763 <i>N/A</i>	19,488 <i>15 months</i>
Public Order	12,902 <i>17 months</i>	27,620 <i>15 months</i>	9,967 <i>N/A</i>	7,857 <i>N/A</i>	58,346 <i>16 months</i>
TOTAL	37,576 <i>17 months</i>	56,449 <i>15 months</i>	15,685 <i>N/A</i>	13,636 <i>N/A</i>	123,346 <i>16 months</i>

Note: Convictions that did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons were excluded from this table.

VI. SPECIAL ISSUES

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

A. Community Service

During Fiscal Year 2003/04, almost 9% of all misdemeanor convictions were sentenced to perform Community Service, with an average of 35 hours ordered. *Table 28* shows the average hours ordered and the number of convictions for which Community Service was ordered by offense class. Also provided is the percentage 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=8,822). Of the four offense classes, convictions for Class 1 offenses were most likely to result in a Community Service sentence (10%), while convictions for Class A1 offenses had the highest average hours of Community Service ordered (41.1 hours).

**Table 28: Community Service by Offense Class
FY 2003/04 Misdemeanors**

Offense Class	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
Class A1	41.1	983	7.1
Class 1	36.0	8,822	10.0
Class 2	32.4	2,050	6.8
Class 3	28.1	1,484	6.3
TOTAL	34.9	13,339	8.6

Table 29 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 property offenses accounted for the largest number of Community Service sentences (n=5,420). Of the four crime types, property convictions were the most likely to result in a Community Service sentence (13.3%), while person convictions had the highest number of Community Service hours ordered (an average of almost 38 hours).

**Table 29: Community Service by Crime Type
FY 2003/04 Misdemeanors**

Crime Type	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
Person	37.5	1,583	8.8
Property	35.4	5,420	13.3
Drug	32.2	1,507	6.4
Public Order	34.4	4,829	6.6
TOTAL	34.9	13,339	8.6

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 15% of all misdemeanor convictions during Fiscal Year 2003/04.

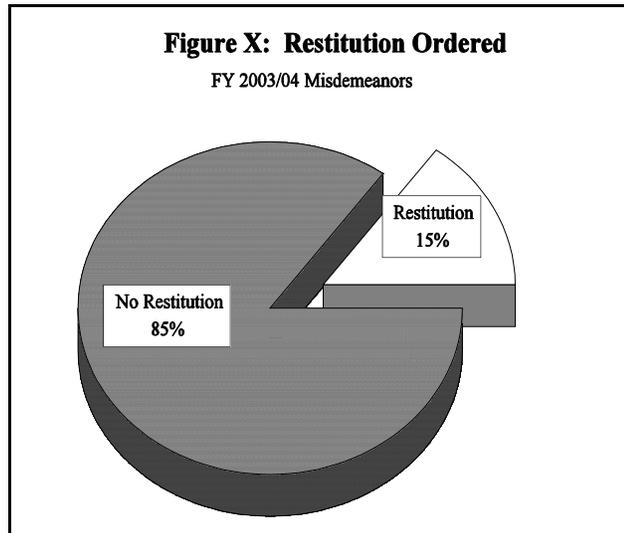


Table 30 provides information on the mean and median dollar amounts of Restitution ordered and the total number of convictions for which payment of Restitution was ordered by offense class. The table also includes the percentage of convictions for which payment of Restitution was ordered relative to the total number of convictions in each offense class. The average (mean) amount of Restitution ordered was \$699, while the median amount was \$200. The highest amount of Restitution, on average, was ordered for Class A1 convictions (a mean of \$1,234 and a median of \$300). Convictions for Class 1 misdemeanors comprised the largest group with a Restitution sentence (n=11,344), followed by Class 2 misdemeanors (n=9,407). Thirty-one percent of all convictions for Class 2 offenses were ordered to pay Restitution -- the largest percentage of any offense class.

**Table 30: Restitution Ordered by Offense Class
FY 2003/04 Misdemeanors**

Offense Class	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Class A1	1,234	310	1,595	11.5
Class 1	945	300	11,344	12.9
Class 2	358	135	9,407	31.2
Class 3	180	115	828	3.5
TOTAL	699	200	23,174	14.9

Table 31 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 Class A1 convictions (a mean of \$1,234 and a median of \$310). Property offense convictions accounted for the majority of convictions for which payment of Restitution was ordered (n=17,634) Forty-three percent of all convictions for a property offense were ordered to pay Restitution -- the largest percentage of any crime type.

**Table 31: Restitution Ordered by Crime Type
FY 2003/04 Misdemeanors**

Crime Type	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Person	1,118	310	2,201	12.2
Property	626	200	17,634	43.3
Drugs	247	245	1,124	4.8
Public Order	1,100	200	2,215	3.0
TOTAL	699	200	23,174	14.9

Table 32 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 (\$1,025). Twenty-four 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=22,428).

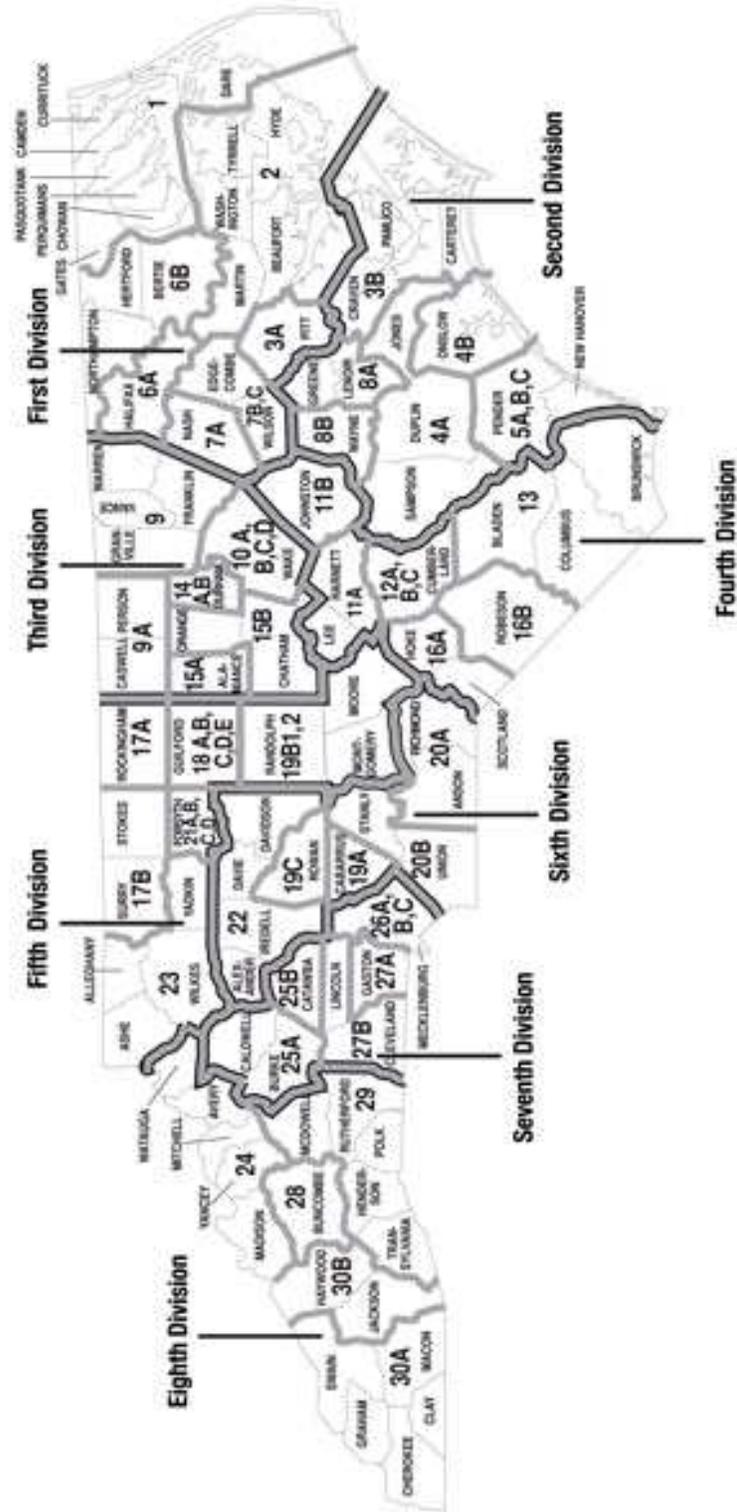
**Table 32: Restitution Ordered by Punishment Imposed
FY 2003/04 Misdemeanors**

Type of Punishment	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Active	673	195	111	0.4
Intermediate	1,025	367	635	23.7
Community	690	200	22,428	18.2
TOTAL	699	200	23,174	14.9

APPENDIX A

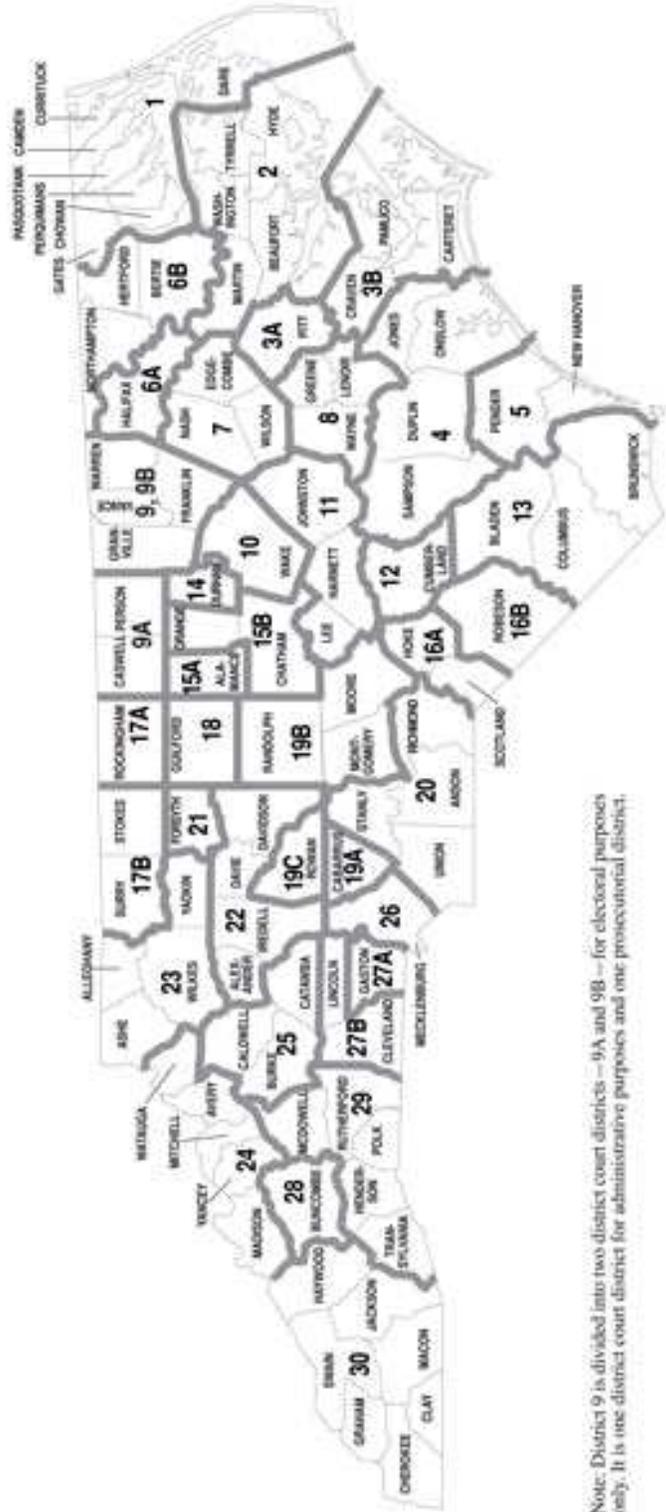
MAP OF JUDICIAL DIVISIONS AND DISTRICTS

North Carolina Superior Court Districts and Divisions as of June 30, 2001



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North Carolina District Court Districts as of June 30, 2001



Note: District 9 is divided into two district court districts -- 9A and 9B -- for electoral purposes only. It is one district court district for administrative purposes and one prosecutorial district.

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APPENDIX B

SAMPLE OFFENSES

**SAMPLE OFFENSES
AS OF 12/1/04**

CLASS A FELONIES		Maximum Punishment of Death or Life Without Parole
Murder, First Degree (14-17)		
CLASS B1 FELONIES		Maximum Punishment of Life Without Parole
Rape, First Degree (14-27.2)	Sexual Offense, First Degree (14-27.4)	
CLASS B2 FELONIES		Maximum Punishment of 479 Months
Murder, Second Degree (14-17)		
CLASS C FELONIES		Maximum Punishment of 261 Months
Habitual Felon (14-7.6)	Assault W/D/W/I/K/I/S/I (14-32(a))	
Rape, Second Degree (14-27.3)	Kidnapping, First Degree (14-39)	
Sexual Offense, Second Degree (14-27.5)	Embezzlement (amount involved \$100,000 or more) (14-90)	
CLASS D FELONIES		Maximum Punishment of 229 Months
Voluntary Manslaughter (14-18)	Arson, First Degree (14-58)	
Malicious Use of Explosive or Incendiary (14-49(a))	Armed Robbery (14-87)	
Burglary, First Degree (14-51)	Sell or Deliver a Controlled Substance to a Person Under 16 But More Than 13 Years of Age (90-95(e)(5))	
CLASS E FELONIES		Maximum Punishment of 98 Months
Intercourse and Sexual Offenses with Certain Victims (Substitute Parent/Custodian) (14-27.7)	Assault with a Firearm on a Law Enforcement Officer (14-34.5)	
Assault W/D/W/I/S/I (14-32(b))	Kidnapping, Second Degree (14-39)	
Assault W/D/W/I/K (14-32(c))	Child Abuse I/S/I (14-318.4)	
Discharging Weapon Into Occupied Property (14-34.1)	Sell or Deliver a Controlled Substance Within 300 Feet of a School (90-95(e)(8))	
CLASS F FELONIES		Maximum Punishment of 59 Months
Involuntary Manslaughter (14-18)	Burning of Certain Other Buildings (14-62)	
Assault Inflicting Serious Bodily Injury (14-32.4)	Incest (14-178)	
Assault W/D/W on a Governmental Officer or Employee (14-34.2)	Indecent Liberties with Children (14-202.1)	
Assault Inflicting Serious Injury on a Law Enforcement Officer (14-34.7)	Possess Weapon of Mass Destruction (14-288.8)	
Felonious Restraint (14-43.3)	Habitual Impaired Driving (20-138.5)	
CLASS G FELONIES		Maximum Punishment of 44 Months
Burglary, Second Degree (14-51)	Possession of Firearms, etc., by Felon (14-415.1)	
Arson, Second Degree (14-58)	Death by Vehicle (20-141.4)	
Common Law Robbery (14-87.1)	Sale of a Schedule I or II Controlled Substance (90-95(a)(1))	
CLASS H FELONIES		Maximum Punishment of 30 Months
Habitual Misdemeanor Assault (14-33.2)	Obtaining Property by False Pretenses (amount involved less than \$100,000) (14-100)	
Breaking or Entering Buildings (14-54(a))	Intimidating/Interfering with Witnesses (14-226)	
Fraudulently Setting Fire to Dwelling House (14-65)	Hit and Run Involving Personal Injury/Death (20-166(a))	

Possessing Stolen Goods Worth More than \$1,000 (14-71.1)	Sale of a Schedule III, IV, V, or VI Controlled Substance (90-95(a)(1))
Larceny of Property Worth More than \$1,000 (14-72)	Possession W/I/M/S/D Cocaine (90-95(a)(1))
Embezzlement (amount involved less than \$100,000) (14-90)	Escaping From State Prison System (felon) (148-45(b))
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)	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)
CLASS 1 MISDEMEANORS	Maximum Punishment of 120 Days
Breaking or Entering Buildings (14-54(b))	Willful 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 Check/Closed Account (14-107(4))	Misrepresentation to Obtain Employment Security Benefits (96-18)
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/\$2,000 or Less (14-107(1))	Resisting Officers (14-223)
Trespass, First Degree (14-159.12)	Carrying Concealed Weapons (14-269)
Willful 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)
Trespass, Second Degree (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 (½ 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 2003/04 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>	995	40.5	1,046	42.6	415	16.9	32.8	41.8	2,456
District 1	150	30.7	214	43.8	125	25.6	35.5	44.7	489
District 2	149	48.2	124	40.1	36	11.7	37.5	47.7	309
District 3A	246	42.9	230	40.1	98	17.1	36.3	46.9	574
District 6A	77	42.3	80	44.0	25	13.7	27.2	35.5	182
District 6B	84	34.0	130	52.6	33	13.4	44.2	54.9	247
District 7A	97	37.3	122	46.9	41	15.8	27.9	35.8	260
District 7B,C	192	48.6	146	37.0	57	14.4	22.2	28.5	395
<i>Second Judicial Division</i>	1,104	36.4	1,249	41.2	677	22.3	33.2	42.6	3,030
District 3B	176	35.7	208	42.2	109	22.1	42.0	53.6	493
District 4A	176	42.8	152	37.0	83	20.2	28.6	36.8	411
District 4B	121	32.5	167	44.9	84	22.6	39.9	51.7	372
District 5	339	32.4	455	43.5	251	24.0	27.7	35.3	1,045
District 8A	135	40.2	142	42.3	59	17.6	30.6	39.6	336
District 8B	157	42.1	125	33.5	91	24.4	37.2	47.8	373
<i>Third Judicial Division</i>	1,542	42.3	1,491	40.9	610	16.7	29.9	38.5	3,643
District 9	207	42.9	195	40.5	80	16.6	25.8	32.6	482
District 9A	69	29.0	136	57.1	33	13.9	26.4	34.5	238
District 10	672	48.7	411	29.8	296	21.5	30.0	39.0	1,379
District 14	176	37.1	259	54.5	40	8.4	41.5	53.7	475
District 15A	282	37.1	352	46.3	126	16.6	24.8	30.8	760
District 15B	136	44.0	138	44.7	35	11.3	33.3	42.8	309

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District (continued)
FY 2003/04 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>	1,238	37.8	1,505	46.0	531	16.2	35.9	46.4	3,274
District 11A	154	30.7	266	53.1	81	16.2	33.4	42.9	501
District 11B	151	44.8	144	42.7	42	12.5	27.9	35.7	337
District 12	402	40.4	471	47.3	123	12.3	43.5	56.7	996
District 13	185	31.7	247	42.4	151	25.9	29.9	39.0	583
District 16A	138	33.3	217	52.3	60	14.5	31.4	40.5	415
District 16B	208	47.1	160	36.2	74	16.7	37.2	48.0	442
<i>Fifth Judicial Division</i>	1,654	36.8	2,109	47.0	728	16.2	36.0	46.4	4,491
District 17A	99	30.7	169	52.3	55	17.0	41.5	52.6	323
District 17B	91	25.9	184	52.4	76	21.7	23.6	30.3	351
District 18	658	37.2	827	46.7	284	16.1	36.0	46.6	1,769
District 19B	114	42.7	120	44.9	33	12.4	38.5	49.8	267
District 19D	81	38.9	91	43.8	36	17.3	31.7	41.2	208
District 21	481	39.6	578	47.5	157	12.9	37.9	48.8	1,216
District 23	130	36.4	140	39.2	87	24.4	34.3	44.0	357
<i>Sixth Judicial Division</i>	831	32.3	1,274	49.5	470	18.3	36.5	46.8	2,575
District 19A	140	28.1	274	54.9	85	17.0	31.7	40.3	499
District 19C	156	40.3	169	43.7	62	16.0	39.3	50.3	387
District 20A	104	30.2	177	51.5	63	18.3	34.9	46.2	344
District 20B	129	28.4	205	45.2	120	26.4	45.2	57.9	454
District 22	302	33.9	449	50.4	140	15.7	34.2	43.6	2,575
<i>Seventh Judicial Division</i>	1,224	33.4	1,645	44.8	799	21.8	30.3	39.0	3,668
District 25A	141	27.8	261	51.5	105	20.7	38.9	49.6	507
District 25B	84	29.5	149	52.3	52	18.2	33.6	42.9	285
District 26	617	35.9	693	40.3	411	23.9	27.6	35.9	1,721
District 27A	208	29.3	347	48.9	154	21.7	31.7	40.7	709
District 27B	174	39.0	195	43.7	77	17.3	29.8	38.0	446

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District (continued)
FY 2003/04 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>Eighth Judicial Division</i>	767	43.1	654	36.8	358	20.1	29.8	38.1	1,779
District 24	111	32.0	142	40.9	94	27.1	29.1	37.0	347
District 28	330	50.5	250	38.2	74	11.3	28.0	36.2	654
District 29	197	45.9	124	28.9	108	25.2	36.2	45.6	429
District 30A	65	33.0	88	44.7	44	22.3	25.8	33.0	197
District 30B	64	42.1	50	32.9	38	25.0	24.8	31.9	152
<i>STATE TOTAL</i>	9,355	37.5	10,973	44.0	4,588	18.4	33.1	42.6	24,916

**Appendix C, Table 2: Sentence Location by Judicial Division and District
(Active Sentences Only)
FY 2003/04 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>	130	13.2	779	79.2	74	7.5	983
District 1	7	4.7	136	90.7	7	4.7	150
District 2	25	16.8	117	78.5	7	4.7	149
District 3A	51	21.0	162	66.7	30	12.3	243
District 6A	8	10.8	53	71.6	13	17.6	74
District 6B	15	18.5	60	74.1	6	7.4	81
District 7A	8	8.4	80	84.2	7	7.4	95
District 7B,C	16	8.4	171	89.5	4	2.1	191
<i>Second Judicial Division</i>	307	28.1	737	67.6	47	4.3	1,091
District 3B	64	36.6	107	61.1	4	2.3	175
District 4A	59	34.5	103	60.2	9	5.3	171
District 4B	16	13.6	99	83.9	3	2.5	118
District 5	71	21.1	255	75.7	11	3.3	337
District 8A	44	32.8	82	61.2	8	6.0	134
District 8B	53	34.0	91	58.3	12	7.7	156
<i>Third Judicial Division</i>	302	19.8	1,081	70.7	146	9.5	1,529
District 9	24	11.7	173	84.0	9	4.4	206
District 9A	8	11.9	54	80.6	5	7.5	67
District 10	118	17.7	456	68.6	91	13.7	665
District 14	53	30.5	103	59.2	18	10.3	174
District 15A	55	19.6	215	76.5	11	3.9	281
District 15B	44	32.4	80	58.8	12	8.8	136

Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)
(Active Sentences Only)
FY 2003/04 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>	289	23.8	843	69.4	83	6.8	1,215
District 11A	20	13.1	128	83.7	5	3.3	153
District 11B	43	28.9	101	67.8	5	3.4	149
District 12	123	31.5	230	58.8	38	9.7	391
District 13	43	23.4	129	70.1	12	6.5	184
District 16A	19	14.1	106	78.5	10	7.4	135
District 16B	41	20.2	149	73.4	13	6.4	203
<i>Fifth Judicial Division</i>	506	30.9	994	60.8	135	8.3	1,635
District 17A	20	20.2	65	65.7	14	14.1	99
District 17B	10	11.1	72	80.0	8	8.9	90
District 18	158	24.3	427	65.6	66	10.1	651
District 19B	25	22.9	75	68.8	9	8.3	109
District 19D	32	41.0	41	52.6	5	6.4	78
District 21	223	46.7	237	49.6	18	3.8	478
District 23	38	29.2	77	59.2	15	11.5	130
<i>Sixth Judicial Division</i>	187	22.7	594	72.2	42	5.1	823
District 19A	29	21.2	95	69.3	13	9.5	137
District 19C	27	17.5	120	77.9	7	4.5	154
District 20A	32	30.8	68	65.4	4	3.8	104
District 20B	35	27.3	89	69.5	4	3.1	128
District 22	64	21.3	222	74.0	14	4.7	300
<i>Seventh Judicial Division</i>	237	19.5	898	73.9	80	6.6	1,215
District 25A	32	22.9	102	72.9	6	4.3	140
District 25B	6	7.3	68	82.9	8	9.8	82
District 26	163	26.5	411	66.8	41	6.7	615
District 27A	26	12.6	168	81.6	12	5.8	206
District 27B	10	5.8	149	86.6	13	7.6	172

**Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)
 (Active Sentences Only)
 FY 2003/04 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>Eighth Judicial Division</i>	133	17.4	582	76.3	48	6.3	763
District 24	7	6.4	97	88.2	6	5.5	110
District 28	86	26.1	223	67.6	21	6.4	330
District 29	26	13.4	157	80.9	11	5.7	194
District 30A	8	12.3	52	80.0	5	7.7	65
District 30B	6	9.4	53	82.8	5	7.8	64
STATE TOTAL	2,091	22.6	6,508	70.3	655	7.1	9,254

APPENDIX D

ADDITIONAL FELONY DATA BY CRIME TYPE AND OFFENSE

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense
FY 2003/04 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	3,029	62.8	1,735	36.0	61	1.3	61.8	80.2	4,825
1 st Degree Murder	101	100.0	.	.	.	.	.	.	101
2 nd Degree Murder	191	100.0	.	.	.	.	178.8	224.1	191
Attempted Murder	17	100.0	.	.	.	.	192.1	239.8	17
Voluntary Manslaughter	79	98.8	1	1.3	.	.	73.5	97.5	80
Involuntary Manslaughter	42	51.9	39	48.1	.	.	22.0	27.0	81
Armed Robbery	571	100.0	.	.	.	.	70.5	94.1	571
Attempted Armed Robbery	106	64.2	59	35.8	.	.	50.1	69.5	165
Common Law Robbery	425	52.5	378	46.7	7	0.9	17.0	21.3	810
Attempted Common Law Robbery	35	43.8	33	41.3	12	15.0	8.9	11.3	80
AWDWIKISI	84	100.0	.	.	.	.	89.1	116.2	84
AWDW Intent to Kill	25	65.8	13	34.2	.	.	33.4	49.4	38
AWDW Serious Injury	225	52.2	206	47.8	.	.	32.0	47.7	431
Assault Government Official	63	47.7	69	52.3	.	.	23.1	29.2	132
Other Felony Assaults	102	35.1	189	64.9	.	.	20.2	25.0	291
1 st Degree Rape	79	100.0	.	.	.	.	261.6	323.4	79
Attempted 1 st Degree Rape	29	100.0	.	.	.	.	132.7	168.6	29
2 nd Degree Rape	115	100.0	.	.	.	.	85.2	111.4	115
Attempted 2 nd Degree Rape	36	100.0	.	.	.	.	65.0	86.9	36
Indecent Liberties with Child	271	40.0	407	60.0	.	.	18.7	22.9	678
Crime Against Nature	13	23.2	12	21.4	31	55.4	12.4	15.4	56
Child Abuse	21	45.7	25	54.3	.	.	35.3	51.7	46
Other Sex Crimes	158	56.4	112	40.0	10	3.6	78.9	99.7	280
Kidnapping	141	64.4	78	35.6	.	.	54.9	74.6	219
Attempted Kidnapping	.	.	1	100.0	.	.	.	.	1
All Other Person Offenses	100	46.7	113	52.8	1	0.5	18.5	22.6	214

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)
FY 2003/04 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>Property</i>	<i>3,012</i>	<i>33.2</i>	<i>4,212</i>	<i>46.4</i>	<i>1,861</i>	<i>20.5</i>	<i>12.1</i>	<i>15.2</i>	<i>9,085</i>
1 st Degree Burglary	66	100.0	.	.	.	.	77.8	102.6	66
Attempted 1 st Degree Burglary	10	66.7	5	33.3	.	.	27.0	41.7	15
2 nd Degree Burglary	80	44.4	94	52.2	6	3.3	16.0	19.7	180
Breaking/Entering	1,165	39.3	1,344	45.3	456	15.4	10.0	12.4	2,965
Attempted Breaking/Entering	14	25.0	23	41.1	19	33.9	7.6	9.3	56
Larceny	504	36.8	676	49.3	190	13.9	10.0	12.3	1,370
Attempted Larceny	9	17.6	22	43.1	20	39.2	7.2	9.1	51
Automobile Theft	130	43.2	120	39.9	51	16.9	9.8	12.1	301
1 st Degree Arson	15	100.0	.	.	.	.	66.8	89.7	15
2 nd Degree Arson	12	27.3	32	72.7	.	.	18.2	22.3	44
Other Arson Offenses	28	23.9	69	59.0	20	17.1	14.4	17.9	117
Forgery	109	13.7	337	42.4	349	43.9	7.9	9.9	795
Fraud	42	13.8	143	46.9	120	39.3	16.4	20.8	305
Embezzlement	48	14.7	133	40.8	145	44.5	14.7	19.0	326
Obtain Property by False Pretenses	386	31.7	615	50.5	217	17.8	10.1	12.5	1,218
Att. Obtain Prop. False Pretenses	16	16.0	62	62.0	22	22.0	8.6	10.8	100
All Other Property Offenses	378	32.6	537	46.3	246	21.2	9.8	12.2	1,161
<i>Non-Trafficking Drug</i>	<i>1,783</i>	<i>21.3</i>	<i>4,100</i>	<i>48.9</i>	<i>2,498</i>	<i>29.8</i>	<i>11.4</i>	<i>14.2</i>	<i>8,381</i>
Sell/Deliver Drugs	511	32.8	977	62.8	68	4.4	14.8	18.2	1,556
Conspiracy to Sell/Deliver Drugs	49	39.5	65	52.4	10	8.1	11.4	14.1	124
Possession with Intent	650	25.3	1,294	50.4	621	24.2	8.9	11.1	2,565
Drug Possession	286	9.9	1,233	42.5	1,383	47.7	7.1	9.0	2,902
Other Drug Offenses	287	23.3	531	43.0	416	33.7	15.3	19.6	1,234

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)
FY 2003/04 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>Other Felony</i>	<i>1,531</i>	<i>58.3</i>	<i>926</i>	<i>35.3</i>	<i>168</i>	<i>6.4</i>	<i>44.8</i>	<i>57.4</i>	<i>2,625</i>
Weapon Offenses	265	42.3	341	54.4	21	3.3	17.1	22.1	627
Habitual Felon	573	100.0	.	.	.	.	90.0	116.5	573
Habitual Misdemeanor Assault	78	60.9	50	39.1	.	.	10.8	13.3	128
Habitual Impaired Driving	185	95.4	9	4.6	.	.	17.4	21.2	194
Motor Vehicle Offenses	182	36.3	270	53.9	49	9.8	9.4	11.6	501
Crimes Against Admin. of Justice	35	60.3	17	29.3	6	10.3	10.9	13.5	58
All Other Felony Offenses	213	39.2	239	43.9	92	16.9	29.8	38.5	544
<i>STATE TOTAL</i>	<i>9,355</i>	<i>37.5</i>	<i>10,973</i>	<i>44.0</i>	<i>4,588</i>	<i>18.4</i>	<i>33.1</i>	<i>42.6</i>	<i>24,916</i>

**Appendix D, Table 2: Sentence Location by Crime Type and Offense
FY 2003/04 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		
	#	%	#	%	#	%	
Person	721	24.6	1,927	65.8	280	9.6	2,928
2 nd Degree Murder	47	24.6	103	53.9	41	21.5	191
Attempted Murder	2	11.8	14	82.4	1	5.9	17
Voluntary Manslaughter	17	21.5	54	68.4	8	10.1	79
Involuntary Manslaughter	3	7.1	22	52.4	17	40.5	42
Armed Robbery	216	37.8	335	58.7	20	3.5	571
Attempted Armed Robbery	24	22.6	78	73.6	4	3.8	106
Common Law Robbery	69	16.2	318	74.8	38	8.9	425
Attempted Common Law Robbery	4	11.4	30	85.7	1	2.9	35
AWDWIKISI	26	31.0	47	56.0	11	13.1	84
AWDW Intent to Kill	1	4.0	22	88.0	2	8.0	25
AWDW Serious Injury	41	18.2	155	68.9	29	12.9	225
Assault Government Official	15	23.8	38	60.3	10	15.9	63
Other Felony Assaults	25	24.5	72	70.6	5	4.9	102
1 st Degree Rape	20	25.3	52	65.8	7	8.9	79
Attempt 1 st Degree Rape	19	65.5	8	27.6	2	6.9	29
2 nd Degree Rape	32	27.8	73	63.5	10	8.7	115
Attempt 2 nd Degree Rape	19	52.8	17	47.2	.	.	36
Indecent Liberties with Child	27	10.0	206	76.0	38	14.0	271
Crime Against Nature	1	7.7	10	76.9	2	15.4	13
Child Abuse	3	14.3	12	57.1	6	28.6	21
Other Sex Crimes	67	42.4	86	54.4	5	3.2	158
Kidnapping	23	16.3	99	70.2	19	13.5	141
All Other Person Offenses	20	20.0	76	76.0	4	4.0	100
Property	425	14.1	2,386	79.2	201	6.7	3,012
1 st Degree Burglary	20	30.3	40	60.6	6	9.1	66
Attempt 1 st Degree Burglary	4	40.0	6	60.0	.	.	10
2 nd Degree Burglary	10	12.5	67	83.8	3	3.8	80
Breaking/Entering	133	11.4	943	80.9	89	7.6	1,165

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
FY 2003/04 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		
	#	%	#	%	#	%	
Attempt Breaking/Entering	3	21.4	10	71.4	1	7.1	14
Larceny	83	16.5	394	78.2	27	5.4	504
Attempt Larceny	1	11.1	8	88.9	.	.	9
Automobile Theft	25	19.2	100	76.9	5	3.8	130
1 st Degree Arson	6	40.0	9	60.0	.	.	15
2 nd Degree Arson	3	25.0	8	66.7	1	8.3	12
Other Arson/Burning	6	21.4	21	75.0	1	3.6	28
Forgery	10	9.2	93	85.3	6	5.5	109
Fraud	8	19.0	30	71.4	4	9.5	42
Embezzlement	7	14.6	38	79.2	3	6.3	48
Obtain Property by False Pretenses	48	12.4	312	80.8	26	6.7	386
Attempt Obtain Prop. False Pretenses	6	37.5	10	62.5	.	.	16
All Other Property Offenses	52	13.8	297	78.6	29	7.7	378
<i>Non-Trafficking Drug</i>	<i>334</i>	<i>18.7</i>	<i>1,347</i>	<i>75.5</i>	<i>102</i>	<i>5.7</i>	<i>1,783</i>
Sell/Deliver Drugs	103	20.2	395	77.3	13	2.5	511
Conspiracy Sell/Deliver Drugs	16	32.7	32	65.3	1	2.0	49
Possession with Intent	112	17.2	487	74.9	51	7.8	650
Drug Possession	50	17.5	227	79.4	9	3.1	286
Other Drug Felonies	53	18.5	206	71.8	28	9.8	287
<i>Other Felony</i>	<i>611</i>	<i>39.9</i>	<i>848</i>	<i>55.4</i>	<i>72</i>	<i>4.7</i>	<i>1,531</i>
Weapon Offense	62	23.4	190	71.7	13	4.9	265
Habitual Felon	400	69.8	161	28.1	12	2.1	573
Habitual Misdemeanor Assault	11	14.1	63	80.8	4	5.1	78
Habitual Impaired Driving	73	39.5	111	60.0	1	0.5	185
Motor Vehicle Offenses	21	11.5	150	82.4	11	60.0	182
Crimes Against Admin. Of Justice	7	20.0	23	65.7	5	14.3	35
All Other Felonies	37	17.4	150	70.4	26	12.2	213
<i>STATE TOTAL</i>	<i>2,091</i>	<i>22.6</i>	<i>6,508</i>	<i>70.3</i>	<i>655</i>	<i>7.1</i>	<i>9,254</i>

**Appendix D, Table 3: Percent of Sentences in the Mitigated Range and at the Lowest Spot of the Presumptive Range by Offense Class
FY 2003/04 Felonies**

Offense Class	% Mitigated	% Mitigated and Lowest Spot in Presumptive Range
B1	32	49
B2	30	41
C	56	72
Habitual Felons Only	66	84
D	35	60
E	19	46
F	23	48
G	19	55
H	14	49
I	15	52
TOTAL	23	53

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 of imprisonment in a prison or jail (total imprisonment may not exceed 25% of maximum sentence or 6 months, whichever is less) 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.

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
SPECIAL PROBATION FOR FELONIES

**Appendix F, Table 1: Special Probation by Offense Class and Location
FY 2003/04 Felonies**

Offense Class	Prison		Jail		Total Special Probation Length (Days)	Total
	No.	Mean Special Probation Length (Days)	No.	Mean Special Probation Length (Days)		
E	67	282.2	244	90.3	131.7	311
F	116	243.6	416	70.6	108.3	532
G	122	150.6	766	57.4	70.2	888
H	165	258.4	1,969	42.5	59.2	2,134
I	75	357.9	928	34.2	58.4	1,003
TOTAL	545	247.7	4,323	48.8	71.0	4,868

**Appendix F, Table 2: Special Probation by Crime Type and Location
FY 2003/04 Felonies**

Offense Class	Prison		Jail		Total Special Probation Length (Days)	Total
	No.	Mean Special Probation Length (Days)	No.	Mean Special Probation Length (Days)		
Person	192	247.9	758	77.7	112.1	950
Property	151	241.3	1,655	45.4	61.8	1,806
Non-Traff. Drug	148	250.9	1,487	37.7	57.0	1,635
Other Felony	54	256.6	423	48.8	72.3	477
TOTAL	545	247.7	4,323	48.8	71.0	4,868

APPENDIX G

**COMMUNITY SERVICE AND RESTITUTION
FOR FELONIES**

**Appendix G, Table 1: Community Service by Offense Class
FY 2003/04 Felonies**

Offense Class	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
E	76.0	83	7.7
F	71.3	185	9.8
G	64.9	349	11.5
H	62.4	1,572	15.4
I	54.0	1,312	20.1
TOTAL	60.3	3,501	14.1

**Appendix G, Table 2: Community Service by Crime Type
FY 2003/04 Felonies**

Offense Class	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
Person	73.9	355	7.4
Property	61.4	1,543	17.0
Non-Traff. Drug	55.5	1,370	16.4
Other Felony	60.7	233	8.9
TOTAL	60.3	3,501	14.1

**Appendix G, Table 3: Community Service by Type of Punishment
FY 2003/04 Felonies**

Offense Class	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
Active	50	1	0.0
Intermediate	63	2,239	20.4
Community	55	1,261	27.5
TOTAL	60	3,501	14.1

Note: The one conviction with an Active punishment most likely was a consecutive sentence with either an Intermediate or Community punishment.

**Appendix G, Table 4: Restitution Ordered by Offense Class¹
FY 2003/04 Felonies**

Offense Class	Mean Restitution Ordered (\$)²	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
A	N/A	N/A	0	0.0
B1	N/A	N/A	0	0.0
B2	7,321	6,378	16	6.3
C	37,642	1,915	44	5.0
D	3,197	902	85	10.0
E	5,028	1,383	297	27.6
F	5,122	1,242	291	15.4
G	1,695	340	854	28.1
H	3,720	1,000	3,818	37.5
I	1,505	382	1,917	29.4
TOTAL	3,219	700	7,322	29.4

¹ Appendix G, Tables 3-5 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.

² Appendix G, Tables 3-5 provide four important pieces of information about restitution. They indicate the mean dollar amount ordered (average), the median dollar amount ordered (the amount which has the same number of restitutions ordered falling below it as above it), and the total number and percentage of convictions for which payment of restitution was ordered. Note that the mean is often much higher than the median. This occurs because one or more sanctions are higher than the “normal” amount of restitution ordered.

**Appendix G, Table 5: Restitution Ordered by Crime Type
FY 2003/04 Felonies**

Offense Class	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Person	3,800	905	880	18.2
Property	4,133	1,155	4,426	48.7
Non-Traff. Drug	432	300	1,672	20.0
Other Felony	3,508	931	344	13.1
TOTAL	3,219	700	7,322	29.4

**Appendix G, Table 6: Restitution Ordered by Type of Punishment
FY 2003/04 Felonies**

Offense Class	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Active	5,979	972	652	7.0
Intermediate	2,709	665	4,811	43.8
Community	3,570	744	1,859	40.5
TOTAL	3,219	700	7,322	29.4

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

MISDEMEANOR PUNISHMENT CHART

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

A - Active Punishment I - Intermediate Punishment C - Community Punishment

Cells with slash allow either disposition at the discretion of the judge.

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

FELONY PUNISHMENT CHART

PRIOR RECORD LEVEL

OFFENSE CLASS

	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
A	Death or Life Without Parole						
B1	A <i>240-300</i>	A <i>288-360</i>	A <i>336-420</i>	A <i>384-480</i>	A <i>Life Without Parole</i>	A <i>Life Without Parole</i>	DISPOSITION <i>Aggravated Range</i>
	192-240	230-288	269-336	307-384	346-433	384-480	PRESUMPTIVE RANGE
	<i>144-192</i>	<i>173-230</i>	<i>202-269</i>	<i>230-307</i>	<i>260-346</i>	<i>288-384</i>	<i>Mitigated Range</i>
B2	A <i>157 - 196</i>	A <i>189 - 237</i>	A <i>220 - 276</i>	A <i>251 - 313</i>	A <i>282 - 353</i>	A <i>313 - 392</i>	
	125 - 157	151 - 189	176 - 220	201 - 251	225 - 282	251 - 313	
	<i>94 - 125</i>	<i>114 - 151</i>	<i>132 - 176</i>	<i>151 - 201</i>	<i>169 - 225</i>	<i>188 - 251</i>	
C	A <i>73 - 92</i>	A <i>100 - 125</i>	A <i>116 - 145</i>	A <i>133 - 167</i>	A <i>151 - 188</i>	A <i>168 - 210</i>	
	58 - 73	80 - 100	93 - 116	107-133	121 - 151	135 - 168	
	<i>44 - 58</i>	<i>60 - 80</i>	<i>70 - 93</i>	<i>80 - 107</i>	<i>90 - 121</i>	<i>101-135</i>	
D	A <i>64 - 80</i>	A <i>77 - 95</i>	A <i>103 - 129</i>	A <i>117 - 146</i>	A <i>133 - 167</i>	A <i>146 - 183</i>	
	51 - 64	61 - 77	82 - 103	94 - 117	107 - 133	117 - 146	
	<i>38 - 51</i>	<i>46 - 61</i>	<i>61 - 82</i>	<i>71 - 94</i>	<i>80 - 107</i>	<i>88 - 117</i>	
E	I/A <i>25 - 31</i>	I/A <i>29 - 36</i>	A <i>34 - 42</i>	A <i>46 - 58</i>	A <i>53 - 66</i>	A <i>59 - 74</i>	
	20 - 25	23 - 29	27 - 34	37 - 46	42 - 53	47 - 59	
	<i>15 - 20</i>	<i>17 - 23</i>	<i>20 - 27</i>	<i>28 - 37</i>	<i>32 - 42</i>	<i>35 - 47</i>	
F	I/A <i>16 - 20</i>	I/A <i>19 - 24</i>	I/A <i>21 - 26</i>	A <i>25 - 31</i>	A <i>34 - 42</i>	A <i>39 - 49</i>	
	13 - 16	15 - 19	17 - 21	20 - 25	27 - 34	31 - 39	
	<i>10 - 13</i>	<i>11 - 15</i>	<i>13 - 17</i>	<i>15 - 20</i>	<i>20 - 27</i>	<i>23 - 31</i>	
G	I/A <i>13 - 16</i>	I/A <i>15 - 19</i>	I/A <i>16 - 20</i>	I/A <i>20 - 25</i>	A <i>21 - 26</i>	A <i>29 - 36</i>	
	10 - 13	12 - 15	13 - 16	16 - 20	17 - 21	23 - 29	
	<i>8 - 10</i>	<i>9 - 12</i>	<i>10 - 13</i>	<i>12 - 16</i>	<i>13 - 17</i>	<i>17 - 23</i>	
H	C/I/A <i>6 - 8</i>	I/A <i>8 - 10</i>	I/A <i>10 - 12</i>	I/A <i>11 - 14</i>	I/A <i>15 - 19</i>	A <i>20 - 25</i>	
	5 - 6	6 - 8	8 - 10	9 - 11	12 - 15	16 - 20	
	<i>4 - 5</i>	<i>4 - 6</i>	<i>6 - 8</i>	<i>7 - 9</i>	<i>9 - 12</i>	<i>12 - 16</i>	
I	C <i>6 - 8</i>	C/I <i>6 - 8</i>	I <i>6 - 8</i>	I/A <i>8 - 10</i>	I/A <i>9 - 11</i>	I/A <i>10 - 12</i>	
	4 - 6	4 - 6	5 - 6	6 - 8	7 - 9	8 - 10	
	<i>3 - 4</i>	<i>3 - 4</i>	<i>4 - 5</i>	<i>4 - 6</i>	<i>5 - 7</i>	<i>6 - 8</i>	

Note: A - Active Punishment, I - Intermediate Punishment, C - Community Punishment
 *Numbers shown are in months and represent the range of minimum sentences.

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