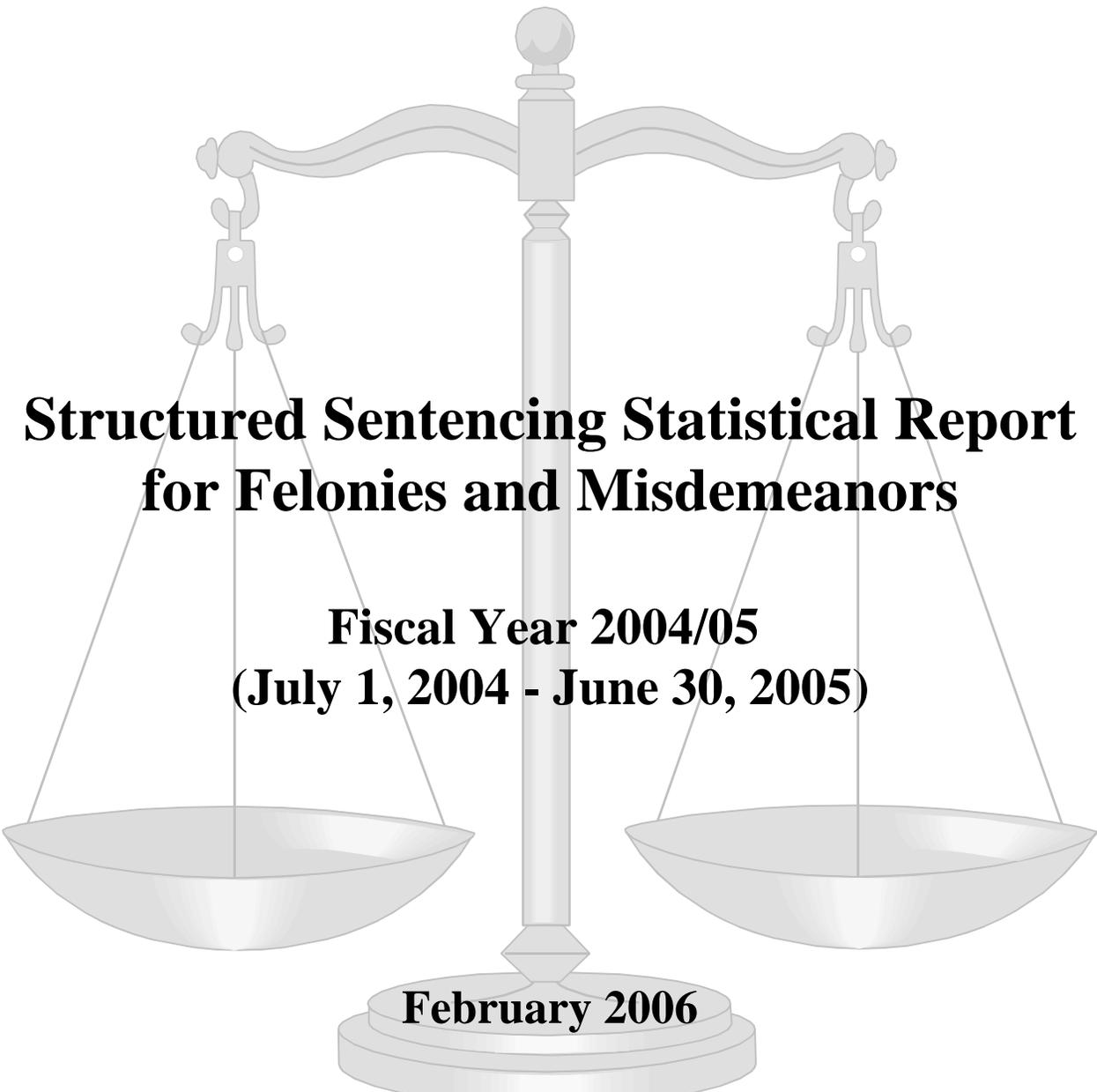


*North Carolina*  
*Sentencing and Policy Advisory Commission*



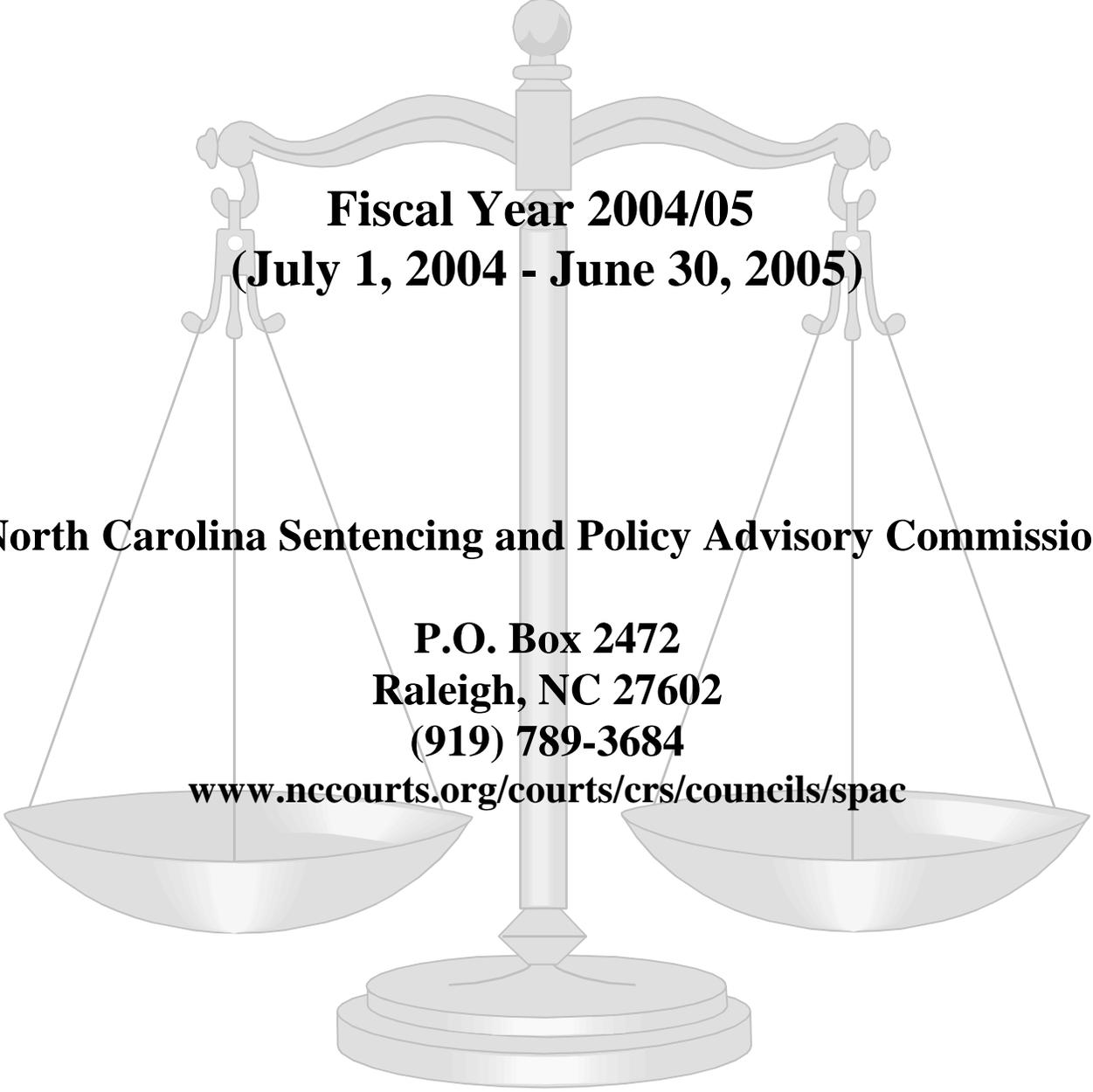
**Structured Sentencing Statistical Report  
for Felonies and Misdemeanors**

**Fiscal Year 2004/05  
(July 1, 2004 - June 30, 2005)**

**February 2006**

*Tamara Flinchum, Senior Research and Policy Associate*  
*Ginny Hevener, Associate Director for Research*  
*Susan Katzenelson, Executive Director*

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



**Fiscal Year 2004/05  
(July 1, 2004 - June 30, 2005)**

**North Carolina Sentencing and Policy Advisory Commission**

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

**[www.nccourts.org/courts/crs/councils/spac](http://www.nccourts.org/courts/crs/councils/spac)**

**The Honorable W. Erwin Spainhour**  
*Chairman*

**Susan Katzenelson**  
*Executive Director*

**NC SENTENCING AND POLICY ADVISORY COMMISSION  
MEMBERSHIP**

**Hon. W. Erwin Spainhour, Chairman**  
*Superior Court Judge*

**Talmage Baggett**  
*NC Association of County Commissioners*

**Dr. David Barlow**  
*Professor, Fayetteville State University*

**Sheriff Hayden Bentley**  
*NC Sheriffs' Association*

**Locke T. Clifford**  
*NC Bar Association*

**William A. Dudley**  
*NC Dept. Of Crime Control & Public Safety*

**Hon. R. Phillip Haire**  
*State Representative*

**Donn Hargrove**  
*NC Dept. of Juvenile Justice & Delinquency  
Prevention Designee*

**William P. Hart**  
*NC Attorney General's Designee*

**Mary Y. "Larry" Hines**  
*Private Citizen, Governor's Appointee*

**Hon. Robert F. Johnson**  
*NC Conference of District Attorneys*

**Hon. Carolyn K. Justus**  
*State Representative*

**Hon. Eleanor Kinnaird**  
*State Senator*

**Charles Mann**  
*NC Post-Release Supervision & Parole Commission*

**Judge H. Paul McCoy, Jr.**  
*NC District Court Judges' Association*

**Judge Douglas J. McCullough**  
*NC Court of Appeals Designee*

**Moe McKnight**  
*NC Retail Merchants' Association*

**Hon. Henry Michaux, Jr.**  
*State Representative*

**Luther T. Moore**  
*Lieutenant Governor's Appointee*

**Judge Fred G. Morrison, Jr.**  
*Justice Fellowship*

**Chief Frank Palombo**  
*NC Association of Chiefs of Police*

**Judge Ronald K. Payne**  
*NC Conference of Superior Court Judges*

**Sherry Pilkington**  
*NC Department of Correction*

**Cathy Purvis**  
*NC Victim Assistance Network*

**June Ray**  
*NC Association of Clerks of Superior Court*

**Lao E. Rubert**  
*NC Community Sentencing Association*

**Billy J. Sanders**  
*Commission Chairman's Appointee*

**Hon. John J. Snow, Jr.**  
*State Senator*

**Lyle J. Yurko**  
*NC Academy of Trial Lawyers*

**Vacant**  
*State Senator*

**NC SENTENCING AND POLICY ADVISORY COMMISSION**

**STAFF MEMBERS**

---

**Susan Katzenelson**  
*Executive Director*

**John Madler**  
*Associate Director for Policy, Staff Attorney*

**Ginny Hevener**  
*Associate Director for Research*

**Tamara Flinchum**  
*Senior Research & Policy Associate*

**Karen Jones**  
*Senior Research & Policy Associate*

**Marlee Moore-Gurrera**  
*Research & Policy Associate*

**Troy Page**  
*Research & Policy Associate*

**Deborah Andrews**  
*Administrative Assistant*

---

# TABLE OF CONTENTS

INTRODUCTION ..... i

SUMMARY OF FINDINGS ..... iii

## SECTION I: FELONY CONVICTIONS IN FISCAL YEAR 2004/05

I. FELONY CONVICTIONS IN FY 2004/05 ..... 1

    A. Definition of the Unit of Analysis ..... 1

    B. Felony Convictions ..... 1

    C. Distribution of Convictions within the Felony Structured Sentencing Grid ..... 1

*Table 1: Distribution of Convictions within the Felony Structured Sentencing Grid* ..... 2

    D. Convictions by Month of Sentencing ..... 3

*Figure A: Convictions by Month* ..... 3

    E. Convictions by Judicial Division, District, and County ..... 3

*Figure B: Convictions Resulting from Jury Trials by Judicial Division* ..... 3

*Table 2: Convictions by Judicial Division, Judicial District, County, and Mode of Disposition* ..... 4

    F. Felony Pleas in District Court ..... 9

II. CHARACTERISTICS OF OFFENDERS ..... 9

*Figure C: Convictions by Gender* ..... 9

*Figure D: Convictions by Race* ..... 9

*Figure E: Age Distribution of Convicted Felons* ..... 10

*Table 3: Convictions by Gender, Race, and Age* ..... 10

III. PUNISHMENT IMPOSED FOR FELONIES ..... 11

    A. Overall Punishment ..... 11

*Figure F: Punishment Imposed* ..... 11

    B. Punishment Imposed by Offense Class and Prior Record Level ..... 11

*Figure G: Felony Convictions by Offense Class* ..... 12

*Figure H: Felony Convictions by Prior Record Level* ..... 12

*Table 4: Convictions and Sentences by Offense Class and Prior Record Level* ..... 13

    C. Punishment Imposed in Discretionary Cells ..... 14

*Figure I: Punishment Imposed in Discretionary Cells* ..... 15

    D. Punishment Imposed by Crime Type ..... 15

*Figure J: Convictions by Crime Type* ..... 15

*Table 5: Convictions and Sentences by Crime Type* ..... 16

IV. SENTENCE LOCATION IN THE SENTENCING RANGES .....	16
A. Sentence Location .....	16
<i>Figure K: Sentence Location by Range</i> .....	16
B. Sentence Location by Offense Class and Prior Record Level .....	17
<i>Figure L: Sentence Location by Offense Class</i> .....	17
<i>Table 6: Sentence Location by Offense Class and Prior Record Level</i> .....	18
C. Sentence Location by Crime Type .....	20
<i>Table 7: Sentence Location by Crime Type</i> .....	21
D. Length of Active Sentence Relative to the Sentencing Range .....	21
<i>Figure M: Distribution of Sentences in the Sentencing Range</i> .....	21
<i>Figure N: Sentence Distribution within the Range</i> .....	22
<i>Table 8: Sentencing Range by Offense Class</i> .....	22
<i>Table 9: Sentencing Range by Crime Type</i> .....	23
V. INTERMEDIATE PUNISHMENTS .....	23
A. Intermediate Punishments Imposed .....	24
<i>Figure O: Type of Intermediate Punishment</i> .....	24
B. Intermediate Punishments by Offense Class and Prior Record Level .....	24
<i>Table 10: Type of Intermediate Punishment by Offense Class and Prior Record Level</i> .....	25
C. Intermediate Punishments by Crime Type .....	26
<i>Table 11: Type of Intermediate Punishment by Crime Type</i> .....	26
VI. COMMUNITY PUNISHMENTS .....	27
A. Community Punishments by Offense Class .....	27
<i>Table 12: Type of Community Punishment by Offense Class</i> .....	27
B. Community Punishments by Crime Type .....	27
<i>Table 13: Type of Community Punishment by Crime Type</i> .....	28
VII. SPECIAL ISSUES .....	28
A. Habitual Felons .....	28
<i>Table 14: Most Serious Crime Associated with Habitual Felon Convictions by Offense Class and Offense</i> .....	29
B. Firearm Enhancement .....	31
C. Death and Life without Parole Sentences and Violent Habitual Felon Convictions .....	31
D. Drug Trafficking Convictions .....	31
<i>Table 15: Drug Trafficking Convictions</i> .....	32

**SECTION II: MISDEMEANOR CONVICTIONS IN FISCAL YEAR 2004/05**

I. MISDEMEANOR CONVICTIONS IN FY 2004/05 .....	35
A. Definition of the Unit of Analysis .....	35
B. Misdemeanor Convictions .....	35
C. Distribution of Convictions within the Misdemeanor Structured Sentencing Grid .....	35

	<i>Table 16: Distribution of Convictions within the Misdemeanor Structured Sentencing Grid</i> .....	36
D.	Convictions by Month of Sentencing .....	36
	<i>Figure P: Convictions by Month</i> .....	36
E.	Convictions by Judicial Division, District, and County .....	37
	<i>Table 17: Convictions by Judicial Division, Judicial District, County, and Mode of Disposition</i> .....	37
II.	CHARACTERISTICS OF OFFENDERS .....	42
	<i>Figure Q: Convictions by Gender</i> .....	42
	<i>Figure R: Convictions by Race</i> .....	42
	<i>Figure S: Age Distribution of Convicted Misdemeanants</i> .....	43
	<i>Table 18: Convictions by Gender, Race, and Age</i> .....	43
III.	PUNISHMENT IMPOSED FOR MISDEMEANORS .....	44
A.	Overall Punishment .....	44
	<i>Figure T: Punishment Imposed</i> .....	44
B.	Punishment Imposed by Offense Class and Prior Conviction Level .....	44
	<i>Table 19: Convictions and Sentences by Offense Class and Prior Conviction Level</i> .....	45
C.	Average Length of Active Sentences .....	46
	<i>Table 20: Average Length of Active Sentences by Offense Class and Prior Conviction Level</i> .....	46
D.	Punishment Imposed by Crime Type .....	47
	<i>Figure U: Convictions by Crime Type</i> .....	47
	<i>Table 21: Punishment by Crime Type</i> .....	47
IV.	INTERMEDIATE PUNISHMENTS .....	48
A.	Intermediate Punishments Imposed .....	48
	<i>Figure V: Type of Intermediate Punishment</i> .....	48
B.	Intermediate Punishments by Offense Class and Prior Conviction Level .....	49
	<i>Table 22: Type of Intermediate Punishment by Offense Class and Prior Conviction Level</i> .....	49
C.	Intermediate Punishments by Crime Type .....	50
	<i>Table 23: Type of Intermediate Punishment by Crime Type</i> .....	50
D.	Special Probation .....	50
	<i>Table 24: Special Probation by Offense Class</i> .....	50
	<i>Table 25: Special Probation by Crime Type</i> .....	51
V.	COMMUNITY PUNISHMENTS .....	51
A.	Community Punishments by Offense Class .....	51
	<i>Figure W: Type of Community Punishments</i> .....	51
	<i>Table 26: Type of Community Punishment by Offense Class</i> .....	52
B.	Community Punishments by Crime Type .....	52
	<i>Table 27: Type of Community Punishment by Crime Type</i> .....	53

VI. SPECIAL ISSUES .....	53
A. Community Service .....	53
<i>Table 28: Community Service by Offense Class</i> .....	54
<i>Table 29: Community Service by Crime Type</i> .....	54
B. Restitution .....	54
<i>Figure X: Restitution Ordered</i> .....	55
<i>Table 30: Restitution Ordered by Offense Class</i> .....	56
<i>Table 31: Restitution Ordered by Crime Type</i> .....	56
<i>Table 32: Restitution Ordered by Punishment Imposed</i> .....	57

## APPENDICES

APPENDIX A: MAP OF JUDICIAL DIVISIONS AND DISTRICTS .....	59
APPENDIX B: SAMPLE OFFENSES .....	62
APPENDIX C: ADDITIONAL FELONY DATA BY JUDICIAL DIVISION AND DISTRICT	
<i>Appendix C, Table 1: Convictions and Sentences by Judicial Division and District</i> .....	65
<i>Appendix C, Table 2: Sentence Location by Judicial Division and District</i> ...	68
APPENDIX D: ADDITIONAL FELONY DATA BY CRIME TYPE AND OFFENSE	
<i>Appendix D, Table 1: Type of Punishment by Crime Type and Offense</i> .....	72
<i>Appendix D, Table 2: Sentence Location by Crime Type and Offense</i> .....	75
<i>Appendix D, Table 3: Percent of Sentences in the Mitigated Range and at the Lowest Spot of the Presumptive Range by Offense Class</i> .....	77
APPENDIX E: INTERMEDIATE AND COMMUNITY PUNISHMENTS .....	79
APPENDIX F: SPECIAL PROBATION FOR FELONIES	
<i>Appendix F, Table 1: Special Probation by Offense Class and Location</i> .....	81
<i>Appendix F, Table 2: Special Probation by Crime Type and Location</i> .....	81
APPENDIX G: COMMUNITY SERVICE AND RESTITUTION FOR FELONIES	
<i>Appendix G, Table 1: Community Service by Offense Class</i> .....	83
<i>Appendix G, Table 2: Community Service by Crime Type</i> .....	83
<i>Appendix G, Table 3: Community Service by Type of Punishment</i> .....	83
<i>Appendix G, Table 4: Restitution Ordered by Offense Class</i> .....	84
<i>Appendix G, Table 5: Restitution Ordered by Crime Type</i> .....	85
<i>Appendix G, Table 6: Restitution Ordered by Type of Punishment</i> .....	85

# **INTRODUCTION**

## INTRODUCTION

This report provides detailed information about felony and misdemeanor convictions under Structured Sentencing during Fiscal Year 2004/05 (July 1, 2004 through June 30, 2005). 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 2004/05**

## SUMMARY OF FINDINGS FISCAL YEAR 2004/05 CONVICTIONS

### **Felony Convictions**

---

- During Fiscal Year 2004/05, sentences for 29,093 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=3,350 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; 38% of convictions were for offenders under the age of 26; and 54% of convictions were for Black offenders.
- Thirty-seven percent of felony convictions resulted in an Active punishment, 44% resulted in an Intermediate punishment, and 19% 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 (35%). Person offenses represented 18% of convictions and other felonies accounted for 11% of convictions.
- Seventy-four percent of all Active sentences fell within the presumptive range; 23% fell within the mitigated range; and 3% fell within the aggravated range.
- Where a specific intermediate sanction was indicated in the AOC database, Intensive Supervision Probation was the most frequently invoked punishment (56%). Offenders convicted of a Class H offense most frequently received an intermediate sanction (n=6,041).
- 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: 4 death sentences and 81 life without parole sentences were imposed; there were 5 violent habitual felon convictions; there were 645 habitual felon convictions; there were 670 convictions for drug trafficking offenses; performance of community service was ordered for 13% of all felony convictions; and payment of restitution was ordered for 28% of all felony convictions.

## **Misdemeanor Convictions**

---

- During Fiscal Year 2004/05, sentences for 170,542 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-five percent of misdemeanor convictions fell into Prior Conviction Level I (0 points), about 38% 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 I (n=40,388 or 24%), followed closely by Offense Class 1 with Prior Convictions Level II (n=37,043 or 22%).
- Seventy-six percent of convictions were for male offenders; 37% of convictions were for offenders under the age of 26; and 46% of convictions were for Black offenders.
- Twenty percent of misdemeanor convictions resulted in an Active punishment, 2% resulted in an Intermediate punishment, and 78% 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 (11%). Convictions for person offenses were most likely to result in an Active punishment (21%) followed closely by property and public order offenses at (20%). Person offenses resulted in the longest average Active sentences.
- Where a specific intermediate sanction was indicated in the AOC database, Special Probation was the most frequently invoked punishment (60%). Offenders 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; 31% received supervised probation; and 12% were ordered to perform community service, pay restitution and/or a fine as their most serious punishment. The remainder had no sanction specified.
- Almost eight 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 \$775. The median amount of restitution ordered was \$200.

**SECTION I**

**FELONY CONVICTIONS  
IN FISCAL YEAR 2004/05**

## **I. FELONY CONVICTIONS IN FY 2004/05**

---

---

### **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 2004/05. Overall, sentences for 29,093 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 2,870 convictions (or 10%) 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=10,633 or 41%) and into Prior Record Level II (n=9,025 or 34%). Relative to other grid cells, the greatest number of convictions fell into Offense Class H with Prior Record Level II (n=3,350 or 13%). Sentences imposed for Offense Classes A-E accounted for 12% of felony convictions during FY 2004/05. Sixty-nine percent of sentences imposed were for Class H and I felony convictions.

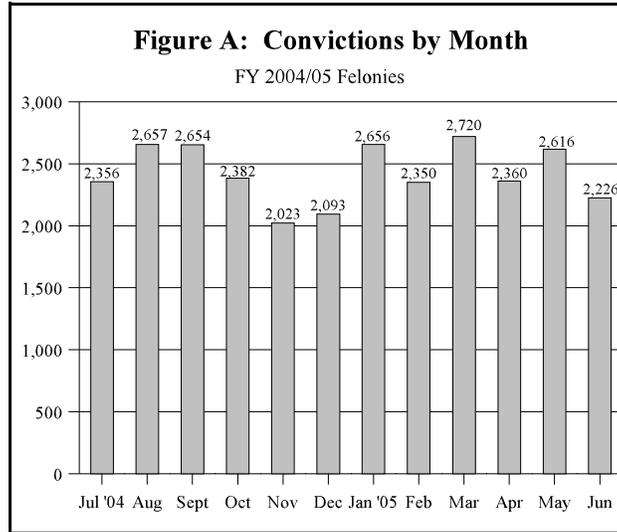
**Table 1: Distribution of Convictions within the Felony Structured Sentencing Grid  
FY 2004/05 Felonies**

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	
<b>A</b>	49 (0.2%)	11 (0.0%)	14 (0.1%)	10 (0.0%)	0 (0.0%)	1 (0.0%)	85 (0.3%)
<b>B1</b>	66 (0.3%)	45 (0.2%)	19 (0.1%)	14 (0.1%)	0 (0.0%)	2 (0.0%)	146 (0.6%)
<b>B2</b>	81 (0.3%)	92 (0.4%)	49 (0.2%)	26 (0.1%)	13 (0.1%)	7 (0.0%)	268 (1.0%)
<b>C</b>	79 (0.3%)	165 (0.6%)	208 (0.8%)	264 (1.0%)	88 (0.3%)	76 (0.3%)	880 (3.4%)
<b>D</b>	223 (0.9%)	206 (0.8%)	125 (0.5%)	94 (0.4%)	29 (0.1%)	29 (0.1%)	706 (2.7%)
<b>E</b>	399 (1.5%)	449 (1.7%)	118 (0.5%)	81 (0.3%)	19 (0.1%)	17 (0.1%)	1,083 (4.1%)
<b>F</b>	587 (2.2%)	573 (2.2%)	429 (1.6%)	193 (0.7%)	42 (0.2%)	33 (0.1%)	1,857 (7.1%)
<b>G</b>	609 (2.3%)	1,041 (4.0%)	703 (2.7%)	527 (2.0%)	94 (0.4%)	80 (0.3%)	3,054 (11.6%)
<b>H</b>	2,390 (9.1%)	3,350 (12.8%)	2,281 (8.7%)	1,773 (6.8%)	534 (2.0%)	305 (1.2%)	10,633 (40.6%)
<b>I</b>	1,790 (6.8%)	3,093 (11.8%)	1,230 (4.7%)	971 (3.7%)	221 (0.8%)	206 (0.8%)	7,511 (28.6%)
<b>TOTAL</b>	6,273 (23.9%)	9,025 (34.4%)	5,176 (19.7%)	3,953 (15.1%)	1,040 (4.0%)	756 (2.9%)	26,223 (100%)

Note: Of the 29,093 felony convictions in FY 2004/05, 2,870 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). Percentages may not add to totals due to rounding.

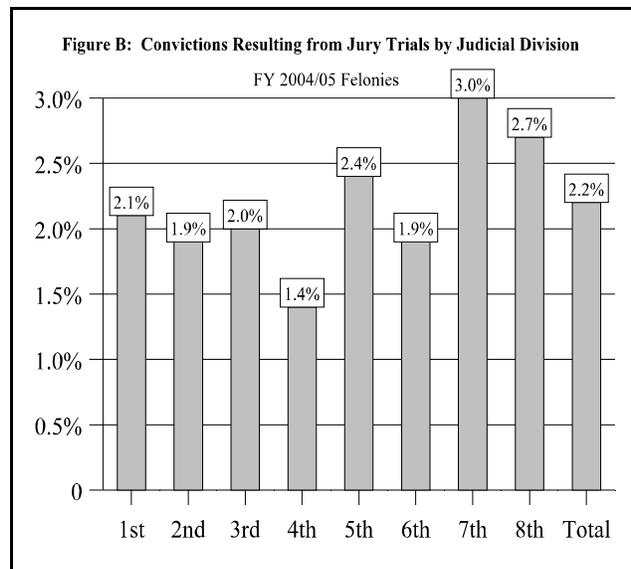
## D. Convictions by Month of Sentencing

Figure A shows the total number of felony convictions by month of sentencing during Fiscal Year 2004/05 (N=29,093). Convictions peaked in March and were lowest in November.



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

Table 2 displays the total number of convictions by judicial division, judicial district, and county. (See Appendix A for a map of judicial divisions and districts.) The distribution of convictions by judicial division ranged from a low of 8% in the eighth judicial division to a high of 18% in the fifth judicial division. This table also indicates whether the conviction resulted from a guilty plea or jury trial. Overall, 2.2% 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 1.4% in the fourth division and a high of 3.0% in the seventh division.



**Table 2: Convictions by Judicial Division, Judicial District,  
County, and Mode of Disposition  
FY 2004/05 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
<b><i>First Judicial Division</i></b>		<b>2,780</b>	<b>60</b>	<b>2,840</b>
<b>District 1</b>	Camden	12	1	13
	Chowan	54	3	57
	Currituck	53	0	53
	Dare	146	0	146
	Gates	12	0	12
	Pasquotank	127	5	132
	Perquimans	30	0	30
	<b>Total</b>	<b>434</b>	<b>9</b>	<b>443</b>
<b>District 2</b>	Beaufort	134	6	140
	Hyde	14	0	14
	Martin	111	1	112
	Tyrrell	29	3	32
	Washington	60	1	61
	<b>Total</b>	<b>348</b>	<b>11</b>	<b>359</b>
<b>District 3A</b>	Pitt	601	10	611
<b>Total</b>	<b>601</b>	<b>10</b>	<b>611</b>	
<b>District 6A</b>	Halifax	222	11	233
<b>Total</b>	<b>222</b>	<b>11</b>	<b>233</b>	
<b>District 6B</b>	Bertie	75	0	75
	Hertford	112	4	116
	Northampton	67	0	67
	<b>Total</b>	<b>254</b>	<b>4</b>	<b>258</b>
<b>District 7A</b>	Nash	360	5	365
<b>Total</b>	<b>360</b>	<b>5</b>	<b>365</b>	
<b>District 7B,C</b>	Edgecombe	163	5	168
	Wilson	398	5	403
	<b>Total</b>	<b>561</b>	<b>10</b>	<b>571</b>
<b><i>Second Judicial Division</i></b>		<b>3,709</b>	<b>70</b>	<b>3,779</b>
<b>District 3B</b>	Carteret	206	6	212
	Craven	315	7	322
	Pamlico	43	0	43
	<b>Total</b>	<b>564</b>	<b>13</b>	<b>577</b>

**Table 2: Convictions by Judicial Division, Judicial District,  
County, and Mode of Disposition (continued)  
FY 2004/05 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
<b>District 4A</b>	Duplin	235	1	236
	Jones	40	0	40
	Sampson	250	7	257
	<b>Total</b>	<b>525</b>	<b>8</b>	<b>533</b>
<b>District 4B</b>	Onslow	462	13	475
	<b>Total</b>	<b>462</b>	<b>13</b>	<b>475</b>
<b>District 5</b>	New Hanover	1,086	9	1,095
	Pender	167	2	169
	<b>Total</b>	<b>1,253</b>	<b>11</b>	<b>1,264</b>
<b>District 8A</b>	Greene	105	3	108
	Lenoir	352	6	358
	<b>Total</b>	<b>457</b>	<b>9</b>	<b>466</b>
<b>District 8B</b>	Wayne	448	16	464
	<b>Total</b>	<b>448</b>	<b>16</b>	<b>464</b>
<b>Third Judicial Division</b>		<b>4,527</b>	<b>91</b>	<b>4,618</b>
<b>District 9</b>	Franklin	168	1	169
	Granville	203	2	205
	Vance	255	1	256
	Warren	51	0	51
	<b>Total</b>	<b>677</b>	<b>4</b>	<b>681</b>
<b>District 9A</b>	Caswell	66	1	67
	Person	185	4	189
	<b>Total</b>	<b>251</b>	<b>5</b>	<b>256</b>
<b>District 10</b>	Wake	2,198	45	2,243
	<b>Total</b>	<b>2,198</b>	<b>45</b>	<b>2,243</b>
<b>District 14</b>	Durham	518	23	541
	<b>Total</b>	<b>518</b>	<b>23</b>	<b>541</b>
<b>District 15A</b>	Alamance	550	12	562
	<b>Total</b>	<b>550</b>	<b>12</b>	<b>562</b>
<b>District 15B</b>	Chatham	159	1	160
	Orange	174	1	175
	<b>Total</b>	<b>333</b>	<b>2</b>	<b>335</b>

**Table 2: Convictions by Judicial Division, Judicial District,  
County, and Mode of Disposition (continued)  
FY 2004/05 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
<b><i>Fourth Judicial Division</i></b>		<b>3,555</b>	<b>52</b>	<b>3,607</b>
<b>District 11A</b>	Harnett	478	3	481
	Lee	190	2	192
	<b>Total</b>	<b>668</b>	<b>5</b>	<b>673</b>
<b>District 11B</b>	Johnston	415	3	418
	<b>Total</b>	<b>415</b>	<b>3</b>	<b>418</b>
<b>District 12</b>	Cumberland	965	19	984
	<b>Total</b>	<b>965</b>	<b>19</b>	<b>984</b>
<b>District 13</b>	Bladen	95	2	97
	Brunswick	356	3	359
	Columbus	234	4	238
	<b>Total</b>	<b>685</b>	<b>9</b>	<b>694</b>
<b>District 16A</b>	Hoke	184	4	188
	Scotland	216	3	219
	<b>Total</b>	<b>400</b>	<b>7</b>	<b>407</b>
<b>District 16B</b>	Robeson	422	9	431
	<b>Total</b>	<b>422</b>	<b>9</b>	<b>431</b>
<b><i>Fifth Judicial Division</i></b>		<b>5,045</b>	<b>126</b>	<b>5,171</b>
<b>District 17A</b>	Rockingham	319	3	322
	<b>Total</b>	<b>319</b>	<b>3</b>	<b>322</b>
<b>District 17B</b>	Stokes	178	1	179
	Surry	264	1	265
	<b>Total</b>	<b>442</b>	<b>2</b>	<b>444</b>
<b>District 18</b>	Guilford	2,034	43	2,077
	<b>Total</b>	<b>2,034</b>	<b>43</b>	<b>2,077</b>
<b>District 19B</b>	Montgomery	71	2	73
	Randolph	225	6	231
	<b>Total</b>	<b>296</b>	<b>8</b>	<b>304</b>
<b>District 19D</b>	Moore	217	7	224
	<b>Total</b>	<b>217</b>	<b>7</b>	<b>224</b>
<b>District 21</b>	Forsyth	1,227	60	1,287
	<b>Total</b>	<b>1,227</b>	<b>60</b>	<b>1,287</b>

**Table 2: Convictions by Judicial Division, Judicial District,  
County, and Mode of Disposition (continued)  
FY 2004/05 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
<b>District 23</b>	Alleghany	27	0	27
	Ashe	75	1	76
	Wilkes	304	2	306
	Yadkin	104	0	104
	<b>Total</b>	<b>510</b>	<b>3</b>	<b>513</b>
<b><i>Sixth Judicial Division</i></b>		<b>2,802</b>	<b>55</b>	<b>2,857</b>
<b>District 19A</b>	Cabarrus	617	18	635
	<b>Total</b>	<b>617</b>	<b>18</b>	<b>635</b>
<b>District 19C</b>	Rowan	472	12	484
	<b>Total</b>	<b>472</b>	<b>12</b>	<b>484</b>
<b>District 20A</b>	Anson	99	1	100
	Richmond	258	1	259
	<b>Total</b>	<b>357</b>	<b>2</b>	<b>359</b>
<b>District 20B</b>	Stanly	137	5	142
	Union	381	5	386
	<b>Total</b>	<b>518</b>	<b>10</b>	<b>528</b>
<b>District 22</b>	Alexander	44	1	45
	Davidson	419	7	426
	Davie	79	3	82
	Iredell	296	2	298
	<b>Total</b>	<b>838</b>	<b>13</b>	<b>851</b>
<b><i>Seventh Judicial Division</i></b>		<b>3,838</b>	<b>117</b>	<b>3,955</b>
<b>District 25A</b>	Burke	230	6	236
	Caldwell	148	6	154
	<b>Total</b>	<b>378</b>	<b>12</b>	<b>390</b>
<b>District 25B</b>	Catawba	314	13	327
	<b>Total</b>	<b>314</b>	<b>13</b>	<b>327</b>
<b>District 26</b>	Mecklenburg	1,697	43	1,740
	<b>Total</b>	<b>1,697</b>	<b>43</b>	<b>1,740</b>
<b>District 27A</b>	Gaston	790	31	821
	<b>Total</b>	<b>790</b>	<b>31</b>	<b>821</b>

**Table 2: Convictions by Judicial Division, Judicial District,  
County, and Mode of Disposition (continued)  
FY 2004/05 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
<b>District 27B</b>	Cleveland	405	10	415
	Lincoln	254	8	262
	<b>Total</b>	<b>659</b>	<b>18</b>	<b>677</b>
<b><i>Eighth Judicial Division</i></b>		<b><i>2,204</i></b>	<b><i>62</i></b>	<b><i>2,266</i></b>
<b>District 24</b>	Avery	51	0	51
	Madison	103	0	103
	Mitchell	91	1	92
	Watauga	123	7	130
	Yancey	57	0	57
	<b>Total</b>	<b>425</b>	<b>8</b>	<b>433</b>
<b>District 28</b>	Buncombe	684	16	700
	<b>Total</b>	<b>684</b>	<b>16</b>	<b>700</b>
<b>District 29</b>	Henderson	306	11	317
	McDowell	156	1	157
	Polk	44	1	45
	Rutherford	214	6	220
	Transylvania	38	1	39
	<b>Total</b>	<b>758</b>	<b>20</b>	<b>778</b>
<b>District 30A</b>	Cherokee	75	3	78
	Clay	4	0	4
	Graham	12	0	12
	Macon	53	8	61
	Swain	27	0	27
	<b>Total</b>	<b>171</b>	<b>11</b>	<b>182</b>
<b>District 30B</b>	Haywood	107	6	113
	Jackson	59	1	60
	<b>Total</b>	<b>166</b>	<b>7</b>	<b>173</b>
<b><i>STATE TOTAL</i></b>		<b><i>28,460</i></b>	<b><i>633</i></b>	<b><i>29,093</i></b>

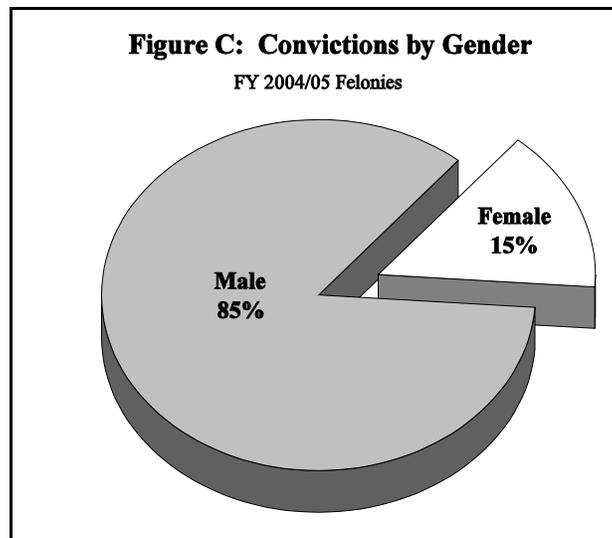
## F. Felony Pleas in District Court

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 2004/05, 2,339 Class H (or 19% of Class H convictions) and 1,795 Class I (or 21% of Class I convictions) felony pleas were accepted in District Court for a total of 4,134 pleas (20% of all Class H and I felony convictions).

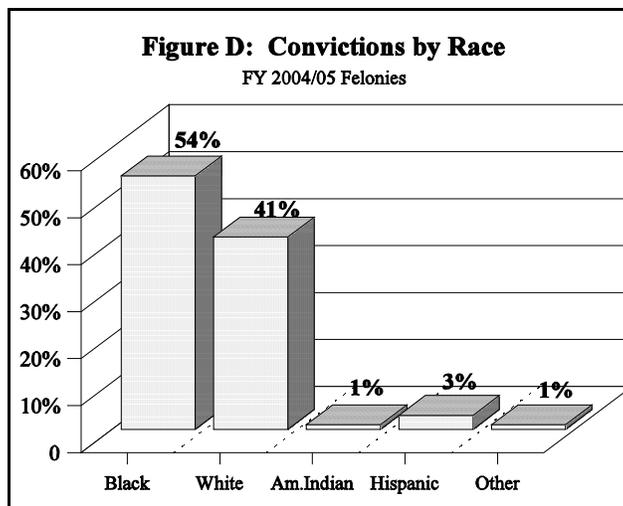
## II. CHARACTERISTICS OF OFFENDERS

---

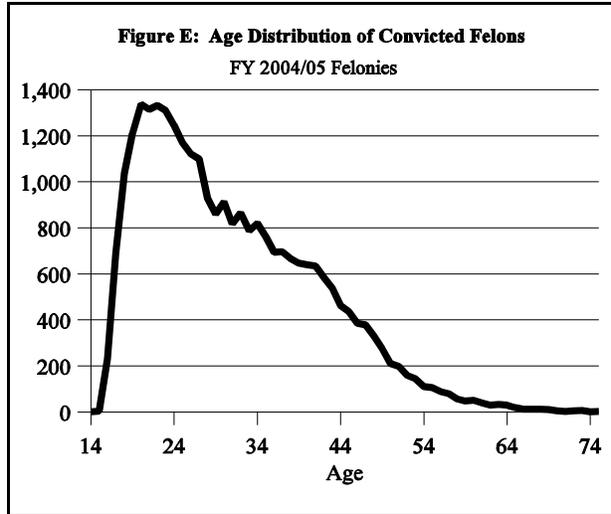
This section provides a breakdown of convictions by offenders' gender, race, and age. Of the 29,093 felony convictions, 85% were for males (see *Figure C*).



*Figure D* shows that 54% of all felony offenders were Black, 41% were White, and a small percentage were American Indian (1%), Hispanic (3%), or Other (1%).



Based on the age at conviction, 16% of felony convictions were for offenders under the age of 21, 22% were 21-25 years of age, 14% were 26-29 years of age, 27% were 30-39 years of age, 16% 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 2004/05 Felonies**

Gender and Race		Age at Conviction						Total
		<21	21-25	26-29	30-39	40-49	>49	
Male	White	1,458	1,924	1,157	2,513	1,627	549	9,228
	Black	2,443	3,253	1,943	3,298	2,048	689	13,674
	Hispanic	150	269	172	228	72	11	902
	Amer. Indian	53	92	54	114	43	15	371
	Other	41	40	21	41	23	13	179
	<b>Subtotal</b>	<b>4,145</b>	<b>5,578</b>	<b>3,347</b>	<b>6,194</b>	<b>3,813</b>	<b>1,277</b>	<b>24,354</b>
Female	White	195	417	388	840	477	125	2,442
	Black	161	348	242	579	358	86	1,774
	Hispanic	6	20	16	27	5	0	74
	Amer. Indian	7	8	15	24	9	2	65
	Other	1	4	3	10	3	4	25
	<b>Subtotal</b>	<b>370</b>	<b>797</b>	<b>664</b>	<b>1,480</b>	<b>852</b>	<b>217</b>	<b>4,380</b>
<b>TOTAL</b>		<b>4,515</b>	<b>6,375</b>	<b>4,011</b>	<b>7,674</b>	<b>4,665</b>	<b>1,494</b>	<b>28,734</b>

Note: Of the 29,093 felony convictions in FY 2004/05, 359 convictions with missing values for offenders' age were excluded from this table.

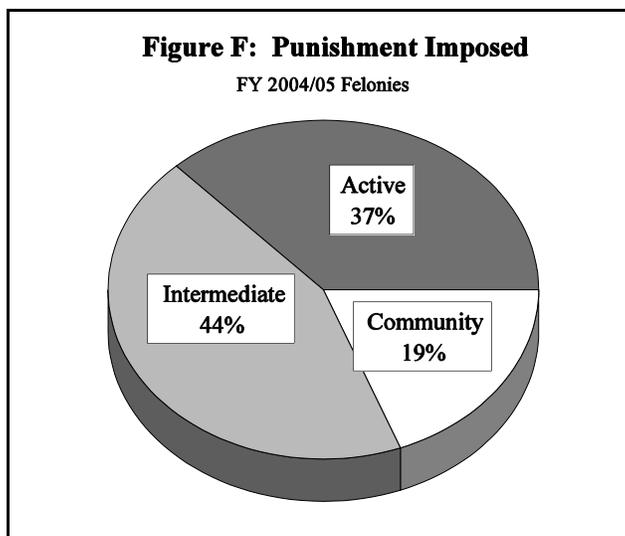
### III. PUNISHMENT IMPOSED FOR FELONIES

---

This section details the type of sentence imposed (Active, Intermediate, or Community) for convictions during Fiscal Year 2004/05. The tables in this section also show the average minimum and maximum sentences for convictions for which an Active punishment was imposed. *The reader should note that this information is based on the most serious sentence an offender received.*<sup>1</sup>

#### A. Overall Punishment

An Active punishment was imposed for 37% of felony convictions, an Intermediate punishment was imposed for 44% of felony convictions, and a Community punishment was imposed for 19% of felony convictions (see *Figure F*).

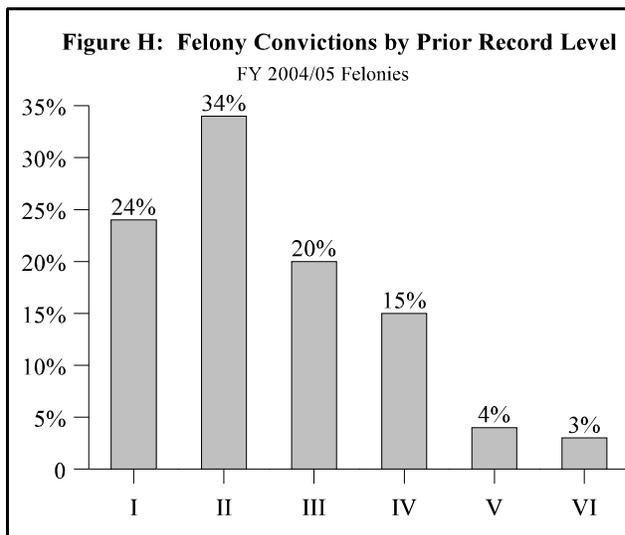
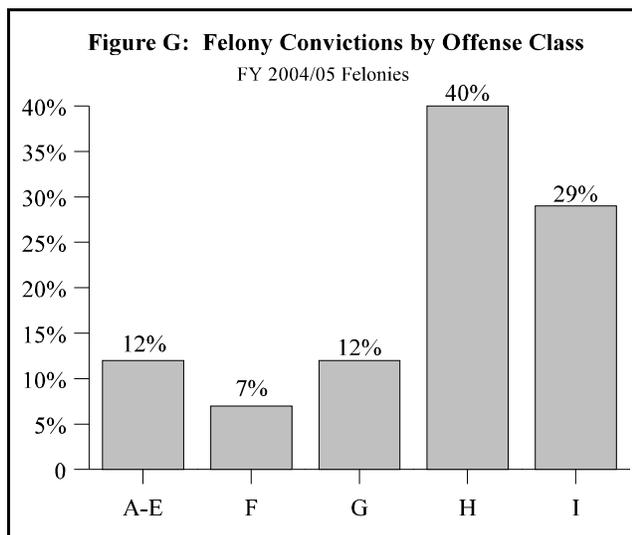


#### B. Punishment Imposed by Offense Class and Prior Record Level

*Figure G* shows the percentage of convictions by offense class. The majority of felony convictions (69%) 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).

---

<sup>1</sup> Convictions that did not fit within the sentencing grid were excluded from this section (n=2,870 or 10%). 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.<sup>2</sup> The greatest number of convictions fell within Offense Class H with Prior Record Level II (n=3,350 or 13%), followed closely by convictions within Offense Class I with Prior Record Level II (n=3,093 or 12%).

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=9,556) was 32 months. The lowest average minimum sentence was imposed for Class I convictions (7 months). Excluding life and death sentences, the highest average minimum sentence was imposed for Class B1 convictions (240 months).

Convictions for offenders falling into Prior Record Levels I and VI resulted in the highest average minimum sentences (42 months and 38 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*.

---

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

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level  
FY 2004/05 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	
<b>A</b>	A A = 49 (100%) (n=49)  Life/Death	A A = 11 (100%) (n=11)  Life/Death	A A = 14 (100%) (n=14)  Life/Death	A A = 10 (100%) (n=10)  Life/Death	A A = 0 (0%) (n=0)  Life/Death	A A = 1 (100%) (n=1)  Life/Death	A A = 85 (100%) (n=85)  Life/Death
<b>B1</b>	A A = 66 (100%) (n=66)  199 min 247 max	A A = 45 (100%) (n=45)  238 min 294 max	A A = 19 (100%) (n=19)  286 min 353 max	A A = 14 (100%) (n=14)  343 min 420 max	A A = 0 (0%) (n=0)  N/A	A A = 2 (100%) (n=2)  450 min 549 max	A A = 146 (100%) (n=146)  240 min 296 max
<b>B2</b>	A A = 81 (100%) (n=81)  139 min 177 max	A A = 92 (100%) (n=92)  164 min 206 max	A A = 49 (100%) (n=49)  193 min 241 max	A A = 26 (100%) (n=26)  224 min 278 max	A A = 13 (100%) (n=13)  244 min 302 max	A A = 7 (100%) (n=7)  278 min 342 max	A A = 268 (100%) (n=268)  175 min 219 max
<b>C</b>	A A = 79 (100%) (n=79)  61 min 83 max	A A = 165 (100%) (n=165)  76 min 101 max	A A = 208 (100%) (n=208)  87 min 113 max	A A = 264 (100%) (n=264)  98 min 127 max	A A = 88 (100%) (n=88)  108 min 140 max	A A = 76 (100%) (n=76)  125 min 158 max	A A = 880 (100%) (n=880)  91 min 119 max
<b>D</b>	A A = 223 (100%) (n=223)  50 min 69 max	A A = 206 (100%) (n=206)  62 min 84 max	A A = 125 (100%) (n=125)  84 min 110 max	A A = 94 (100%) (n=94)  94 min 122 max	A A = 29 (100%) (n=29)  111 min 142 max	A A = 29 (100%) (n=29)  113 min 145 max	A A = 706 (100%) (n=706)  70 min 94 max
<b>E</b>	I/A I = 277 (69%) A = 122 (31%) (n=399)  22 min 35 max	I/A I = 280 (62%) A = 169 (38%) (n=449)  25 min 39 max	A A = 118 (100%) (n=118)  29 min 44 max	A A = 81 (100%) (n=81)  40 min 58 max	A A = 19 (100%) (n=19)  44 min 63 max	A A = 17 (100%) (n=17)  53 min 73 max	I/A I = 557 (51%) A = 526 (49%) (n=1,083)  29 min 44 max
<b>F</b>	I/A I = 406 (69%) A = 181 (31%) (n=587)  14 min 17 max	I/A I = 340 (59%) A = 233 (41%) (n=573)  16 min 19 max	I/A I = 216 (50%) A = 213 (50%) (n=429)  18 min 22 max	A A = 193 (100%) (n=193)  21 min 25 max	A A = 42 (100%) (n=42)  26 min 32 max	A A = 33 (100%) (n=33)  34 min 41 max	I/A I = 962 (52%) A = 895 (48%) (n=1,857)  18 min 22 max

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level (continued)  
FY 2004/05 Felonies**

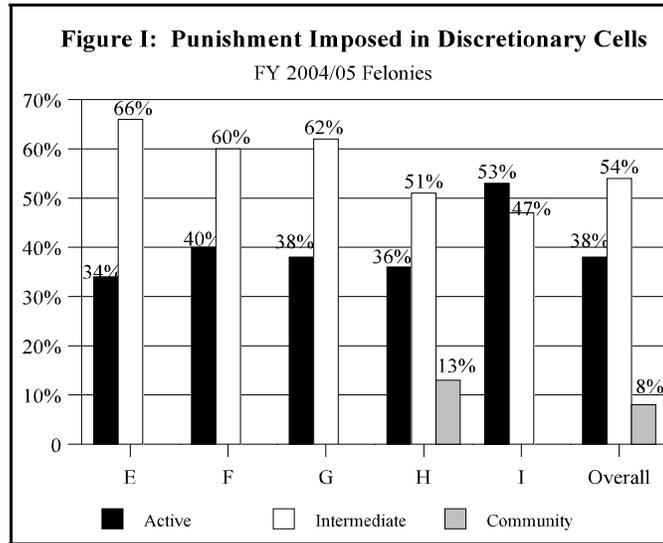
Offense Class	Prior Record Level						Total
	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
<b>G</b>	I/A I = 476 (78%) A = 133 (22%) (n=609)  11 min 13 max	I/A I = 741 (71%) A = 300 (29%) (n=1,041)  13 min 16 max	I/A I = 370 (53%) A = 333 (47%) (n=703)  14 min 17 max	I/A I = 207 (39%) A = 320 (61%) (n=527)  17 min 21 max	A A = 94 (100%) (n=94)  18 min 23 max	A A = 80 (100%) (n=80)  25 min 30 max	I/A I = 1,794 (59%) A = 1,260 (41%) (n=3,054)  15 min 19 max
<b>H</b>	C/I/A C = 1,355 (57%) I = 779 (32%) A = 256 (11%) (n=2,390)  5 min 7 max	I/A I = 2,409 (72%) A = 941 (28%) (n=3,350)  7 min 9 max	I/A I = 1,236 (54%) A = 1,045 (46%) (n=2,281)  9 min 11 max	I/A I = 662 (37%) A = 1,111 (63%) (n=1,773)  10 min 12 max	I/A I = 148 (28%) A = 386 (72%) (n=534)  13 min 16 max	A A = 305 (100%) (n=305)  17 min 21 max	C/I/A C = 1,355 (13%) I = 5,234 (49%) A = 4,044 (38%) (n=10,633)  9 min 12 max
<b>I</b>	C C = 1,790 (100%) (n=1,790)  N/A	C/I C = 1,922 (62%) I = 1,171 (38%) (n=3,093)  N/A	I I = 1,230 (100%) (n=1,230)  N/A	I/A I = 501 (52%) A = 470 (48%) (n=971)  7 min 9 max	I/A I = 81 (37%) A = 140 (63%) (n=221)  8 min 10 max	I/A I = 70 (34%) A = 136 (66%) (n=206)  9 min 11 max	C/I/A C = 3,712 (49%) I = 3,053 (41%) A = 746 (10%) (n=7,511)  7 min 9 max
<b>TOTAL</b>	C/I/A C = 3,145 (50%) I = 1,938 (31%) A = 1,190 (19%) (n=6,273)  42 min 56 max	C/I/A C = 1,922 (21%) I = 4,941 (55%) A = 2,162 (24%) (n=9,025)  32 min 42 max	I/A I = 3,052 (59%) A = 2,124 (41%) (n=5,176)  30 min 39 max	I/A I = 1,370 (35%) A = 2,583 (65%) (n=3,953)  28 min 36 max	I/A I = 229 (22%) A = 811 (78%) (n=1,040)  32 min 40 max	I/A I = 70 (9%) A = 686 (91%) (n=756)  38 min 48 max	C/I/A C = 5,067 (19%) I = 11,600 (44%) A = 9,556 (37%) (n=26,223)  32 min 41 max

Note: Of the 29,093 felony convictions in FY 2004/05, 2,870 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

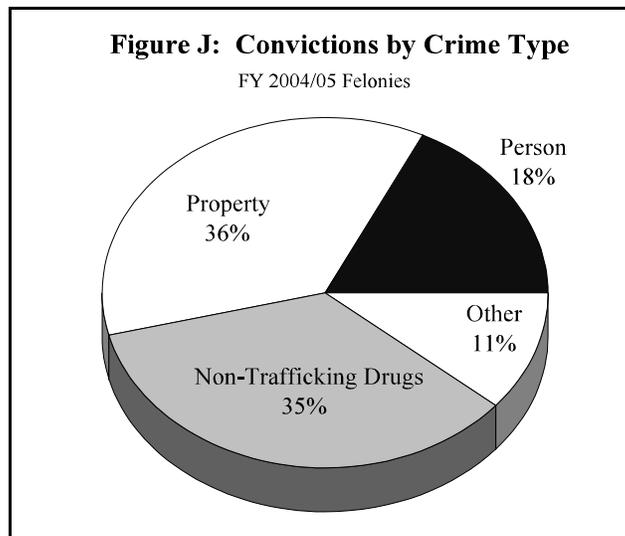
As shown in *Table 4*, where the judge had the option of imposing either an Active or community-based punishment (*i.e.*, either an Intermediate or Community punishment), an Intermediate punishment was most likely to be imposed for convictions falling within Offense Class G with Prior Record Level I (78%), while an Active sentence was most likely to be imposed for convictions falling within Offense Class H with Prior Record Level V (72%).

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 2004/05, property offenses accounted for 36% of convictions, followed closely by convictions for non-trafficking drug offenses (35%). (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 (62%), while convictions for non-trafficking drug offenses were least likely to result in the imposition of an Active punishment (19%). Of the four crime types, non-trafficking drug and property convictions had the highest percentage of Intermediate punishment sentences (48% each) and non-trafficking drug convictions had the highest percentage of Community punishment sentences (33%).

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 2004/05 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	2,917	62	1,722	36	87	2	63	81	4,726
Property	3,209	34	4,483	48	1,721	18	12	14	9,413
Non-Trafficking Drug	1,788	19	4,455	48	3,053	33	11	13	9,296
Other Felony	1,642	59	940	34	206	7	45	57	2,788
<b>TOTAL</b>	<b>9,556</b>	<b>37</b>	<b>11,600</b>	<b>44</b>	<b>5,067</b>	<b>19</b>	<b>32</b>	<b>41</b>	<b>26,223</b>

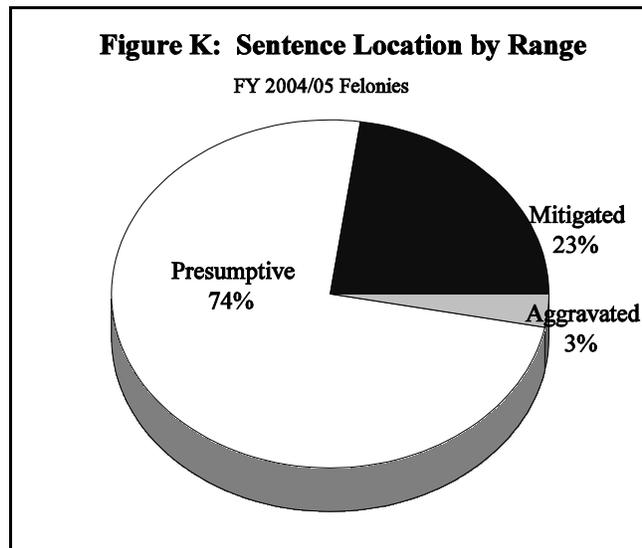
Note: Of the 29,093 felony convictions in FY 2004/05, 2,870 convictions were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation).

#### 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=9,471)*. Class A convictions, which are subject to mandatory life or death sentences, are excluded from this section (n=85), 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

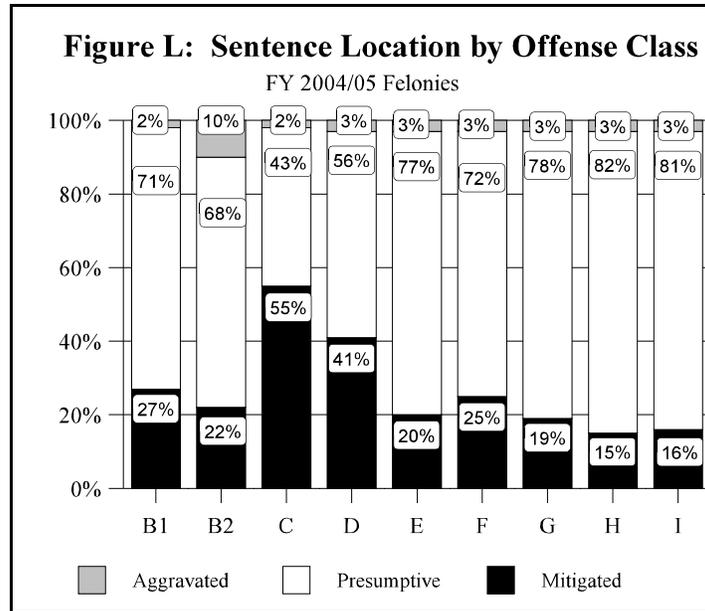
Figure K shows that 74% of all Active sentences fell within the presumptive range; 23% fell within the mitigated range; and 3% fell within the aggravated range.<sup>3</sup>



<sup>3</sup> In FY 2004/05, there was a decrease in the imposition of sentences in the aggravated range that can be attributed to the U.S. Supreme Court's June 2004 ruling in *Blakely vs. Washington*.

## 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 (82% and 81% respectively), while convictions for Class C offenses had the lowest percentage of Active sentences in the presumptive range (43%). Convictions falling into Prior Record Level I had the highest percentage of Active sentences in the mitigated range (28%). Convictions falling into Prior Record Level I also had the highest percentage of Active sentences in the aggravated range (5%).

Overall, 23% of Active sentences were in the mitigated range and an additional 30% were at the lowest possible point of the presumptive range. Convictions for Class C offenses had the highest percentage of Active sentences in the mitigated range (55%), followed by convictions for Class D offenses (41%). In addition, as shown in *Appendix D*, 69% of Class C convictions and 63% 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 2004/05 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	
<b>B1</b>	Mitigated	23 (35%)	14 (31%)	2 (10%)	1 (7%)	0 (0%)	0 (0%)	40 (27%)
	Presumptive	41 (62%)	30 (67%)	17 (90%)	13 (93%)	0 (0%)	2 (100%)	103 (71%)
	Aggravated	2 (3%)	1 (2%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	3 (2%)
	<b>Subtotal</b>	<b>66</b>	<b>45</b>	<b>19</b>	<b>14</b>	<b>0</b>	<b>2</b>	<b>146</b>
<b>B2</b>	Mitigated	18 (22%)	22 (24%)	10 (20%)	5 (19%)	3 (23%)	1 (14%)	59 (22%)
	Presumptive	51 (63%)	61 (66%)	35 (72%)	19 (73%)	10 (77%)	6 (86%)	182 (68%)
	Aggravated	12 (15%)	9 (10%)	4 (8%)	2 (8%)	0 (0%)	0 (0%)	27 (10%)
	<b>Subtotal</b>	<b>81</b>	<b>92</b>	<b>49</b>	<b>26</b>	<b>13</b>	<b>7</b>	<b>268</b>
<b>C</b>	Mitigated	19 (24%)	79 (48%)	123 (59%)	158 (60%)	57 (65%)	45 (59%)	481 (55%)
	Presumptive	58 (73%)	84 (51%)	78 (38%)	102 (39%)	30 (34%)	29 (38%)	381 (43%)
	Aggravated	2 (3%)	2 (1%)	7 (3%)	4 (1%)	1 (1%)	2 (3%)	18 (2%)
	<b>Subtotal</b>	<b>79</b>	<b>165</b>	<b>208</b>	<b>264</b>	<b>88</b>	<b>76</b>	<b>880</b>
<b>D</b>	Mitigated	108 (48%)	78 (38%)	47 (38%)	38 (40%)	10 (35%)	12 (41%)	293 (41%)
	Presumptive	105 (47%)	123 (60%)	75 (60%)	54 (58%)	18 (62%)	17 (59%)	392 (56%)
	Aggravated	10 (5%)	5 (2%)	3 (2%)	2 (2%)	1 (3%)	0 (0%)	21 (3%)
	<b>Subtotal</b>	<b>223</b>	<b>206</b>	<b>125</b>	<b>94</b>	<b>29</b>	<b>29</b>	<b>706</b>

**Table 6: Sentence Location by Offense Class and Prior Record Level (continued)  
(Active Sentences Only)  
FY 2004/05 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	
<b>E</b>	Mitigated	23 (19%)	31 (18%)	28 (24%)	14 (17%)	4 (21%)	2 (12%)	102 (20%)
	Presumptive	95 (78%)	131 (78%)	88 (74%)	65 (80%)	14 (74%)	13 (76%)	406 (77%)
	Aggravated	4 (3%)	7 (4%)	2 (2%)	2 (3%)	1 (5%)	2 (12%)	18 (3%)
	<b>Subtotal</b>	<b>122</b>	<b>169</b>	<b>118</b>	<b>81</b>	<b>19</b>	<b>17</b>	<b>526</b>
<b>F</b>	Mitigated	40 (22%)	61 (26%)	46 (22%)	56 (29%)	19 (45%)	7 (21%)	229 (25%)
	Presumptive	132 (73%)	165 (71%)	162 (76%)	137 (71%)	22 (53%)	24 (73%)	642 (72%)
	Aggravated	9 (5%)	7 (3%)	5 (2%)	0 (0%)	1 (2%)	2 (6%)	24 (3%)
	<b>Subtotal</b>	<b>181</b>	<b>233</b>	<b>213</b>	<b>193</b>	<b>42</b>	<b>33</b>	<b>895</b>
<b>G</b>	Mitigated	35 (26%)	51 (17%)	58 (17%)	66 (21%)	12 (13%)	17 (21%)	239 (19%)
	Presumptive	93 (70%)	239 (80%)	265 (80%)	247 (77%)	81 (86%)	60 (75%)	985 (78%)
	Aggravated	5 (4%)	10 (3%)	10 (3%)	7 (2%)	1 (1%)	3 (4%)	36 (3%)
	<b>Subtotal</b>	<b>133</b>	<b>300</b>	<b>333</b>	<b>320</b>	<b>94</b>	<b>80</b>	<b>1,260</b>
<b>H</b>	Mitigated	54 (21%)	128 (14%)	178 (17%)	155 (14%)	49 (13%)	51 (17%)	615 (15%)
	Presumptive	191 (75%)	760 (81%)	849 (81%)	938 (84%)	324 (84%)	244 (80%)	3,306 (82%)
	Aggravated	11 (4%)	53 (5%)	18 (2%)	18 (2%)	13 (3%)	10 (3%)	123 (3%)
	<b>Subtotal</b>	<b>256</b>	<b>941</b>	<b>1,045</b>	<b>1,111</b>	<b>386</b>	<b>305</b>	<b>4,044</b>

**Table 6: Sentence Location by Offense Class and Prior Record Level (continued)  
(Active Sentences Only)  
FY 2004/05 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	
<b>I</b>	Mitigated	N/A	N/A	N/A	78 (16%)	26 (19%)	18 (13%)	122 (16%)
	Presumptive	N/A	N/A	N/A	379 (81%)	109 (78%)	114 (84%)	602 (81%)
	Aggravated	N/A	N/A	N/A	13 (3%)	5 (3%)	4 (3%)	22 (3%)
	<b>Subtotal</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>470</b>	<b>140</b>	<b>136</b>	<b>746</b>
<b>TOTAL</b>	Mitigated	320 (28%)	464 (22%)	492 (23%)	571 (22%)	180 (22%)	153 (22%)	2,180 (23%)
	Presumptive	766 (67%)	1,593 (74%)	1,569 (74%)	1,954 (76%)	608 (75%)	509 (74%)	6,999 (74%)
	Aggravated	55 (5%)	94 (4%)	49 (2%)	48 (2%)	23 (3%)	23 (4%)	292 (3%)
	<b>Subtotal</b>	<b>1,141</b>	<b>2,151</b>	<b>2,110</b>	<b>2,573</b>	<b>811</b>	<b>685</b>	<b>9,471</b>

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, 85 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 (4%). Convictions in the category of other felony offenses accounted for the lowest percentage of presumptive sentences (59%), the highest percentage of mitigated sentences (39%), and the lowest percentage of aggravated sentences (2%) relative to the other crime types. Habitual felon convictions accounted for the largest number of convictions in the other felony category, representing 37% of convictions in this category. For additional information regarding convictions by crime type, see *Appendix D*.

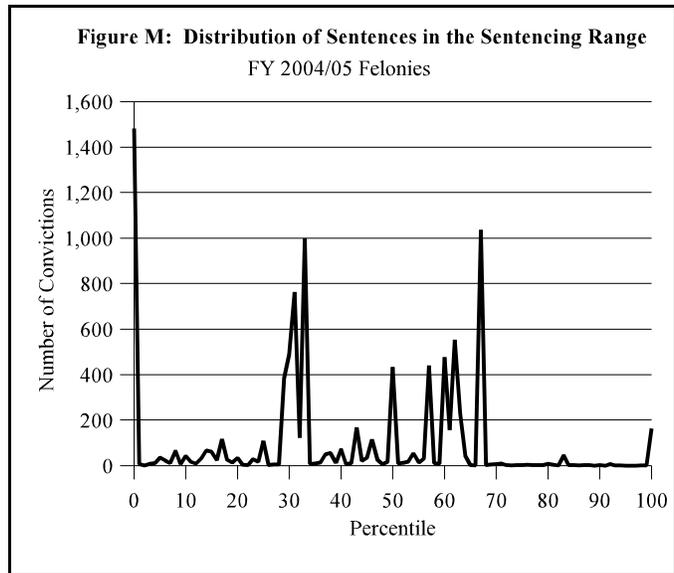
**Table 7: Sentence Location by Crime Type  
(Active Sentences Only)  
FY 2004/05 Felonies**

Crime Type	Sentencing Range						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
Person	712	25	2,012	71	108	4	2,832
Property	473	15	2,634	82	102	3	3,209
Non-Trafficking Drug	351	20	1,386	77	51	3	1,788
Other Felony	644	39	967	59	31	2	1,642
<b>TOTAL</b>	<b>2,180</b>	<b>23</b>	<b>6,999</b>	<b>74</b>	<b>292</b>	<b>3</b>	<b>9,471</b>

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, 85 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 9,471 active sentences imposed (excluding the 85 convictions with mandatory life or death sentences) fell below the midpoint of the range (at the 39<sup>th</sup> percentile above the minimum). Close examination of the actual location of each Active sentence within its respective range revealed that the majority of offenders were sentenced within the first or fourth quarter of the presumptive portion of the range (31.5% and 33.2% of all cases, respectively) (see *Figure M* and *Table 9*).

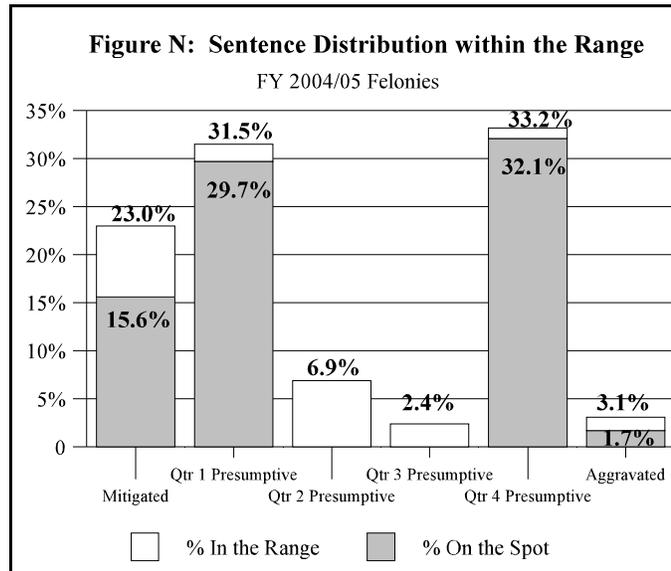


Further analysis indicates that over three-quarters (79.1%) of all Active sentences were located on one of only *four* specific spots of their respective ranges (*i.e.*, the lowest spot of the mitigated range, the lowest spot of the presumptive range, the highest spot of the presumptive range, and the highest

spot of the aggravated range). As shown in *Table 8* and *Figure N*, 15.6% of Active sentences fell on the lowest point of the mitigated range; 29.7% fell on the lowest point of the presumptive range; 32.1% fell on the highest point of the presumptive range; and 1.7% 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 specific spots, with 86.6% and 87.4% of all Active sentences, respectively, located on one of four specific spots of the range.

Convictions for Class B2 offenses had the lowest percentage of Active sentences located on one of the four specific spots of the sentencing range (60.5%).



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

**Table 8: Sentencing Range by Offense Class  
(Active Sentences Only)  
FY 2004/05 Felonies**

Offense Class	Location in the Range				% on the Four Spots
	Mitigated Range	Presumptive Range		Aggravated Range	
	% Lowest Spot	% Lowest Spot	% Highest Spot	% Highest Spot	
<b>B1</b>	17.8	18.5	28.8	0	65.1
<b>B2</b>	9.3	20.5	24.6	6.0	60.5
<b>C</b>	41.7	14.1	14.1	1.0	70.8
<b>D</b>	21.3	21.4	18.4	0.7	61.8
<b>E</b>	11.2	25.1	30.6	2.3	69.2
<b>F</b>	14.2	28.3	28.7	1.7	72.9
<b>G</b>	13.2	34.0	31.5	1.4	80.1
<b>H</b>	11.5	34.3	38.9	1.9	86.6
<b>I</b>	12.6	33.7	39.3	1.9	87.4
<b>TOTAL</b>	15.6	29.7	32.1	1.7	79.1

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, 85 convictions requiring a mandatory life or death sentence were excluded from this table. Percentages may not add to 100% due to rounding.

A similar pattern is evident by crime type, especially for property and drug offenses, with 86.1% and 84.0% of all Active sentences, respectively, located on four specific spots of the range (see *Table 9*).

**Table 9: Sentencing Range by Crime Type  
(Active Sentences Only)  
FY 2004/05 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	25.1 (14.7)	29.2 (25.1)	6.2	4.5	31.1 (28.6)	3.8 (2.1)	70.4
Property	14.7 (10.5)	33.5 (33.1)	7.5	0.6	40.5 (40.5)	3.2 (2.1)	86.1
Non-Traff. Drugs	19.6 (15.0)	34.5 (34.1)	7.7	1.7	33.7 (33.5)	2.9 (1.4)	84.0
Other Felonies	39.2 (28.0)	28.1 (26.0)	6.0	3.1	21.6 (20.5)	1.9 (0.9)	75.3
<b>TOTAL</b>	23.0 (15.6)	31.5 (29.7)	6.9	2.4	33.2 (32.1)	3.1 (1.7)	79.1

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, 85 convictions requiring a mandatory life or death sentence were excluded from this table. 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), Residential Treatment Facility (RESID), and Drug Treatment Court (DTC).<sup>4</sup> 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.

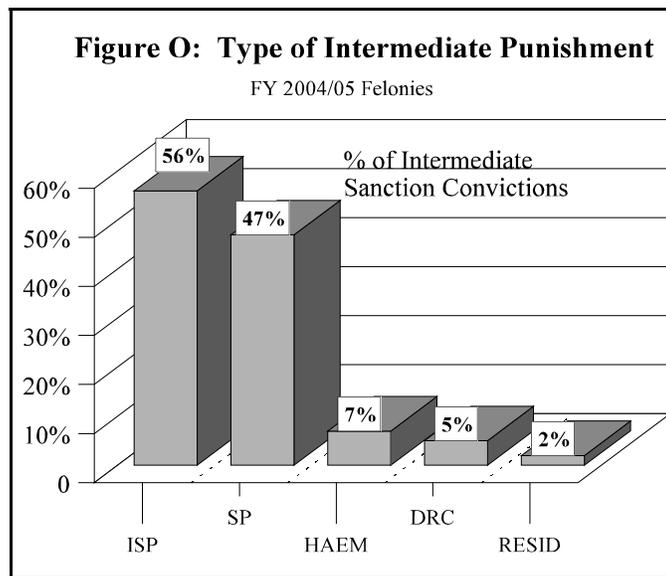
<sup>4</sup> Drug Treatment Court (DTC) became an intermediate sanction effective July 26, 2004. However, data were not collected until late fall 2004 in the AOC's Criminal Information System. There were 21 convictions ordered to DTC in FY 2004/05. Since only a partial year of data were available, information on the imposition of DTC as an intermediate sanction is not reported in the following section.

During Fiscal Year 2004/05, Intermediate punishments were imposed for 11,600 convictions, with an average supervised probation sentence length of 32 months. The specific type(s) of intermediate sanction(s) imposed was reported in the AOC database for 11,469 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 (56%). 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%. There were 21 (<1%) Drug Treatment Court sanctions excluded.

### 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=6,041). For Class H, Intensive Supervision Probation was the most frequently invoked sanction (n=2,950). Overall, the most frequently invoked sanction was Intensive Supervision Probation (n=6,449), followed by Special Probation (n=5,443).

**Table 10: Type of Intermediate Punishment by Offense Class and Prior Record Level  
FY 2004/05 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	156	2	9	145	21	333
	II	167	3	8	156	19	353
	<b>Subtotal</b>	<b>323</b>	<b>5</b>	<b>17</b>	<b>301</b>	<b>40</b>	<b>686</b>
F	I	199	5	10	205	42	461
	II	183	4	8	182	28	405
	III	138	3	3	96	14	254
	<b>Subtotal</b>	<b>520</b>	<b>12</b>	<b>21</b>	<b>483</b>	<b>84</b>	<b>1,120</b>
G	I	244	1	14	271	47	577
	II	411	4	34	424	48	921
	III	206	10	12	214	30	472
	IV	136	7	8	100	19	270
	<b>Subtotal</b>	<b>997</b>	<b>22</b>	<b>68</b>	<b>1,009</b>	<b>144</b>	<b>2,240</b>
H	I	356	13	47	432	61	909
	II	1,031	38	108	1,378	149	2,704
	III	575	37	56	690	89	1,447
	IV	356	17	19	365	42	799
	V	63	15	9	85	10	182
	<b>Subtotal</b>	<b>2,381</b>	<b>120</b>	<b>239</b>	<b>2,950</b>	<b>351</b>	<b>6,041</b>

**Table 10: Type of Intermediate Punishment by Offense Class and Prior Record Level  
(continued)  
FY 2004/05 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	394	9	79	694	89	1,265
	III	524	15	61	675	98	1,373
	IV	229	11	28	259	35	562
	V	43	4	4	42	5	98
	VI	32	3	4	36	3	78
	<b>Subtotal</b>	<b>1,222</b>	<b>42</b>	<b>176</b>	<b>1,076</b>	<b>230</b>	<b>3,376</b>
<b>TOTAL</b>	<b>5,443</b>	<b>201</b>	<b>521</b>	<b>6,449</b>	<b>849</b>	<b>13,463</b>	

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, 21 Drug Treatment Court sanctions were also excluded.

### 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=5,177), followed closely by non-trafficking drug offenses (n=5,098).

**Table 11: Type of Intermediate Punishment by Crime Type  
FY 2004/05 Felonies**

Crime Type	Type of Intermediate Punishment					Total
	Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
Person	983	26	61	876	136	2,082
Property	2,084	120	187	2,457	329	5,177
Non-Trafficking Drug	1,895	45	246	2,600	312	5,098
Other Felony	481	10	27	516	72	1,106
<b>TOTAL</b>	<b>5,443</b>	<b>201</b>	<b>521</b>	<b>6,449</b>	<b>849</b>	<b>13,463</b>

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, 21 Drug Treatment Court sanctions were also excluded.

## VI. COMMUNITY PUNISHMENTS

This section includes only those convictions for which a Community punishment was imposed. During Fiscal Year 2004/05, there were 5,067 convictions for which a Community punishment was imposed. The specific type(s) of Community punishment(s) imposed was reported in the AOC database for 4,990 convictions. Of these 4,990 convictions, 4,794 were for supervised probation; 166 were for unsupervised probation; and 30 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=3,712). 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 26 months.

**Table 12: Type of Community Punishment by Offense Class  
FY 2004/05 Felonies**

Offense Class	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
<b>H</b>	1,293 <i>30 months</i>	32 <i>25 months</i>	6 <i>N/A</i>	24 <i>N/A</i>	1,355 <i>30 months</i>
<b>I</b>	3,501 <i>25 months</i>	134 <i>19 months</i>	24 <i>N/A</i>	53 <i>N/A</i>	3,712 <i>25 months</i>
<b>TOTAL</b>	4,794 <i>26 months</i>	166 <i>20 months</i>	30 <i>N/A</i>	77 <i>N/A</i>	5,067 <i>26 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=3,053). Convictions for property offenses had the longest average probation sentences (30 months).

**Table 13: Type of Community Punishment by Crime Type  
FY 2004/05 Felonies**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
<b>Person</b>	83 <i>29 months</i>	4 <i>23 months</i>	0 <i>N/A</i>	0 <i>N/A</i>	87 <i>28 months</i>
<b>Property</b>	1,638 <i>30 months</i>	48 <i>23 months</i>	5 <i>N/A</i>	30 <i>N/A</i>	1,721 <i>30 months</i>
<b>Non-Trafficking Drug</b>	2,884 <i>24 months</i>	99 <i>18 months</i>	25 <i>N/A</i>	45 <i>N/A</i>	3,053 <i>24 months</i>
<b>Other Felony</b>	189 <i>27 months</i>	15 <i>23 months</i>	0 <i>N/A</i>	2 <i>N/A</i>	206 <i>27 months</i>
<b>TOTAL</b>	4,794 <i>26 months</i>	166 <i>20 months</i>	30 <i>N/A</i>	77 <i>N/A</i>	5,067 <i>26 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 645 habitual felon convictions during Fiscal Year 2004/05.<sup>5</sup> *Table 14* shows the breakdown by offense class and crime type of the most serious conviction associated with habitual felon convictions. Forty-five percent of habitual felons had a conviction for a Class H offense as their underlying conviction (n=287). Thirty-seven percent of habitual felons had some type of drug offense as their underlying conviction (n=237).

---

<sup>5</sup> In 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.

Felony Breaking and/or Entering was the most frequently occurring most serious crime associated with habitual felon convictions (n=89). Almost sixty-five percent of habitual felon convictions were sentenced in the mitigated range and an additional 16% 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 2004/05 Felonies**

Offense Class	Offense	Total
Class A	1 <sup>st</sup> Degree Murder	1
	<b>Subtotal</b>	<b>1</b>
Class B2	2 <sup>nd</sup> Degree Murder	3
	Attempted 1 <sup>st</sup> Degree Murder	1
	<b>Subtotal</b>	<b>4</b>
Class C	Kidnapping	2
	2 <sup>nd</sup> Degree Rape	3
	AWDWIKISI	4
	Other Drug Offense	5
	Other Property Offense	3
	Habitual Felon*	2
	<b>Subtotal</b>	<b>19</b>
	Class D	Voluntary Manslaughter
Attempted Kidnapping		1
Attempted 2 <sup>nd</sup> Degree Sex Offense		1
Other Sex Offense		1
Attempt Robbery Dang. Weapon		3
Robbery Dang. Weapon		18
1 <sup>st</sup> Degree Arson		2
1 <sup>st</sup> Degree Burglary		6
<b>Subtotal</b>		<b>33</b>
Class E	2 <sup>nd</sup> Degree Kidnapping	3
	Sex Offense - Parental Role	1
	Consp. Robbery Dang. Weapon	1
	AWDW Intent to Kill	1
	AWDW Serious Injury	6
	Assault LEO/PO/Other w/ Firearm	1
	Attempted 1 <sup>st</sup> Degree Burglary	2
	Other Person	1

Offense Class	Offense	Total
Class E (cont.)	Other Property	1
	Other Drug	1
	Discharge Weapon Occupied Prop	1
	<b>Subtotal</b>	<b>19</b>
Class F	Involuntary Manslaughter	3
	Felonious Restraint	1
	Indecent Liberties with Child	2
	Fail to Register as Sex Offender	4
	Malicious Conduct by Prisoner	4
	Assault Serious Bodily Injury	2
	AWDW - Government Official	8
	Trafficking in Cocaine	1
	Other Drug	2
	Habitual Impaired Driving	5
	<b>Subtotal</b>	<b>32</b>
Class G	Common Law Robbery	32
	Other Person	1
	Second Degree Burglary	4
	Financial Identity Fraud	2
	Other Property Offense	1
	Sell/Deliver Schedule II C.S.	5
	Sell/Deliver Cocaine	7
	Sell/Deliver Heroin	1
	Sell Cocaine	35
	Sell Heroin	3
	Sell Schedule II C.S.	5
	Conspire Sell Cocaine	6
	Trafficking in Marijuana	1
Trafficking in Cocaine	4	

**Table 14: Most Serious Crime Associated with Habitual Felon Convictions by Offense Class and Offense (continued)  
FY 2004/05 Felonies**

Offense Class	Offense	Total
<b>Class G (cont.)</b>	Conspire to Traffic in Cocaine	1
	Other Drug	10
	Possession of Firearm by Felon	27
	<b>Subtotal</b>	<b>145</b>
<b>Class H</b>	Attempted Common Law Robbery	3
	Habitual Misdemeanor Assault	7
	Other Person	1
	Burning Personal Property	1
	Breaking and/or Entering	89
	Felony Larceny	22
	Larceny of a Firearm	1
	Larceny by Anti-Inventory Device	1
	Larceny From the Person	2
	Possession of Stolen Firearm	1
	Possess Stolen Goods/Property	18
	Larceny After Break/Enter	6
	Larceny of Motor Vehicle	4
	Obtain Property False Pretense	24
	Att. Obtain Property False Pretense	3
	Possess C.S. Prison/Jail Premises	5
	Sell Marijuana	3
	Manufacture Schedule II C.S.	1
	PWIMSD Schedule I C.S.	2
	PWIMSD Schedule II C.S.	7
	Manufacture Cocaine	2
	PWISD Cocaine	40
	PWIMSD Cocaine	9
	PWIMSD Heroin	1
	Other Drug	4

Offense Class	Offense	Total
<b>Class H (cont.)</b>	DV Protective Order Violation	2
	Felony Hit/Run Fail Stop Inj	1
	Felony Escape Local Jail	1
	Possess. of Stolen Motor Vehicle	10
	Elude Arrest MV 2 Agg. Factors	7
	Elude Arrest MV >=3 Agg. Factors	7
	Other Felony	2
<b>Subtotal</b>	<b>287</b>	
<b>Class I</b>	Safecracking	1
	Assault Emergency Personnel	1
	Break or Enter a Motor Vehicle	16
	Forgery of Instrument	8
	Forgery of Endorsement	1
	Financial Card Theft	1
	Other Property	1
	Obtain C.S. by Fraud/Forgery	2
	Att Obtain C.S. by Fraud/Forgery	1
	Manufacture Schedule VI C.S.	1
	PWISD Counterfeit C.S.	2
	Possession Schedule I C.S.	3
	Possession Schedule II C.S.	13
	Manufacture Marijuana	2
	PWISD Marijuana	13
	Felony Possession of Cocaine	29
	Maintain Vehicle/Dwell/Place C.S.	3
	Other Drug	7
	<b>Subtotal</b>	<b>105</b>
	<b>TOTAL</b>	<b>645</b>

\* Of the 645 habitual felon convictions, the most serious associated conviction could not be determined for 2 convictions. These 2 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 2004/05.

## **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 2004/05, four death sentences and 81 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) During Fiscal Year 2004/05, five life without parole sentences were imposed for a violent habitual felon conviction. The most serious offenses associated with the violent habitual felon convictions were first degree rape (n=1), first degree kidnapping (n=2), robbery with dangerous weapon (n=1), and attempted robbery with a dangerous weapon (n=1).

## **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 670 convictions for drug trafficking offenses. Trafficking Cocaine (Offense Class G) was the most frequently occurring drug trafficking offense (n=209).

**Table 15: Drug Trafficking Convictions  
FY 2004/05 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
<b>C</b>	Traffic Methamphetamine	1	100.0	.	.	.	.	225.0	279.0	1
	Traffic Cocaine	.	.	1	100.0	.	.	35.0	42.0	1
	Traffic Heroin	1	100.0	.	.	.	.	48.0	67.0	1
	Other Trafficking	4	100.0	.	.	.	.	225.0	279.0	4
	<b>Subtotal</b>	<b>6</b>	<b>85.7</b>	<b>1</b>	<b>14.3</b>	<b>.</b>	<b>.</b>	<b>172.6</b>	<b>214.9</b>	<b>7</b>
<b>D</b>	Traffic Methamphetamine	1	100.0	.	.	.	.	90.0	117.0	1
	Traffic Cocaine	16	88.9	1	5.6	1	5.6	111.5	139.5	18
	Consp. Traffic Cocaine	5	83.3	.	.	1	16.7	85.3	107.0	6
	Other Trafficking	7	87.5	1	12.5	.	.	175.0	219.0	8
	<b>Subtotal</b>	<b>29</b>	<b>87.9</b>	<b>2</b>	<b>6.1</b>	<b>2</b>	<b>6.1</b>	<b>121.5</b>	<b>152.2</b>	<b>33</b>
<b>E</b>	Traffic Methamphetamine	5	100.0	.	.	.	.	90.0	117.0	5
	Traffic Heroin	5	83.3	1	16.7	.	.	86.7	109.2	6
	Consp. Traffic Heroin	1	100.0	.	.	.	.	70.0	84.0	1
	Other Trafficking	5	100.0	.	.	.	.	90.0	117.0	5
	<b>Subtotal</b>	<b>16</b>	<b>94.1</b>	<b>1</b>	<b>5.9</b>	<b>.</b>	<b>.</b>	<b>87.6</b>	<b>112.3</b>	<b>17</b>
<b>F</b>	Traffic Methamphetamine	11	73.3	4	26.7	.	.	53.6	64.4	15
	Consp. Traffic Meth.	4	80.0	1	20.0	.	.	38.6	47.2	5
	Traffic MDA/MDMA	3	100.0	.	.	.	.	22.3	27.3	3
	Traffic Cocaine	33	89.2	4	10.8	.	.	58.9	71.0	37
	Traffic Heroin	10	90.9	.	.	1	9.1	54.9	66.8	11
	Consp. Traffic Cocaine	3	75.0	1	25.0	.	.	61.3	73.5	4
	Other Trafficking	38	84.4	7	15.6	.	.	70.0	84.2	45
	<b>Subtotal</b>	<b>102</b>	<b>85.0</b>	<b>17</b>	<b>14.2</b>	<b>1</b>	<b>.08</b>	<b>60.4</b>	<b>72.7</b>	<b>120</b>

**Table 15: Drug Trafficking Convictions (continued)  
FY 2004/05 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
<b>G</b>	Traffic Methamphetamine	1	100.0	.	.	.	.	70.0	84.0	1
	Consp. Traffic Meth.	1	100.0	.	.	.	.	25.0	39.0	1
	Traffic MDA/MDMA	10	83.3	1	8.3	1	8.3	30.3	36.5	12
	Traffic Marijuana	6	75.0	1	12.5	1	12.5	31.0	38.5	8
	Traffic Cocaine	178	85.2	22	10.5	9	4.3	32.6	39.3	209
	Traffic Heroin	1	100.0	.	.	.	.	17.0	21.0	1
	Consp. Traffic Marijuana	1	100.0	.	.	.	.	35.0	42.0	1
	Consp. Traffic Cocaine	13	65.0	6	30.0	1	5.0	26.5	32.0	20
	Consp. Traffic Heroin	1	50.0	1	50.0	.	.	42.5	51.0	2
	Other Trafficking	117	76.5	29	19.0	7	4.6	35.0	42.2	153
	<b>Subtotal</b>	<b>329</b>	<b>80.6</b>	<b>60</b>	<b>14.7</b>	<b>19</b>	<b>4.7</b>	<b>33.2</b>	<b>40.1</b>	<b>408</b>
<b>H</b>	Traffic MDA/MDMA	.	.	1	100.0	.	.	35.0	42.0	1
	Traffic Marijuana	33	78.6	4	9.5	5	11.9	21.2	25.5	42
	Traffic Cocaine	4	50.0	.	.	4	50.0	22.6	27.5	8
	Traffic Heroin	.	.	.	.	1	100.0	6.0	8.0	1
	Consp. Traffic Marijuana	2	50.0	2	50.0	.	.	25.0	30.0	4
	Consp. Traffic Cocaine	1	50.0	.	.	1	50.0	7.5	9.5	2
	Other Trafficking	20	80.0	1	4.0	4	16.0	25.0	30.0	25
	<b>Subtotal</b>	<b>60</b>	<b>72.3</b>	<b>8</b>	<b>9.6</b>	<b>15</b>	<b>18.1</b>	<b>22.3</b>	<b>26.9</b>	<b>83</b>
<b>I</b>	Traffic Marijuana	1	50.0	.	.	1	50.0	14.5	17.5	2
	<b>Subtotal</b>	<b>1</b>	<b>50.0</b>	<b>.</b>	<b>.</b>	<b>1</b>	<b>50.0</b>	<b>14.5</b>	<b>17.5</b>	<b>2</b>
<b>TOTAL</b>		<b>543</b>	<b>81.0</b>	<b>89</b>	<b>13.3</b>	<b>38</b>	<b>5.7</b>	<b>43.8</b>	<b>53.4</b>	<b>670</b>

Note: This table reflects all drug trafficking convictions regardless of whether the offense classes are correct or whether the sentences are consistent with the minimum and maximum sentences set forth in N.C. Gen. Stat. §90-95(h). For example, according to statute, an offender can only be convicted of trafficking marijuana in Classes D, F, G and H; however, in the table, there are Class I convictions for trafficking marijuana. 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 2004/05**

## **I. MISDEMEANOR CONVICTIONS IN FY 2004/05**

---

### **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 2004/05 (July 1, 2004 through June 30, 2005). Overall, sentences for 170,542 misdemeanor convictions were imposed. For many of the tables, information on 3,779 convictions (2%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table.

The following categories of misdemeanor convictions are excluded from this report: 1) misdemeanor Driving While Impaired offenses (since they are not governed by Structured Sentencing laws); 2) cases disposed of by a magistrate; 3) Class 2 and 3 criminal traffic offenses; and 4) 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 I (n=40,388 or 24%).

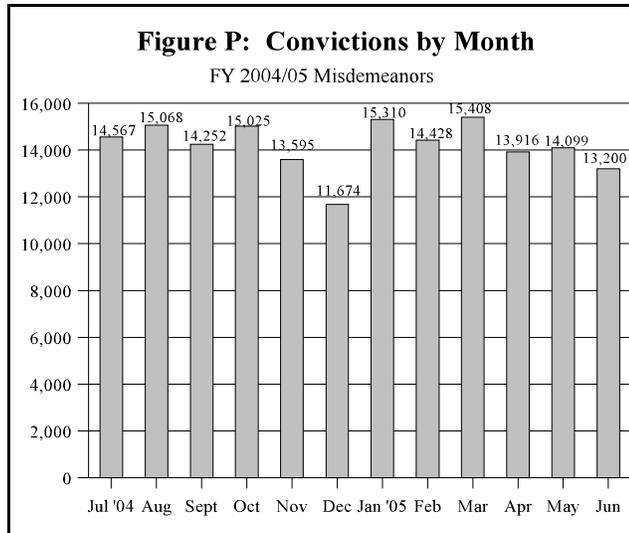
**Table 16: Distribution of Convictions within the Misdemeanor Structured Sentencing Grid  
FY 2004/05 Misdemeanors**

Offense Class	Prior Conviction Level			Total
	I 0 Pts	II 1-4 Pts	III 5+ Pts	
A1	4,403 (2.6%)	5,859 (3.5%)	4,129 (2.5%)	14,391 (8.6%)
1	40,388 (24.2%)	37,043 (22.2%)	17,854 (10.7%)	95,285 (57.1%)
2	16,443 (9.9%)	11,675 (7.0%)	3,892 (2.3%)	32,010 (19.2%)
3	14,012 (8.4%)	8,003 (4.8%)	3,062 (1.8%)	25,077 (15.0%)
<b>TOTAL</b>	<b>75,246 (45.1%)</b>	<b>62,580 (37.5%)</b>	<b>28,937 (17.4%)</b>	<b>166,763 (100%)</b>

Note: Of the 170,542 misdemeanor convictions in FY 2004/05, 3,779 (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=170,542) by month of sentencing during Fiscal Year 2004/05. 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.<sup>6</sup> Of the 170,542 convictions in FY 2004/05, 11% (n=18,870) occurred in the first judicial division, 12% (n=20,753) in the second judicial division, 18% (n=30,023) in the third judicial division, 11% (n=18,283) in the fourth judicial division, 14% (n=23,893) in the fifth judicial division, 11% (n=19,239) in the sixth judicial division, 14% (n=23,673) in the seventh judicial division, and 9% (n=15,808) 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 2004/05 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
<b>First Judicial Division</b>		<b>17,442</b>	<b>1,408</b>	<b>20</b>	<b>18,870</b>
<b>District 1</b>	Camden	139	15	0	154
	Chowan	366	29	1	396
	Currituck	451	50	0	501
	Dare	1,276	97	2	1,375
	Gates	157	9	0	166
	Pasquotank	959	76	0	1,035
	Perquimans	198	20	0	218
	<b>Total</b>	<b>3,546</b>	<b>296</b>	<b>3</b>	<b>3,845</b>
<b>District 2</b>	Beaufort	1,548	74	5	1,627
	Hyde	104	11	0	115
	Martin	568	20	0	588
	Tyrrell	194	16	0	210
	Washington	358	17	1	376
	<b>Total</b>	<b>2,772</b>	<b>138</b>	<b>6</b>	<b>2,916</b>
<b>District 3A</b>	Pitt	3,082	144	2	3,228
<b>Total</b>	<b>3,082</b>	<b>144</b>	<b>2</b>	<b>3,228</b>	
<b>District 6A</b>	Halifax	1,721	152	4	1,877
<b>Total</b>	<b>1,721</b>	<b>152</b>	<b>4</b>	<b>1,877</b>	

<sup>6</sup> 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 2004/05 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
<b>District 6B</b>	Bertie	477	27	0	504
	Hertford	631	51	0	682
	Northampton	413	52	0	465
	<b>Total</b>	<b>1,521</b>	<b>130</b>	<b>0</b>	<b>1,651</b>
<b>District 7</b>	Edgecombe	1,308	172	1	1,481
	Nash	1,798	160	2	1,960
	Wilson	1,694	216	2	1,912
	<b>Total</b>	<b>4,800</b>	<b>548</b>	<b>5</b>	<b>5,353</b>
<b><i>Second Judicial Division</i></b>		<b><i>19,681</i></b>	<b><i>1,051</i></b>	<b><i>21</i></b>	<b><i>20,753</i></b>
<b>District 3B</b>	Carteret	1,565	67	2	1,634
	Craven	2,156	88	2	2,246
	Pamlico	196	18	0	214
	<b>Total</b>	<b>3,917</b>	<b>173</b>	<b>4</b>	<b>4,094</b>
<b>District 4</b>	Duplin	942	72	0	1,014
	Jones	263	5	0	268
	Onslow	2,558	220	4	2,782
	Sampson	1,398	70	0	1,468
	<b>Total</b>	<b>5,161</b>	<b>367</b>	<b>4</b>	<b>5,532</b>
<b>District 5</b>	New Hanover	4,365	124	6	4,495
	Pender	663	37	1	701
	<b>Total</b>	<b>5,028</b>	<b>161</b>	<b>7</b>	<b>5,196</b>
<b>District 8</b>	Greene	553	27	1	581
	Lenoir	1,902	108	4	2,014
	Wayne	3,120	215	1	3,336
	<b>Total</b>	<b>5,575</b>	<b>350</b>	<b>6</b>	<b>5,931</b>
<b><i>Third Judicial Division</i></b>		<b><i>28,888</i></b>	<b><i>1,116</i></b>	<b><i>19</i></b>	<b><i>30,023</i></b>
<b>District 9</b>	Franklin	1,021	57	0	1,078
	Granville	924	114	0	1,038
	Vance	1,665	265	1	1,931
	Warren	320	23	1	344
	<b>Total</b>	<b>3,930</b>	<b>459</b>	<b>2</b>	<b>4,391</b>

**Table 17: Convictions by Judicial Division, Judicial District, County,  
and Mode of Disposition (continued)  
FY 2004/05 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 9A	Caswell	360	41	0	401
	Person	985	120	1	1,106
	<b>Total</b>	<b>1,345</b>	<b>161</b>	<b>1</b>	<b>1,507</b>
District 10	Wake	14,172	152	10	14,334
	<b>Total</b>	<b>14,172</b>	<b>152</b>	<b>10</b>	<b>14,334</b>
District 14	Durham	4,523	46	4	4,573
	<b>Total</b>	<b>4,523</b>	<b>46</b>	<b>4</b>	<b>4,573</b>
District 15A	Alamance	3,288	274	2	3,564
	<b>Total</b>	<b>3,288</b>	<b>274</b>	<b>2</b>	<b>3,564</b>
District 15B	Chatham	651	6	0	657
	Orange	979	18	0	997
	<b>Total</b>	<b>1,630</b>	<b>24</b>	<b>0</b>	<b>1,654</b>
<b><i>Fourth Judicial Division</i></b>		<b><i>17,620</i></b>	<b><i>656</i></b>	<b><i>7</i></b>	<b><i>18,283</i></b>
District 11	Harnett	1,858	51	0	1,909
	Johnston	2,294	40	0	2,334
	Lee	1,241	75	1	1,317
	<b>Total</b>	<b>5,393</b>	<b>166</b>	<b>1</b>	<b>5,560</b>
District 12	Cumberland	2,693	208	1	2,902
	<b>Total</b>	<b>2,693</b>	<b>208</b>	<b>1</b>	<b>2,902</b>
District 13	Bladen	924	31	0	955
	Brunswick	1,324	55	0	1,379
	Columbus	968	43	2	1,013
	<b>Total</b>	<b>3,216</b>	<b>129</b>	<b>2</b>	<b>3,347</b>
District 16A	Hoke	737	44	0	781
	Scotland	1,321	38	0	1,359
	<b>Total</b>	<b>2,058</b>	<b>82</b>	<b>0</b>	<b>2,140</b>
District 16B	Robeson	4,260	71	3	4,334
	<b>Total</b>	<b>4,260</b>	<b>71</b>	<b>3</b>	<b>4,334</b>
<b><i>Fifth Judicial Division</i></b>		<b><i>23,094</i></b>	<b><i>773</i></b>	<b><i>26</i></b>	<b><i>23,893</i></b>
District 17A	Rockingham	1,494	128	3	1,625
	<b>Total</b>	<b>1,494</b>	<b>128</b>	<b>3</b>	<b>1,625</b>

**Table 17: Convictions by Judicial Division, Judicial District, County,  
and Mode of Disposition (continued)  
FY 2004/05 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
<b>District 17B</b>	Stokes	775	69	0	844
	Surry	1,411	76	2	1,489
	<b>Total</b>	<b>2,186</b>	<b>145</b>	<b>2</b>	<b>2,333</b>
<b>District 18</b>	Guilford	6,987	298	5	7,290
	<b>Total</b>	<b>6,987</b>	<b>298</b>	<b>5</b>	<b>7,290</b>
<b>District 19B</b>	Montgomery	586	31	0	617
	Moore	1,297	31	1	1,329
	Randolph	2,088	51	2	2,141
	<b>Total</b>	<b>3,971</b>	<b>113</b>	<b>3</b>	<b>4,087</b>
<b>District 21</b>	Forsyth	6,233	60	12	6,305
	<b>Total</b>	<b>6,233</b>	<b>60</b>	<b>12</b>	<b>6,305</b>
<b>District 23</b>	Alleghany	156	4	0	160
	Ashe	327	5	0	332
	Wilkes	1,219	9	1	1,229
	Yadkin	521	11	0	532
	<b>Total</b>	<b>2,223</b>	<b>29</b>	<b>1</b>	<b>2,253</b>
<b>Sixth Judicial Division</b>		<b>17,621</b>	<b>1,599</b>	<b>19</b>	<b>19,239</b>
<b>District 19A</b>	Cabarrus	4,566	326	2	4,894
	<b>Total</b>	<b>4,566</b>	<b>326</b>	<b>2</b>	<b>4,894</b>
<b>District 19C</b>	Rowan	2,683	78	3	2,764
	<b>Total</b>	<b>2,683</b>	<b>78</b>	<b>3</b>	<b>2,764</b>
<b>District 20</b>	Anson	694	83	8	785
	Richmond	1,228	263	1	1,492
	Stanly	923	191	1	1,115
	Union	1,917	430	4	2,351
	<b>Total</b>	<b>4,762</b>	<b>967</b>	<b>14</b>	<b>5,743</b>
<b>District 22</b>	Alexander	453	11	0	464
	Davidson	2,261	100	0	2,361
	Davie	429	22	0	451
	Iredell	2,467	95	0	2,562
	<b>Total</b>	<b>5,610</b>	<b>228</b>	<b>0</b>	<b>5,838</b>

**Table 17: Convictions by Judicial Division, Judicial District, County,  
and Mode of Disposition (continued)  
FY 2004/05 Misdemeanors**

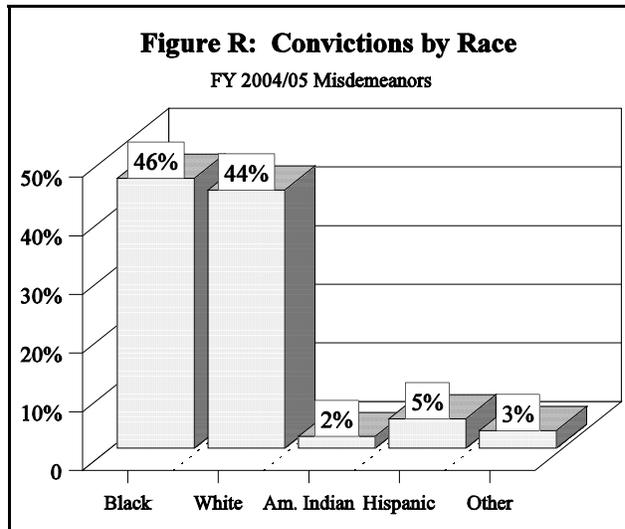
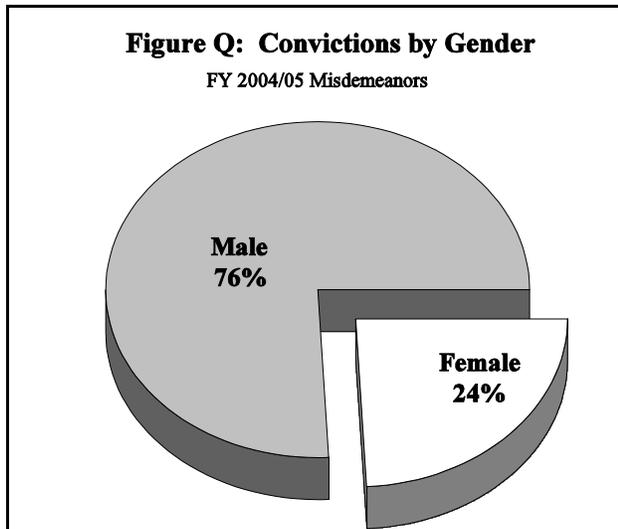
Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
<b><i>Seventh Judicial Division</i></b>		<b>22,880</b>	<b>764</b>	<b>29</b>	<b>23,673</b>
<b>District 25</b>	Burke	1,289	87	1	1,377
	Caldwell	1,316	66	7	1,389
	Catawba	2,657	165	5	2,827
	<b>Total</b>	<b>5,262</b>	<b>318</b>	<b>13</b>	<b>5,593</b>
<b>District 26</b>	Mecklenburg	9,915	130	8	10,053
	<b>Total</b>	<b>9,915</b>	<b>130</b>	<b>8</b>	<b>10,053</b>
<b>District 27A</b>	Gaston	4,653	168	6	4,827
	<b>Total</b>	<b>4,653</b>	<b>168</b>	<b>6</b>	<b>4,827</b>
<b>District 27B</b>	Cleveland	1,620	95	2	1,717
	Lincoln	1,430	53	0	1,483
	<b>Total</b>	<b>3,050</b>	<b>148</b>	<b>2</b>	<b>3,200</b>
<b><i>Eighth Judicial Division</i></b>		<b>15,327</b>	<b>444</b>	<b>37</b>	<b>15,808</b>
<b>District 24</b>	Avery	220	8	0	228
	Madison	170	17	1	188
	Mitchell	224	11	0	235
	Watauga	490	36	2	528
	Yancey	209	6	0	215
	<b>Total</b>	<b>1,313</b>	<b>78</b>	<b>3</b>	<b>1,394</b>
<b>District 28</b>	Buncombe	5,492	68	13	5,573
	<b>Total</b>	<b>5,492</b>	<b>68</b>	<b>13</b>	<b>5,573</b>
<b>District 29</b>	Henderson	1,739	52	3	1,794
	McDowell	834	25	1	860
	Polk	468	10	1	479
	Rutherford	2,095	64	6	2,165
	Transylvania	650	14	0	664
	<b>Total</b>	<b>5,786</b>	<b>165</b>	<b>11</b>	<b>5,962</b>

**Table 17: Convictions by Judicial Division, Judicial District, County,  
and Mode of Disposition (continued)  
FY 2004/05 Misdemeanors**

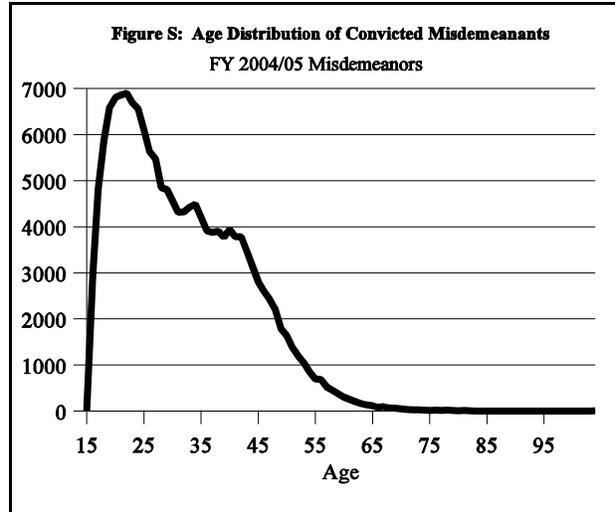
Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
<b>District 30</b>	Cherokee	424	43	0	467
	Clay	76	2	0	78
	Graham	121	8	1	130
	Haywood	989	43	2	1,034
	Jackson	484	7	3	494
	Macon	402	11	3	416
	Swain	240	19	1	260
	<b>Total</b>	<b>2,736</b>	<b>133</b>	<b>10</b>	<b>2,879</b>
<b>STATE TOTAL</b>		<b>162,553</b>	<b>7,811</b>	<b>178</b>	<b>170,542</b>

## 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%).



Based on the age at conviction, 17% of misdemeanor convictions were for offenders under the age of 21, 20% were 21-25 years of age, 13% 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 at conviction. As with felons, the volume of offenders peaks in the late teens and early twenties and then generally declines. *Table 18* provides a summary of misdemeanor convictions by gender, race, and age of offenders.



**Table 18: Convictions by Gender, Race, and Age  
FY 2004/05 Misdemeanors**

Gender and Race		Age at Conviction						Total
		<21	21-25	26-29	30-39	40-49	>49	
<b>Male</b>	White	10,259	11,084	6,327	13,160	9,656	3,850	54,336
	Black	9,377	11,548	7,281	14,658	12,058	4,527	59,449
	Hispanic	1,155	2,495	1,571	1,975	649	126	7,971
	Amer. Indian	364	438	311	536	289	160	2,098
	Other	240	359	184	430	221	71	1,505
	<b>Subtotal</b>	<b>21,395</b>	<b>25,924</b>	<b>15,674</b>	<b>30,759</b>	<b>22,873</b>	<b>8,734</b>	<b>125,359</b>
<b>Female</b>	White	2,775	3,372	2,266	5,395	3,588	955	18,351
	Black	2,549	3,384	2,466	5,065	3,195	899	17,558
	Hispanic	113	192	143	195	71	17	731
	Amer. Indian	100	158	147	260	135	31	831
	Other	73	95	69	136	91	30	494
	<b>Subtotal</b>	<b>5,610</b>	<b>7,201</b>	<b>5,091</b>	<b>11,051</b>	<b>7,080</b>	<b>1,932</b>	<b>37,965</b>
<b>TOTAL</b>		<b>27,005</b>	<b>33,125</b>	<b>20,765</b>	<b>41,810</b>	<b>29,953</b>	<b>10,666</b>	<b>163,324</b>

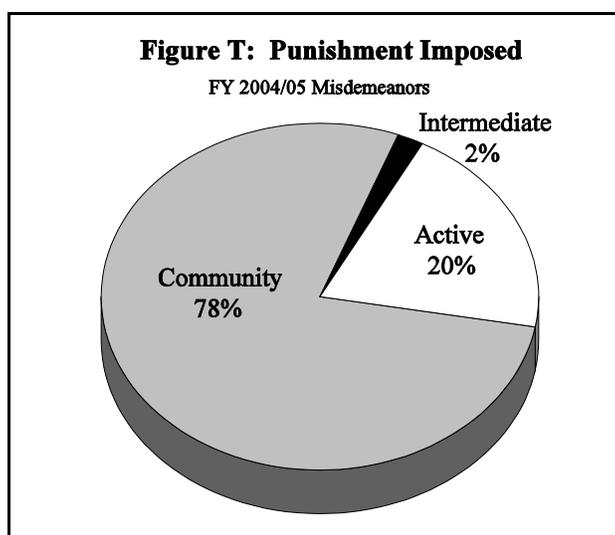
Note: Of the 170,542 misdemeanor convictions in FY 2004/05, 7,218 convictions with missing values for offenders' age were excluded from this table.

### 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.<sup>8</sup>

#### A. Overall Punishment

As shown in *Figure T*, an Active punishment was imposed for 20% of misdemeanor convictions; an Intermediate punishment was imposed for 2% of misdemeanor convictions; and a Community punishment was imposed for 78% 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-five percent of misdemeanor convictions fell into Prior Conviction Level I, 38% fell into Prior Conviction Level II, and 17% 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 (25%). The majority of convictions fell into Offense Class 1 with Prior Conviction Level I (n=40,388). The likelihood of receiving an Active punishment increased as prior conviction level increased.

---

<sup>8</sup> In the fall of 2001, the AOC restructured the appearance of the data entry fields in its criminal database. These changes may have resulted 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 2004/05 Misdemeanors**

Offense Class	Prior Conviction Level			Total
	I 0 Pts	II 1-4 Pts	III 5+ Pts	
<b>A1</b>	<b>C/I/A</b> C = 3,609 (82%) I = 139 (3%) A = 655 (15%) (n=4,403)  31.5 days	<b>C/I/A</b> C = 4,377 (75%) I = 290 (5%) A = 1,192 (20%) (n=5,859)  50.0 days	<b>C/I/A</b> C = 2,083 (51%) I = 304 (7%) A = 1,742 (42%) (n=4,129)  104.5 days	<b>C/I/A</b> C = 10,069 (70%) I = 733 (5%) A = 3,589 (25%) (n=14,391)  73.1 days
<b>1</b>	<b>C</b> C = 35,082 (87%) I = 216 (1%) A = 5,090 (12%) (n=40,388)  21.7 days	<b>C/I/A</b> C = 30,185 (82%) I = 879 (2%) A = 5,979 (16%) (n=37,043)  29.2 days	<b>C/I/A</b> C = 9,862 (55%) I = 1,062 (6%) A = 6,930 (39%) (n=17,854)  73.0 days	<b>C/I/A</b> C = 75,129 (79%) I = 2,157 (2%) A = 17,999 (19%) (n=95,285)  44.0 days
<b>2</b>	<b>C</b> C = 14,349 (87%) I = 35 (0%) A = 2,059 (13%) (n=16,443)  13.5 days	<b>C/I</b> C = 9,855 (84%) I = 142 (1%) A = 1,678 (15%) (n=11,675)  23.4 days	<b>C/I/A</b> C = 2,256 (58%) I = 75 (2%) A = 1,561 (40%) (n=3,892)  34.6 days	<b>C/I/A</b> C = 26,460 (83%) I = 252 (1%) A = 5,298 (16%) (n=32,010)  22.9 days
<b>3</b>	<b>C</b> C = 11,000 (79%) I = 9 (0%) A = 3,003 (21%) (n=14,012)  5.4 days	<b>C/I</b> C = 6,586 (82%) I = 56 (1%) A = 1,361 (17%) (n=8,003)  9.4 days	<b>C/I/A</b> C = 1,656 (54%) I = 44 (1%) A = 1,362 (45%) (n=3,062)  12.7 days	<b>C/I/A</b> C = 19,242 (77%) I = 109 (0%) A = 5,726 (23%) (n=25,077)  8.1 days
<b>TOTAL</b>	<b>C/I/A</b> C = 64,040 (85%) I = 399 (1%) A = 10,807 (14%) (n=75,246)  16.2 days	<b>C/I/A</b> C = 51,003 (82%) I = 1,367 (2%) A = 10,210 (16%) (n=62,580)  28.0 days	<b>C/I/A</b> C = 15,857 (55%) I = 1,485 (5%) A = 11,595 (40%) (n=28,937)  65.5 days	<b>C/I/A</b> C = 130,900 (78%) I = 3,251 (2%) A = 32,612 (20%) (n=166,763)  37.4 days

Note: Of the 170,542 misdemeanor convictions in FY 2004/05, 3,779 (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 (53.8 days). Overall, the average time to be served for misdemeanor convictions was 25.3 days. Sixty-two percent of offenders with Active sentences received credit for time served.

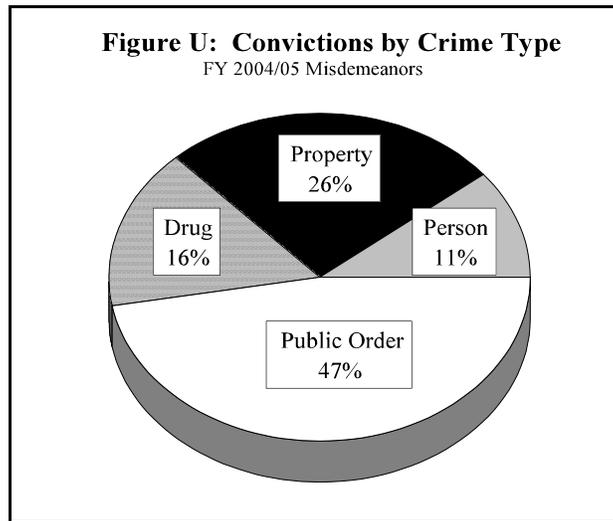
**Table 20: Average Length of Active Sentences by Offense Class and Prior Conviction Level  
FY 2004/05 Misdemeanors**

Offense Class		Prior Conviction Level			Overall
		I 0 Pts	II 1-4 Pts	III 5+ Pts	
<b>A1</b>	Average Active Sentence (Days)	31.5	50.0	104.5	73.1
	Average Credit for Time Served (Days)	16.0	17.7	21.6	19.3
	Average Time to be Served (Days)	15.5	32.3	82.9	53.8
	No. of Active Sentences	655	1,192	1,742	3,589
<b>1</b>	Average Active Sentence (Days)	21.7	29.2	73.0	44.0
	Average Credit for Time Served (Days)	13.6	11.2	14.7	13.2
	Average Time to be Served (Days)	8.2	18.0	58.3	30.7
	No. of Active Sentences	5,090	5,979	6,930	17,999
<b>2</b>	Average Active Sentence (Days)	13.5	23.4	34.6	22.9
	Average Credit for Time Served (Days)	10.3	11.7	11.5	11.1
	Average Time to be Served (Days)	3.2	11.8	23.2	11.8
	No. of Active Sentences	2,059	1,678	1,561	5,298
<b>3</b>	Average Active Sentence (Days)	5.4	9.4	12.7	8.1
	Average Credit for Time Served (Days)	4.6	6.0	5.4	5.1
	Average Time to be Served (Days)	0.7	3.4	7.3	2.9
	No. of Active Sentences	3,003	1,361	1,362	5,726
<b>TOTAL</b>	Average Active Sentence (Days)	16.2	28.0	65.5	37.4
	Average Credit for Time Served (Days)	10.6	11.4	14.2	12.1
	Average Time to be Served (Days)	5.6	16.7	51.3	25.3
	No. of Active Sentences	10,807	10,210	11,595	32,612

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 (11%).



*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-one percent of convictions for person offenses resulted in an Active punishment and 20% of property and 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 2004/05 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	3,969	21	747	4	13,823	75	63.4	17.7	45.7	18,539
Property	8,804	20	887	2	33,309	78	41.6	14.6	27.0	43,000
Drug	4,306	16	431	2	21,652	82	30.3	11.7	18.6	26,389
Public Order	15,533	20	1,186	1	62,116	79	30.4	9.4	21.0	78,835
<b>TOTAL</b>	<b>32,612</b>	<b>20</b>	<b>3,251</b>	<b>2</b>	<b>130,900</b>	<b>78</b>	<b>37.4</b>	<b>12.1</b>	<b>25.3</b>	<b>166,763</b>

Note: Of the 170,542 misdemeanor convictions in FY 2004/05, 3,779 (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

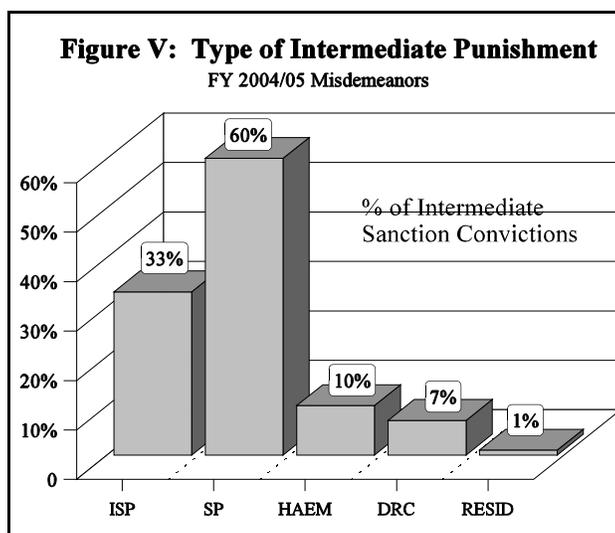
This section provides a summary of the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed.* The types of intermediate sanctions include Special Probation (SP), House Arrest with Electronic Monitoring (HAEM), Intensive Supervision Probation (ISP), Day Reporting Center (DRC), Residential Treatment Facility (RESID), and Drug Treatment Court (DTC).<sup>9</sup> See *Appendix E* for a brief description of each sanction.

During Fiscal Year 2004/05, there were 3,251 convictions for which an Intermediate punishment was imposed. One or more specific intermediate sanction was reported for 3,202 of these convictions (a reporting rate of 98%).

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

### A. Intermediate Punishments Imposed

*Figure V* shows the percentage of convictions for which each intermediate sanction was imposed. Where a specific intermediate sanction was reported in the database, data indicated that Special Probation accounted for the highest percentage of convictions (60%). 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%. There were 4 (<1%) Drug Treatment Court cases excluded.

<sup>9</sup> Drug Treatment Court (DTC) became an intermediate sanction effective July 26, 2004. However, data were not collected until late fall 2004 in the AOC's Criminal Information System. There were 4 misdemeanor convictions ordered to DTC in FY 2004/05. Since only a partial year of data were available, information on the imposition of DTC as an intermediate sanction is not reported in the following section.

## 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=1,175). Overall, intermediate sanctions were most frequently imposed for Class 1 convictions (n=2,340).

**Table 22: Type of Intermediate Punishment by Offense Class and Prior Conviction Level  
FY 2004/05 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	105	0	10	27	8	150
	II	201	1	15	83	18	318
	III	195	0	9	110	21	335
	<b>Subtotal</b>	<b>501</b>	<b>1</b>	<b>34</b>	<b>220</b>	<b>47</b>	<b>803</b>
1	I	134	6	27	44	10	221
	II	469	9	81	287	98	944
	III	591	8	49	394	133	1,175
	<b>Subtotal</b>	<b>1,194</b>	<b>23</b>	<b>157</b>	<b>725</b>	<b>241</b>	<b>2,340</b>
2	I	20	1	3	9	1	34
	II	87	0	17	48	13	165
	III	41	0	5	29	6	81
	<b>Subtotal</b>	<b>148</b>	<b>1</b>	<b>25</b>	<b>86</b>	<b>20</b>	<b>280</b>
3	I	4	0	2	3	0	9
	II	34	0	10	15	5	64
	III	27	0	3	18	2	50
	<b>Subtotal</b>	<b>65</b>	<b>0</b>	<b>15</b>	<b>36</b>	<b>7</b>	<b>123</b>
<b>TOTAL</b>		<b>1,908</b>	<b>25</b>	<b>231</b>	<b>1,067</b>	<b>315</b>	<b>3,546</b>

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. In addition, 4 Drug Treatment Court sanctions were also excluded.

### 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=1,294).

**Table 23: Type of Intermediate Punishment by Crime Type  
FY 2004/05 Misdemeanors**

Crime Type	Type of Intermediate Punishment					Total
	Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
Person	513	1	39	216	49	818
Property	485	14	80	313	77	969
Drug	143	6	59	204	53	465
Public Order	767	4	53	334	136	1,294
<b>TOTAL</b>	<b>1,908</b>	<b>25</b>	<b>231</b>	<b>1,067</b>	<b>315</b>	<b>3,546</b>

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. In addition, 4 Drug Treatment Court sanctions were also excluded.

### 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, Special Probation was imposed for 1,908 convictions. All but 117 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=1,194). Class A1 misdemeanors received the longest average Special Probation sentences (48.9 days).

**Table 24: Special Probation by Offense Class  
FY 2004/05 Misdemeanors**

Offense Class	Number	Mean Special Probation Length (Days) <sup>10</sup>
Class A1	501	48.9
Class 1	1,194	33.9
Class 2	148	26.0
Class 3	65	31.8
<b>TOTAL</b>	<b>1,908</b>	<b>37.1</b>

<sup>10</sup> 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=767) and the least number were for drug offenses (n=143). Person and drug convictions resulted in the longest Special Probation lengths (40.9 and 40.4 days respectively).

**Table 25: Special Probation by Crime Type  
FY 2004/05 Misdemeanors**

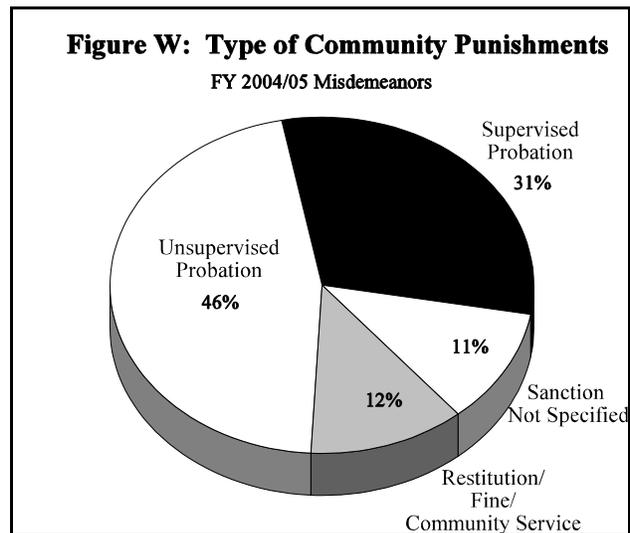
Offense Class	Number	Mean Special Probation Length (Days) <sup>11</sup>
Person	513	40.9
Property	485	31.4
Drug	143	40.4
Public Order	767	37.6
<b>TOTAL</b>	<b>1,908</b>	<b>37.1</b>

## V. COMMUNITY PUNISHMENTS

### A. Community Punishments by Offense Class

*This section includes only those convictions for which a Community punishment was imposed. Of the 130,900 convictions for which a Community punishment was imposed, the specific type of Community punishment imposed was reported for 116,816 convictions. Overall, 46% received Unsupervised Probation; 31% received Supervised Probation; 12% received only Restitution/Fine/Community Service without probation; and 11% had no specific sanction ordered (see *Figure W*).<sup>12</sup>*

*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



<sup>11</sup> The mean special probation length does not include any adjustment for credit for time served.

<sup>12</sup> 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).

length of probation sentences. Convictions for Class 1 offenses comprised the majority of convictions resulting in a Community punishment (n=75,129). Convictions for Class A1 offenses resulted in the longest average probation sentences (19 months).

**Table 26: Type of Community Punishment by Offense Class  
FY 2004/05 Misdemeanors**

Offense Class	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
<b>Class A1</b>	5,508 <i>19 months</i>	3,561 <i>18 months</i>	204 <i>N/A</i>	796 <i>N/A</i>	10,069 <i>19 months</i>
<b>Class 1</b>	26,644 <i>17 months</i>	32,869 <i>15 months</i>	8,645 <i>N/A</i>	6,971 <i>N/A</i>	75,129 <i>16 months</i>
<b>Class 2</b>	6,121 <i>16 months</i>	13,609 <i>14 months</i>	3,472 <i>N/A</i>	3,258 <i>N/A</i>	26,460 <i>14 months</i>
<b>Class 3</b>	2,270 <i>14 months</i>	10,129 <i>14 months</i>	3,784 <i>N/A</i>	3,059 <i>N/A</i>	19,242 <i>14 months</i>
<b>TOTAL</b>	40,543 <i>17 months</i>	60,168 <i>15 months</i>	16,105 <i>N/A</i>	14,084 <i>N/A</i>	130,900 <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*. Public order offenses were the largest offense category for which Supervised Probation was imposed (n=14,193) followed closely by property offenses (n=14,030). The largest number sentenced to Unsupervised Probation were convicted of public order offenses (n=29,900).

**Table 27: Type of Community Punishment by Crime Type  
FY 2004/05 Misdemeanors**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
<b>Person</b>	6,430 <i>18 months</i>	5,866 <i>17 months</i>	484 <i>N/A</i>	1,043 <i>N/A</i>	13,823 <i>17 months</i>
<b>Property</b>	14,030 <i>18 months</i>	13,706 <i>15 months</i>	2,586 <i>N/A</i>	2,987 <i>N/A</i>	33,309 <i>16 months</i>
<b>Drug</b>	5,890 <i>16 months</i>	10,696 <i>14 months</i>	3,076 <i>N/A</i>	1,990 <i>N/A</i>	21,652 <i>15 months</i>
<b>Public Order</b>	14,193 <i>17 months</i>	29,900 <i>15 months</i>	9,959 <i>N/A</i>	8,064 <i>N/A</i>	62,116 <i>15 months</i>
<b>TOTAL</b>	40,543 <i>17 months</i>	60,168 <i>15 months</i>	16,105 <i>N/A</i>	14,084 <i>N/A</i>	130,900 <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 2004/05, almost 8% of all misdemeanor convictions were sentenced to perform Community Service, with an average of nearly 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=8,614). Of the four offense classes, convictions for Class 1 offenses were most likely to result in a Community Service sentence (9%), while convictions for Class A1 offenses had the highest average hours of Community Service ordered (39.9 hours).

**Table 28: Community Service by Offense Class  
FY 2004/05 Misdemeanors**

<b>Offense Class</b>	<b>Mean Number of Hours Ordered</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Class A1</b>	39.9	801	5.6
<b>Class 1</b>	35.7	8,614	9.0
<b>Class 2</b>	32.7	1,840	5.8
<b>Class 3</b>	27.4	1,365	5.4
<b>TOTAL</b>	34.6	12,620	7.6

*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=5,008). Of the four crime types, property convictions were the most likely to result in a Community Service sentence (11.7%), while person convictions had the highest number of Community Service hours ordered (an average of almost 38 hours).

**Table 29: Community Service by Crime Type  
FY 2004/05 Misdemeanors**

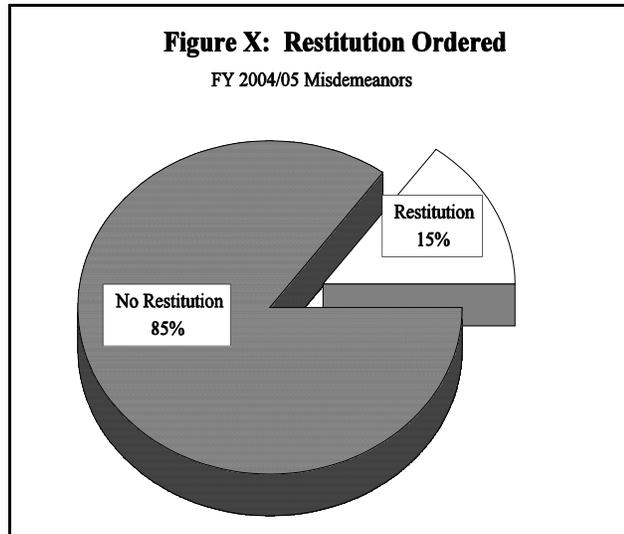
<b>Crime Type</b>	<b>Mean Number of Hours Ordered</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Person</b>	37.6	1,319	7.1
<b>Property</b>	35.2	5,008	11.7
<b>Drug</b>	32.3	1,582	6.0
<b>Public Order</b>	34.0	4,711	6.0
<b>TOTAL</b>	34.6	12,620	7.6

**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 almost 15% of all misdemeanor convictions during Fiscal Year 2004/05.



*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 \$775, while the median amount was \$200. The highest amount of Restitution, on average, was ordered for Class A1 convictions (a mean of \$1,373 and a median of \$306). Convictions for Class 1 misdemeanors comprised the largest group with a Restitution sentence (n=11,981), followed by Class 2 misdemeanors (n=9,893). 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 2004/05 Misdemeanors**

<b>Offense Class</b>	<b>Mean Restitution Ordered (\$)</b>	<b>Median Restitution Ordered (\$)</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Class A1</b>	1,373	306	1,750	12.2
<b>Class 1</b>	1,008	300	11,981	12.6
<b>Class 2</b>	438	135	9,893	30.9
<b>Class 3</b>	209	130	905	3.6
<b>TOTAL</b>	775	200	24,529	14.7

*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 person convictions (a mean of \$1,269 and a median of \$306). Property offense convictions accounted for the majority of convictions for which payment of Restitution was ordered (n=18,757) Forty-four 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 2004/05 Misdemeanors**

<b>Crime Type</b>	<b>Mean Restitution Ordered (\$)</b>	<b>Median Restitution Ordered (\$)</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Person</b>	1,269	306	2,235	12.1
<b>Property</b>	738	200	18,757	43.6
<b>Drugs</b>	239	200	1,057	4.0
<b>Public Order</b>	835	195	2,480	3.2
<b>TOTAL</b>	775	200	24,529	14.7

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 (\$998). Twenty-five 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=23,600).

**Table 32: Restitution Ordered by Punishment Imposed  
FY 2004/05 Misdemeanors**

<b>Type of Punishment</b>	<b>Mean Restitution Ordered (\$)</b>	<b>Median Restitution Ordered (\$)</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Active</b>	719	183	122	0.4
<b>Intermediate</b>	998	350	807	24.8
<b>Community</b>	767	200	23,600	18.0
<b>TOTAL</b>	775	200	24,529	14.7

**APPENDIX A**

**MAP OF JUDICIAL DIVISIONS AND DISTRICTS**





**APPENDIX B**

**SAMPLE OFFENSES**

**SAMPLE OFFENSES  
AS OF 12/1/05**

<b>CLASS A FELONIES</b>		<b>Maximum Punishment of Death or Life Without Parole</b>
Murder, First Degree (14-17)		
<b>CLASS B1 FELONIES</b>		<b>Maximum Punishment of Life Without Parole</b>
Rape, First Degree (14-27.2)	Sexual Offense, First Degree (14-27.4)	
<b>CLASS B2 FELONIES</b>		<b>Maximum Punishment of 479 Months</b>
Murder, Second Degree (14-17)		
<b>CLASS C FELONIES</b>		<b>Maximum Punishment of 261 Months</b>
Habitual Felon (14-7.6)	Assault W/D/W/I/K/I/S/I (14-32(a))	
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)	
<b>CLASS D FELONIES</b>		<b>Maximum Punishment of 229 Months</b>
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))	
<b>CLASS E FELONIES</b>		<b>Maximum Punishment of 98 Months</b>
Intercourse and Sexual Offenses with Certain Victims (Substitute Parent/Custodian) (14-27.7)	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))	
<b>CLASS F FELONIES</b>		<b>Maximum Punishment of 59 Months</b>
Involuntary Manslaughter (14-18)	Burning of Certain Other Buildings (14-62)	
Assault Inflicting Serious Bodily Injury (14-32.4)	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)	
<b>CLASS G FELONIES</b>		<b>Maximum Punishment of 44 Months</b>
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))	
<b>CLASS H FELONIES</b>		<b>Maximum Punishment of 30 Months</b>
Habitual Misdemeanor Assault (14-33.2)	Obtaining Property by False Pretenses (amount involved less than \$100,000) (14-100)	
Breaking or Entering Buildings (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))
<b>CLASS I FELONIES</b> <span style="float: right;"><b>Maximum Punishment of 15 Months</b></span>	
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))
<b>CLASS A1 MISDEMEANORS</b> <span style="float: right;"><b>Maximum Punishment of 150 Days</b></span>	
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)
<b>CLASS 1 MISDEMEANORS</b> <span style="float: right;"><b>Maximum Punishment of 120 Days</b></span>	
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)
<b>CLASS 2 MISDEMEANORS</b> <span style="float: right;"><b>Maximum Punishment of 60 Days</b></span>	
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)
<b>CLASS 3 MISDEMEANORS</b> <span style="float: right;"><b>Maximum Punishment of 20 Days</b></span>	
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))
<b>CONSPIRACY</b> to commit an offense is classified as one class lower than the offense the person conspired to commit. (14-2.4)	
<b>ATTEMPT</b> to commit an offense is classified as one class lower than the offense the person attempted to commit. (14-2.5)	
<b>SOLICITATION</b> to commit an offense is classified as two classes lower than the offense the person solicited the other person to commit. (14-2.6)	
<b>ACCESSORY BEFORE THE FACT</b> punishable as the principal felon. (14-5.2)	
<b>ACCESSORY AFTER THE FACT</b> punishable as two classes lower than the felony the principal felon committed. (14-7)	

**APPENDIX C**

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

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District  
FY 2004/05 Felonies**

Sentence Type and Average Length of Active Sentences by Judicial Division and Judicial District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<b><i>First Judicial Division</i></b>	<b>1,039</b>	<b>39.6</b>	<b>1,087</b>	<b>41.4</b>	<b>497</b>	<b>18.9</b>	<b>28.4</b>	<b>36.3</b>	<b>2,623</b>
District 1	107	28.0	147	38.5	128	33.5	23.7	30.0	382
District 2	147	42.9	140	40.8	56	16.3	33.7	42.7	343
District 3A	208	36.2	246	42.8	121	21.0	34.0	43.9	575
District 6A	72	32.1	123	54.9	29	12.9	40.5	52.2	224
District 6B	75	31.9	122	51.9	38	16.2	30.1	37.8	235
District 7A	153	44.3	139	40.3	53	15.4	24.7	31.6	345
District 7B,C	277	53.4	170	32.8	72	13.9	21.6	27.7	519
<b><i>Second Judicial Division</i></b>	<b>1,187</b>	<b>35.0</b>	<b>1,397</b>	<b>41.2</b>	<b>809</b>	<b>23.8</b>	<b>29.6</b>	<b>38.0</b>	<b>3,393</b>
District 3B	194	36.6	245	46.2	91	17.2	37.8	48.7	530
District 4A	163	36.6	158	35.5	124	27.9	25.7	32.9	445
District 4B	155	35.1	185	41.9	102	23.1	33.4	43.0	442
District 5	350	31.0	479	42.5	299	26.5	25.0	32.1	1,128
District 8A	158	36.8	175	40.8	96	22.4	27.6	35.5	429
District 8B	167	39.9	155	37.0	97	23.2	31.7	40.6	419
<b><i>Third Judicial Division</i></b>	<b>1,512</b>	<b>41.2</b>	<b>1,438</b>	<b>39.2</b>	<b>718</b>	<b>19.6</b>	<b>31.5</b>	<b>40.3</b>	<b>3,668</b>
District 9	239	39.1	266	43.5	106	17.3	22.9	29.3	611
District 9A	78	32.1	130	53.5	35	14.4	27.8	35.3	243
District 10	669	45.0	414	27.9	403	27.1	30.8	39.5	1,486
District 14	210	42.2	253	50.8	35	7.0	52.1	67.1	498
District 15A	182	34.9	241	46.3	98	18.8	31.2	39.4	521
District 15B	134	43.4	134	43.4	41	13.3	21.3	26.7	309

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District (continued)  
FY 2004/05 Felonies**

Sentence Type and Average Length of Active Sentences by Judicial Division and Judicial District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<b><i>Fourth Judicial Division</i></b>	<b>1,234</b>	<b>37.2</b>	<b>1,521</b>	<b>45.8</b>	<b>565</b>	<b>17.0</b>	<b>32.9</b>	<b>42.3</b>	<b>3,320</b>
District 11A	197	33.2	303	51.1	93	15.7	32.0	40.5	593
District 11B	149	41.0	151	41.6	63	17.4	26.0	33.2	363
District 12	370	39.1	422	44.6	154	16.3	34.2	44.5	946
District 13	184	29.9	279	45.4	152	24.7	30.9	40.2	615
District 16A	150	38.5	183	46.9	57	14.6	32.3	40.2	390
District 16B	184	44.6	183	44.3	46	11.1	39.6	51.0	413
<b><i>Fifth Judicial Division</i></b>	<b>1,679</b>	<b>35.0</b>	<b>2,312</b>	<b>48.2</b>	<b>804</b>	<b>16.8</b>	<b>34.0</b>	<b>43.7</b>	<b>4,795</b>
District 17A	90	30.6	137	46.6	67	22.8	33.6	43.1	294
District 17B	119	29.0	225	54.7	67	16.3	26.9	34.5	411
District 18	715	36.0	901	45.4	368	18.5	32.8	42.3	1,984
District 19B	105	36.7	140	49.0	41	14.3	31.8	40.5	286
District 19D	68	34.5	83	42.1	46	23.4	35.5	46.0	197
District 21	466	38.2	628	51.5	125	10.3	39.9	51.1	1,219
District 23	116	28.7	198	49.0	90	22.3	26.4	33.2	404
<b><i>Sixth Judicial Division</i></b>	<b>856</b>	<b>31.8</b>	<b>1,310</b>	<b>48.7</b>	<b>526</b>	<b>19.5</b>	<b>36.6</b>	<b>47.2</b>	<b>2,692</b>
District 19A	183	29.9	296	48.3	134	21.9	39.2	50.5	613
District 19C	141	31.1	226	49.8	87	19.2	39.0	50.3	454
District 20A	111	33.4	154	46.4	67	20.2	28.0	36.7	332
District 20B	168	34.1	233	47.3	92	18.7	36.2	46.7	493
District 22	253	31.6	401	50.1	146	18.3	37.5	48.1	800
<b><i>Seventh Judicial Division</i></b>	<b>1,207</b>	<b>32.9</b>	<b>1,744</b>	<b>47.5</b>	<b>721</b>	<b>19.6</b>	<b>33.7</b>	<b>43.5</b>	<b>3,672</b>
District 25A	132	35.2	162	43.2	81	21.6	37.0	47.4	375
District 25B	89	31.3	121	42.6	74	26.1	44.2	56.7	284
District 26	562	34.9	743	46.1	305	18.9	31.8	41.3	1,610
District 27A	236	30.1	405	51.7	142	18.1	34.2	43.8	783
District 27B	188	30.3	313	50.5	119	19.2	31.7	40.7	620

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District (continued)  
FY 2004/05 Felonies**

Sentence Type and Average Length of Active Sentences by Judicial Division and Judicial District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<b><i>Eighth Judicial Division</i></b>	<b>842</b>	<b>40.9</b>	<b>791</b>	<b>38.4</b>	<b>427</b>	<b>20.7</b>	<b>31.2</b>	<b>39.8</b>	<b>2,060</b>
District 24	111	27.4	166	41.0	128	31.6	25.0	31.8	405
District 28	374	55.5	236	35.0	64	9.5	34.1	43.7	674
District 29	250	38.5	237	36.5	163	25.1	29.1	36.6	650
District 30A	57	32.9	77	44.5	39	22.5	34.2	43.4	173
District 30B	50	31.6	75	47.5	33	20.9	31.2	39.8	158
<b><i>STATE TOTAL</i></b>	<b>9,556</b>	<b>36.4</b>	<b>11,600</b>	<b>44.2</b>	<b>5,067</b>	<b>19.3</b>	<b>32.3</b>	<b>41.4</b>	<b>26,223</b>

Note: Of the 29,093 felony convictions in FY 2004/05, 2,870 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). Percentages may not add to totals due to rounding.

**Appendix C, Table 2: Sentence Location by Judicial Division and District  
(Active Sentences Only)  
FY 2004/05 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Judicial Division and Judicial District	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<b><i>First Judicial Division</i></b>	<b>164</b>	<b>15.9</b>	<b>840</b>	<b>81.5</b>	<b>27</b>	<b>2.6</b>	<b>1,031</b>
District 1	11	10.3	93	86.9	3	2.8	107
District 2	25	17.1	117	80.1	4	2.7	146
District 3A	63	30.3	134	64.4	11	5.3	208
District 6A	9	12.5	61	84.7	2	2.8	72
District 6B	20	27.4	52	71.2	1	1.4	73
District 7A	16	10.5	134	88.2	2	1.3	152
District 7B,C	20	7.3	249	91.2	4	1.5	273
<b><i>Second Judicial Division</i></b>	<b>311</b>	<b>26.3</b>	<b>854</b>	<b>72.3</b>	<b>16</b>	<b>1.4</b>	<b>1,181</b>
District 3B	65	33.5	128	66.0	1	0.5	194
District 4A	41	25.5	118	73.3	2	1.2	161
District 4B	22	14.3	130	84.4	2	1.3	154
District 5	69	19.8	274	78.5	6	1.7	349
District 8A	53	33.5	101	63.9	4	2.5	158
District 8B	61	37.0	103	62.4	1	0.6	165
<b><i>Third Judicial Division</i></b>	<b>306</b>	<b>20.5</b>	<b>1,094</b>	<b>73.2</b>	<b>95</b>	<b>6.4</b>	<b>1,495</b>
District 9	25	10.5	203	85.3	10	4.2	238
District 9A	5	6.5	70	90.9	2	2.6	77
District 10	128	19.4	470	71.3	61	9.3	659
District 14	62	30.0	136	65.7	9	4.3	207
District 15A	37	20.6	135	75.0	8	4.4	180
District 15B	49	36.6	80	59.7	5	3.7	134

**Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)**  
**(Active Sentences Only)**  
**FY 2004/05 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Judicial Division and Judicial District	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<b><i>Fourth Judicial Division</i></b>	<b>284</b>	<b>23.2</b>	<b>911</b>	<b>74.5</b>	<b>27</b>	<b>2.2</b>	<b>1,222</b>
District 11A	29	14.8	163	83.2	4	2.0	196
District 11B	40	27.0	106	71.6	2	1.4	148
District 12	109	30.0	246	67.8	8	2.2	363
District 13	34	18.5	146	79.3	4	2.2	184
District 16A	39	26.0	105	70.0	6	4.0	150
District 16B	33	18.2	145	80.1	3	1.7	181
<b><i>Fifth Judicial Division</i></b>	<b>490</b>	<b>29.5</b>	<b>1,122</b>	<b>67.6</b>	<b>47</b>	<b>2.8</b>	<b>1,659</b>
District 17A	21	23.3	62	68.9	7	7.8	90
District 17B	14	11.9	102	86.4	2	1.7	118
District 18	161	22.8	530	75.0	16	2.3	707
District 19B	24	23.1	76	73.1	4	3.8	104
District 19D	33	50.0	32	48.5	1	1.5	66
District 21	216	46.9	235	51.0	10	2.2	461
District 23	21	18.6	85	75.2	7	6.2	113
<b><i>Sixth Judicial Division</i></b>	<b>231</b>	<b>27.3</b>	<b>593</b>	<b>70.0</b>	<b>23</b>	<b>2.7</b>	<b>847</b>
District 19A	76	41.8	103	56.6	3	1.6	182
District 19C	30	21.6	107	77.0	2	1.4	139
District 20A	31	28.4	76	69.7	2	1.8	109
District 20B	39	23.5	125	75.3	2	1.2	166
District 22	55	21.9	182	72.5	14	5.6	251
<b><i>Seventh Judicial Division</i></b>	<b>250</b>	<b>20.8</b>	<b>908</b>	<b>75.6</b>	<b>43</b>	<b>3.6</b>	<b>1,201</b>
District 25A	25	19.2	101	77.7	4	3.1	130
District 25B	17	19.1	71	79.8	1	1.1	89
District 26	157	28.0	379	67.7	24	4.3	560
District 27A	28	11.9	199	84.3	9	3.8	236
District 27B	23	12.4	158	84.9	5	2.7	186

**Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)  
 (Active Sentences Only)  
 FY 2004/05 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><b>Eighth Judicial Division</b></i>	<i><b>144</b></i>	<i><b>17.2</b></i>	<i><b>677</b></i>	<i><b>81.1</b></i>	<i><b>14</b></i>	<i><b>1.7</b></i>	<i><b>835</b></i>
District 24	7	6.4	98	89.1	5	4.5	110
District 28	96	25.9	273	73.6	2	0.5	371
District 29	29	11.7	216	87.1	3	1.2	248
District 30A	7	12.5	46	82.1	3	5.4	56
District 30B	5	10.0	44	88.0	1	2.0	50
<i><b>STATE TOTAL</b></i>	<i><b>2,810</b></i>	<i><b>23.0</b></i>	<i><b>6,999</b></i>	<i><b>73.9</b></i>	<i><b>292</b></i>	<i><b>3.1</b></i>	<i><b>9,471</b></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. In addition, 85 convictions requiring a mandatory life or death sentence were excluded from this table.

**APPENDIX D**

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

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense  
FY 2004/05 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>Person</i>	<b>2,917</b>	<b>61.7</b>	<b>1,722</b>	<b>36.4</b>	<b>87</b>	<b>1.8</b>	<b>62.5</b>	<b>80.7</b>	<b>4,726</b>
1 <sup>st</sup> Degree Murder	85	100.0	.	.	.	.	.	.	85
2 <sup>nd</sup> Degree Murder	205	100.0	.	.	.	.	180.2	225.7	205
Attempted Murder	22	100.0	.	.	.	.	190.4	237.7	22
Voluntary Manslaughter	76	95.0	4	5.0	.	.	74.2	98.1	80
Involuntary Manslaughter	59	62.8	35	37.2	.	.	17.8	21.7	94
Armed Robbery	454	100.0	.	.	.	.	70.0	93.4	454
Attempted Armed Robbery	81	53.6	70	46.4	.	.	46.6	65.3	151
Common Law Robbery	444	55.0	358	44.4	5	0.6	16.1	20.1	807
Attempted Common Law Robbery	30	39.0	34	44.2	13	16.9	9.5	11.9	77
AWDWIKISI	71	100.0	.	.	.	.	100.3	129.7	71
AWDW Intent to Kill	34	59.6	23	40.4	.	.	27.5	41.6	57
AWDW Serious Injury	221	51.5	208	48.5	.	.	30.1	45.2	429
Assault Government Official	65	53.3	57	46.7	.	.	21.9	27.6	122
Assault by Strangulation	8	38.1	11	52.4	2	9.5	8.1	10.0	21
Other Felony Assaults	135	41.8	185	57.3	3	0.9	19.4	24.4	323
1 <sup>st</sup> Degree Rape	95	100.0	.	.	.	.	242.2	299.9	95
Attempted 1 <sup>st</sup> Degree Rape	24	100.0	.	.	.	.	137.5	174.3	24
2 <sup>nd</sup> Degree Rape	93	100.0	.	.	.	.	87.0	113.7	93
Attempted 2 <sup>nd</sup> Degree Rape	22	100.0	.	.	.	.	66.5	89.3	22
Indecent Liberties with Child	222	38.4	356	61.6	.	.	17.2	21.0	578
Crime Against Nature	8	11.9	20	29.9	39	58.2	13.9	17.0	67
Child Abuse	19	45.2	23	54.8	.	.	44.4	62.6	42
Other Sex Crimes	199	57.8	127	36.9	18	5.2	84.6	106.1	344
Kidnapping	147	64.2	82	35.8	.	.	55.5	75.3	229
Attempted Kidnapping	1	100.0	.	.	.	.	94.0	122.0	1
All Other Person Offenses	97	41.6	129	55.4	7	3.0	17.6	21.6	233

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)  
FY 2004/05 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<b>Property</b>	<b>3,209</b>	<b>34.1</b>	<b>4,483</b>	<b>47.6</b>	<b>1,721</b>	<b>18.3</b>	<b>11.5</b>	<b>14.4</b>	<b>9,413</b>
1 <sup>st</sup> Degree Burglary	68	100.0	.	.	.	.	75.6	100.2	68
Attempted 1 <sup>st</sup> Degree Burglary	11	64.7	6	35.3	.	.	36.2	52.8	17
2 <sup>nd</sup> Degree Burglary	70	46.1	78	51.3	4	2.6	15.6	19.1	152
Breaking/Entering	1,292	40.7	1,463	46.1	421	13.3	9.5	11.9	3,176
Attempted Breaking/Entering	20	33.3	21	35.0	19	31.7	8.0	10.0	60
Larceny	519	35.1	750	50.7	210	14.2	9.9	12.2	1,479
Attempted Larceny	9	15.0	33	55.0	18	30.0	7.4	9.3	60
Automobile Theft	134	45.1	136	45.8	27	9.1	9.0	11.2	297
1 <sup>st</sup> Degree Arson	5	100.0	.	.	.	.	65.2	87.6	5
2 <sup>nd</sup> Degree Arson	12	37.5	20	62.5	.	.	16.4	20.1	32
Other Arson Offenses	31	27.4	64	56.6	18	15.9	18.7	23.9	113
Forgery	121	14.3	367	43.4	357	42.2	7.9	9.9	845
Fraud	54	15.8	183	53.7	104	30.5	13.6	16.7	341
Embezzlement	26	9.3	125	44.8	128	45.9	11.3	14.8	279
Obtain Property by False Pretenses	402	31.8	674	53.3	188	14.9	10.2	12.6	1,264
Att. Obtain Prop. False Pretenses	28	32.9	45	52.9	12	14.1	10.9	13.5	85
All Other Property Offenses	407	35.7	518	45.4	215	18.9	9.3	11.6	1,140
<b>Non-Trafficking Drug</b>	<b>1,788</b>	<b>19.2</b>	<b>4,455</b>	<b>47.9</b>	<b>3,053</b>	<b>32.8</b>	<b>10.5</b>	<b>13.1</b>	<b>9,296</b>
Sell/Deliver Drugs	412	29.4	916	65.5	71	5.1	14.6	18.0	1,399
Conspiracy to Sell/Deliver Drugs	32	33.0	61	62.9	4	4.1	12.4	15.2	97
Possession with Intent	708	26.0	1,322	48.5	698	25.6	8.5	10.6	2,728
Drug Possession	331	8.8	1,573	41.8	1,860	49.4	7.0	8.8	3,764
Other Drug Offenses	305	23.3	583	44.6	420	32.1	13.2	16.7	1,308

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)  
FY 2004/05 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<b><i>Other Felony</i></b>	<b>1,642</b>	<b>58.9</b>	<b>940</b>	<b>33.7</b>	<b>206</b>	<b>7.4</b>	<b>44.5</b>	<b>57.2</b>	<b>2,788</b>
<b>Weapon Offenses</b>	300	40.7	410	55.6	28	3.8	16.4	21.2	738
<b>Habitual Felon</b>	610	100.0	.	.	.	.	91.4	118.7	610
<b>Habitual Misdemeanor Assault</b>	65	56.5	48	41.7	2	1.7	9.6	11.9	115
<b>Habitual Impaired Driving</b>	201	98.0	4	2.0	.	.	17.3	21.1	205
<b>Motor Vehicle Offenses</b>	208	42.7	229	47.0	50	10.3	9.4	11.8	487
<b>Crimes Against Admin. of Justice</b>	31	56.4	18	32.7	6	10.9	10.6	13.0	55
<b>All Other Felony Offenses</b>	227	39.3	231	40.0	120	20.8	26.1	34.5	578
<b><i>STATE TOTAL</i></b>	<b>9,556</b>	<b>36.4</b>	<b>11,600</b>	<b>44.2</b>	<b>5,067</b>	<b>19.3</b>	<b>32.3</b>	<b>41.4</b>	<b>26,223</b>

Note: Of the 29,093 felony convictions in FY 2004/05, 2,870 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). Percentages may not add to totals due to rounding.

**Appendix D, Table 2: Sentence Location by Crime Type and Offense  
FY 2004/05 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Crime Type and Offense	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<b>Person</b>	<b>712</b>	<b>25.1</b>	<b>2,012</b>	<b>71.0</b>	<b>108</b>	<b>3.8</b>	<b>2,832</b>
2 <sup>nd</sup> Degree Murder	38	18.5	142	69.3	25	12.2	205
Attempted Murder	2	9.1	19	86.4	1	4.5	22
Voluntary Manslaughter	25	32.9	42	55.3	9	11.8	76
Involuntary Manslaughter	13	22.0	41	69.5	5	8.5	59
Armed Robbery	184	40.5	265	58.4	5	1.1	454
Attempted Armed Robbery	32	39.5	49	60.5	.	.	81
Common Law Robbery	78	17.6	352	79.3	14	3.2	444
Attempted Common Law Robbery	2	6.7	27	90.0	1	3.3	30
AWDWIKISI	16	22.5	51	71.8	4	5.6	71
AWDW Intent to Kill	7	20.6	25	73.5	2	5.9	34
AWDW Serious Injury	37	16.7	174	78.7	10	4.5	221
Assault Government Official	18	27.7	45	69.2	2	3.1	65
Assault by Strangulation	2	25.0	6	75.0	.	.	8
Other Felony Assaults	32	23.7	100	74.1	3	2.2	135
1 <sup>st</sup> Degree Rape	21	22.1	71	74.7	3	3.2	95
Attempt 1 <sup>st</sup> Degree Rape	13	54.2	11	45.8	.	.	24
2 <sup>nd</sup> Degree Rape	17	18.3	72	77.4	4	4.3	93
Attempt 2 <sup>nd</sup> Degree Rape	14	63.6	7	31.8	1	4.5	22
Indecent Liberties with Child	31	14.0	182	82.0	9	4.1	222
Crime Against Nature	1	12.5	7	87.5	.	.	8
Child Abuse	2	10.5	16	84.2	1	5.3	19
Other Sex Crimes	84	42.2	115	57.8	.	.	199
Kidnapping	26	17.7	113	76.9	8	5.4	147
Attempted Kidnapping	.	.	.	.	1	100.0	1
All Other Person Offenses	17	17.5	80	82.5	.	.	97
<b>Property</b>	<b>473</b>	<b>14.7</b>	<b>2,634</b>	<b>82.1</b>	<b>102</b>	<b>3.2</b>	<b>3,209</b>
1 <sup>st</sup> Degree Burglary	31	45.6	36	52.9	1	1.5	68
Attempted 1 <sup>st</sup> Degree Burglary	3	27.3	7	63.6	1	9.1	11
2 <sup>nd</sup> Degree Burglary	8	11.4	60	85.7	2	2.9	70

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)  
FY 2004/05 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		
	#	%	#	%	#	%	
Breaking/Entering	167	12.9	1,080	83.6	45	3.5	1,292
Attempted Breaking/Entering	2	10.0	17	85.0	1	5.0	20
Larceny	82	15.8	424	81.7	13	2.5	519
Attempted Larceny	1	11.1	8	88.9	.	.	9
Automobile Theft	26	19.4	107	79.9	1	0.7	134
1 <sup>st</sup> Degree Arson	3	60.0	2	40.0	.	.	5
2 <sup>nd</sup> Degree Arson	2	16.7	9	75.0	1	8.3	12
Other Arson/Burning	5	16.1	26	83.9	.	.	31
Forgery	9	7.4	105	86.8	7	5.8	121
Fraud	12	22.2	42	77.8	.	.	54
Embezzlement	4	15.4	21	80.8	1	3.8	26
Obtain Property by False Pretenses	47	11.7	337	83.8	18	4.5	402
Att. Obtain Prop. False Pretenses	3	10.7	25	89.3	.	.	28
All Other Property Offenses	68	16.7	328	80.6	11	2.7	407
<b>Non-Trafficking Drug</b>	<b>351</b>	<b>19.6</b>	<b>1,386</b>	<b>77.5</b>	<b>51</b>	<b>2.9</b>	<b>1,788</b>
Sell/Deliver Drugs	85	20.6	319	77.4	8	1.9	412
Conspiracy to Sell/Deliver Drugs	8	25.0	24	75.0	.	.	32
Possession with Intent	130	18.4	556	78.5	22	3.1	708
Drug Possession	67	20.2	257	77.6	7	2.1	331
Other Drug Felonies	61	20.0	230	75.4	14	4.6	305
<b>Other Felony</b>	<b>644</b>	<b>39.2</b>	<b>967</b>	<b>58.9</b>	<b>31</b>	<b>1.9</b>	<b>1,642</b>
Weapon Offense	59	19.7	236	78.7	5	1.7	300
Habitual Felon	416	68.2	190	31.1	4	0.7	610
Habitual Misdemeanor Assault	13	20.0	51	78.5	1	1.5	65
Habitual Impaired Driving	66	32.8	133	66.2	2	1.0	201
Motor Vehicle Offenses	33	15.9	170	81.7	5	2.4	208
Crimes Against Admin. Of Justice	8	25.8	21	67.7	2	6.5	31
All Other Felonies	49	21.6	166	73.1	12	5.3	227
<b>STATE TOTAL</b>	<b>2,180</b>	<b>23.0</b>	<b>6,999</b>	<b>73.9</b>	<b>292</b>	<b>3.1</b>	<b>9,471</b>

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, 85 convictions requiring a mandatory life or death sentence were excluded from this table.

**Appendix D, Table 3: Percent of Sentences in the Mitigated Range and at the Lowest Spot of the Presumptive Range by Offense Class  
FY 2004/05 Felonies**

<b>Offense Class</b>	<b>% Mitigated</b>	<b>% Mitigated and Lowest Spot in Presumptive Range</b>
<b>B1</b>	27	46
<b>B2</b>	22	43
<b>C</b>	55	69
<b>Habitual Felons Only</b>	68	81
<b>D</b>	42	63
<b>E</b>	19	44
<b>F</b>	26	54
<b>G</b>	19	53
<b>H</b>	15	50
<b>I</b>	16	50
<b>TOTAL</b>	23	53

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, 85 convictions requiring a mandatory life or death sentence were excluded from this table.

**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.
6. **Drug Treatment Court:** Requires the offender to participate in clinical treatment, maintain clean drug screens, be employed, and be paying regularly towards his/her legal obligations while under the supervision of the court for a specific length of time.

## COMMUNITY PUNISHMENTS

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

**APPENDIX F**  
**SPECIAL PROBATION FOR FELONIES**

**Appendix F, Table 1: Special Probation by Offense Class and Location  
FY 2004/05 Felonies**

Offense Class	Prison		Jail		Total Special Probation Length (Days)	Total
	No.	Mean Special Probation Length (Days)	No.	Mean Special Probation Length (Days)		
<b>E</b>	56	245.3	267	92.0	118.5	323
<b>F</b>	90	272.7	430	79.6	113.1	520
<b>G</b>	109	170.1	888	64.4	76.0	997
<b>H</b>	195	358.0	2,186	44.3	70.0	2,381
<b>I</b>	98	322.6	1,124	34.1	57.2	1,222
<b>TOTAL</b>	548	288.8	4,895	51.3	75.2	5,443

**Appendix F, Table 2: Special Probation by Crime Type and Location  
FY 2004/05 Felonies**

Offense Class	Prison		Jail		Total Special Probation Length (Days)	Total
	No.	Mean Special Probation Length (Days)	No.	Mean Special Probation Length (Days)		
<b>Person</b>	148	246.8	835	86.9	111.0	983
<b>Property</b>	179	343.8	1,905	46.1	71.7	2,084
<b>Non-Traff. Drug</b>	172	285.1	1,723	39.9	62.1	1,895
<b>Other Felony</b>	49	227.7	432	51.3	69.3	481
<b>TOTAL</b>	548	288.8	4,895	51.3	75.2	5,443

**APPENDIX G**

**COMMUNITY SERVICE AND RESTITUTION  
FOR FELONIES**

**Appendix G, Table 1: Community Service by Offense Class  
FY 2004/05 Felonies**

<b>Offense Class</b>	<b>Mean Number of Hours Ordered</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>E</b>	72.9	112	10.3
<b>F</b>	77.7	171	9.2
<b>G</b>	68.1	308	10.1
<b>H</b>	59.0	1,457	13.7
<b>I</b>	54.6	1,467	19.5
<b>TOTAL</b>	59.3	3,515	13.4

**Appendix G, Table 2: Community Service by Crime Type  
FY 2004/05 Felonies**

<b>Offense Class</b>	<b>Mean Number of Hours Ordered</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Person</b>	71.0	340	7.2
<b>Property</b>	60.9	1,400	14.9
<b>Non-Traff. Drug</b>	54.6	1,497	16.1
<b>Other Felony</b>	62.3	278	10.0
<b>TOTAL</b>	59.3	3,515	13.4

**Appendix G, Table 3: Community Service by Type of Punishment  
FY 2004/05 Felonies**

<b>Offense Class</b>	<b>Mean Number of Hours Ordered</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Active</b>	0	0	0.0
<b>Intermediate</b>	62	2,193	18.9
<b>Community</b>	54	1,322	26.1
<b>TOTAL</b>	59	3,515	13.4

**Appendix G, Table 4: Restitution Ordered by Offense Class<sup>1</sup>**  
**FY 2004/05 Felonies**

<b>Offense Class</b>	<b>Mean Restitution Ordered (\$)</b>	<b>Median Restitution Ordered (\$)</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>A</b>	7,450	7,450	2	2.4
<b>B1</b>	2,850	2,850	1	0.7
<b>B2</b>	4,856	4,918	16	6.0
<b>C</b>	4,755	2,056	56	6.4
<b>D</b>	5,721	863	71	10.1
<b>E</b>	6,109	2,000	282	26.0
<b>F</b>	5,112	1,538	274	14.8
<b>G</b>	1,967	300	832	27.2
<b>H</b>	3,499	891	3,767	35.4
<b>I</b>	1,419	334	2,022	26.9
<b>TOTAL</b>	2,947	637	7,323	27.9

---

<sup>1</sup> 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.

**Appendix G, Table 5: Restitution Ordered by Crime Type  
FY 2004/05 Felonies**

<b>Offense Class</b>	<b>Mean Restitution Ordered (\$)</b>	<b>Median Restitution Ordered (\$)</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Person</b>	4,829	1,125	835	17.7
<b>Property</b>	3,575	1,000	4,458	47.4
<b>Non-Traff. Drug</b>	356	240	1,706	18.4
<b>Other Felony</b>	3,090	901	324	11.6
<b>TOTAL</b>	2,947	637	7,323	27.9

**Appendix G, Table 6: Restitution Ordered by Type of Punishment  
FY 2004/05 Felonies**

<b>Offense Class</b>	<b>Mean Restitution Ordered (\$)</b>	<b>Median Restitution Ordered (\$)</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Active</b>	3,653	923	598	6.3
<b>Intermediate</b>	2,751	625	4,858	41.9
<b>Community</b>	3,230	570	1,867	36.9
<b>TOTAL</b>	2,947	637	7,323	27.9

**\*\*\*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.**

Revised: 08-04-95

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

**FELONY PUNISHMENT CHART**

**PRIOR RECORD LEVEL**

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

OFFENSE CLASS

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

Revised: 08-04-95