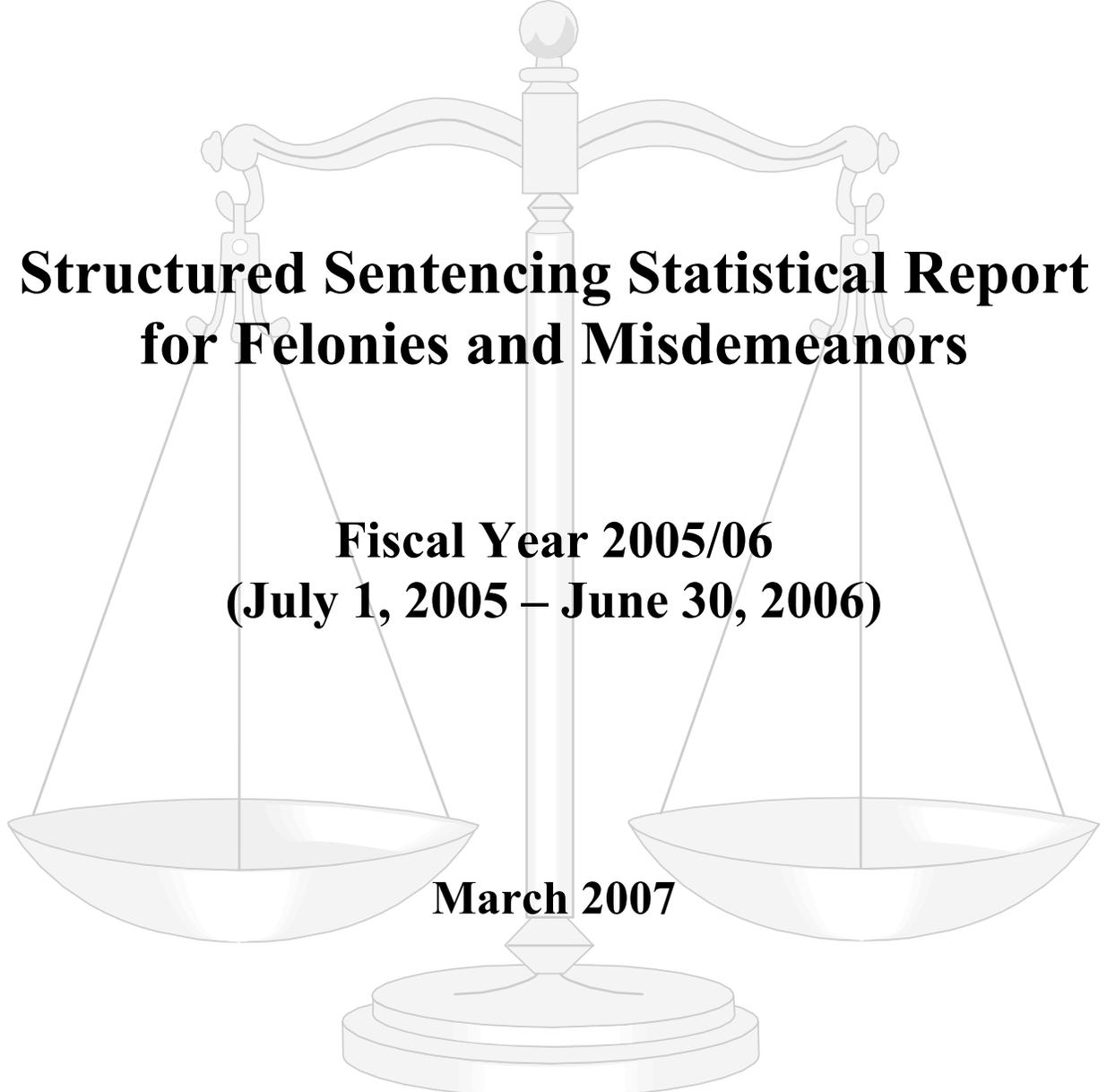


North Carolina
Sentencing and Policy Advisory Commission



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

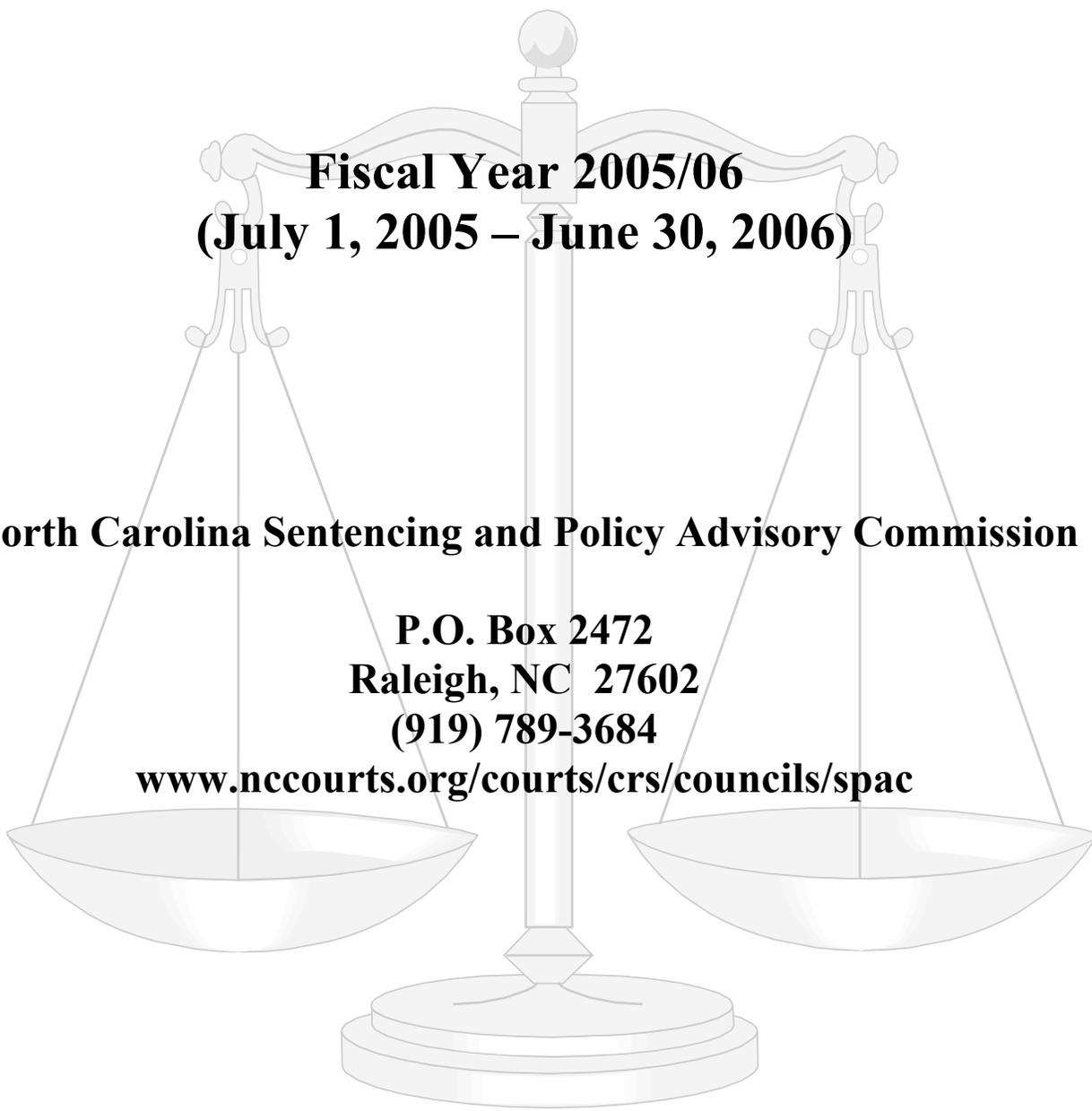
**Fiscal Year 2005/06
(July 1, 2005 – June 30, 2006)**

March 2007

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

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Structured Sentencing Statistical Report for Felonies and Misdemeanors



**Fiscal Year 2005/06
(July 1, 2005 – June 30, 2006)**

North Carolina Sentencing and Policy Advisory Commission

**P.O. Box 2472
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Senior Research & Policy Associate

Michelle Beck
Research & Policy Associate

Troy Page
Research & Policy Associate

Vicky Etheridge
Administrative Assistant

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INTRODUCTION

INTRODUCTION

This report provides detailed information about felony and misdemeanor convictions under Structured Sentencing during Fiscal Year 2005/06 (July 1, 2005 through June 30, 2006). This report only includes cases where an offender was convicted and sentenced for a crime which was committed on or after October 1, 1994 – the effective date of Structured Sentencing. The report presents information on the number of felony and misdemeanor convictions, the distribution of felony and misdemeanor convictions within their respective punishment charts, and the types of punishments imposed, as well as data about several other issues. Information for felony convictions is presented in *Section I*, while information for misdemeanor convictions is presented in *Section II*. Information regarding the substance and application of the sentencing laws under Structured Sentencing is provided in the North Carolina Sentencing and Policy Advisory Commission’s *Structured Sentencing Training and Reference Manual*.

REPORTING OF CONVICTIONS AND SENTENCES

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

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

Definition of a Sentencing Episode:

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

SUMMARY OF FINDINGS

FELONY AND MISDEMEANOR CONVICTIONS
IN FISCAL YEAR 2005/06

**STRUCTURED SENTENCING STATISTICAL REPORT
SUMMARY OF FINDINGS
FISCAL YEAR 2005/06 CONVICTIONS**

Felony Convictions

- During Fiscal Year 2005/06, sentences for 30,322 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=3,438 or almost 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 53% of convictions were for Black offenders.
- Thirty-seven percent of felony convictions resulted in an Active punishment, 43% resulted in an Intermediate punishment, and 20% resulted in a Community punishment.
- Of the four crime types, non-trafficking drug offenses accounted for the largest group of felony convictions (36%), followed closely by property 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 (57%). Offenders who received an Intermediate punishment were most frequently convicted of a Class H offense (n=6,101).
- Of all felony offenders who received a Community punishment, 95% received supervised probation; 3% received unsupervised probation; and less than 1% were ordered to perform community service, pay restitution and/or a fine as their most serious punishment. The remainder had no sanction specified.
- Other information of interest includes: 7 death sentences and 76 life without parole sentences were imposed; there were 4 violent habitual felon convictions; there were 643 habitual felon convictions; there were 701 convictions for drug trafficking offenses; performance of community service was ordered for almost 13% of all felony convictions; and payment of restitution was ordered for almost 27% of all felony convictions.

Misdemeanor Convictions

- During Fiscal Year 2005/06, sentences for 170,001 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.)
- Almost 9% of misdemeanor convictions fell into Offense Class A1, 57% fell into Offense Class 1, almost 19% fell into Offense Class 2, and 15% fell into Offense Class 3.
- Almost 48% of misdemeanor convictions fell into Prior Conviction Level I (0 points), about 34% 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=42,167 or 25%), followed by Offense Class 1 with Prior Conviction Level II (n=34,496 or almost 21%).
- Seventy-six percent of convictions were for male offenders; 36% of convictions were for offenders under the age of 26; and 47% 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 and property offenses were most likely to result in an Active punishment (22% each) followed closely by 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 (58%). Offenders who received Special Probation were most likely convicted of a Class 1 offense with Prior Conviction Level III.
- Of all misdemeanor offenders who received a Community punishment, 47% received unsupervised probation; 31% received supervised probation; and 13% were ordered to perform community service, pay restitution and/or a fine as their most serious punishment. The remainder had no sanction specified.
- Almost seven percent of all misdemeanor offenders were ordered to perform community service and about 14% were ordered to pay restitution. On average, offenders were ordered to perform almost 36 hours of community service. The mean amount of restitution ordered was \$784. The median amount of restitution ordered was \$200.

SECTION I

**FELONY CONVICTIONS
IN FISCAL YEAR 2005/06**

I. FELONY CONVICTIONS IN FY 2005/06

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 2005/06. Overall, sentences for 30,322 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 2,789 convictions (or 9%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table. Efforts are ongoing to understand the nature of the data discrepancies and to resolve reporting problems.

C. Distribution of Convictions within the Felony Punishment Chart

Table 1 shows the distribution of felony convictions within the Felony Punishment Chart. Overall, the greatest number of convictions fell into Offense Class H (n=11,202 or almost 41%) and into Prior Record Level II (n=9,247 or almost 34%). Relative to other cells in the Felony Punishment Chart, the greatest number of convictions fell into Offense Class H with Prior Record Level II (n=3,438 or almost 13%). Sentences imposed for Offense Classes A through E accounted for almost 12% of felony convictions during FY 2005/06. Close to 69% of sentences imposed were for Class H and I felony convictions.

**Table 1: Distribution of Convictions within the Felony Punishment Chart
FY 2005/06 Felonies**

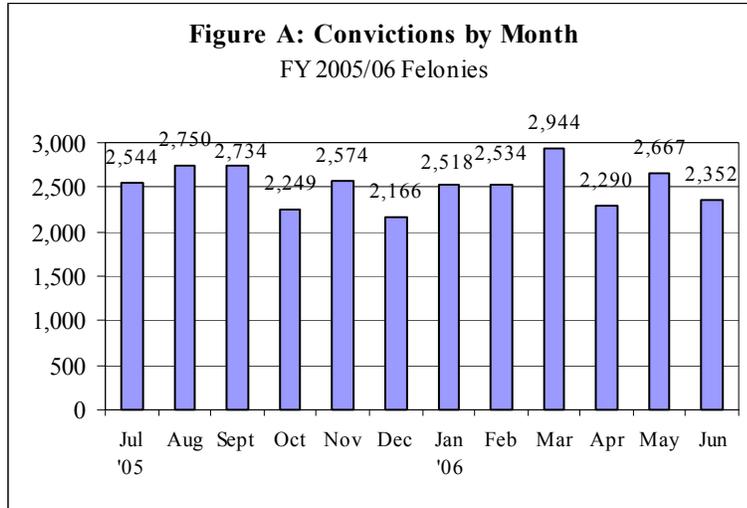
Offense Class	Prior Record Level						Total
	I 0 Points	II 1-4 Points	III 5-8 Points	IV 9-14 Points	V 15-18 Points	VI 19+ Points	
A	45 (0.2%)	14 (0.1%)	11 (0.0%)	10 (0.0%)	2 (0.0%)	1 (0.0%)	83 (0.3%)
B1	71 (0.3%)	33 (0.1%)	15 (0.1%)	19 (0.1%)	5 (0.0%)	1 (0.0%)	144 (0.5%)
B2	106 (0.4%)	72 (0.3%)	58 (0.2%)	29 (0.1%)	4 (0.0%)	4 (0.0%)	273 (1.0%)
C	121 (0.4%)	177 (0.6%)	189 (0.7%)	254 (0.9%)	101 (0.4%)	80 (0.3%)	922 (3.4%)
D	216 (0.8%)	244 (0.9%)	112 (0.4%)	87 (0.3%)	28 (0.1%)	12 (0.0%)	699 (2.5%)
E	411 (1.5%)	393 (1.4%)	140 (0.5%)	85 (0.3%)	28 (0.1%)	18 (0.1%)	1,075 (3.9%)
F	573 (2.1%)	629 (2.3%)	416 (1.5%)	217 (0.8%)	49 (0.2%)	57 (0.2%)	1,941 (7.1%)
G	617 (2.2%)	1,127 (4.1%)	918 (3.3%)	607 (2.2%)	132 (0.5%)	77 (0.3%)	3,478 (12.6%)
H	2,811 (10.2%)	3,438 (12.5%)	2,302 (8.4%)	1,792 (6.5%)	522 (1.9%)	337 (1.2%)	11,202 (40.7%)
I	1,868 (6.8%)	3,120 (11.3%)	1,242 (4.5%)	995 (3.6%)	253 (0.9%)	238 (0.9%)	7,716 (28.0%)
TOTAL	6,839 (24.8%)	9,247 (33.6%)	5,403 (19.6%)	4,095 (14.9%)	1,124 (4.1%)	825 (3.0%)	27,533 (100.0%)

Note: Of the 30,322 felony convictions in FY 2005/06, 2,789 convictions were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Percentages may not add to totals due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

D. Convictions by Month of Sentencing

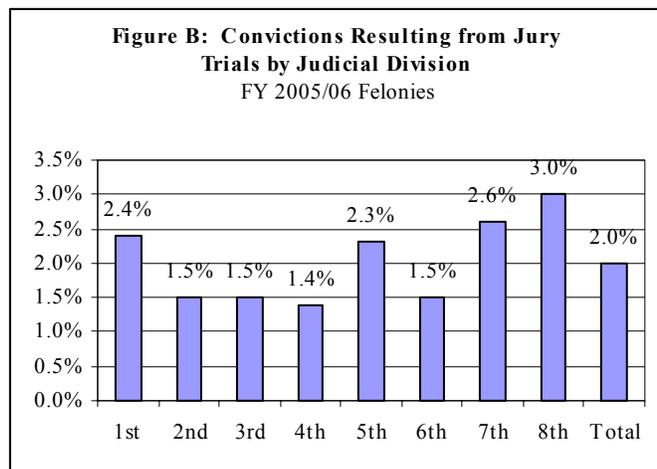
Figure A shows the total number of felony convictions by month of sentencing during Fiscal Year 2005/06 (N=30,322). Convictions peaked in March and were lowest in December.



Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

E. Convictions by Judicial Division, District, and County

Table 2 displays the total number of convictions by judicial division, judicial district, and county. (See Appendix A for a map of judicial divisions and districts.) The distribution of convictions by judicial division ranged from a low of 9% in the eighth judicial division to a high of 17% in the fifth judicial division. This table also indicates where the conviction resulted from a guilty plea or jury trial. Overall, 2.0% 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 eighth division.



Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition
FY 2005/06 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
<i>First Judicial Division</i>		2,972	73	3,045
District 1	Camden	17	0	17
	Chowan	71	1	72
	Currituck	51	0	51
	Dare	209	0	209
	Gates	10	0	10
	Pasquotank	145	2	147
	Perquimans	14	0	14
	Total	517	3	520
District 2	Beaufort	268	8	276
	Hyde	15	1	16
	Martin	106	4	110
	Tyrrell	42	1	43
	Washington	63	3	66
	Total	494	17	511
District 3A	Pitt	563	21	584
Total	563	21	584	
District 6A	Halifax	153	5	158
Total	153	5	158	
District 6B	Bertie	73	1	74
	Hertford	139	1	140
	Northampton	76	3	79
	Total	288	5	293
District 7A	Nash	326	4	330
Total	326	4	330	
District 7B, C	Edgecombe	224	9	233
	Wilson	407	9	416
	Total	631	18	649
<i>Second Judicial Division</i>		3,828	57	3,885
District 3B	Carteret	198	1	199
	Craven	322	1	323
	Pamlico	46	0	46
	Total	566	2	568
District 4A	Duplin	205	2	207
	Jones	28	2	30
	Sampson	261	2	263
	Total	494	6	500

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2005/06 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 4B	Onslow	580	14	594
	Total	580	14	594
District 5	New Hanover	1,210	15	1,225
	Pender	144	2	146
	Total	1,354	17	1,371
District 8A	Greene	99	2	101
	Lenoir	303	6	309
	Total	402	8	410
District 8B	Wayne	432	10	442
	Total	432	10	442
<i>Third Judicial Division</i>		<i>4,769</i>	<i>72</i>	<i>4,841</i>
District 9	Franklin	123	1	124
	Granville	212	0	212
	Vance	256	3	259
	Warren	49	1	50
	Total	640	5	645
District 9A	Caswell	66	1	67
	Person	157	2	159
	Total	223	3	226
District 10	Wake	2,352	35	2,387
	Total	2,352	35	2,387
District 14	Durham	559	13	572
	Total	559	13	572
District 15A	Alamance	697	13	710
	Total	697	13	710
District 15B	Chatham	115	2	117
	Orange	183	1	184
	Total	298	3	301
<i>Fourth Judicial Division</i>		<i>3,567</i>	<i>50</i>	<i>3,617</i>
District 11A	Harnett	487	6	493
	Lee	206	2	208
	Total	693	8	701
District 11B	Johnston	484	3	487
	Total	484	3	487
District 12	Cumberland	963	11	974
	Total	963	11	974

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2005/06 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 13	Bladen	69	2	71
	Brunswick	318	3	321
	Columbus	217	8	225
	Total	604	13	617
District 16A	Hoke	183	1	184
	Scotland	331	4	335
	Total	514	5	519
District 16B	Robeson	309	10	319
	Total	309	10	319
<i>Fifth Judicial Division</i>		<i>5,037</i>	<i>120</i>	<i>5,157</i>
District 17A	Rockingham	316	4	320
	Total	316	4	320
District 17B	Stokes	132	1	133
	Surry	237	4	241
	Total	369	5	374
District 18	Guilford	2,119	51	2,170
	Total	2,119	51	2,170
District 19B	Montgomery	63	3	66
	Randolph	252	10	262
	Total	315	13	328
District 19D	Moore	233	8	241
	Total	233	8	241
District 21	Forsyth	1,155	36	1,191
	Total	1,155	36	1,191
District 23	Alleghany	22	0	22
	Ashe	76	1	77
	Wilkes	319	1	320
	Yadkin	113	1	114
	Total	530	3	533
<i>Sixth Judicial Division</i>		<i>2,855</i>	<i>43</i>	<i>2,898</i>
District 19A	Cabarrus	576	8	584
	Total	576	8	584
District 19C	Rowan	418	11	429
	Total	418	11	429

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2005/06 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 20A	Anson	101	1	102
	Richmond	190	2	192
	Stanly	157	4	161
	Total	448	7	455
District 20B	Union	382	5	387
	Total	382	5	387
District 22	Alexander	87	0	87
	Davidson	455	6	461
	Davie	101	1	102
	Iredell	388	5	393
	Total	1,031	12	1,043
<i>Seventh Judicial Division</i>		<i>4,161</i>	<i>111</i>	<i>4,272</i>
District 25A	Burke	255	4	259
	Caldwell	165	9	174
	Total	420	13	433
District 25B	Catawba	332	11	343
	Total	332	11	343
District 26	Mecklenburg	1,816	44	1,860
	Total	1,816	44	1,860
District 27A	Gaston	926	23	949
	Total	926	23	949
District 27B	Cleveland	360	11	371
	Lincoln	307	9	316
	Total	667	20	687
<i>Eighth Judicial Division</i>		<i>2,529</i>	<i>78</i>	<i>2,607</i>
District 24	Avery	60	1	61
	Madison	68	1	69
	Mitchell	123	0	123
	Watauga	144	3	147
	Yancey	81	2	83
	Total	476	7	483
District 28	Buncombe	690	24	714
	Total	690	24	714
District 29A	McDowell	137	3	140
	Rutherford	276	8	284
	Total	413	11	424

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2005/06 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 29B	Henderson	388	3	391
	Polk	32	0	32
	Transylvania	72	3	75
	Total	492	6	498
District 30A	Cherokee	47	3	50
	Clay	9	0	9
	Graham	27	4	31
	Macon	142	2	144
	Swain	34	2	36
	Total	259	11	270
District 30B	Haywood	131	15	146
	Jackson	68	4	72
	Total	199	19	218
STATE TOTAL		29,718	604	30,322

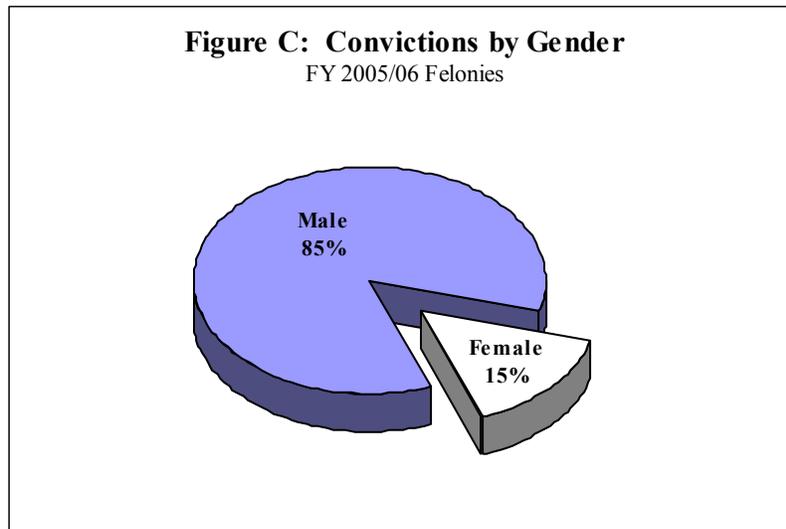
Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

F. Felony Pleas in District Court

In 1996 the General Assembly amended the law to allow District Court judges to accept pleas for Class H and I felonies. This amendment applies to offenses committed on or after December 1, 1996. In Fiscal Year 2005/06, 2,457 Class H (or 20% of Class H convictions) and 2,069 Class I (or 24% of Class I convictions) felony pleas were accepted in District Court for a total of 4,526 pleas (21% of all Class H and I felony convictions).

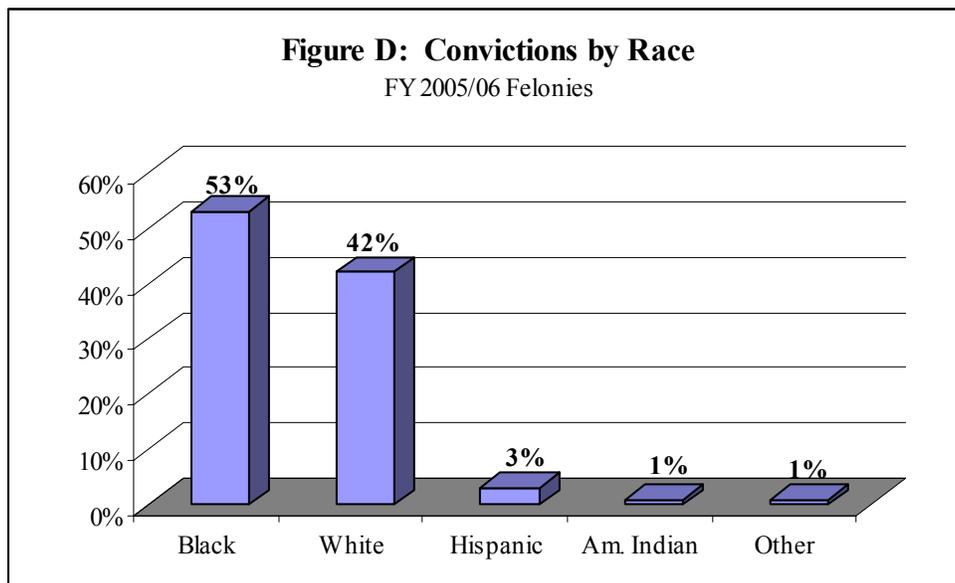
II. CHARACTERISTICS OF OFFENDERS

This section provides a breakdown of convictions by offenders' gender, race, and age. Of the 30,322 felony convictions, 85% were for males (see *Figure C*).



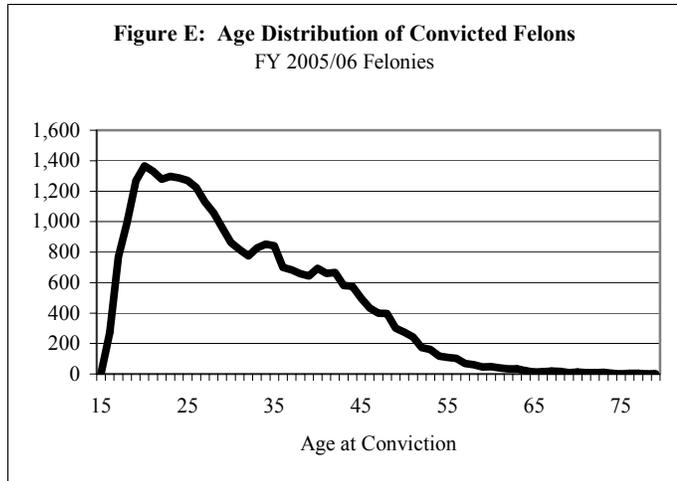
Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

Figure D shows that 53% of all felony offenders were Black, 42% were White, and a small percentage were Hispanic (3%), American Indian (1%), or Other (1%).



Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

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, 15% were 26-29 years of age, 25% were 30-39 years of age, 17% were 40-49 years of age, and 5% were 50 years of age or older. The average age at conviction is 31 years. *Figure E* illustrates that the volume of offenders peaks in the late teens and early twenties, and then generally declines as age increases. Table 3 provides a summary of convictions by gender, race, and age of offenders.



Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

**Table 3: Convictions by Gender, Race, and Age
FY 2005/06 Felonies**

Gender and Race		Age at Conviction						Total
		<21	21-25	26-29	30-39	40-49	>49	
Male	White	1,382	1,985	1,346	2,682	1,876	639	9,910
	Black	2,630	3,257	2,098	3,171	2,219	727	14,102
	Hispanic	202	280	189	231	62	23	987
	Amer. Indian	44	70	40	88	42	15	299
	Other	37	43	25	36	9	6	156
	Subtotal	4,295	5,635	3,698	6,208	4,208	1,410	25,454
Female	White	209	442	375	896	595	128	2,645
	Black	157	351	270	498	380	105	1,761
	Hispanic	8	16	10	20	7	3	64
	Amer. Indian	3	12	12	28	12	2	69
	Other	3	7	4	7	3	2	26
	Subtotal	380	828	671	1,449	997	240	4,565
TOTAL		4,675	6,463	4,369	7,657	5,205	1,650	30,019

Note: Of the 30,322 felony convictions in FY 2005/06, 303 convictions with missing values for offenders' age were excluded from this table.

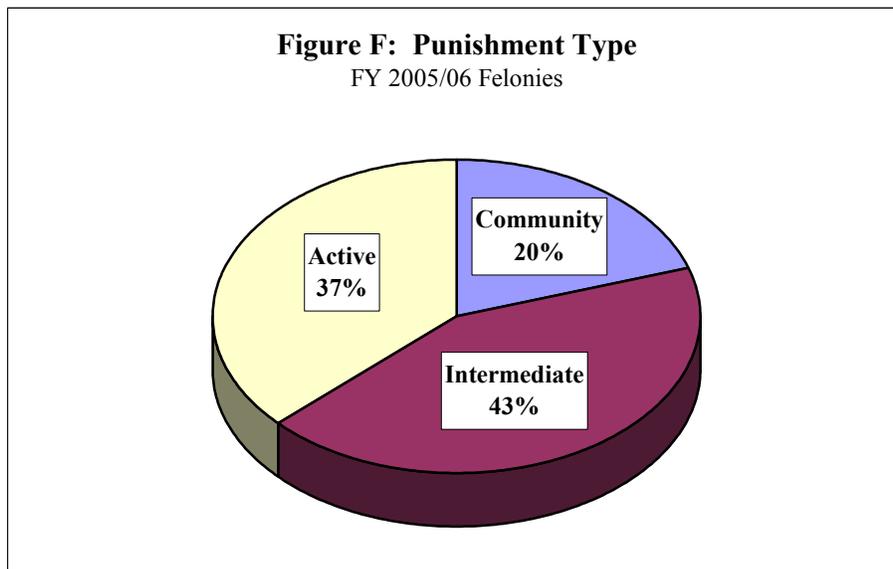
Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

III. PUNISHMENT IMPOSED FOR FELONIES

This section details the type of sentence imposed (Active, Intermediate, or Community) for convictions during Fiscal Year 2005/06. The tables in this section also show the average minimum and maximum sentences for convictions for which an Active punishment was imposed. *The reader should note that this information is based on the most serious sentence an offender received.*¹

A. Overall Punishment

An Active punishment was imposed for 37% of felony convictions, an Intermediate punishment was imposed for 43% of felony convictions, and a Community punishment was imposed for 20% of felony convictions (see *Figure F*).

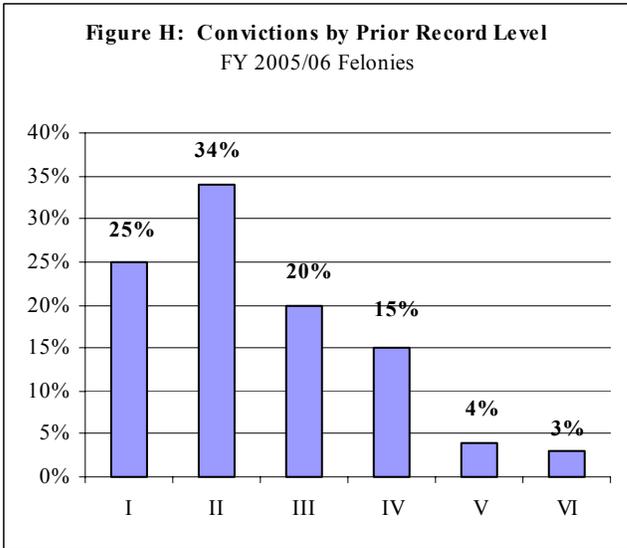
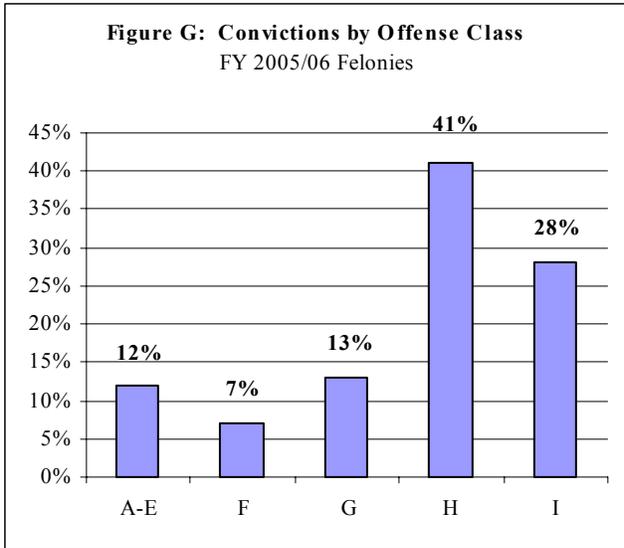


Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

B. Punishment Imposed by Offense Class and Prior Record Level

Figure G shows the percentage of convictions by offense class. The majority of felony convictions (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 (59%) were for offenders with Prior Record Levels I and II, indicating little or no prior criminal record. Seven percent of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).

¹ Convictions that did not fit within the Felony Punishment Chart were excluded from this section (n=2,789 or 9%). These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation).



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

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

Table 4 presents felony convictions and sentences imposed within the context of the Felony Punishment Chart (see also Table 1). The table also includes the average minimum and maximum sentences for convictions for which an Active sentence was imposed.² The greatest number of convictions fell within Offense Class H with Prior Record Level II (n=3,438 or almost 13%).

The data presented in Table 4 indicate that the percentage of offenders receiving an Active sentence typically increases as the offense seriousness increases. As shown in the vertical “Total” column in Table 4, the average minimum and maximum sentences imposed increase as offense class increases. The average minimum sentence for all convictions resulting in an Active punishment (n=10,087) was 31 months. The lowest average minimum sentence was imposed for Class I convictions (7 months). Excluding life and death sentences, the highest average minimum sentence was imposed for Class B1 convictions (246 months).

Convictions for offenders falling into Prior Record Levels I and VI resulted in the highest average minimum sentences (44 months and 32 months respectively). The higher minimum sentences for the lower prior record levels can be attributed to the fact that the majority of offenders eligible for an Active sentence in these prior record levels are those convicted in the more serious offense classes (i.e., Class B1 through E felonies). For information on punishment imposed by judicial division, see Appendix C.

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

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level
FY 2005/06 Felonies**

Offense Class	Prior Record Level						Total
	I 0 Points	II 1-4 Points	III 5-8 Points	IV 9-14 Points	V 15-18 Points	VI 19+ Points	
A	A A = 45 (100%) (n = 45) Life/Death	A A = 14 (100%) (n = 14) Life/Death	A A = 11 (100%) (n = 11) Life/Death	A A = 10 (100%) (n = 10) Life/Death	A A = 2 (100%) (n = 2) Life/Death	A A = 1 (100%) (n = 1) Life/Death	A A = 83 (100%) (n = 83) Life/Death
B1	A A = 71 (100%) (n = 71) 199 min 248 max	A A = 33 (100%) (n = 33) 246 min 304 max	A A = 15 (100%) (n = 15) 301 min 371 max	A A = 19 (100%) (n = 19) 326 min 400 max	A A = 5 (100%) (n = 5) 404 min 494 max	A A = 1 (100%) (n = 1) 384 min 470 max	A A = 144 (100%) (n = 144) 246 min 304 max
B2	A A = 106 (100%) (n = 106) 132 min 168 max	A A = 72 (100%) (n = 72) 164 min 205 max	A A = 58 (100%) (n = 58) 193 min 241 max	A A = 29 (100%) (n = 29) 216 min 269 max	A A = 4 (100%) (n = 4) 257 min 318 max	A A = 4 (100%) (n = 4) 309 min 380 max	A A = 273 (100%) (n = 273) 167 min 209 max
C	A A = 121 (100%) (n = 121) 60 min 81 max	A A = 177 (100%) (n = 177) 77 min 101 max	A A = 189 (100%) (n = 189) 85 min 112 max	A A = 254 (100%) (n = 254) 96 min 124 max	A A = 101 (100%) (n = 101) 107 min 137 max	A A = 80 (100%) (n = 80) 122 min 156 max	A A = 922 (100%) (n = 922) 89 min 116 max
D	A A = 216 (100%) (n = 216) 50 min 69 max	A A = 244 (100%) (n = 244) 62 min 84 max	A A = 112 (100%) (n = 112) 83 min 110 max	A A = 87 (100%) (n = 87) 97 min 126 max	A A = 28 (100%) (n = 28) 103 min 133 max	A A = 12 (100%) (n = 12) 111 min 143 max	A A = 699 (100%) (n = 699) 68 min 92 max
E	I/A I = 287 (70%) A = 124 (30%) (n = 411) 22 min 35 max	I/A I = 239 (61%) A = 154 (39%) (n = 393) 25 min 39 max	A A = 140 (100%) (n = 140) 29 min 44 max	A A = 85 (100%) (n = 85) 39 min 56 max	A A = 28 (100%) (n = 28) 46 min 65 max	A A = 18 (100%) (n = 18) 53 min 73 max	I/A I = 526 (49%) A = 549 (51%) (n = 1,075) 30 min 45 max
F	I/A I = 395 (69%) A = 178 (31%) (n = 573) 14 min 17 max	I/A I = 372 (59%) A = 257 (41%) (n = 629) 16 min 19 max	I/A I = 218 (52%) A = 198 (48%) (n = 416) 18 min 22 max	A A = 217 (100%) (n = 217) 20 min 24 max	A A = 49 (100%) (n = 49) 27 min 33 max	A A = 57 (100%) (n = 57) 31 min 37 max	I/A I = 985 (51%) A = 956 (49%) (n = 1,941) 18 min 22 max

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level (continued)
FY 2005/06 Felonies**

Offense Class	Prior Record Level						Total
	I 0 Points	II 1-4 Points	III 5-8 Points	IV 9-14 Points	V 15-18 Points	VI 19+ Points	
G	I/A I = 486 (79%) A = 131 (21%) (n = 617) 11 min 14 max	I/A I = 792 (70%) A = 335 (30%) (n = 1,127) 13 min 16 max	I/A I = 479 (52%) A = 439 (48%) (n = 918) 14 min 17 max	I/A I = 238 (39%) A = 369 (61%) (n = 607) 17 min 21 max	A A = 132 (100%) (n = 132) 18 min 22 max	A A = 77 (100%) (n = 77) 26 min 32 max	I/A I = 1,995 (57%) A = 1,483 (43%) (n = 3,478) 15 min 19 max
H	C/I/A C = 1,684 (60%) I = 834 (30%) A = 293 (10%) (n = 2,811) 6 min 7 max	I/A I = 2,536 (74%) A = 902 (26%) (n = 3,438) 7 min 9 max	I/A I = 1,253 (54%) A = 1,049 (46%) (n = 2,302) 9 min 11 max	I/A I = 654 (36%) A = 1,138 (64%) (n = 1,792) 10 min 12 max	I/A I = 133 (25%) A = 389 (75%) (n = 522) 13 min 16 max	A A = 337 (100%) (n = 337) 18 min 21 max	C/I/A C = 1,684 (15%) I = 5,410 (48%) A = 4,108 (37%) (n = 11,202) 9 min 12 max
I	C C = 1,868 (100%) (n = 1,868) N/A	C/I C = 1,952 (63%) I = 1,168 (37%) (n = 3,120) N/A	I I = 1,242 (100%) (n = 1,242) N/A	I/A I = 469 (47%) A = 526 (53%) (n = 995) 7 min 8 max	I/A I = 94 (37%) A = 159 (63%) (n = 253) 8 min 10 max	I/A I = 53 (22%) A = 185 (78%) (n = 238) 9 min 11 max	C/I/A C = 3,820 (50%) I = 3,026 (39%) A = 870 (11%) (n = 7,716) 7 min 9 max
TOTAL	C/I/A C = 3,552 (52%) I = 2,002 (29%) A = 1,285 (19%) (n = 6,839) 44 min 58 max	C/I/A C = 1,952 (21%) I = 5,107 (55%) A = 2,188 (24%) (n = 9,247) 31 min 40 max	I/A I = 3,192 (59%) A = 2,211 (41%) (n = 5,403) 29 min 37 max	I/A I = 1,361 (33%) A = 2,734 (67%) (n = 4,095) 27 min 34 max	I/A I = 227 (20%) A = 897 (80%) (n = 1,124) 31 min 39 max	I/A I = 53 (6%) A = 772 (94%) (n = 825) 32 min 40 max	C/I/A C = 5,504 (20%) I = 11,942 (43%) A = 10,087 (37%) (n = 27,533) 31 min 40 max

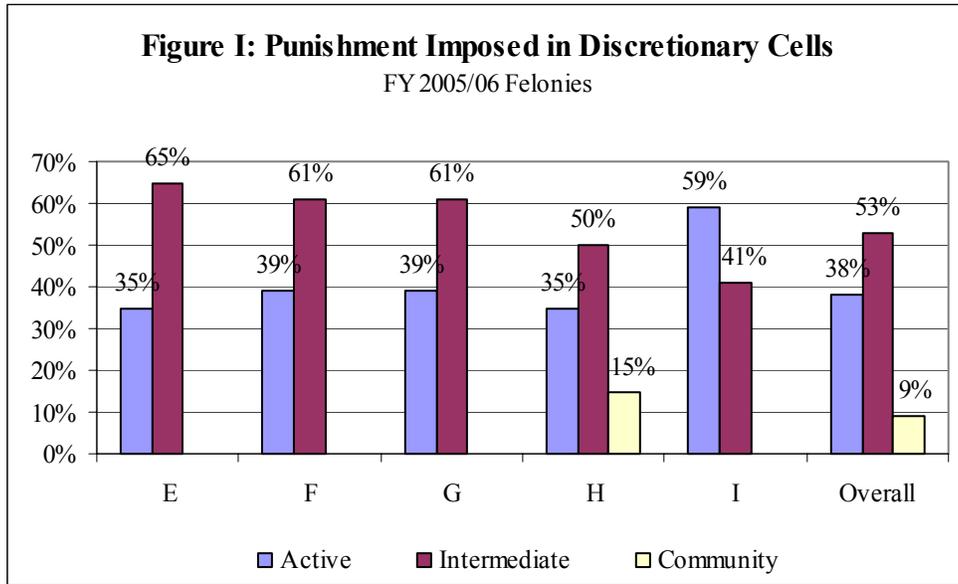
Note: Of the 30,322 felony convictions in FY 2005/06, 2,789 convictions were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Death and life without parole sentences were excluded from the calculation of the average minimum and maximum sentences.

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

C. Punishment Imposed in Discretionary Cells

As shown in *Table 4*, where the judge had the option of imposing either an Active or community-based punishment (*i.e.*, either an Intermediate or Community punishment), an Intermediate punishment was most likely to be imposed for convictions falling within Offense Class G with Prior Record Level I (79%), while an Active sentence was most likely to be imposed for convictions falling within Offense Class I with Prior Record Level VI (78%).

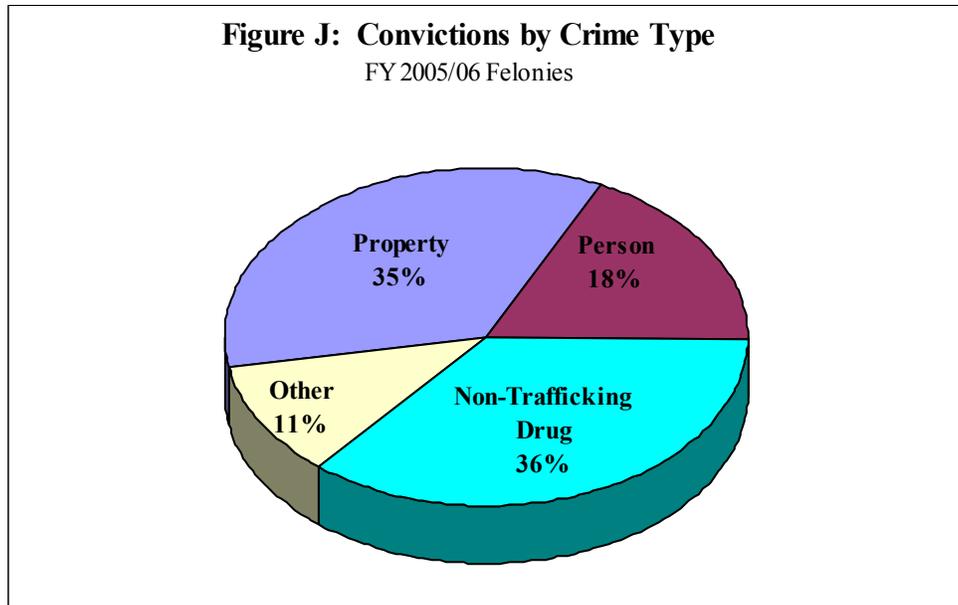
Figure I summarizes sentences imposed by offense class for discretionary cells with an Active punishment option.



Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

D. Punishment Imposed by Crime Type

During Fiscal Year 2005/06, non-trafficking drug offenses accounted for 36% of convictions, followed closely by convictions for property offenses (35%). (See Figure J.) For additional data on convictions by crime type, see Appendix D.



Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

The type of punishment imposed by crime type is shown in *Table 5*. Relative to other crime types, convictions for person offenses were most likely to result in the imposition of an Active punishment (62%), while convictions for non-trafficking drug offenses were least likely to result in the imposition of an Active punishment (21%). Of the four crime types, non-trafficking drug and property convictions had the highest percentage of Intermediate punishment sentences (46% 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 2005/06 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	3,095	62	1,770	36	104	2	59	76	4,969
Property	3,280	35	4,378	46	1,860	19	12	15	9,518
Non-Trafficking Drug	2,073	21	4,613	46	3,319	33	11	14	10,005
Other Felony	1,639	54	1,181	39	221	7	44	56	3,041
TOTAL	10,087	37	11,942	43	5,504	20	31	40	27,533

Note: Of the 30,322 felony convictions in FY 2005/06, 2,789 convictions were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation).

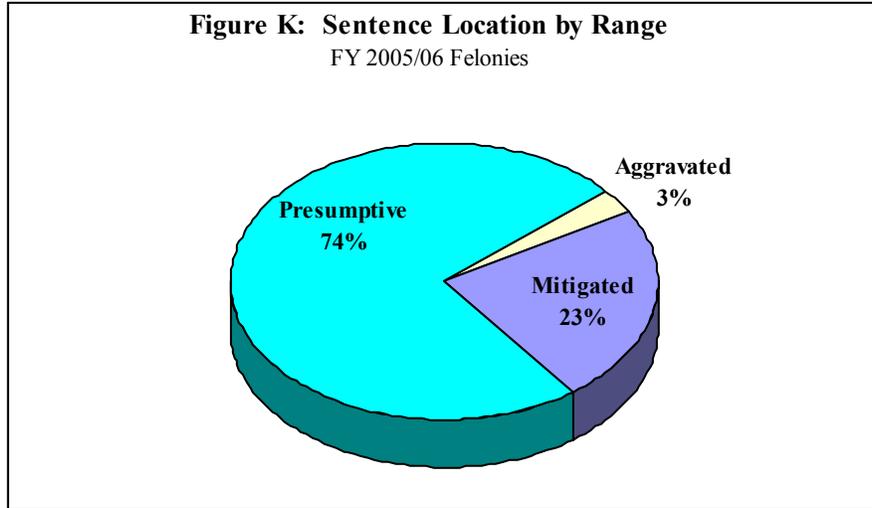
Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

IV. SENTENCE LOCATION IN THE SENTENCING RANGES

This section presents information regarding the location of sentences imposed in the sentencing ranges and *deals only with convictions for which an Active sentence was imposed (n=10,004)*. Class A convictions, which are subject to mandatory life or death sentences, are excluded from this section (n=83), 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

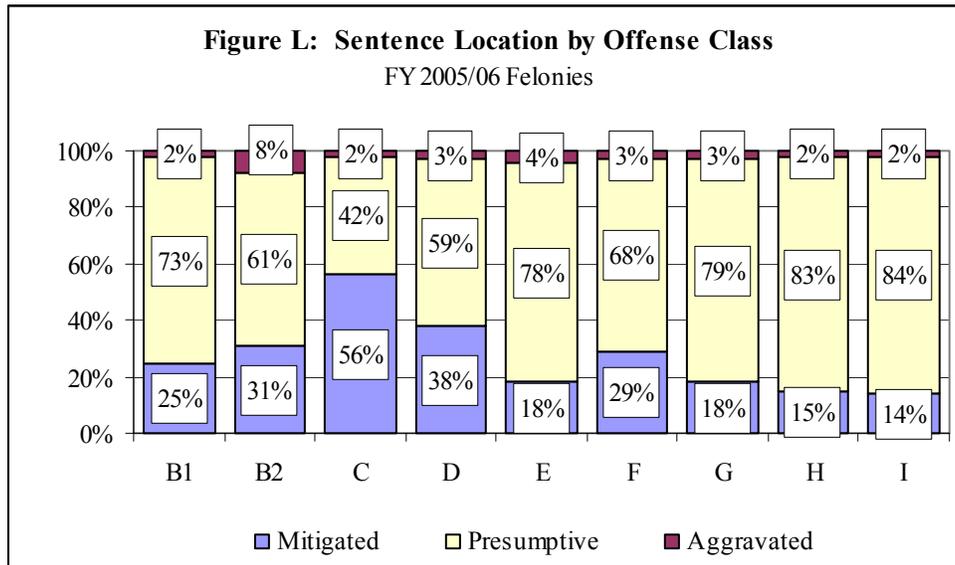
Figure K shows that 74% of all Active sentences fell within the presumptive range; 23% fell within the mitigated range; and 3% fell within the aggravated range.³



Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

B. Sentence Location by Offense Class and Prior Record Level

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



Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

³ Since the U.S. Supreme Court's June 2004 ruling in *Blakely vs. Washington*, there continued to be a decrease in the imposition of sentences in the aggravated range when compared to 7% of the convictions sentenced in the aggravated range in FY 2003/04.

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 (83% and 84% respectively), while convictions for Class C offenses had the lowest percentage of Active sentences in the presumptive range (42%). Convictions falling into Prior Record Level I had the highest percentage of Active sentences in the mitigated range (26%). 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 31% 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 (56%), followed by convictions for Class D offenses (38%). In addition, as shown in *Appendix D*, 71% of Class C convictions and almost 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 2005/06 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0 Points	II 1-4 Points	III 5-8 Points	IV 9-14 Points	V 15-18 Points	VI 19+ Points	
B1	Mitigated	22 (31%)	7 (21%)	3 (20%)	4 (21%)	0 (0%)	0 (0%)	36 (25%)
	Presumptive	47 (66%)	26 (79%)	11 (73%)	15 (79%)	5 (100%)	1 (100%)	105 (73%)
	Aggravated	2 (3%)	0 (0%)	1 (7%)	0 (0%)	0 (0%)	0 (0%)	3 (2%)
	Subtotal	71	33	15	19	5	1	144
B2	Mitigated	39 (37%)	23 (32%)	14 (24%)	8 (28%)	1 (25%)	0 (0%)	85 (31%)
	Presumptive	60 (57%)	40 (56%)	40 (69%)	20 (69%)	2 (50%)	3 (75%)	165 (61%)
	Aggravated	7 (6%)	9 (12%)	4 (7%)	1 (3%)	1 (25%)	1 (25%)	23 (8%)
	Subtotal	106	72	58	29	4	4	273
C	Mitigated	39 (32%)	87 (49%)	115 (61%)	165 (65%)	69 (68%)	45 (56%)	520 (56%)
	Presumptive	76 (63%)	86 (49%)	71 (37%)	87 (34%)	31 (31%)	35 (44%)	386 (42%)
	Aggravated	6 (5%)	4 (2%)	3 (2%)	2 (1%)	1 (1%)	0 (0%)	16 (2%)
	Subtotal	121	177	189	254	101	80	922

**Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
(Active Sentences Only)
FY 2005/06 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0 Points	II 1-4 Points	III 5-8 Points	IV 9-14 Points	V 15-18 Points	VI 19+ Points	
D	Mitigated	99 (46%)	89 (37%)	35 (31%)	27 (31%)	13 (46%)	5 (42%)	268 (38%)
	Presumptive	110 (51%)	147 (60%)	77 (69%)	56 (64%)	14 (50%)	7 (58%)	411 (59%)
	Aggravated	7 (3%)	8 (3%)	0 (0%)	4 (5%)	1 (4%)	0 (0%)	20 (3%)
	Subtotal	216	244	112	87	28	12	699
E	Mitigated	19 (15%)	24 (16%)	28 (20%)	24 (28%)	4 (14%)	1 (6%)	100 (18%)
	Presumptive	99 (80%)	123 (80%)	105 (75%)	60 (71%)	23 (82%)	17 (94%)	427 (78%)
	Aggravated	6 (5%)	7 (4%)	7 (5%)	1 (1%)	1 (4%)	0 (0%)	22 (4%)
	Subtotal	124	154	140	85	28	18	549
F	Mitigated	38 (21%)	68 (27%)	54 (27%)	75 (35%)	22 (45%)	21 (37%)	278 (29%)
	Presumptive	134 (76%)	178 (69%)	138 (70%)	137 (63%)	25 (51%)	35 (61%)	647 (68%)
	Aggravated	6 (3%)	11 (4%)	6 (3%)	5 (2%)	2 (4%)	1 (2%)	31 (3%)
	Subtotal	178	257	198	217	49	57	956
G	Mitigated	21 (16%)	76 (23%)	74 (17%)	63 (17%)	30 (23%)	6 (8%)	270 (18%)
	Presumptive	103 (79%)	247 (74%)	352 (80%)	297 (81%)	99 (75%)	66 (86%)	1,164 (79%)
	Aggravated	7 (5%)	12 (3%)	13 (3%)	9 (2%)	3 (2%)	5 (6%)	49 (3%)
	Subtotal	131	335	439	369	132	77	1,483
H	Mitigated	44 (15%)	140 (16%)	175 (17%)	154 (13%)	42 (11%)	45 (13%)	600 (15%)
	Presumptive	224 (77%)	740 (82%)	856 (81%)	963 (85%)	340 (87%)	281 (84%)	3,404 (83%)
	Aggravated	25 (8%)	22 (2%)	18 (2%)	21 (2%)	7 (2%)	11 (3%)	104 (2%)
	Subtotal	293	902	1,049	1,138	389	337	4,108

**Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
(Active Sentences Only)
FY 2005/06 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0 Points	II 1-4 Points	III 5-8 Points	IV 9-14 Points	V 15-18 Points	VI 19+ Points	
I	Mitigated	N/A	N/A	N/A	85 (16%)	14 (9%)	24 (13%)	123 (14%)
	Presumptive	N/A	N/A	N/A	432 (82%)	142 (89%)	156 (84%)	730 (84%)
	Aggravated	N/A	N/A	N/A	9 (2%)	3 (2%)	5 (3%)	17 (2%)
	Subtotal	N/A	N/A	N/A	526	159	185	870
TOTAL	Mitigated	321 (26%)	514 (24%)	498 (23%)	605 (22%)	195 (22%)	147 (19%)	2,280 (23%)
	Presumptive	853 (69%)	1,587 (73%)	1,650 (75%)	2,067 (76%)	681 (76%)	601 (78%)	7,439 (74%)
	Aggravated	66 (5%)	73 (3%)	52 (2%)	52 (2%)	19 (2%)	23 (3%)	285 (3%)
	Subtotal	1,240	2,174	2,200	2,724	895	771	10,004

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. In addition, 83 convictions requiring mandatory life or death sentence were excluded from this table.

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

C. Sentence Location by Crime Type

The sentence location for selected crime types is contained in *Table 7*. Of the four crime types, convictions for person offenses accounted for the highest percentage of aggravated sentences (4%). Convictions in the category of other felony offenses accounted for the lowest percentage of presumptive sentences (58%), the highest percentage of mitigated sentences (41%), and the lowest percentage of aggravated sentences (1%) 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 2005/06 Felonies**

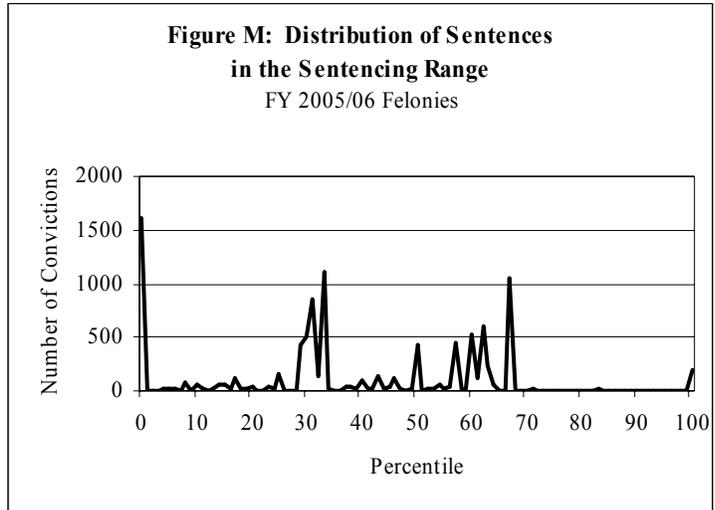
Crime Type	Sentencing Range						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
Person	763	25	2,122	71	127	4	3,012
Property	475	15	2,726	83	79	2	3,280
Non-Trafficking Drug	372	18	1,646	79	55	3	2,073
Other Felony	670	41	945	58	24	1	1,639
TOTAL	2,280	23	7,439	74	285	3	10,004

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. In addition, 83 convictions requiring a mandatory life or death sentence were excluded from this table.

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

D. Length of Active Sentence Relative to the Sentencing Range

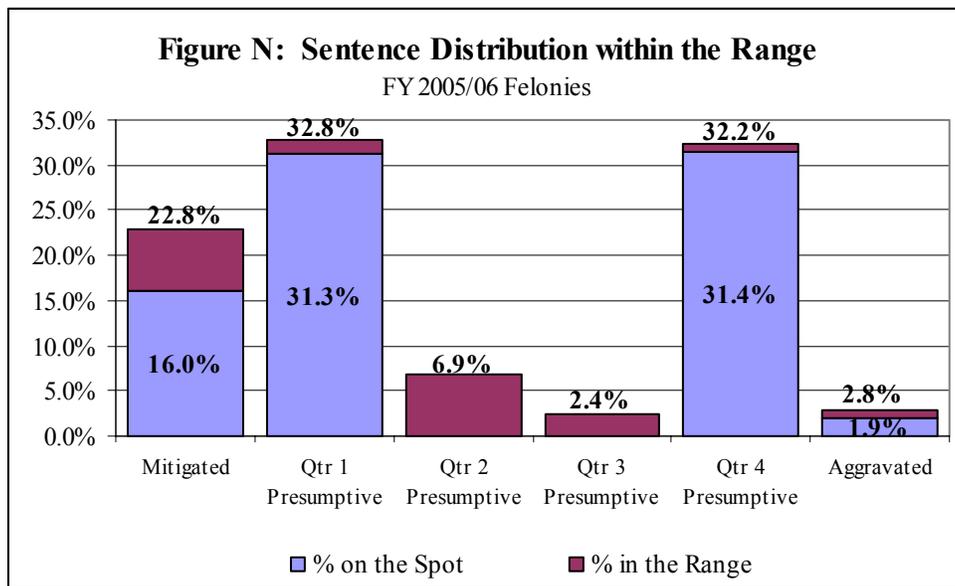
Viewing the entire sentencing range as a continuum from the lowest possible sentence imposed in the mitigated range to the highest possible sentence imposed in the aggravated range, on average the 10,004 active sentences imposed (excluding the 83 convictions with mandatory life or death sentences) fell below the midpoint of the range (at the 38th 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 (32.8% and 32.2% of all cases, respectively) (see *Figure M* and *Table 9*).



Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

Further analysis indicates that over three-quarters (80.6%) 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*, 16.0% of Active sentences fell on the lowest point of the mitigated range; 31.3% fell on the lowest point of the presumptive range; 31.4% fell on the highest point of the presumptive range; and 1.9% fell on the highest point of the aggravated range.

For information regarding sentences imposed on one of the four specific spots of the sentencing range by offense class, see *Table 8*. Convictions for Class H and I offenses had the highest percentages of Active sentences located on one of the four spots, with 88.1% and 87.6% 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 (55.7%).



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

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

**Table 8: Sentencing Range by Offense Class
(Active Sentences Only)
FY 2005/06**

Offense Class	Location in the Range				% on the Four Spots
	Mitigated Range	Presumptive Range		Aggravated Range	
	% Lowest Spot	% Lowest Spot	% Highest Spot	% Highest Spot	
B1	11.1	20.1	27.1	1.4	59.7
B2	16.5	11.0	23.1	5.1	55.7
C	42.7	14.5	11.8	0.8	69.9
D	22.5	24.3	17.7	1.3	65.8
E	10.4	27.1	32.2	3.1	72.9
F	17.7	27.9	27.1	1.8	74.5
G	13.4	34.8	32.3	2.5	82.9
H	11.4	36.8	37.9	1.9	88.1
I	10.6	37.8	37.8	1.4	87.6
TOTAL	16.0	31.3	31.4	1.9	80.6

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. In addition, 83 convictions requiring mandatory life or death sentence were excluded from this table. Percentages may not add to 100% due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

A similar pattern is evident by crime type, especially for property and non-trafficking drug offenses, with 87.2% and 85.7% 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 2005/06**

Crime Type	Location in the Range						% on the Four Spots
	% Mitigated Range (Min. Spot)	Presumptive Range				% Aggravated Range (Max. Spot)	
		% First Quarter (Min. Spot)	% Second Quarter	% Third Quarter	% Fourth Quarter (Max. Spot)		
Person	25.3 (15.5)	28.7 (25.7)	6.9	4.6	30.2 (27.8)	4.2 (2.7)	71.7
Property	14.5 (11.2)	36.3 (36.2)	7.7	1.0	38.1 (38.0)	2.4 (1.8)	87.2
Non-Trafficking Drug	18.0 (13.3)	36.8 (36.2)	6.7	1.6	34.4 (34.3)	2.7 (2.0)	85.7
Other Felony	40.9 (29.8)	28.0 (25.9)	5.7	2.3	21.6 (20.9)	1.5 (0.8)	77.4
TOTAL	22.8 (16.0)	32.8 (31.3)	6.9	2.4	32.3 (31.4)	2.8 (1.9)	80.6

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. In addition, 83 convictions requiring a mandatory life or death sentence were excluded from this table. Percentages may not add to 100% due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

V. INTERMEDIATE PUNISHMENTS

This section summarizes the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed at sentencing.*⁴ Under Structured Sentencing, all offenders who receive an Intermediate punishment must receive a term of supervised probation plus at least one additional sanction. The specific intermediate sanctions are Intensive Supervision Probation (ISP), Special Probation (SP), House Arrest with Electronic Monitoring (HAEM), Day Reporting Center (DRC), Residential Treatment Facility (RESID), and Drug Treatment Court (DTC). It should be noted that these sanctions are not equally available across the state. See *Appendix E* for a brief description of each type of intermediate sanction.

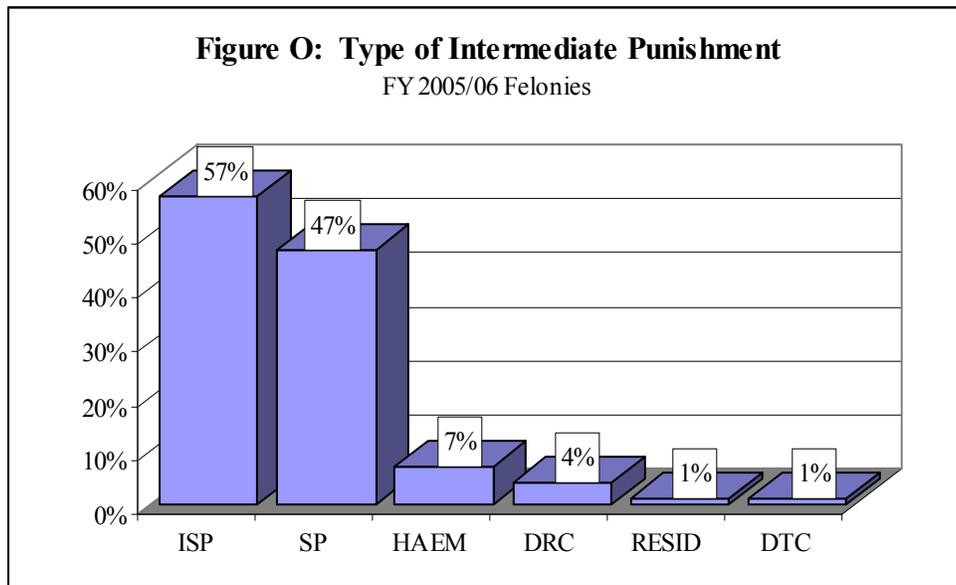
During Fiscal Year 2005/06, Intermediate punishments were imposed for 11,942 convictions, with an average supervised probation sentence length of 32 months. The specific type(s) of intermediate sanction(s) imposed was reported in the AOC database for 11,739 convictions – a reporting rate of 98%.

⁴ Intermediate punishments that are subsequently imposed as a result of modifications to probation are not included.

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 Probation accounted for the highest percentage of convictions for which a specific intermediate sanction was reported (57%). Assignment to a Residential Treatment Facility or Drug Treatment Court accounted for the smallest percentage of convictions for which a specific intermediate sanction was reported (1% each).



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

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

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=6,101). For Class H, Intensive Supervision Probation was the most frequently invoked sanction (n=2,979), followed by Special Probation (n=2,434).

**Table 10: Type of Intermediate Punishment by Offense Class and Prior Record Level
FY 2005/06 Felonies**

Offense Class	Prior Record Level	Type of Intermediate Punishment						Total
		Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	Drug Treatment Court	House Arrest w/ Elect. Mon.	
E	I	182	0	12	157	0	14	365
	II	155	5	8	136	1	18	323
	Subtotal	337	5	20	293	1	32	688
F	I	231	2	8	185	0	30	456
	II	216	3	8	197	0	23	447
	III	122	4	5	115	0	23	269
	Subtotal	569	9	21	497	0	76	1,172
G	I	249	1	14	266	0	35	565
	II	405	9	25	455	3	59	956
	III	260	8	15	267	3	32	585
	IV	124	10	7	143	2	16	302
	Subtotal	1,038	28	61	1,131	8	142	2,408
H	I	373	8	57	430	3	58	929
	II	1,102	28	102	1,414	11	143	2,800
	III	565	23	46	718	9	80	1,441
	IV	326	17	27	351	5	48	774
	V	68	6	3	66	3	11	157
	Subtotal	2,434	82	235	2,979	31	340	6,101
I	II	391	9	49	720	10	82	1,261
	III	475	8	55	713	9	75	1,335
	IV	172	9	35	277	6	27	526
	V	43	1	3	51	1	4	103
	VI	29	4	0	22	0	4	59
	Subtotal	1,110	31	142	1,783	26	192	3,284
TOTAL		5,488	155	479	6,683	66	782	13,653

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

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

C. Intermediate Punishments by Crime Type

Table 11 shows the frequency of Intermediate punishments by crime type. Of those convictions for which a specific intermediate sanction was reported, the largest number was for non-trafficking drug offenses (n=5,193), followed by property offenses (n=4,953).

**Table 11: Type of Intermediate Punishment by Crime Type
FY 2005/06 Felonies**

Crime Type	Type of Intermediate Punishment						Total
	Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	Drug Treatment Court	House Arrest w/ Elect. Mon.	
Person	1,050	24	52	882	2	115	2,125
Property	2,002	86	187	2,370	35	273	4,953
Non-Trafficking Drug	1,823	36	214	2,799	29	292	5,193
Other Felony	613	9	26	632	0	102	1,382
TOTAL	5,488	155	479	6,683	66	782	13,653

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

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

VI. COMMUNITY PUNISHMENTS

This section includes only those convictions for which a Community punishment was the most serious sanction imposed. During Fiscal Year 2005/06, there were 5,504 convictions for which a Community punishment was imposed. The specific type(s) of Community punishment(s) imposed was reported in the AOC database for 5,412 convictions – a reporting rate of 98%. Of these 5,412 convictions, 5,236 were for supervised probation; 155 were for unsupervised probation, and 21 were for restitution, fines, and/or community service only. For more information about community service and restitution, refer to Appendix F.

A. Community Punishments by Offense Class

Table 12 shows the type of Community punishment imposed – either Supervised Probation, Unsupervised Probation, Restitution/Fine/Community Service Only, or Sanction Not Specified – by offense class, as well as information regarding the average length of probation sentences. Class I felony offenses accounted for the largest number of convictions for which a Community punishment was imposed (n=3,820). Convictions for Class H felonies resulted in the longest average probation sentences for Community punishments (29 months). Overall, convictions for

which a Community punishment was imposed resulted in an average probation sentence of 26 months.

**Table 12: Type of Community Punishment by Offense Class
FY 2005/06 Felonies**

Offense Class	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
H	1,598 <i>29 months</i>	47 <i>21 months</i>	2 <i>N/A</i>	37 <i>N/A</i>	1,684 <i>29 months</i>
I	3,638 <i>25 months</i>	108 <i>18 months</i>	19 <i>N/A</i>	55 <i>N/A</i>	3,820 <i>25 months</i>
TOTAL	5,236 <i>26 months</i>	155 <i>19 months</i>	21 <i>N/A</i>	92 <i>N/A</i>	5,504 <i>26 months</i>

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

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

B. Community Punishments by Crime Type

Information regarding the type of Community punishment imposed by crime type is provided in *Table 13*. The table also includes the average length of probation sentences. Non-trafficking drug offenses represented the largest offense category for which a Community punishment was imposed (n=3,319). Convictions for property offenses had the longest average probation sentences (30 months).

**Table 13: Type of Community Punishment by Crime Type
FY 2005/06 Felonies**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
Person	101 <i>28 months</i>	1 <i>12 months</i>	1 <i>N/A</i>	1 <i>N/A</i>	104 <i>28 months</i>
Property	1,787 <i>30 months</i>	46 <i>19 months</i>	1 <i>N/A</i>	26 <i>N/A</i>	1,860 <i>30 months</i>
Non-Trafficking Drug	3,142 <i>24 months</i>	94 <i>18 months</i>	19 <i>N/A</i>	64 <i>N/A</i>	3,319 <i>24 months</i>
Other Felony	206 <i>25 months</i>	14 <i>21 months</i>	0 <i>N/A</i>	1 <i>N/A</i>	221 <i>25 months</i>
TOTAL	5,236 <i>26 months</i>	155 <i>19 months</i>	21 <i>N/A</i>	92 <i>N/A</i>	5,504 <i>26 months</i>

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

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

VII. SPECIAL ISSUES

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

A. Habitual Felons

An habitual felon is an offender with at least three prior felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a felony offense and who has been found by a jury to be an habitual felon. An habitual felon is sentenced as a Class C felon. (N.C.G.S. §§ 14-7.1 to -7.6) There were 643 habitual felon convictions during Fiscal Year 2005/06. *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=293). Thirty-five percent of habitual felons had some type of drug offense as their underlying conviction (n=222). Felony Breaking and/or Entering was the most frequently occurring most serious crime associated with habitual felon convictions (n=114). Almost 71% of habitual felon

convictions were sentenced in the mitigated range and an additional 14% were sentenced at the lowest point of the presumptive range (see *Appendix D*).

**Table 14: Most Serious Crime Associated with Habitual Felon Convictions
by Offense Class and Offense
FY 2005/06 Felonies**

Offense Class	Offense	Total
Class B1	1st Degree Rape	1
	1 st Degree Sex Offense Child	2
	Statutory Rape/Defendant ≥ 6 yrs	2
	Subtotal	5
Class B2	2 nd Degree Murder	1
	Attempted 1 st Degree Murder	1
	Subtotal	2
Class C	1 st Degree Kidnapping	1
	2 nd Degree Rape	1
	AWDWIKISI	4
	Trafficking, Opium or Heroin	1
	Fel Child Abuse Ser Bodily Inj	1
	Other Property Offenses	1
	Other Drug Offenses	3
Subtotal	12	
Class D	Attempted 2 nd Degree Rape	1
	Att Robbery w/ Dang Weapon	2
	Robbery w/ Dangerous Weapon	27
	1 st Degree Burglary	3
	Other Person Offenses	1
	Subtotal	34
Class E	2 nd Degree Kidnapping	6
	AWDW Intent to Kill	1
	AWDW Serious Injury	8
	Attempted 1 st Degree Burglary	1
	Poss of CS w/in 300 ft of School	3
	Discharge Weap Occupied Prop	2
	Subtotal	21
Class F	Involuntary Manslaughter	1
	Abduction of Children	1
	Indecent Liberties w/ Child	5
	Failure Register as Sex Offender	7
	Malicious Conduct by Prisoner	3
	Assault Serious Bodily Injury	2

Offense Class	Offense	Total
Class F (cont.)	AWDW Government Official	7
	Poss/Distribute Meth Precursor	1
	Trafficking, Opium or Heroin	1
	Conspire Traffic Opium/Heroin	1
	Possess Weapon Mass Destruct	2
	Felony Stalking	1
	Habitual Impaired Driving	2
	Other Property Offenses	1
	Other Drug Offenses	2
	Subtotal	37
Class G	Common Law Robbery	28
	Break/Enter Place of Worship	1
	2 nd Degree Burglary	6
	Poss 5+ Counterfeit Instrument	1
	Identity Theft	3
	Sell/Deliver Schedule II CS	1
	Sell/Deliver Cocaine	9
	Conspire Sell/Deliver Cocaine	2
	Sell Cocaine	37
	Sell Heroin	2
	Sell Schedule II CS	9
	Conspire Sell Cocaine	5
	Trafficking in Cocaine	11
	Conspire Traffic in Cocaine	2
	Other Person Offenses	2
Possession of Firearm by Felon	25	
Subtotal	144	
Class H	Att Common Law Robbery	1
	Assault by Strangulation	2
	Habitual Misdemeanor Assault	1
	Burning Personal Property	1
	Breaking and or Entering	114
	Felony Larceny	17

**Table 14: Most Serious Crime Associated with Habitual Felon Convictions
by Offense Class and Offense (continued)
FY 2005/06 Felonies**

Offense Class	Offense	Total	Offense Class	Offense	Total
Class H (cont.)	Larceny by Anti-Invntry Device	2	Class H (cont.)	Other Person Offenses	1
	Larceny by Employee	3		Other Drug Offenses	3
	Larceny from the Person	4		Other Felony Offenses	1
	Poss Stolen Goods/Prop	18	Subtotal		293
	Larceny After Break/Enter	2	Class I	Possession of Burglary Tools	1
	Larceny of Motor Vehicle	5		Break or Enter Motor Vehicle	11
	Att Obtain Prop False Pretense	2		Forgery of Instrument	7
	Obtain Property False Pretense	22		Uttering Forged Instrument	3
	Embezzlement	2		Financial Card Theft	1
	Poss CS Prison/Jail Premises	3		Alter/Steal/Dest Criminal Evid	1
	Sell Marijuana	2		Obtain CS by Fraud/Forgery	1
	Deliver Cocaine	1		PWIMSD Schedule III CS	1
	Manufacture Schedule II CS	1		Felony Possession Sch II CS	13
	PWIMSD Schedule I CS	1		PWISD Marijuana	1
	PWIMSD Schedule II CS	7		PWIMSD Marijuana	1
	Manufacture Cocaine	1		Felony Possession Marijuana	2
	PWISD Cocaine	36		Felony Possession Cocaine	44
	PWIMSD Cocaine	8		Possess Heroin	2
	DV Protective Order Violation	1		Alter Title	1
	Escape from State Prison	1		Cruelty to Animals	1
Intimidating Witness	1	Maintain Veh/Dwell/Place CS		2	
Possess Stolen Motor Vehicle	8	Other Drug Offenses	2		
Elude Arrest MV 2 Agg. Factors	13	Subtotal		95	
Elude Arrest MV ≥3 Agg. Factor	8	TOTAL		643	

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

B. Firearm Enhancement

The firearm enhancement requires the judge to increase an offender’s active sentence by sixty months if the offender is convicted of a Class A, B1, B2, C, D, or E felony and the jury finds that he or she used, displayed, or threatened to use or display a firearm during the commission of the felony. The firearm enhancement cannot be applied if the firearm is used to prove an element of the offense, nor can it be applied to non-active sentences. (N.C.G.S. § 15A-1340.16A) The firearm enhancement was not applied to any convictions during Fiscal Year 2005/06.

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 2005/06, seven death sentences and 76 life without parole sentences were imposed for felons convicted of first degree murder.

A violent habitual felon is an offender with at least two prior Class A, B1, B2, C, D, or E felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a Class A, B1, B2, C, D, or E felony offense and who has been found by a jury to be a violent habitual felon. A violent habitual felon is sentenced to life without parole. (N.C.G.S. §§ 14-7.7 to -7.12) During Fiscal Year 2005/06, four 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 murder (n=1), first degree rape (n=1), second degree kidnapping (n=1), and 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.G.S. § 90-95(h))

As shown in *Table 15*, there were 701 convictions for drug trafficking offenses. Trafficking Cocaine (Offense Class G) was the most frequently occurring drug trafficking offense (n=190).

**Table 15: Drug Trafficking Convictions
FY 2005/06 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
C	Traffic Methamphetamine	1	100.0	.	.	.	.	225.0	279.0	1
	Traffic Heroin	2	100.0	.	.	.	.	220.0	274.0	2
	Other Trafficking	3	100.0	.	.	.	.	225.0	279.0	3
	Subtotal	6	100.0	.	.	.	.	223.3	277.3	6
D	Traffic Cocaine	19	82.6	2	8.7	2	8.7	133.7	167.6	23
	Consp. Traffic Cocaine	.	.	1	100.0	.	.	46.0	65.0	1
	Other Trafficking	14	82.4	3	17.6	.	.	175.0	219.0	17
	Subtotal	33	80.5	6	14.6	2	4.9	148.7	186.4	41
E	Traffic Methamphetamine	3	100.0	.	.	.	.	90.0	117.0	3
	Consp. Traf. Amphetamine	1	100.0	.	.	.	.	90.0	117.0	1
	Traffic Heroin	3	100.0	.	.	.	.	90.0	117.0	3
	Other Trafficking	11	100.0	.	.	.	.	90.0	117.0	11
	Subtotal	18	100.0	.	.	.	.	90.0	117.0	18
F	Traffic Methamphetamine	26	86.7	3	10.0	1	3.3	61.7	74.1	30
	Consp. Traffic Meth.	2	100.0	.	.	.	.	70.0	84.0	2
	Traffic MDA/MDMA	1	33.3	.	.	2	66.7	58.3	70.0	3
	Traffic Marijuana	1	100.0	.	.	.	.	25.0	30.0	1
	Traffic Cocaine	29	74.4	5	12.8	5	12.8	63.3	76.6	39
	Traffic Heroin	18	85.7	3	14.3	.	.	59.3	72.1	21
	Consp. Traffic Cocaine	3	75.0	1	25.0	.	.	70.0	84.0	4
	Consp. Traffic Heroin	2	50.0	2	50.0	.	.	33.5	40.5	4
	Other Trafficking	36	92.3	3	7.7	.	.	70.0	84.0	39
	Subtotal	118	82.5	17	11.9	8	5.6	63.3	76.3	143

**Table 15: Drug Trafficking Convictions (continued)
FY 2005/06 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
G	Traffic Methamphetamine	1	100.0	.	.	.	.	16.0	20.0	1
	Traffic LSD	1	100.0	.	.	.	.	35.0	42.0	1
	Traffic MDA/MDMA	9	64.3	3	21.4	2	14.3	30.8	37.0	14
	Consp. Traf. MDA/MDMA	2	50.0	2	50.0	.	.	29.3	35.3	4
	Traffic Marijuana	4	57.1	2	28.6	1	14.3	30.7	36.9	7
	Traffic Cocaine	151	79.5	30	15.8	9	4.7	32.7	39.4	190
	Traffic Heroin	1	100.0	.	.	.	.	19.0	23.0	1
	Consp. Traffic Marijuana	1	100.0	.	.	.	.	35.0	42.0	1
	Consp. Traffic Cocaine	10	62.5	5	31.3	1	6.3	28.5	34.3	16
	Other Trafficking	157	84.0	22	11.8	18	4.3	35.0	42.0	187
	Subtotal	337	79.9	64	15.2	21	5.0	33.4	40.1	422
H	Consp. Traf. MDA/MDMA	.	.	.	.	1	100.0	6.0	8.0	1
	Traffic Marijuana	20	76.9	.	.	6	23.1	20.5	24.7	26
	Traffic Cocaine	.	.	.	.	1	100.0	6.0	8.0	1
	Consp. Traffic Marijuana	4	80.0	.	.	1	20.0	21.0	25.2	5
	Other Trafficking	27	79.4	4	11.8	3	8.8	25.0	30.1	34
Subtotal	51	76.1	4	6.0	12	17.9	22.4	27.0	67	
I	Traffic Cocaine	2	100.0	.	.	.	.	30.0	36.0	2
	Consp. Traffic Marijuana	.	.	1	50.0	1	50.0	5.0	6.5	2
	Subtotal	2	50.0	1	25.0	1	25.0	17.5	21.3	4
TOTAL	565	80.6	92	13.1	44	6.3	48.2	58.7	701	

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

Source: NC Sentencing and Policy Commission, FY 2005/06 Statistical Report Data

SECTION II

**MISDEMEANOR CONVICTIONS
IN FISCAL YEAR 2005/06**

I. MISDEMEANOR CONVICTIONS IN FY 2005/06

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 2005/06 (July 1, 2005 through June 30, 2006). Overall, sentences for 170,001 misdemeanor convictions were imposed. For many of the tables, information on 3,923 convictions (or 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 Punishment Chart

Table 16 shows the distribution of convictions within the Misdemeanor Punishment Chart. Relative to other cells within the Misdemeanor Punishment Chart, the greatest number of convictions fell into Offense Class 1 with Prior Conviction Level I (n=42,167 or 25%).

**Table 16: Distribution of Convictions within the Misdemeanor Punishment Chart
FY 2005/06 Misdemeanors**

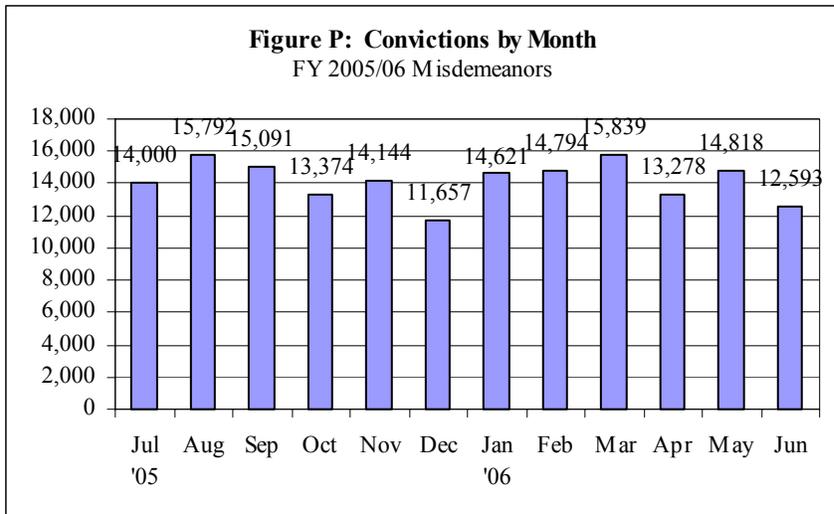
Offense Class	Prior Conviction Level			Total
	I 0 Points	II 1-4 Points	III 5+ Points	
A1	4,921 (3.0%)	5,343 (3.2%)	4,275 (2.6%)	14,539 (8.8%)
1	42,167 (25.4%)	34,496 (20.8%)	18,489 (11.1%)	95,152 (57.3%)
2	17,158 (10.3%)	10,447 (6.3%)	3,861 (2.3%)	31,466 (18.9%)
3	14,832 (8.9%)	6,819 (4.1%)	3,270 (2.0%)	24,921 (15.0%)
TOTAL	79,078 (47.6%)	57,105 (34.4%)	29,895 (18.0%)	166,078 (100.0)

Note: Of the 170,001 misdemeanor convictions in FY 2005/06, 3,923 (2%) were excluded from this table. These convictions did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons.

Source: NC Sentencing and Policy Commission, FY 2005/06 Statistical Report Data

D. Convictions by Month of Sentencing

Figure P shows the number of misdemeanor convictions (N=170,001) by month of sentencing during Fiscal Year 2005/06. Convictions peaked in March and were lowest in December.



Source: NC Sentencing and Policy Commission, FY 2005/06 Statistical Report Data

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.⁵ Of the 170,001 convictions in FY 2005/06, 11% (n=18,123) occurred in the first judicial division, 11% (n=18,731) in the second judicial division, 18% (n=30,493) in the third judicial division, 11% (n=18,263) in the fourth judicial division, 14% (n=24,660) in the fifth judicial division, 11% (n=19,068) in the sixth judicial division, 15% (n=25,239) in the seventh judicial division, and 9% (n=15,424) 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 2005/06 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
First Judicial Division		16,741	1,358	24	18,123
District 1	Camden	129	13	0	142
	Chowan	370	31	1	402
	Currituck	505	35	1	541
	Dare	1,211	108	0	1,319
	Gates	155	12	0	167
	Pasquotank	991	77	2	1,070
	Perquimans	164	25	0	189
	Total	3,525	301	4	3,830
District 2	Beaufort	1,333	82	1	1,416
	Hyde	88	14	0	102
	Martin	546	33	0	579
	Tyrrell	192	11	1	204
	Washington	333	16	2	351
Total	2,492	156	4	2,652	
District 3A	Pitt	3,132	96	5	3,233
Total	3,132	96	5	3,233	
District 6A	Halifax	1,516	91	5	1,612
Total	1,516	91	5	1,612	
District 6B	Bertie	485	38	0	523
	Hertford	639	43	0	682
	Northampton	392	64	0	456
Total	1,516	145	0	1,661	

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

**Table 17: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 2005/06 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 7	Edgecombe	1,337	192	4	1,533
	Nash	1,561	183	1	1,745
	Wilson	1,662	194	1	1,857
	Total	4,560	569	6	5,135
<i>Second Judicial Division</i>		<i>17,616</i>	<i>1,093</i>	<i>22</i>	<i>18,731</i>
District 3B	Carteret	1,494	60	1	1,555
	Craven	2,068	97	3	2,168
	Pamlico	186	16	0	202
	Total	3,748	173	4	3,925
District 4	Duplin	1,078	97	1	1,176
	Jones	244	8	0	252
	Onslow	1,969	263	3	2,235
	Sampson	1,455	41	0	1,496
	Total	4,746	409	4	5,159
District 5	New Hanover	3,456	137	5	3,598
	Pender	622	36	3	661
	Total	4,078	173	8	4,259
District 8	Greene	413	37	1	451
	Lenoir	1,969	120	0	2,089
	Wayne	2,662	181	5	2,848
	Total	5,044	338	6	5,388
<i>Third Judicial Division</i>		<i>29,247</i>	<i>1,226</i>	<i>20</i>	<i>30,493</i>
District 9	Franklin	945	81	0	1,026
	Granville	1,048	126	0	1,174
	Vance	1,455	200	1	1,656
	Warren	330	44	1	375
	Total	3,778	451	2	4,231
District 9A	Caswell	403	55	0	458
	Person	930	92	1	1,023
Total	1,333	147	1	1,481	
District 10	Wake	14,459	175	9	14,643
Total	14,459	175	9	14,643	
District 14	Durham	4,904	69	6	4,979
Total	4,904	69	6	4,979	
District 15A	Alamance	3,227	358	2	3,587
Total	3,227	358	2	3,587	

**Table 17: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 2005/06 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 15B	Chatham	657	7	0	664
	Orange	889	19	0	908
	Total	1,546	26	0	1,572
<i>Fourth Judicial Division</i>		<i>17,651</i>	<i>598</i>	<i>14</i>	<i>18,263</i>
District 11	Harnett	1,682	51	6	1,739
	Johnston	2,291	39	0	2,330
	Lee	1,283	73	0	1,356
	Total	5,256	163	6	5,425
District 12	Cumberland	2,891	165	1	3,057
	Total	2,891	165	1	3,057
District 13	Bladen	879	18	3	900
	Brunswick	1,485	44	1	1,530
	Columbus	1,076	50	0	1,126
	Total	3,440	112	4	3,556
District 16A	Hoke	705	58	1	764
	Scotland	1,277	45	1	1,323
	Total	1,982	103	2	2,087
District 16B	Robeson	4,082	55	1	4,138
	Total	4,082	55	1	4,138
<i>Fifth Judicial Division</i>		<i>23,874</i>	<i>763</i>	<i>23</i>	<i>24,660</i>
District 17A	Rockingham	1,571	93	3	1,667
	Total	1,571	93	3	1,667
District 17B	Stokes	926	65	2	993
	Surry	1,621	98	0	1,719
	Total	2,547	163	2	2,712
District 18	Guilford	6,676	297	7	6,980
	Total	6,676	297	7	6,980
District 19B	Montgomery	591	20	0	611
	Moore	1,286	38	0	1,324
	Randolph	2,101	40	5	2,146
	Total	3,978	98	5	4,081
District 21	Forsyth	6,713	62	6	6,781
	Total	6,713	62	6	6,781

**Table 17: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 2005/06 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 23	Alleghany	213	2	0	215
	Ashe	290	6	0	296
	Wilkes	1,322	33	0	1,355
	Yadkin	564	9	0	573
	Total	2,389	50	0	2,439
<i>Sixth Judicial Division</i>		<i>17,546</i>	<i>1,510</i>	<i>12</i>	<i>19,068</i>
District 19A	Cabarrus	4,386	317	4	4,707
	Total	4,386	317	4	4,707
District 19C	Rowan	2,889	107	1	2,997
	Total	2,889	107	1	2,997
District 20	Anson	636	132	0	768
	Richmond	1,046	206	1	1,253
	Stanly	853	202	1	1,056
	Union	1,838	288	2	2,128
	Total	4,373	828	4	5,205
District 22	Alexander	436	27	0	463
	Davidson	2,308	130	0	2,438
	Davie	465	19	0	484
	Iredell	2,689	82	3	2,774
	Total	5,898	258	3	6,159
<i>Seventh Judicial Division</i>		<i>24,309</i>	<i>895</i>	<i>35</i>	<i>25,239</i>
District 25	Burke	1,475	194	3	1,672
	Caldwell	1,359	55	5	1,419
	Catawba	2,839	108	4	2,951
	Total	5,673	357	12	6,042
District 26	Mecklenburg	10,915	229	13	11,157
	Total	10,915	229	13	11,157
District 27A	Gaston	4,642	177	4	4,823
	Total	4,642	177	4	4,823
District 27B	Cleveland	1,731	65	4	1,800
	Lincoln	1,348	67	2	1,417
	Total	3,079	132	6	3,217

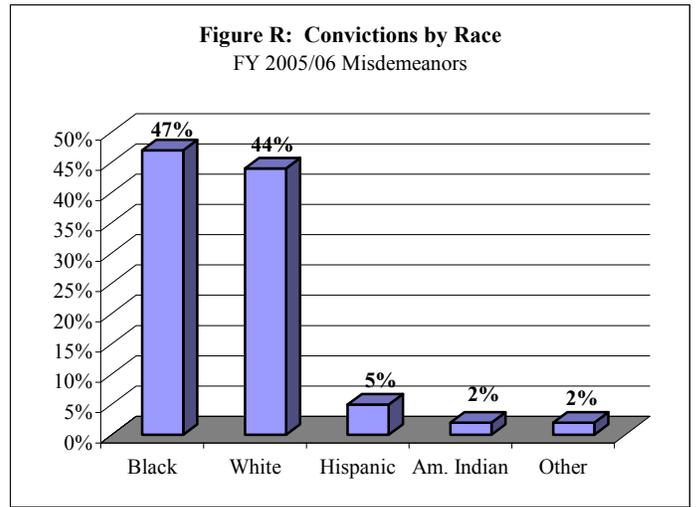
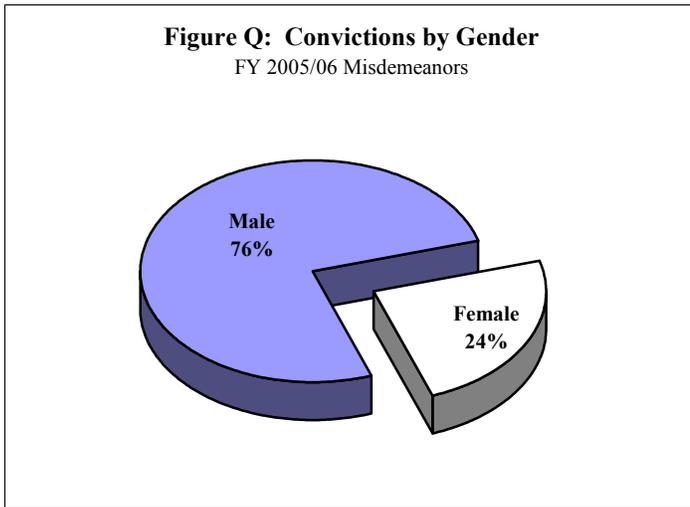
**Table 17: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 2005/06 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
<i>Eighth Judicial Division</i>		14,943	449	32	15,424
District 24	Avery	254	11	1	266
	Madison	202	14	0	216
	Mitchell	177	8	1	186
	Watauga	488	35	2	525
	Yancey	194	6	0	200
	Total	1,315	74	4	1,393
District 28	Buncombe	5,198	56	7	5,261
	Total	5,198	56	7	5,261
District 29	Henderson	1,656	51	5	1,712
	McDowell	895	25	4	924
	Polk	510	6	3	519
	Rutherford	2,027	45	5	2,077
	Transylvania	535	14	2	551
	Total	5,623	141	19	5,783
District 30	Cherokee	435	26	0	461
	Clay	85	5	0	90
	Graham	102	10	0	112
	Haywood	1,017	53	2	1,072
	Jackson	491	18	0	509
	Macon	435	50	0	485
	Swain	242	16	0	258
	Total	2,807	178	2	2,987
STATE TOTAL		161,927	7,892	182	170,001

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

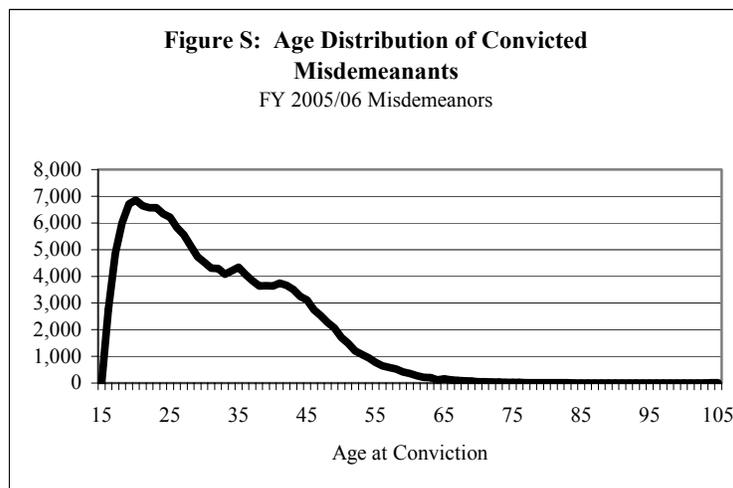
II. CHARACTERISTICS OF OFFENDERS

This section provides a summary of misdemeanor convictions by gender, race, and age of offenders. As indicated in *Figure Q*, the majority of misdemeanor convictions were for males (76%). *Figure R* shows that 47% of all misdemeanor offenders were Black and 44% were White. Only a small percentage was Hispanic (5%), American Indian (2%), or Other (2%).



Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

Based on the age at conviction, 16% 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, 25% were 30-39 years of age, 19% were 40-49 years of age, and 7% were 50 years of age or older. The average age at conviction is 32 years. *Figure S* illustrates the age distribution of misdemeanor offenders at conviction. As with felons, the volume of offenders peaks in the late teens and early twenties and then generally declines. *Table 18* provides a summary of misdemeanor convictions by gender, race, and age of offenders.



Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

**Table 18: Convictions by Gender, Race, and Age
FY 2005/06 Misdemeanors**

Gender and Race		Age at Conviction						Total
		<21	21-25	26-29	30-39	40-49	>49	
Male	White	10,084	10,726	6,500	12,624	9,930	4,074	53,938
	Black	9,592	11,435	7,505	14,174	11,950	4,980	59,636
	Hispanic	1,277	2,261	1,562	2,150	648	149	8,047
	Amer. Indian	378	434	299	541	330	131	2,113
	Other	229	304	189	391	238	86	1,437
	Subtotal	21,560	25,160	16,055	29,880	23,096	9,420	125,171
Female	White	2,757	3,434	2,496	5,524	3,734	1,008	18,953
	Black	2,571	3,335	2,409	4,959	3,375	893	17,542
	Hispanic	125	185	120	200	87	18	735
	Amer. Indian	87	133	120	214	125	24	703
	Other	81	84	67	138	76	30	476
	Subtotal	5,621	7,171	5,212	11,035	7,397	1,973	38,409
TOTAL		27,181	32,331	21,267	40,915	30,493	11,393	163,580

Note: Of the 170,001 misdemeanor convictions in FY 2005/06, 6,421 convictions with missing values for offenders' age were excluded from this table.

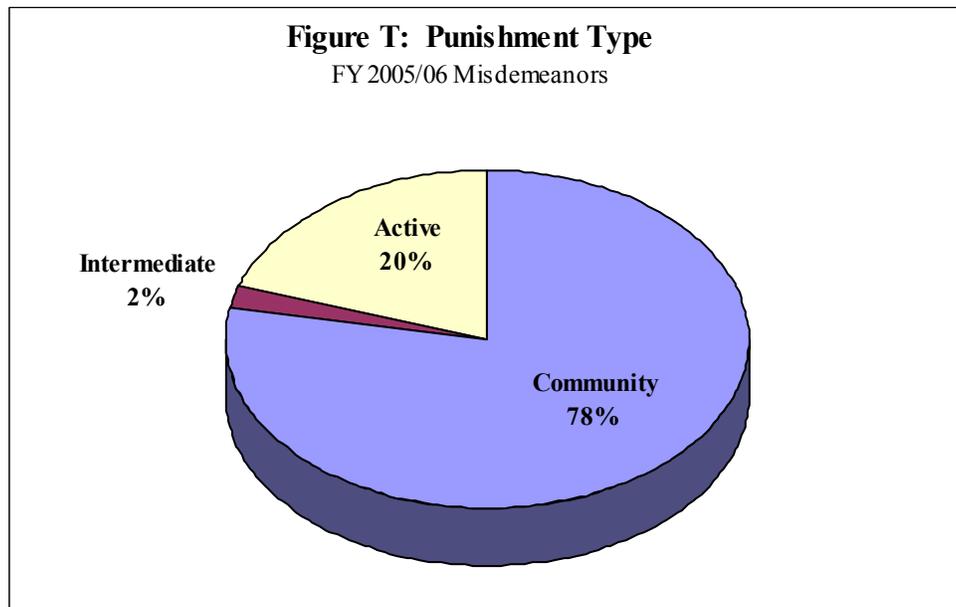
Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

III. PUNISHMENT IMPOSED FOR MISDEMEANORS

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

A. Overall Punishment

As shown in *Figure T*, an Active punishment was imposed for 20% of misdemeanor convictions; an Intermediate punishment was imposed for 2% for 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.



Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

B. Punishment Imposed by Offense Class and Prior Conviction Level

Misdemeanor convictions and sentences imposed are presented within the context of the Misdemeanor Punishment Chart in *Table 19*. Most convictions – regardless of the offense class or prior conviction level – resulted in the imposition of a Community punishment. 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-eight percent of misdemeanor convictions fell into Prior Conviction Level I, 34% fell into Prior Conviction Level II, and 18% 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 (26%). The majority of convictions fell into Offense Class 1 with Prior Conviction Level I (n=42,167). The likelihood of receiving an Active punishment increased as prior conviction level increased.

**Table 19: Convictions and Sentences by Offense Class and Prior Conviction Level
FY 2005/06 Misdemeanors**

Offense Class	Prior Conviction Level			Total
	I 0 Points	II 1-4 Points	III 5+ Points	
A1	C/I/A C = 4,020 (82%) I = 127 (2%) A = 774 (16%) (n=4,921) 33.6 days	C/I/A C = 3,866 (72%) I = 297 (6%) A = 1,180 (22%) (n=5,343) 50.4 days	C/I/A C = 2,145 (50%) I = 365 (9%) A = 1,765 (41%) (n=4,275) 103.9 days	C/I/A C = 10,031 (69%) I = 789 (5%) A = 3,719 (26%) (n=14,539) 72.3 days
1	C C = 36,781 (87%) I = 272 (1%) A = 5,114 (12%) (n=42,167) 22.5 days	C/I/A C = 27,095 (78%) I = 903 (3%) A = 6,498 (19%) (n=34,496) 29.8 days	C/I/A C = 10,041 (54%) I = 1,170 (6%) A = 7,278 (40%) (n=18,489) 74.0 days	C/I/A C = 73,917 (78%) I = 2,345 (2%) A = 18,890 (20%) (n=95,152) 44.9 days
2	C C = 15,092 (88%) I = 46 (0%) A = 2,020 (12%) (n=17,158) 15.1 days	C/I C = 8,489 (81%) I = 183 (2%) A = 1,775 (17%) (n=10,447) 24.1 days	C/I/A C = 2,247 (58%) I = 108 (3%) A = 1,506 (39%) (n=3,861) 36.0 days	C/I/A C = 25,828 (82%) I = 337 (1%) A = 5,301 (17%) (n=31,466) 24.0 days
3	C C = 11,869 (80%) I = 12 (0%) A = 2,951 (20%) (n=14,832) 5.5 days	C/I C = 5,397 (79%) I = 63 (1%) A = 1,359 (20%) (n=6,819) 9.9 days	C/I/A C = 1,788 (55%) I = 44 (1%) A = 1,438 (44%) (n=3,270) 13.4 days	C/I/A C = 19,054 (77%) I = 119 (0%) A = 5,748 (23%) (n=24,921) 8.5 days
TOTAL	C/I/A C = 67,762 (86%) I = 457 (0%) A = 10,859 (14%) (n=79,078) 17.3 days	C/I/A C = 44,847 (79%) I = 1,446 (2%) A = 10,812 (19%) (n=57,105) 28.6 days	C/I/A C = 16,221 (54%) I = 1,687 (6%) A = 11,987 (40%) (n=29,895) 66.3 days	C/I/A C = 128,830 (78%) I = 3,590 (2%) A = 33,658 (20%) (n=166,078) 38.4 days

Note: Of the 170,001 misdemeanor convictions in FY 2005/06, 3,923 (2%) were excluded from this table. These convictions did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons. Active sentences in cells in which an Active punishment is not a sentencing option may be attributed to the use of credit for time served.

Source: NC Sentencing and Policy Commission, FY 2005/06 Statistical Report Data

C. Average Length of Active Sentences

Information on the average sentence imposed, average credit for time served, and average time to be served for misdemeanor convictions resulting in an Active punishment is presented in *Table 20*. Time to be served is calculated by subtracting credit for time served from the Active sentence imposed. The length of Active sentences imposed and time to be served were found to increase as offense class and prior conviction level increased. The longest average time to be served was for Class A1 misdemeanors (50.0 days). Overall, the average time to be served for misdemeanor convictions was 25.3 days. Sixty-three 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 2005/06 Misdemeanors**

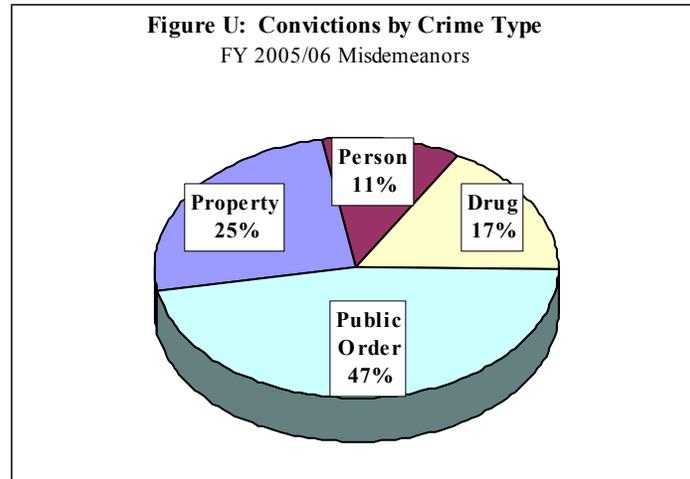
Offense Class		Prior Conviction Level			Total
		I 0 Points	II 1-4 Points	III 5+ Points	
A1	Average Active Sentence (Days)	33.6	50.4	103.9	72.3
	Average Credit for Time Served (Days)	18.6	19.0	26.1	22.3
	Average Time to be Served (Days)	15.0	31.4	77.8	50.0
	No. of Active Sentences	774	1,180	1,765	3,719
1	Average Active Sentence (Days)	22.5	29.8	74.0	44.9
	Average Credit for Time Served (Days)	13.6	12.3	15.6	13.9
	Average Time to be Served (Days)	8.9	17.5	58.4	30.9
	No. of Active Sentences	5,114	6,498	7,278	18,890
2	Average Active Sentence (Days)	15.1	24.1	36.0	24.0
	Average Credit for Time Served (Days)	11.4	12.0	12.6	12.0
	Average Time to be Served (Days)	3.7	12.1	23.3	12.1
	No. of Active Sentences	2,020	1,775	1,506	5,301
3	Average Active Sentence (Days)	5.5	9.9	13.4	8.5
	Average Credit for Time Served (Days)	4.7	6.7	6.2	5.6
	Average Time to be Served (Days)	0.8	3.3	7.2	3.0
	No. of Active Sentences	2,951	1,359	1,438	5,748
TOTAL	Average Active Sentence (Days)	17.3	28.6	66.3	38.4
	Average Credit for Time Served (Days)	11.1	12.3	15.6	13.1
	Average Time to be Served (Days)	6.2	16.3	50.7	25.3
	No. of Active Sentences	10,859	10,812	11,987	33,658

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

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

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%).



Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

Table 21 contains information about the type of punishment imposed by crime type for misdemeanor convictions, as well as the average minimum sentence imposed and average time to be served for offenders who received an Active punishment. Of the convictions for the four crime types, those for drug offenses were least likely to result in an Active punishment (17%). Twenty-two percent of convictions for person and property offenses resulted in an Active punishment and 20% of public order offenses resulted in an Active punishment. The average minimum sentence imposed and average time to be served were longest for convictions for person offenses.

**Table 21: Punishment by Crime Type
FY 2005/06 Misdemeanors**

Crime Type	Type of Punishment						Minimum Active Sentence (Days)	Credit for Time Served (Days)	Time to be Served (Days)	Total
	Active		Intermediate		Community					
	#	%	#	%	#	%				
Person	4,097	22	813	4	13,736	74	63.5	20.8	42.7	18,646
Property	9,002	22	969	2	30,951	76	41.8	15.6	26.2	40,922
Drug	4,924	17	517	2	23,051	81	33.5	12.4	21.1	28,492
Public Order	15,635	20	1,291	2	61,092	78	31.4	9.9	21.5	78,018
TOTAL	33,658	20	3,590	2	128,830	78	38.4	13.1	25.3	166,078

Note: Of the 170,001 misdemeanor convictions in FY 2005/06, 3,923 (2%) were excluded from this table. These convictions did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons.

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

IV. INTERMEDIATE PUNISHMENTS

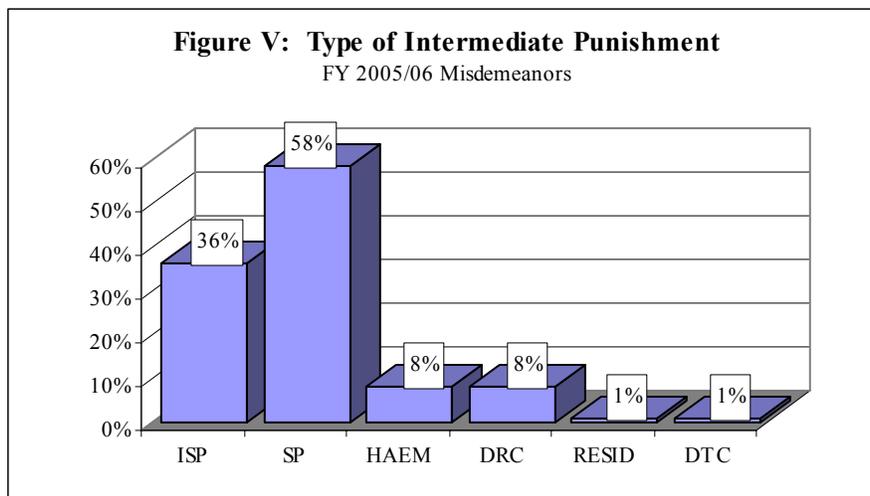
This section provides a summary of the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed at sentencing.*⁶ Under Structured Sentencing, all offenders who receive an Intermediate punishment must receive a term of supervised probation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

During Fiscal Year 2005/06, there were 3,590 convictions for which an Intermediate punishment was imposed. One or more specific intermediate sanctions were reported for 3,507 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 (58%). Assignment to a Residential Treatment Facility and Drug Treatment Court accounted for the smallest percentage of convictions for which a specific intermediate sanction was reported (1% each).



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

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

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

B. Intermediate Punishments by Offense Class and Prior Conviction Level

Table 22 contains the frequency of intermediate sanctions by offense class and prior conviction level, with the greatest number of intermediate sanctions imposed for Class 1 with Prior Conviction Level III (n=1,301). Overall, intermediate sanctions were most frequently imposed for Class 1 convictions (n=2,526).

**Table 22: Type of Intermediate Punishment by Offense Class and Prior Conviction Level
FY 2005/06 Misdemeanors**

Offense Class	Prior Record Level	Type of Intermediate Punishment						Total
		Special Probation	Residential Facility	Day Reporting Center	Drug Treatment Court	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
A1	I	83	1	8	0	34	11	137
	II	199	1	17	0	100	13	330
	III	225	4	8	0	154	26	417
	Subtotal	507	6	33	0	288	50	884
1	I	116	5	60	6	80	16	283
	II	487	9	64	5	296	81	942
	III	690	7	53	9	442	100	1,301
	Subtotal	1,293	21	177	20	818	197	2,526
2	I	18	0	6	0	22	1	47
	II	103	0	27	0	63	12	205
	III	62	1	10	0	41	8	122
	Subtotal	183	1	43	0	126	21	374
3	I	5	0	4	0	4	0	13
	II	32	0	13	0	20	4	69
	III	25	0	6	0	15	1	47
	Subtotal	62	0	23	0	39	5	129
TOTAL		2,045	28	276	20	1,271	273	3,913

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

C. Intermediate Punishments by Crime Type

Table 23 shows the frequency of specific intermediate sanctions by crime type. Of those convictions for which an intermediate sanction was reported, the majority were for public order offenses (n=1,390).

**Table 23: Type of Intermediate Punishment by Crime Type
FY 2005/06 Misdemeanors**

Crime Type	Type of Intermediate Punishment						Total
	Special Probation	Residential Facility	Day Reporting Center	Drug Treatment Court	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
Person	507	6	46	0	305	51	915
Property	463	15	102	13	390	75	1,058
Drug	177	5	78	6	244	40	550
Public Order	898	2	50	1	332	107	1,390
TOTAL	2,045	28	276	20	1,271	273	3,913

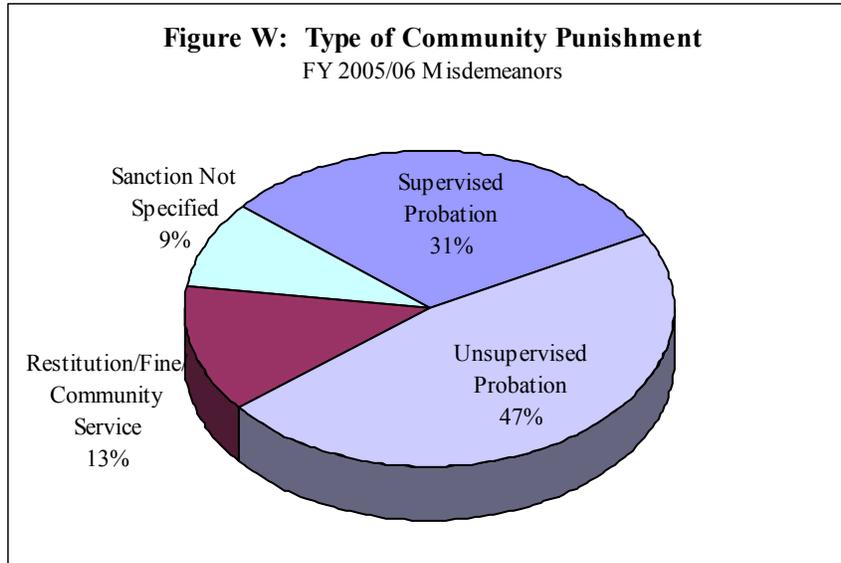
Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

V. COMMUNITY PUNISHMENTS

A. Community Punishments by Offense Class

This section includes only those convictions for which a Community punishment was imposed. Of the 128,830 convictions for which a Community punishment was imposed, the specific type of Community punishment imposed was reported for 116,864 convictions. Overall, 47% received Unsupervised Probation; 31% received Supervised Probation; 13% received only Restitution/Fine/Community Service without probation; and 9% had no specific sanction ordered (see Figure W).⁷

⁷ It is not clear why a specific Community punishment was not reported for 9% of the convictions in which a Community punishment was imposed. In some cases, the court may not have specified a sanction. In other instances, the court may have imposed a sanction for which there is no specific data field in the AOC's ACIS (e.g., outpatient drug/alcohol treatment or referral to TASC).



Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

Table 24 shows the type of Community punishment imposed – either Supervised Probation, Unsupervised Probation, Restitution/Fine/Community Service, or Sanction Not Specified – by offense class, as well as information regarding the average length of probation sentences. Convictions for Class 1 offenses comprised the majority of convictions resulting in a Community punishment (n=73,917). Convictions for Class A1 offenses resulted in the longest average probation sentences (18 months).

Table 24: Type of Community Punishment by Offense Class
FY 2005/06 Misdemeanors

Offense Class	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
Class A1	5,658 <i>19 months</i>	3,499 <i>18 months</i>	166 <i>N/A</i>	708 <i>N/A</i>	10,031 <i>18 months</i>
Class 1	25,900 <i>17 months</i>	33,247 <i>15 months</i>	8,490 <i>N/A</i>	6,280 <i>N/A</i>	73,917 <i>16 months</i>
Class 2	5,853 <i>15 months</i>	13,725 <i>14 months</i>	4,071 <i>N/A</i>	2,179 <i>N/A</i>	25,828 <i>15 months</i>
Class 3	2,218 <i>14 months</i>	10,360 <i>14 months</i>	3,677 <i>N/A</i>	2,799 <i>N/A</i>	19,054 <i>14 months</i>
TOTAL	39,629 <i>17 months</i>	60,831 <i>15 months</i>	16,404 <i>N/A</i>	11,966 <i>N/A</i>	128,830 <i>16 months</i>

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

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

B. Community Punishments by Crime Type

The type of Community punishment imposed by crime type and the average length of probation sentences are provided in *Table 25*. Public order offenses were the largest offense category for which Supervised Probation was imposed (n=13,850) followed by property offenses (n=12,756). The largest number sentenced to Unsupervised Probation were convicted of public order offenses (n=30,199).

**Table 25: Type of Community Punishment by Crime Type
FY 2005/06 Misdemeanors**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
Person	6,547 <i>18 months</i>	5,807 <i>16 months</i>	459 <i>N/A</i>	923 <i>N/A</i>	13,736 <i>17 months</i>
Property	12,756 <i>17 months</i>	13,296 <i>15 months</i>	3,036 <i>N/A</i>	1,864 <i>N/A</i>	30,951 <i>16 months</i>
Drug	6,476 <i>15 months</i>	11,530 <i>15 months</i>	3,107 <i>N/A</i>	1,938 <i>N/A</i>	23,051 <i>15 months</i>
Public Order	13,850 <i>16 months</i>	30,199 <i>15 months</i>	9,802 <i>N/A</i>	7,241 <i>N/A</i>	61,092 <i>15 months</i>
TOTAL	39,629 <i>17 months</i>	60,831 <i>15 months</i>	16,404 <i>N/A</i>	11,966 <i>N/A</i>	128,830 <i>16 months</i>

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

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

VI. SPECIAL ISSUES

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

A. Community Service

During Fiscal Year 2005/06, almost 7% of all misdemeanor convictions were sentenced to perform Community Service, with an average of nearly 36 hours ordered. *Table 26* shows the average hours ordered and the number of convictions for which Community Service was part of the sentence relative to the total number of convictions within each offense class. It should be

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

Class 1 offenses accounted for the largest number of Community Service sentences (n=7,599). Of the four offense classes, convictions for Class 1 offenses were most likely to result in a Community Service sentence (8%), while convictions for Class A1 offenses had the highest average hours of Community Service ordered (41.5 hours).

**Table 26: Community Service by Offense Class
FY 2005/06 Misdemeanors**

Offense Class	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
Class A1	41.5	751	5.2
Class 1	36.8	7,599	8.0
Class 2	34.0	1,857	5.9
Class 3	28.2	1,201	4.8
TOTAL	35.7	11,408	6.9

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

Table 27 contains information on the average hours ordered and the number of convictions for which Community Service was ordered by crime type. Also shown is the percentage of convictions for which Community Service was part of the sentence relative to the total number of convictions for each crime type. Convictions for property offenses accounted for the largest number of Community Service sentences (n=4,257). Of the four crime types, property convictions were the most likely to result in a Community Service sentence (10.4%), while person convictions had the highest number of Community Service hours ordered (an average of almost 39 hours).

**Table 27: Community Service by Crime Type
FY 2005/06 Misdemeanors**

Crime Type	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
Person	38.5	1,230	6.6
Property	36.5	4,257	10.4
Drug	34.1	1,519	5.3
Public Order	34.9	4,402	5.6
TOTAL	35.7	11,408	6.7

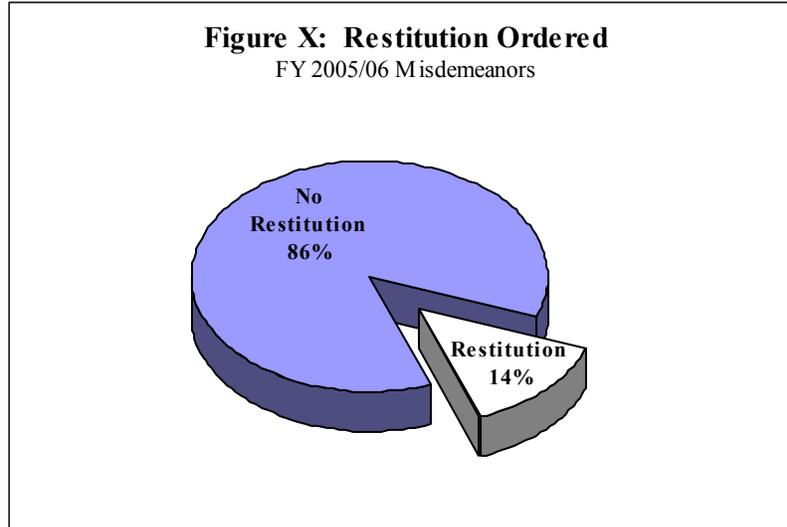
Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

B. Restitution

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

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

As shown in *Figure X*, payment of Restitution was ordered for 14% of all misdemeanor convictions during Fiscal Year 2005/06.



Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

Table 28 provides information on the mean and median dollar amounts of Restitution ordered and the total number of convictions for which payment of Restitution was ordered by offense class. The table also includes the percentage of convictions for which payment of Restitution was ordered relative to the total number of convictions in each offense class. The average (mean) amount of Restitution ordered was \$784, while the median amount was \$200. The highest amount of Restitution, on average, was ordered for Class A1 convictions (a mean of \$1,393 and a median of \$311). Convictions for Class 1 misdemeanors comprised the largest group with a Restitution sentence (n=11,383), followed by Class 2 misdemeanors (n=9,889). Thirty-one percent of all convictions for Class 2 offenses were ordered to pay Restitution – the largest percentage of any offense class.

**Table 28: Restitution Ordered by Offense Class
FY 2005/06 Misdemeanors**

Offense Class	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Class A1	1,393	311	1,590	10.9
Class 1	1,051	300	11,383	12.0
Class 2	425	149	9,889	31.4
Class 3	210	130	791	3.2
TOTAL	784	200	23,653	14.2

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

Table 29 shows the mean and median dollar amounts of Restitution ordered and the total number of convictions for which payment of Restitution was ordered by crime type. The table also includes the percentage of convictions for which Restitution was ordered relative to the total number of convictions for each crime type. The highest amount of Restitution, on average, was ordered for person convictions (a mean of \$1,276 and a median of \$310). Property offense convictions accounted for the majority of convictions for which payment of Restitution was ordered (n=18,208). Almost 45% of all convictions for a property offense were ordered to pay Restitution – the largest percentage of any crime type.

**Table 29: Restitution Ordered by Crime Type
FY 2005/06 Misdemeanors**

Crime Type	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Person	1,276	310	2,122	11.4
Property	705	200	18,208	44.5
Drug	218	195	1,066	3.7
Public Order	1,232	195	2,257	2.9
TOTAL	784	200	23,653	14.2

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

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

relative to the total number of convictions by type of punishment imposed. The highest mean Restitution was ordered for convictions for which an Intermediate punishment was imposed (\$1,381). Twenty-three percent of all convictions resulting in the imposition of an Intermediate punishment were ordered to pay Restitution – the largest percentage of any punishment type. The vast majority of convictions sentenced to pay Restitution received a Community punishment (n=22,691).

**Table 30: Restitution Ordered by Punishment Imposed
FY 2005/06 Misdemeanors**

Type of Punishment	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Active	714	195	134	0.4
Intermediate	1,381	362	828	23.1
Community	763	200	22,691	17.6
TOTAL	784	200	23,653	14.2

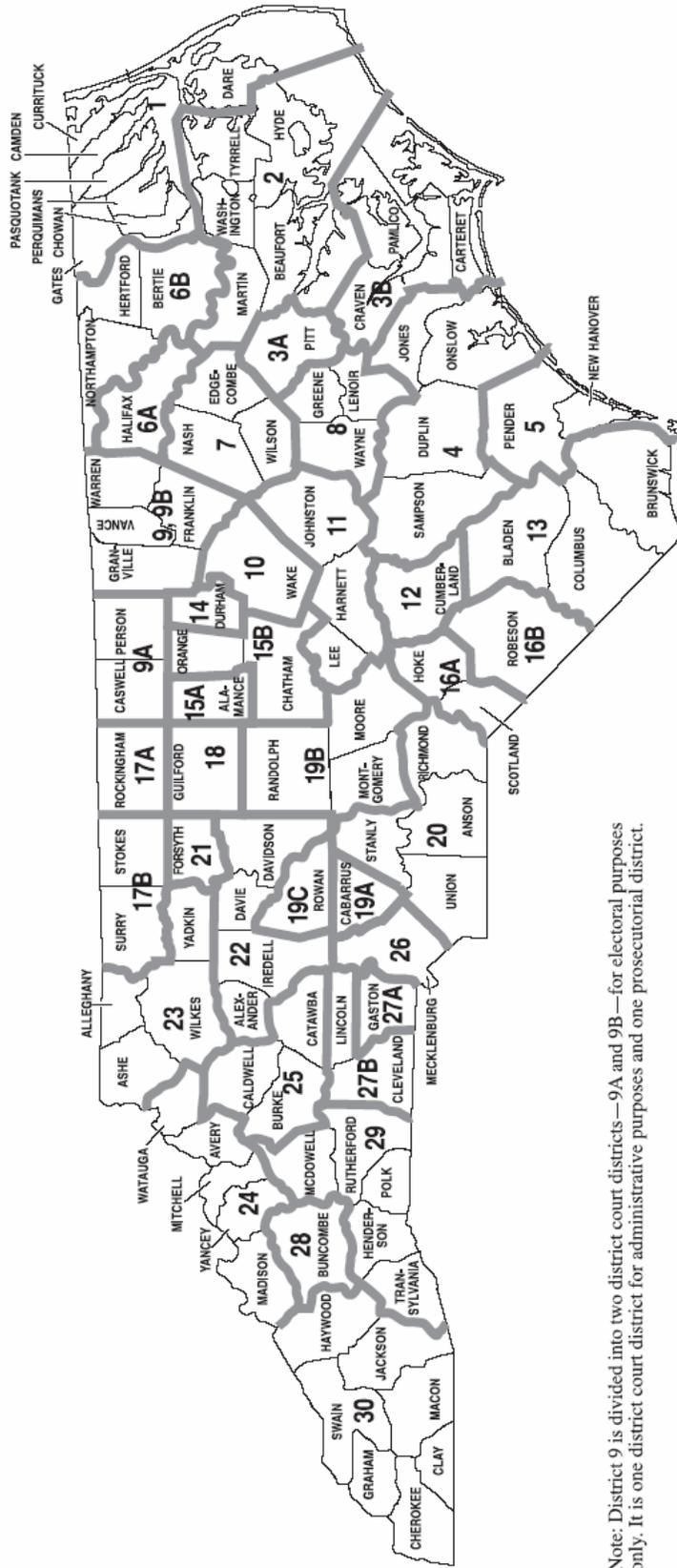
Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

APPENDIX A

MAP OF JUDICIAL DIVISIONS AND DISTRICTS

North Carolina District Court Districts

as of June 30, 2004



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

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APPENDIX B

SAMPLE OFFENSES

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

APPENDIX C

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

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District
FY 2005/06 Felonies**

Sentence Type and Average Length of Active Sentences by Judicial Division and Judicial District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>First Judicial Division</i>	<i>1,093</i>	<i>38.6</i>	<i>1,188</i>	<i>42.0</i>	<i>548</i>	<i>19.4</i>	<i>27.4</i>	<i>35.2</i>	<i>2,829</i>
District 1	145	31.6	149	32.5	165	35.9	22.1	28.2	459
District 2	169	34.8	248	51.0	69	14.2	29.1	37.7	486
District 3A	193	35.0	249	45.1	110	19.9	33.8	43.5	552
District 6A	62	40.3	63	40.9	29	18.8	40.3	50.9	154
District 6B	112	40.7	119	43.3	44	16.0	24.3	30.6	275
District 7A	137	45.4	123	40.7	42	13.9	24.3	31.4	302
District 7B,C	275	45.8	237	39.4	89	14.8	24.5	31.7	601
<i>Second Judicial Division</i>	<i>1,186</i>	<i>33.7</i>	<i>1,545</i>	<i>43.9</i>	<i>791</i>	<i>22.5</i>	<i>28.2</i>	<i>36.3</i>	<i>3,522</i>
District 3B	166	31.7	264	50.4	94	17.9	28.1	35.6	524
District 4A	138	31.5	203	46.3	97	22.1	26.9	34.4	438
District 4B	159	29.7	239	44.6	138	25.7	39.7	51.3	536
District 5	380	30.9	514	41.8	337	27.4	23.3	29.7	1,231
District 8A	175	45.6	152	39.6	57	14.8	33.5	43.6	384
District 8B	168	41.1	173	42.3	68	16.6	24.6	31.9	409
<i>Third Judicial Division</i>	<i>1,735</i>	<i>40.6</i>	<i>1,635</i>	<i>38.3</i>	<i>902</i>	<i>21.1</i>	<i>27.2</i>	<i>34.3</i>	<i>4,272</i>
District 9	220	36.7	280	46.7	99	16.5	22.8	28.8	599
District 9A	73	33.2	118	53.6	29	13.2	21.4	27.7	220
District 10	852	43.1	547	27.6	580	29.3	25.1	32.4	1,979
District 14	172	32.8	295	56.2	58	11.0	38.1	49.5	525
District 15A	287	43.5	273	41.4	100	15.2	29.4	36.2	660
District 15B	131	45.3	122	42.2	36	12.5	33.1	36.7	289

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District
(continued)
FY 2005/06 Felonies**

Sentence Type and Average Length of Active Sentences by Judicial Division and Judicial District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>Fourth Judicial Division</i>	1,251	37.7	1,497	45.1	570	17.2	31.2	40.0	3318
District 11A	193	30.3	334	52.4	110	17.3	27.0	34.1	637
District 11B	163	39.8	188	45.9	59	14.4	21.7	27.2	410
District 12	373	40.5	401	43.5	148	16.1	30.9	40.1	922
District 13	187	33.5	251	44.9	121	21.6	31.4	40.7	559
District 16A	185	38.5	201	41.8	95	19.8	33.8	43.0	481
District 16B	150	48.5	122	39.5	37	12.0	44.0	56.8	309
<i>Fifth Judicial Division</i>	1,692	35.3	2,263	47.3	834	17.4	36.6	47.2	4,789
District 17A	106	35.3	141	47.0	53	17.7	38.5	49.1	300
District 17B	98	28.6	185	53.9	60	17.5	30.3	38.7	343
District 18	765	36.9	960	46.4	346	16.7	35.1	45.3	2,071
District 19B	112	36.0	165	53.1	34	10.9	34.0	43.5	311
District 19D	62	27.9	103	46.4	57	25.7	49.8	65.1	222
District 21	438	39.2	504	45.1	176	15.7	40.4	51.9	1,118
District 23	111	26.2	205	48.3	108	25.5	31.8	40.6	424
<i>Sixth Judicial Division</i>	889	33.1	1,363	50.7	436	16.2	33.0	42.5	2,688
District 19A	172	31.1	273	49.4	108	19.5	33.6	43.5	553
District 19C	138	34.9	188	47.6	69	17.5	33.7	43.2	395
District 20A	120	29.3	216	52.8	73	17.8	38.3	49.8	409
District 20B	114	32.9	177	51.2	55	15.9	24.1	31.0	346
District 22	345	35.0	509	51.7	131	13.3	33.6	43.1	985

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District
(continued)
FY 2005/06 Felonies**

Sentence Type and Average Length of Active Sentences by Judicial Division and Judicial District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>Seventh Judicial Division</i>	1,403	37.0	1,606	42.4	783	20.6	31.2	40.0	3,792
District 25A	127	31.1	205	50.1	77	18.8	24.7	31.0	409
District 25B	109	33.7	150	46.4	64	19.8	31.9	41.0	323
District 26	667	44.7	449	30.1	375	25.2	31.2	40.5	1,491
District 27A	269	29.8	471	52.1	164	18.1	31.1	39.7	904
District 27B	231	34.7	331	49.8	103	15.5	34.6	43.5	665
<i>Eighth Judicial Division</i>	838	36.1	845	36.4	640	27.6	35.2	44.7	2,323
District 24	94	21.1	191	42.8	161	36.1	32.5	41.2	446
District 28	355	53.1	257	38.5	56	8.4	32.5	41.1	668
District 29A	148	38.7	143	37.4	91	23.8	32.5	41.7	382
District 29B	112	30.3	83	22.4	175	47.3	24.2	30.6	370
District 30A	71	27.8	91	35.7	93	36.5	39.5	50.5	255
District 30B	58	28.7	80	39.6	64	31.7	78.4	98.9	202
<i>STATE TOTAL</i>	10,087	36.6	11,942	43.4	5,504	20.0	31.2	39.9	27,533

Note: Of the 30,322 felony convictions in FY 2005/06, 2,789 convictions were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Percentages may not add to totals due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

**Appendix C, Table 2: Sentence Location by Judicial Division and District
(Active Sentences Only)
FY 2005/06 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Judicial Division and Judicial District	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<i>First Judicial Division</i>	<i>170</i>	<i>15.7</i>	<i>886</i>	<i>82.0</i>	<i>24</i>	<i>2.2</i>	<i>1,080</i>
District 1	11	7.6	128	88.9	5	3.5	144
District 2	20	11.9	142	84.5	6	3.6	168
District 3A	44	22.9	143	74.5	5	2.6	192
District 6A	15	25.0	43	71.7	2	3.3	60
District 6B	28	25.9	79	73.1	1	0.9	108
District 7A	17	12.4	118	86.1	2	1.5	137
District 7B,C	35	12.9	233	86.0	3	1.1	271
<i>Second Judicial Division</i>	<i>357</i>	<i>30.4</i>	<i>800</i>	<i>68.0</i>	<i>19</i>	<i>1.6</i>	<i>1,176</i>
District 3B	49	29.5	115	69.3	2	1.2	166
District 4A	32	23.4	103	75.2	2	1.5	137
District 4B	38	24.4	115	73.7	3	1.9	156
District 5	119	31.5	250	66.1	9	2.4	378
District 8A	51	29.3	121	69.5	2	1.1	174
District 8B	68	41.2	96	58.2	1	0.6	165
<i>Third Judicial Division</i>	<i>368</i>	<i>21.4</i>	<i>1,299</i>	<i>75.7</i>	<i>49</i>	<i>2.9</i>	<i>1,716</i>
District 9	21	9.6	191	87.2	7	3.2	219
District 9A	5	6.8	66	90.4	2	2.7	73
District 10	195	23.1	623	73.9	25	3.0	843
District 14	51	30.4	115	68.5	2	1.2	168
District 15A	56	19.9	217	77.0	9	3.2	282
District 15B	40	30.5	87	66.4	4	3.1	131

**Appendix C, Table 2: Sentence Location by Judicial Division and District
(Active Sentences Only) (continued)
FY 2005/06 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Judicial Division and Judicial District	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<i>Fourth Judicial Division</i>	265	21.5	930	75.3	40	3.2	1,235
District 11A	21	11.0	166	86.9	4	2.1	191
District 11B	29	18.0	129	80.1	3	1.9	161
District 12	107	29.1	250	67.9	11	3.0	368
District 13	30	16.2	143	77.3	12	6.5	185
District 16A	45	24.5	136	73.9	3	1.6	184
District 16B	33	22.6	106	72.6	7	4.8	146
<i>Fifth Judicial Division</i>	490	29.1	1,123	66.6	72	4.3	1,685
District 17A	22	20.8	79	74.5	5	4.7	106
District 17B	20	20.4	78	79.6	.	.	98
District 18	182	23.9	545	71.4	36	4.7	763
District 19B	26	23.6	71	64.5	13	11.8	110
District 19D	28	45.2	33	53.2	1	1.6	62
District 21	200	46.0	225	51.7	10	2.3	435
District 23	12	10.8	92	82.9	7	6.3	111
<i>Sixth Judicial Division</i>	220	24.9	640	72.3	25	2.8	885
District 19A	60	34.9	107	62.2	5	2.9	172
District 19C	32	23.2	102	73.9	4	2.9	138
District 20A	28	23.7	86	72.9	4	3.4	118
District 120B	21	18.4	89	78.1	4	3.5	114
District 22	79	23.0	256	74.6	8	2.3	343

**Appendix C, Table 2: Sentence Location by Judicial Division and District
(Active Sentences Only) (continued)
FY 2005/06 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Judicial Division and Judicial District	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<i>Seventh Judicial Division</i>	265	18.9	1,102	78.7	33	2.4	1,400
District 25A	36	28.5	90	71.4	.	.	126
District 25B	21	19.3	86	78.9	2	1.8	109
District 26	148	22.3	502	75.5	15	2.3	665
District 27A	40	14.9	222	82.5	7	2.6	269
District 27B	20	8.7	202	87.4	9	3.9	231
<i>Eighth Judicial Division</i>	145	17.5	659	79.7	23	2.8	827
District 24	7	7.4	85	90.4	2	2.1	94
District 28	89	25.5	251	71.9	9	2.6	349
District 29A	21	14.5	124	85.5	.	.	145
District 29B	12	10.8	87	78.4	12	10.8	111
District 30A	7	10.0	63	90.0	.	.	70
District 30B	9	15.5	49	84.5	.	.	58
<i>STATE TOTAL</i>	2,280	22.8	7,439	74.4	285	2.8	10,004

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. In addition, 83 convictions requiring a mandatory life or death sentence were excluded from this table.

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

APPENDIX D

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

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense
FY 2005/06 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>Person</i>	3,095	62.3	1,770	35.6	104	2.1	59.0	76.2	4,969
1 st Degree Murder	83	100.0	.	.	.	.	.	.	83
2 nd Degree Murder	205	100.0	.	.	.	.	172.0	215.7	205
Attempted Murder	16	100.0	.	.	.	.	184.6	230.9	16
Voluntary Manslaughter	77	100.0	.	.	.	.	68.6	91.4	77
Involuntary Manslaughter	48	57.8	35	42.2	.	.	18.6	22.6	83
Armed Robbery	426	100.0	.	.	.	.	67.9	90.9	426
Att. Armed Robbery	116	67.1	57	32.9	.	.	45.5	63.9	173
Common Law Robbery	436	54.8	345	43.3	15	1.9	15.9	19.8	796
Att. Common Law Robbery	56	56.0	36	36.0	8	8.0	8.8	10.9	100
AWDWIKISI	82	100.0	.	.	.	.	90.7	118.0	82
AWDW Intent to Kill	26	54.2	22	45.8	.	.	31.2	46.3	48
ADWD Serious Injury	217	53.8	186	46.2	.	.	30.1	45.3	403
Assault Govt. Official	82	62.6	49	37.4	.	.	21.7	27.9	131
Assault by Strangulation	52	36.9	80	56.7	9	6.4	9.5	11.8	141
Other Felony Assaults	133	41.7	183	57.4	3	0.9	21.3	26.7	319
1 st Degree Rape	86	100.0	.	.	.	.	253.7	313.5	86
Attempted 1 st Degree Rape	22	100.0	.	.	.	.	137.2	174.0	22
2 nd Degree Rape	93	100.0	.	.	.	.	87.6	114.0	93
Attempted 2 nd Degree Rape	25	100.0	.	.	.	.	65.2	87.8	25
Indecent Liberties with Child	231	39.6	353	60.4	.	.	17.8	21.8	584
Crime Against Nature	5	9.8	12	23.5	34	66.7	9.6	12.0	51
Child Abuse	25	43.9	32	56.1	.	.	48.6	67.1	57
Other Sex Crimes	280	58.9	170	35.8	25	5.3	79.0	99.4	475

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)
FY 2005/06 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Kidnap, Abduction	143	59.6	97	40.4	.	.	52.7	71.9	240
All Other Person Felonies	130	51.4	113	44.7	10	4.0	16.0	19.5	253
<i>Property</i>	<i>3,280</i>	<i>34.5</i>	<i>4,378</i>	<i>46.0</i>	<i>1,860</i>	<i>19.5</i>	<i>11.6</i>	<i>14.6</i>	<i>9,518</i>
1st Degree Burglary	64	100.0	.	.	.	.	75.7	100.3	64
Att. 1st Degree Burglary	10	58.8	7	41.2	.	.	33.6	49.8	17
2nd Degree Burglary	67	52.3	56	43.8	5	3.9	15.5	19.0	128
Breaking/Entering	1,327	40.5	1,437	43.9	511	15.6	9.6	12.0	3,275
Att. Breaking/Entering	11	15.5	22	31.0	38	53.5	8.0	9.9	71
Larceny	490	34.9	679	48.4	234	16.7	9.9	12.3	1,403
Attempted Larceny	15	24.2	29	46.8	18	29.0	7.3	9.1	62
Automobile Theft	142	47.5	125	41.8	32	10.7	9.5	11.7	299
1st Degree Arson	8	100.0	.	.	.	.	80.9	106.5	8
2nd Degree Arson	21	51.2	20	48.8	.	.	16.8	21.0	41
Other Arson/Burning	30	31.3	47	49.0	19	19.8	13.3	17.5	96
Forgery	106	14.6	332	45.9	286	39.5	8.4	10.4	724
Fraud	79	20.6	205	53.5	99	25.8	14.7	18.3	383
Embezzlement	36	11.5	113	36.0	165	52.5	19.4	25.7	314
Obt Prop by False Pretenses	424	32.1	671	50.9	224	17.0	9.8	12.1	1,319
Att Obt Prop False Pretenses	31	32.0	47	48.5	19	19.6	8.6	10.8	97
All Other Property Felonies	419	34.4	588	48.3	210	17.3	9.7	12.1	1,217

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)
FY 2005/06 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>Non-Trafficking Drug</i>	2,073	20.7	4,613	46.1	3,319	33.2	11.4	14.4	10,005
Sell/Deliver Drugs	524	34.0	942	61.2	74	4.8	14.7	18.1	1,540
Consp to Sell/Deliver Drugs	28	25.2	68	61.3	15	13.5	13.8	17.3	111
Possession with Intent	754	26.3	1,376	48.1	733	25.6	8.8	11.0	2,863
Drug Possession	430	10.3	1,690	40.6	2,038	49.0	7.0	8.9	4,158
Other Drug Felonies	337	25.3	537	40.3	459	34.4	17.6	22.8	1,333
<i>Other Felony</i>	1,639	53.9	1,181	38.8	221	7.3	44.2	56.3	3,041
Weapon Offense	367	37.3	586	59.6	30	3.1	15.4	19.5	983
Habitual Felon	610	100.0	.	.	.	.	90.8	117.9	610
Habitual Misd. Assault	68	61.8	41	37.3	1	0.9	10.6	13.1	110
Habitual Impaired Driving	184	97.9	4	2.1	.	.	17.3	21.1	188
Motor Vehicle Offenses	190	36.3	262	50.1	71	13.6	9.5	11.9	523
Crimes Against Admin. Just.	32	47.8	29	43.3	6	9.0	10.6	13.2	67
All Other Felonies	188	33.6	259	46.3	113	20.2	29.1	38.2	560
<i>STATE TOTAL</i>	10,087	36.6	11,942	43.4	5,504	20.0	31.2	39.9	27,533

Note: Of the 30,322 felony convictions in FY 2005/06, 2,789 convictions were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Percentages may not add to totals due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

**Appendix D, Table 2: Sentence Location by Crime Type and Offense
FY 2005/06 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Crime Type and Offense	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
Person	763	25.3	2,122	70.5	127	4.2	3,012
2 nd Degree Murder	54	26.3	129	62.9	22	10.7	205
Attempted Murder	2	12.5	14	87.5	.	.	16
Voluntary Manslaughter	25	32.5	46	59.7	6	7.8	77
Involuntary Manslaughter	2	4.2	41	85.4	5	10.4	48
Armed Robbery	171	40.1	247	58.0	8	1.9	426
Attempt Armed Robbery	37	31.9	76	65.5	3	2.6	116
Common Law Robbery	62	14.2	348	79.8	26	6.0	436
Att Common Law Robbery	7	12.5	48	85.7	1	1.8	56
AWDWIKISI	19	23.2	60	73.2	3	3.7	82
AWDW Intent to Kill	2	7.7	24	92.3	.	.	26
AWDW Serious Injury	44	20.3	165	76.0	8	3.7	217
Assault Govt. Official	16	19.5	65	79.3	1	1.2	82
Assault by Strangulation	6	11.5	45	86.5	1	1.9	52
Other Fel Assaults/Sex Off	43	32.3	85	63.9	5	3.8	133
1 st Degree Rape	19	22.1	64	74.4	3	3.5	86
Attempt 1 st Degree Rape	11	50.0	11	50.0	.	.	22
2 nd Degree Rape	18	19.4	70	75.3	5	5.4	93
Attempt 2 nd Degree Rape	10	40.0	14	56.0	1	4.0	25
Indecent Liberties w/ Child	27	11.7	192	83.1	12	5.2	231
Crime Against Nature	.	.	5	100.0	.	.	5
Child Abuse	3	12.0	21	84.0	1	4.0	25
Other Sex Crimes	119	42.5	157	56.1	4	1.4	280
Kidnap, Abduction	26	18.2	109	76.2	8	5.6	143
All Other Person Felonies	40	30.8	86	66.2	4	3.1	130

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
FY 2005/06 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		
	#	%	#	%	#	%	
Property	475	14.5	2,726	83.1	79	2.4	3,280
1st Degree Burglary	21	32.8	42	65.6	1	1.6	64
Attempt 1st Degree Burglary	2	20.0	8	80.0	.	.	10
2nd Degree Burglary	8	11.9	58	86.6	1	1.5	67
Breaking/Entering	174	13.1	1,115	84.0	38	2.9	1,327
Attempt Breaking/Entering	2	18.2	9	81.8	.	.	11
Larceny	65	13.3	411	83.9	14	2.9	490
Attempted Larceny	3	20.0	12	80.0	.	.	15
Automobile Theft	14	9.9	125	88.0	3	2.1	142
1st Degree Arson	1	12.5	7	87.5	.	.	8
2nd Degree Arson	2	9.5	18	85.7	1	4.8	21
Other Arson/Burning	3	10.0	26	86.7	1	3.3	30
Forgery	9	8.5	97	91.5	.	.	106
Fraud	9	11.4	68	86.1	2	2.5	79
Embezzlement	9	25.0	26	72.2	1	2.8	36
Obt Prop by False Pretenses	61	14.4	355	83.7	8	1.9	424
Att Obt Prop False Pretenses	8	25.8	23	74.2	.	.	31
All Other Property Felonies	84	20.0	326	77.8	9	2.1	419
Non-Trafficking Drug	372	17.9	1,646	79.4	55	2.7	2,073
Sell/Deliver Drugs	101	19.3	412	78.6	11	2.1	524
Consp to Sell/Deliver Drugs	1	3.6	26	92.9	1	3.6	28
Possession with Intent	125	16.6	608	80.6	21	2.8	754
Drug Possession	71	16.5	351	81.6	8	1.9	430
All Other Drug Felonies	74	22.0	249	73.9	14	4.2	337

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
FY 2005/06 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Crime Type and Offense	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<i>Other Felony</i>	670	40.9	945	57.7	24	1.5	1,639
Weapon Offense	80	21.8	277	75.5	10	2.7	367
Habitual Felon	433	71.0	174	28.5	3	0.5	610
Habitual Misd Assault	8	11.8	59	86.8	1	1.5	68
Habitual Impaired Driving	74	40.2	110	59.8	.	.	184
Motor Vehicle Offenses	25	13.2	160	84.2	5	2.6	190
Crimes Against Admin Just	4	12.5	28	87.5	.	.	32
All Other Felonies	46	24.5	137	72.9	5	2.7	188
<i>STATE TOTAL</i>	2,280	22.8	7,439	74.4	285	2.8	10,004

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. In addition, 83 convictions requiring a mandatory life or death sentence were excluded from this table.

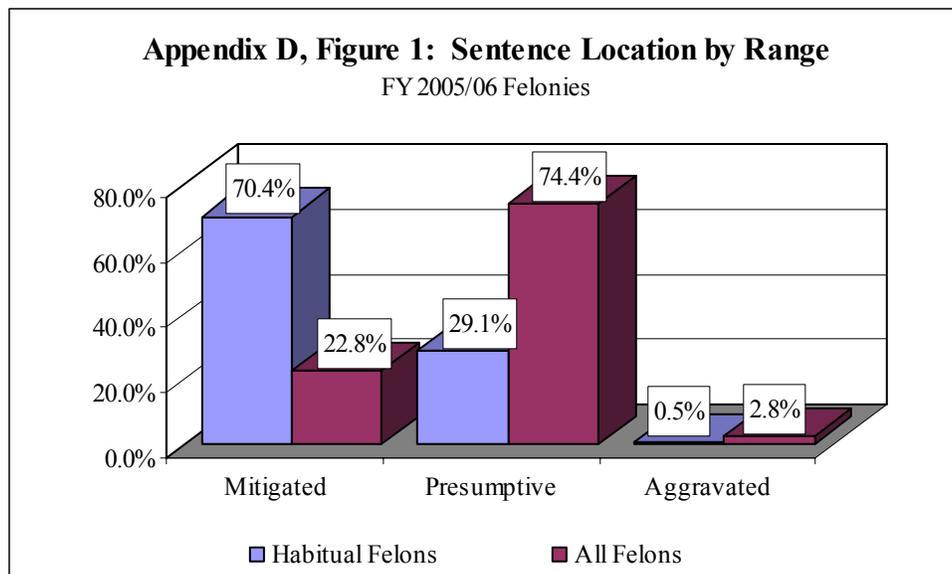
Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

**Appendix D, Table 3: Percent of Sentences in the Mitigated Range and at the Lowest Spot of the Presumptive Range by Offense Class
FY 2005/05 Felonies**

Offense Class	% Mitigated	% Mitigated and Lowest Spot in Presumptive Range
B1	25.0	45.1
B2	31.1	42.1
C	56.4	71.0
Habitual Felons Only	70.5	84.8
D	38.3	62.6
E	18.2	45.3
F	29.1	57.0
G	18.2	53.0
H	14.6	51.4
I	14.1	51.9
TOTAL	22.8	54.8

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. In addition, 83 convictions requiring a mandatory life or death sentence were excluded from this table.

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data



Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

APPENDIX E

**INTERMEDIATE AND COMMUNITY
PUNISHMENTS**

INTERMEDIATE PUNISHMENTS

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

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

COMMUNITY PUNISHMENTS

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

APPENDIX F

**COMMUNITY SERVICE AND RESTITUTION
FOR FELONIES**

**Appendix F, Table 1: Community Service by Offense Class
FY 2005/06 Felonies**

Offense Class	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
E	65.1	84	7.8
F	72.0	142	7.3
G	60.9	367	10.6
H	60.0	1,485	13.3
I	52.1	1,459	18.9
TOTAL	57.4	3,537	12.9

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

**Appendix F, Table 2: Community Service by Crime Type
FY 2005/06 Felonies**

Crime Type	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
Person	68.3	294	5.9
Property	60.3	1,337	14.1
Non-Trafficking Drug	52.9	1,605	16.0
Other Felony	58.2	301	9.9
TOTAL	57.4	3,537	12.9

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

**Appendix F, Table 3: Community Service by Type of Punishment
FY 2005/06 Felonies**

Type of Punishment	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
Active	0	0	0.0
Intermediate	59.5	2,176	18.2
Community	54.2	1,361	24.7
TOTAL	57.4	3,537	12.9

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

Appendix F, Table 4: Restitution Ordered by Offense Class⁸
FY 2005/06 Felonies

Offense Class	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
A	11,500	11,500	2	2.4
B1	3,327	3,327	1	0.7
B2	14,496	6,496	24	8.8
C	24,192	3,150	45	4.9
D	3,346	2,317	70	10.0
E	6,659	1,429	244	22.7
F	5,690	1,350	256	13.2
G	1,463	300	924	26.6
H	3,503	885	3,961	35.4
I	1,290	300	1,853	24.0
TOTAL	3,035	600	7,380	26.8

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

Appendix F, Table 5: Restitution Ordered by Crime Type
FY 2005/06 Felonies

Crime Type	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Person	4,567	1,185	826	16.6
Property	3,726	1,003	4,390	46.1
Non-Trafficking Drug	337	275	1,830	18.3
Other Felony	4,945	597	334	11.0
TOTAL	3,035	600	7,380	26.8

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

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

**Appendix F, Table 6: Restitution Ordered by Type of Punishment
FY 2005/06 Felonies**

Type of Punishment	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Active	5,014	942	660	6.5
Intermediate	2,592	580	4,756	39.8
Community	3,441	566	1,964	35.7
TOTAL	3,035	600	7,380	26.8

Source: NC Sentencing and Policy Advisory Commission, FY 2005/06 Statistical Report Data

Disclaimer for AOC Data

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

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

MISDEMEANOR PUNISHMENT CHART

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

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

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

**FELONY PUNISHMENT CHART
PRIOR RECORD LEVEL**

OFFENSE CLASS

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

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