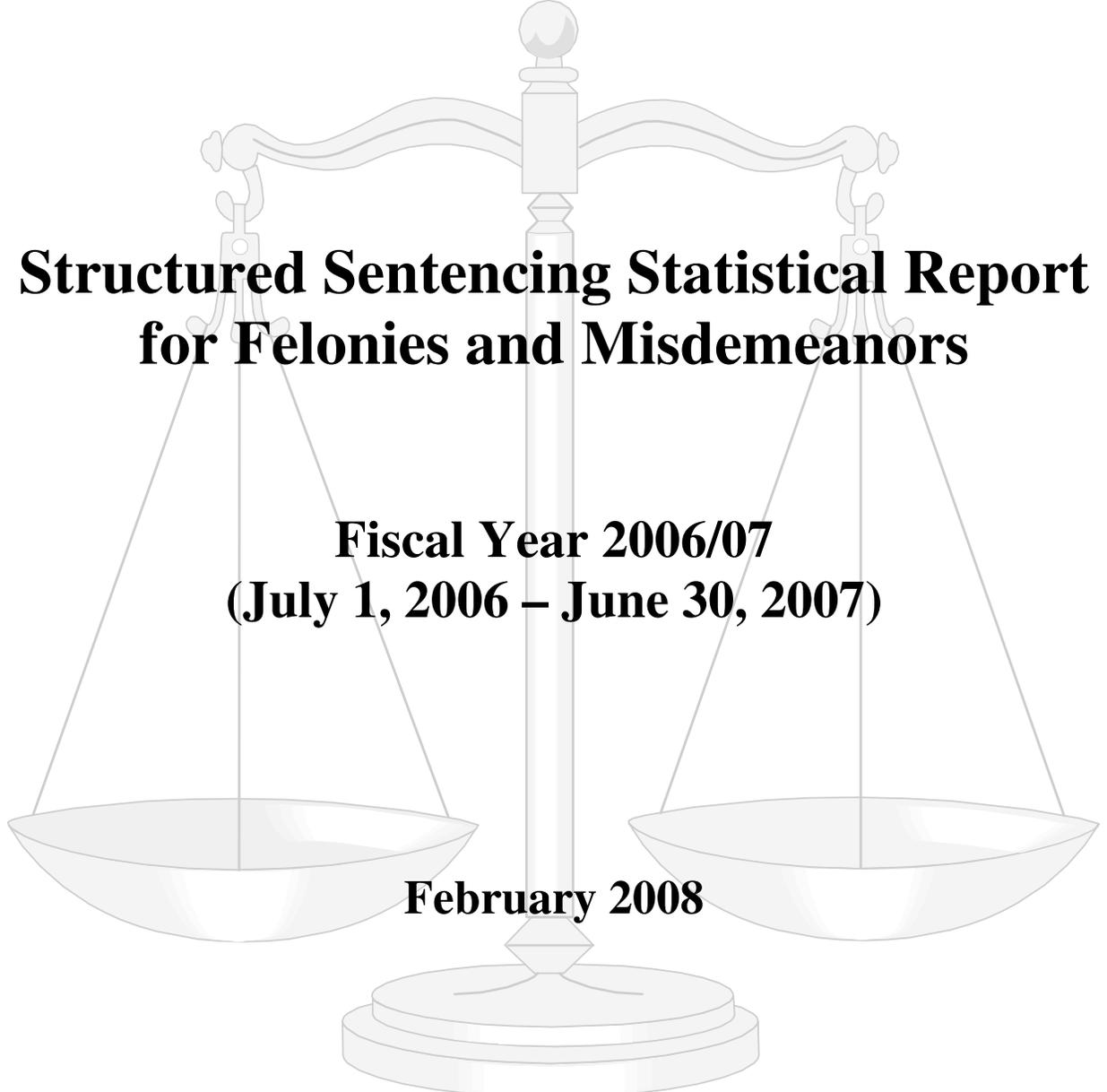


North Carolina
Sentencing and Policy Advisory Commission



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

**Fiscal Year 2006/07
(July 1, 2006 – June 30, 2007)**

February 2008

Prepared by:

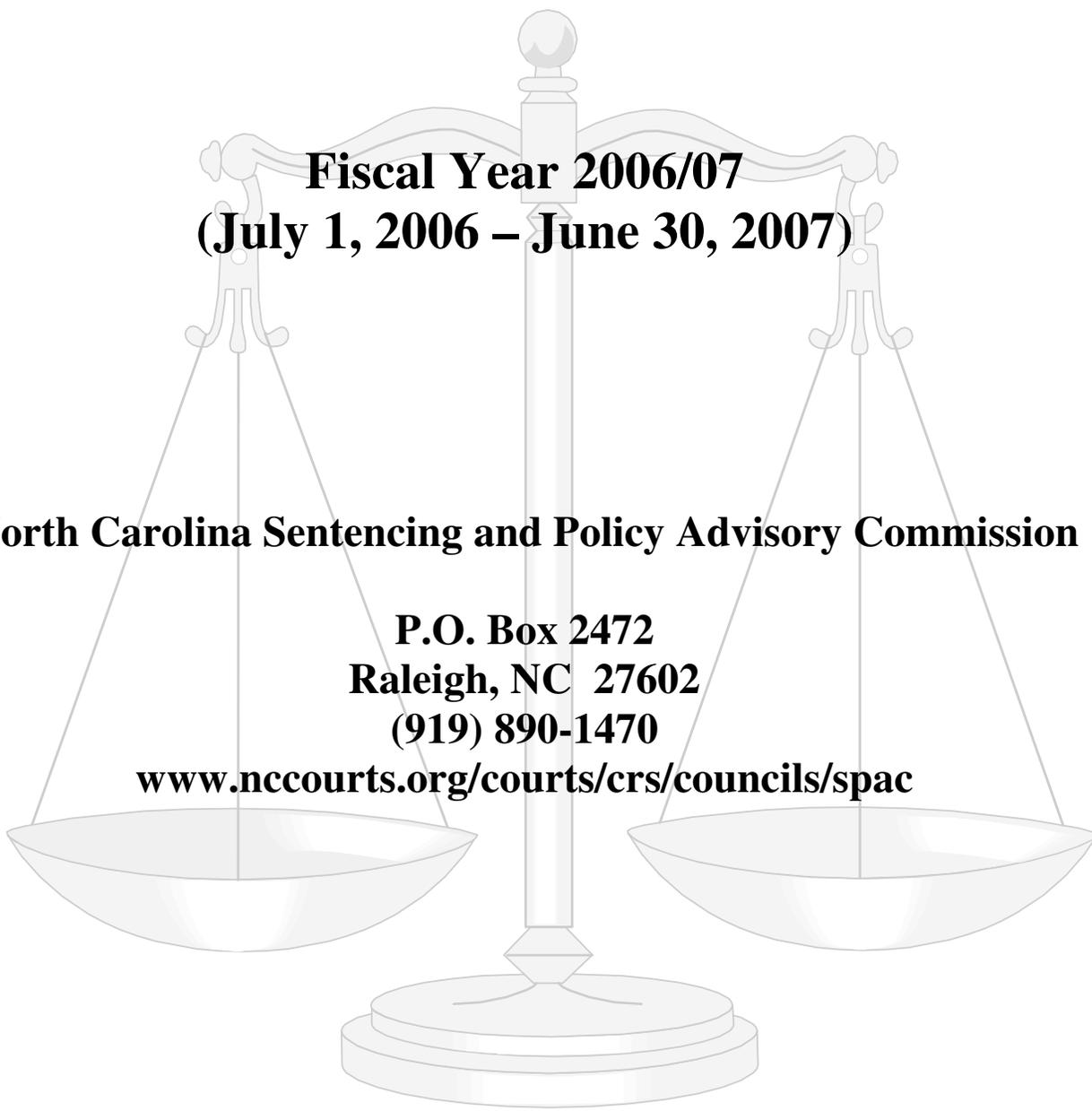
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Structured Sentencing Statistical Report for Felonies and Misdemeanors



**Fiscal Year 2006/07
(July 1, 2006 – June 30, 2007)**

North Carolina Sentencing and Policy Advisory Commission

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INTRODUCTION

INTRODUCTION

This report provides detailed information about felony and misdemeanor convictions under Structured Sentencing during Fiscal Year 2006/07 (July 1, 2006 through June 30, 2007). This report only includes cases where an offender was convicted and sentenced for a crime which was committed on or after October 1, 1994 – the effective date of Structured Sentencing. The report presents information on the number of felony and misdemeanor convictions, the distribution of felony and misdemeanor convictions within their respective punishment charts, and the types of punishments imposed, as well as data about several other issues. Information for felony convictions is presented in *Section I*, while information for misdemeanor convictions is presented in *Section II*. Information regarding the substance and application of the sentencing laws under Structured Sentencing is provided in the North Carolina Sentencing and Policy Advisory Commission’s *Structured Sentencing Training and Reference Manual*.

REPORTING OF CONVICTIONS AND SENTENCES

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

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

Definition of a Sentencing Episode:

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

SUMMARY OF FINDINGS

FELONY AND MISDEMEANOR CONVICTIONS
IN FISCAL YEAR 2006/07

**STRUCTURED SENTENCING STATISTICAL REPORT
SUMMARY OF FINDINGS
FISCAL YEAR 2006/07 CONVICTIONS**

Felony Convictions

- During Fiscal Year 2006/07, sentences for 30,905 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=3,607 or almost 13%).
- The majority of felony convictions (59%) 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; 37% of convictions were for offenders under the age of 26; and 52% of convictions were for Black offenders.
- Thirty-seven percent of felony convictions resulted in an Active punishment, 44% resulted in an Intermediate punishment, and 19% resulted in a Community punishment.
- Of the four crime types, non-trafficking drug offenses accounted for the largest group of felony convictions (36%), followed closely by property offenses (34%). Person offenses represented 18% of convictions and other felonies accounted for 12% of convictions.
- Seventy-three percent of all Active sentences fell within the presumptive range; 24% 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 (55%). Offenders who received an Intermediate punishment were most frequently convicted of a Class H offense (n=6,278).
- 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: 4 death sentences and 63 life without parole sentences were imposed; there were 2 violent habitual felon convictions; there were 651 habitual felon convictions; there were 867 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 27% of all felony convictions.

Misdemeanor Convictions

- During Fiscal Year 2006/07, sentences for 164,882 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 local ordinance offenses.)
- Eight percent of misdemeanor convictions fell into Offense Class A1, 59% fell into Offense Class 1, almost 18% fell into Offense Class 2, and 15% fell into Offense Class 3.
- About 46% of misdemeanor convictions fell into Prior Conviction Level I (0 points), about 35% fell into Prior Conviction Level II (1-4 points), and the remainder fell into Prior Conviction Level III (5 or more points).
- The greatest number of misdemeanor convictions fell into Offense Class 1 with Prior Conviction Level I (n=40,729 or 25%), followed by Offense Class 1 with Prior Conviction Level II (n=34,392 or 21%).
- Seventy-six percent of convictions were for male offenders; 35% of convictions were for offenders under the age of 26; and 47% of convictions were for Black offenders.
- Twenty-two percent of misdemeanor convictions resulted in an Active punishment, 2% resulted in an Intermediate punishment, and 76% resulted in a Community punishment.
- Public order offenses accounted for the majority of misdemeanor convictions (48%), 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 (23% each), followed closely by public order offenses at 21%. 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 (59%). Offenders who received Special Probation were most likely convicted of a Class 1 offense with Prior Conviction Level III.
- Of all misdemeanor offenders who received a Community punishment, 44% received unsupervised probation; 33% 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.
- Seven percent of all misdemeanor offenders were ordered to perform community service and 13% 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 \$857. The median amount of restitution ordered was \$215.

SECTION I

**FELONY CONVICTIONS
IN FISCAL YEAR 2006/07**

I. FELONY CONVICTIONS IN FY 2006/07

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 2006/07. Overall, sentences for 30,905 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 2,363 convictions (or almost 8%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table. Efforts are ongoing to understand the nature of the data discrepancies and to resolve reporting problems.

C. Distribution of Convictions within the Felony Punishment Chart

Table 1 shows the distribution of felony convictions within the Felony Punishment Chart. Overall, the greatest number of convictions fell into Offense Class H (n=11,441 or 40%) and into Prior Record Level II (n=9,684 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=3,607 or almost 13%). Sentences imposed for Offense Classes A through E accounted for almost 12% of felony convictions during FY 2006/07. Sixty-eight percent of sentences imposed were for Class H and I felony convictions.

**Table 1: Distribution of Convictions within the Felony Punishment Chart
FY 2006/07 Felonies**

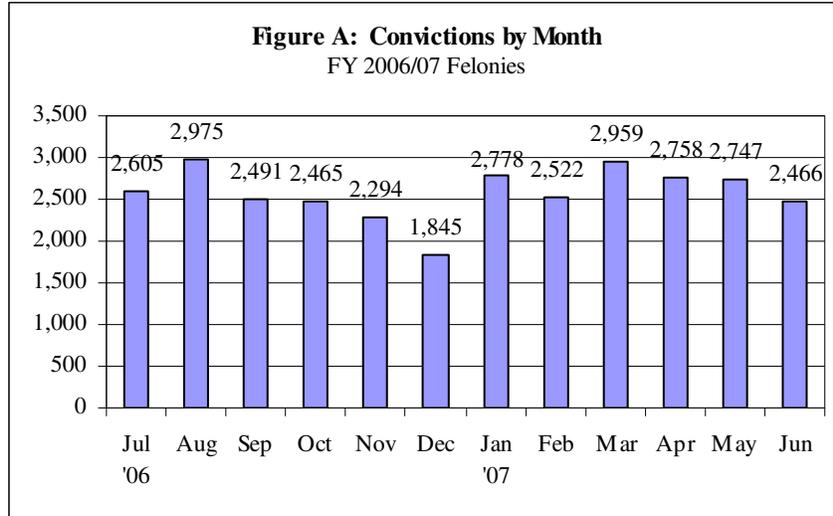
Offense Class	Prior Record Level						Total
	I 0 Points	II 1-4 Points	III 5-8 Points	IV 9-14 Points	V 15-18 Points	VI 19+ Points	
A	33 (0.1%)	12 (0.1%)	10 (0.0%)	10 (0.0%)	0 (0.0%)	1 (0.0%)	66 (0.2%)
B1	63 (0.2%)	27 (0.1%)	18 (0.1%)	15 (0.1%)	4 (0.0%)	4 (0.0%)	131 (0.5%)
B2	107 (0.4%)	104 (0.4%)	33 (0.1%)	35 (0.1%)	7 (0.0%)	2 (0.0%)	288 (1.0%)
C	106 (0.4%)	165 (0.6%)	218 (0.8%)	270 (0.9%)	95 (0.3%)	84 (0.3%)	938 (3.3%)
D	266 (0.9%)	211 (0.7%)	120 (0.4%)	90 (0.3%)	29 (0.1%)	14 (0.1%)	730 (2.5%)
E	481 (1.7%)	435 (1.5%)	146 (0.5%)	107 (0.4%)	31 (0.1%)	22 (0.1%)	1,222 (4.3%)
F	616 (2.2%)	642 (2.3%)	460 (1.6%)	231 (0.8%)	69 (0.2%)	51 (0.2%)	2,069 (7.3%)
G	649 (2.3%)	1,290 (4.5%)	861 (3.0%)	663 (2.3%)	115 (0.4%)	90 (0.3%)	3,668 (12.8%)
H	2,889 (10.1%)	3,607 (12.6%)	2,221 (7.8%)	1,799 (6.3%)	557 (2.0%)	368 (1.3%)	11,441 (40.1%)
I	1,957 (6.9%)	3,191 (11.2%)	1,293 (4.5%)	1,005 (3.5%)	270 (0.9%)	273 (1.0%)	7,989 (28.0%)
TOTAL	7,167 (25.1%)	9,684 (33.9%)	5,380 (18.9%)	4,225 (14.8%)	1,177 (4.1%)	909 (3.2%)	28,542 (100.0%)

Note: Of the 30,905 felony convictions in FY 2006/07, 2,363 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 2006/07 Statistical Report Data

D. Convictions by Month of Sentencing

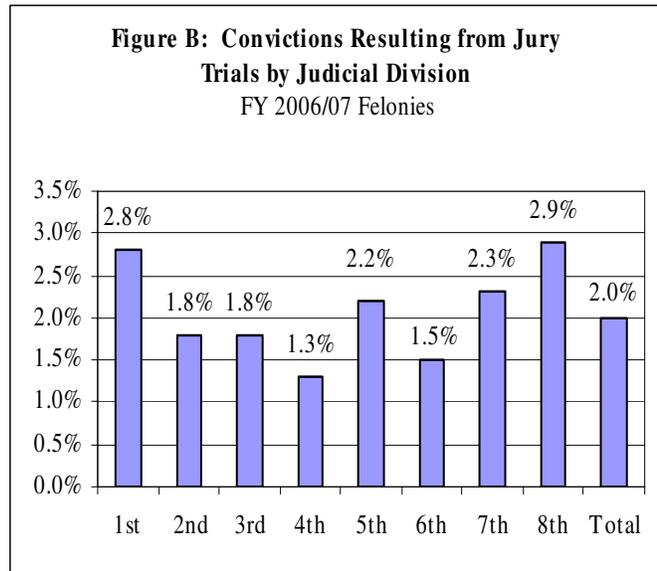
Figure A shows the total number of felony convictions by month of sentencing during Fiscal Year 2006/07 (N=30,905). Convictions peaked in August and were lowest in December.



Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

E. Convictions by Judicial Division, District, and County

Table 2 displays the total number of convictions by judicial division, judicial district, and county. (See Appendix A for a map of judicial divisions and districts.) The distribution of convictions by judicial division ranged from a low of almost 9% in the eighth judicial division to a high of 17% in the fifth judicial division. This table also indicates whether the conviction resulted from a guilty plea or jury trial. Overall, 2.0% of convictions statewide resulted from jury trials (see Figure B). The percentage of jury trials varied slightly by judicial division with a low of 1.3% in the fourth division and a high of 2.9% in the eighth division.



Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition
FY 2006/07 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
<i>First Judicial Division</i>		2,790	81	2,871
District 1	Camden	17	0	17
	Chowan	49	1	50
	Currituck	70	0	70
	Dare	149	1	150
	Gates	16	0	16
	Pasquotank	141	3	144
	Perquimans	26	1	27
	Total	468	6	474
District 2	Beaufort	232	20	252
	Hyde	12	1	13
	Martin	95	2	97
	Tyrrell	47	3	50
	Washington	38	4	42
	Total	424	30	454
District 3A	Pitt	650	8	658
Total	650	8	658	
District 6A	Halifax	239	5	244
Total	239	5	244	
District 6B	Bertie	51	1	52
	Hertford	104	2	106
	Northampton	53	3	56
	Total	208	6	214
District 7A	Nash	248	10	258
Total	248	10	258	
District 7B, C	Edgecombe	223	9	232
	Wilson	330	7	337
	Total	553	16	569
<i>Second Judicial Division</i>		4,109	76	4,185
District 3B	Carteret	239	2	241
	Craven	328	5	333
	Pamlico	60	1	61
	Total	627	8	635
District 4A	Duplin	185	5	190
	Jones	39	1	40
	Sampson	315	4	319
	Total	539	10	549

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2006/07 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 4B	Onslow	676	17	693
	Total	676	17	693
District 5	New Hanover	1,208	15	1,223
	Pender	137	2	139
	Total	1,345	17	1,362
District 8A	Greene	76	1	77
	Lenoir	380	5	385
	Total	456	6	462
District 8B	Wayne	466	18	484
	Total	466	18	484
Third Judicial Division		4,581	84	4,665
District 9	Franklin	135	1	136
	Granville	166	3	169
	Vance	220	1	221
	Warren	42	0	42
	Total	563	5	568
District 9A	Caswell	76	1	77
	Person	109	1	110
	Total	185	2	187
District 10	Wake	2,185	46	2,231
	Total	2,185	46	2,231
District 14	Durham	686	20	706
	Total	686	20	706
District 15A	Alamance	640	10	650
	Total	640	10	650
District 15B	Chatham	104	0	104
	Orange	218	1	219
	Total	322	1	323
Fourth Judicial Division		3,587	48	3,635
District 11A	Harnett	337	2	339
	Lee	225	1	226
	Total	562	3	565
District 11B	Johnston	494	6	500
	Total	494	6	500
District 12	Cumberland	981	12	993
	Total	981	12	993

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2006/07 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 13A	Bladen	132	1	133
	Columbus	250	7	257
	Total	382	8	390
District 13B	Brunswick	397	4	401
	Total	397	4	401
District 16A	Hoke	157	3	160
	Scotland	239	0	239
	Total	396	3	399
District 16B	Robeson	375	12	387
	Total	375	12	387
<i>Fifth Judicial Division</i>		<i>5,153</i>	<i>115</i>	<i>5,268</i>
District 17A	Rockingham	307	6	313
	Total	307	6	313
District 17B	Stokes	169	0	169
	Surry	236	0	236
	Total	405	0	405
District 18	Guilford	2,152	34	2,186
	Total	2,152	34	2,186
District 19B	Montgomery	67	3	70
	Randolph	269	18	287
	Total	336	21	357
District 19D	Moore	319	3	322
	Total	319	3	322
District 21	Forsyth	1,150	46	1,196
	Total	1,150	46	1,196
District 23	Alleghany	23	1	24
	Ashe	60	1	61
	Wilkes	299	3	302
	Yadkin	102	0	102
	Total	484	5	489
<i>Sixth Judicial Division</i>		<i>2,988</i>	<i>46</i>	<i>3,034</i>
District 19A	Cabarrus	680	8	688
	Total	680	8	688
District 19C	Rowan	522	11	533
	Total	522	11	533

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2006/07 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 20A	Anson	101	3	104
	Richmond	173	2	175
	Stanly	185	2	187
	Total	459	7	466
District 20B	Union	329	1	330
	Total	329	1	330
District 22	Alexander	69	2	71
	Davidson	446	8	454
	Davie	102	1	103
	Iredell	381	8	389
	Total	998	19	1,017
<i>Seventh Judicial Division</i>		<i>4,483</i>	<i>107</i>	<i>4,590</i>
District 25A	Burke	241	3	244
	Caldwell	190	7	197
	Total	431	10	441
District 25B	Catawba	360	8	368
	Total	360	8	368
District 26	Mecklenburg	2,139	55	2,194
	Total	2,139	55	2,194
District 27A	Gaston	934	12	946
	Total	934	12	946
District 27B	Cleveland	347	16	363
	Lincoln	272	6	278
	Total	619	22	641
<i>Eighth Judicial Division</i>		<i>2,580</i>	<i>77</i>	<i>2,657</i>
District 24	Avery	69	0	69
	Madison	73	1	74
	Mitchell	89	2	91
	Watauga	139	8	147
	Yancey	72	0	72
	Total	442	11	453
District 28	Buncombe	714	22	736
	Total	714	22	736
District 29A	McDowell	159	2	161
	Rutherford	287	11	298
	Total	446	13	459

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2006/07 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 29B	Henderson	398	10	408
	Polk	44	3	47
	Transylvania	95	5	100
	Total	537	18	555
District 30A	Cherokee	72	1	73
	Clay	12	0	12
	Graham	11	0	11
	Macon	93	3	96
	Swain	24	3	27
	Total	212	7	219
District 30B	Haywood	172	4	176
	Jackson	57	2	59
	Total	229	6	235
STATE TOTAL		30,271	634	30,905

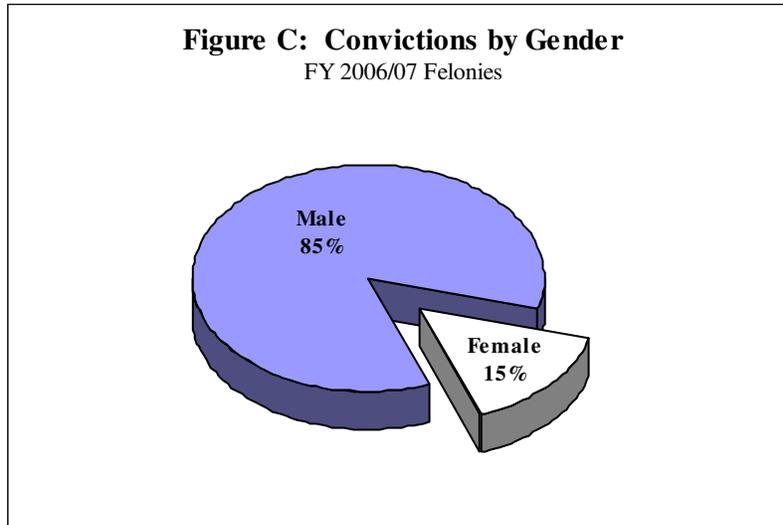
Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

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 2006/07, 2,484 Class H (or almost 20% of Class H convictions) and 2,066 Class I (or 23% of Class I convictions) felony pleas were accepted in District Court for a total of 4,550 pleas (21% of all Class H and I felony convictions).

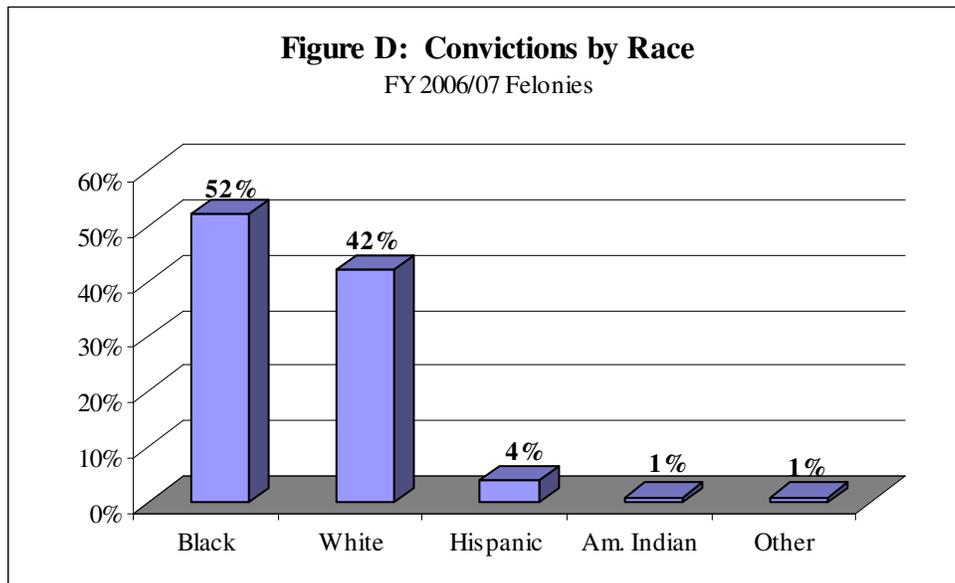
II. CHARACTERISTICS OF OFFENDERS

This section provides a breakdown of convictions by offenders' gender, race, and age. Of the 30,905 felony convictions, 85% were for males (see *Figure C*).



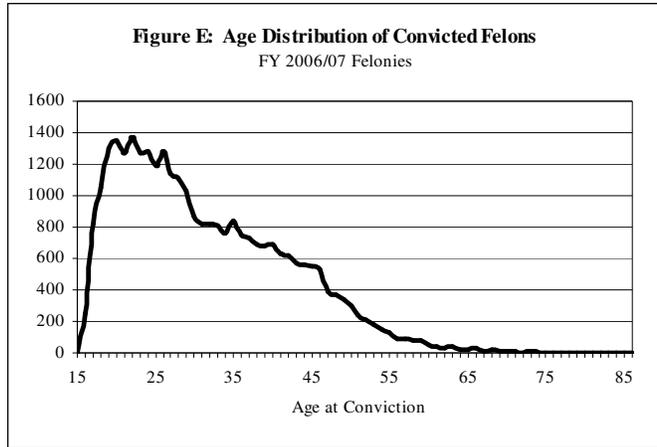
Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

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



Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

Based on age at conviction, 16% of felony convictions were for offenders under the age of 21, 21% were 21-25 years of age, 15% were 26-29 years of age, 25% were 30-39 years of age, 17% were 40-49 years of age, and 6% were 50 years of age or older. The average age at conviction was 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 2006/07 Statistical Report Data

**Table 3: Convictions by Gender, Race, and Age
FY 2006/07 Felonies**

Gender and Race		Age at Conviction						Total
		<21	21-25	26-29	30-39	40-49	>49	
Male	White	1,334	1,923	1,418	2,685	1,896	746	10,002
	Black	2,787	3,241	2,137	3,216	2,191	821	14,393
	Hispanic	179	276	218	271	82	20	1,046
	Amer. Indian	47	93	51	79	43	21	334
	Other	31	38	22	37	22	11	161
	Subtotal	4,378	5,571	3,846	6,288	4,234	1,619	25,936
Female	White	183	469	418	925	645	141	2,781
	Black	194	299	271	510	363	109	1,746
	Hispanic	10	15	16	28	10	1	80
	Amer. Indian	1	8	14	20	13	3	59
	Other	5	14	6	10	6	0	41
	Subtotal	393	805	725	1,493	1,037	254	4,707
TOTAL		4,771	6,376	4,571	7,781	5,271	1,873	30,643

Note: Of the 30,905 felony convictions in FY 2006/07, 262 convictions with missing values for offenders' age were excluded from this table.

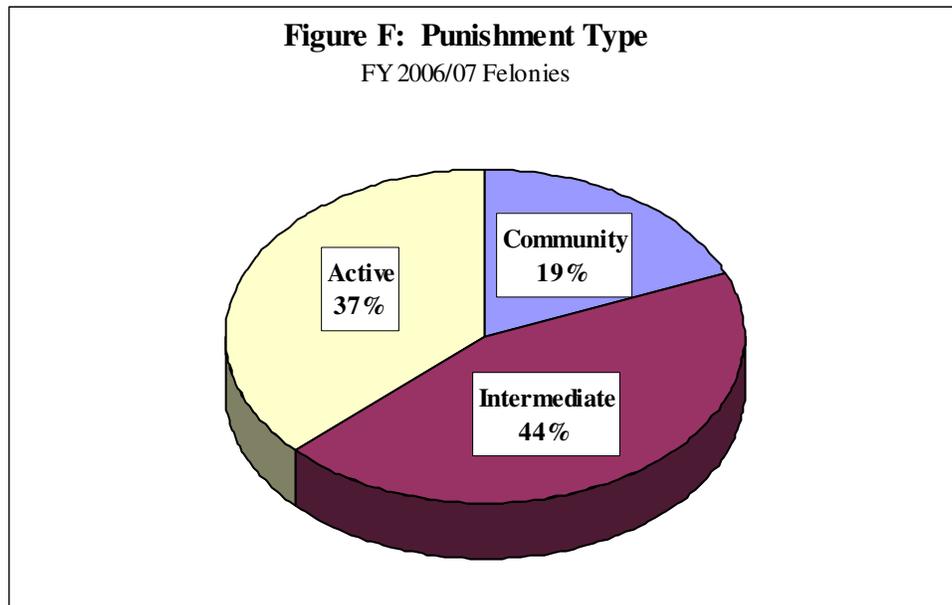
Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

III. PUNISHMENT IMPOSED FOR FELONIES

This section details the type of sentence imposed (Active, Intermediate, or Community) for convictions during Fiscal Year 2006/07. 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 44% of felony convictions, and a Community punishment was imposed for 19% of felony convictions (see *Figure F*).

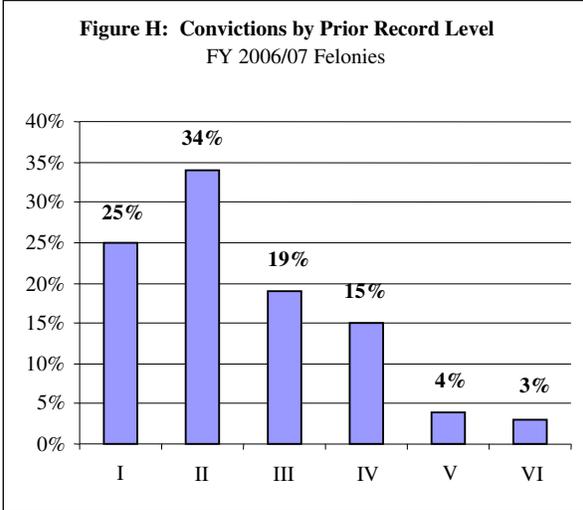
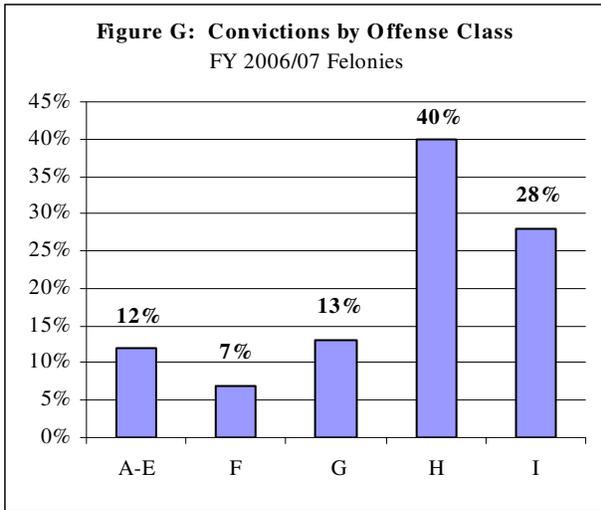


Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

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 (68%) 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=2,363 or almost 8%). These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation).



Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 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=3,607 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=10,634) 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 (40 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 2006/07 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 = 33 (100%) (n = 33) Life/Death	A A = 12 (100%) (n = 12) Life/Death	A A = 10 (100%) (n = 10) Life/Death	A A = 10 (100%) (n = 10) Life/Death	A A = 0 (100%) (n = 0) Life/Death	A A = 1 (100%) (n = 1) Life/Death	A A = 66 (100%) (n = 66) Life/Death
B1	A A = 63 (100%) (n = 63) 196 min 244 max	A A = 27 (100%) (n = 27) 233 min 288 max	A A = 18 (100%) (n = 18) 309 min 380 max	A A = 15 (100%) (n = 15) 340 min 417 max	A A = 4 (100%) (n = 4) 346 min 425 max	A A = 4 (100%) (n = 4) 408 min 499 max	A A = 131 (100%) (n = 131) 246 min 304 max
B2	A A = 107 (100%) (n = 107) 136 min 173 max	A A = 104 (100%) (n = 104) 159 min 200 max	A A = 33 (100%) (n = 33) 191 min 238 max	A A = 35 (100%) (n = 35) 225 min 279 max	A A = 7 (100%) (n = 7) 270 min 333 max	A A = 2 (100%) (n = 2) 224 min 278 max	A A = 288 (100%) (n = 288) 165 min 208 max
C	A A = 106 (100%) (n = 106) 61 min 83 max	A A = 165 (100%) (n = 165) 78 min 102 max	A A = 218 (100%) (n = 218) 85 min 111 max	A A = 270 (100%) (n = 270) 98 min 126 max	A A = 95 (100%) (n = 95) 109 min 140 max	A A = 84 (100%) (n = 84) 128 min 162 max	A A = 938 (100%) (n = 938) 91 min 118 max
D	A A = 266 (100%) (n = 266) 50 min 70 max	A A = 211 (100%) (n = 211) 62 min 84 max	A A = 120 (100%) (n = 120) 82 min 107 max	A A = 90 (100%) (n = 90) 96 min 124 max	A A = 29 (100%) (n = 29) 99 min 128 max	A A = 14 (100%) (n = 14) 117 min 149 max	A A = 730 (100%) (n = 730) 68 min 90 max
E	I/A I = 305 (63%) A = 176 (37%) (n = 481) 22 min 35 max	I/A I = 260 (60%) A = 175 (40%) (n = 435) 25 min 39 max	A A = 146 (100%) (n = 146) 29 min 44 max	A A = 107 (100%) (n = 107) 39 min 56 max	A A = 31 (100%) (n = 31) 47 min 66 max	A A = 22 (100%) (n = 22) 51 min 70 max	I/A I = 565 (46%) A = 657 (54%) (n = 1,222) 29 min 44 max
F	I/A I = 408 (66%) A = 208 (34%) (n = 616) 14 min 17 max	I/A I = 344 (54%) A = 298 (46%) (n = 642) 16 min 19 max	I/A I = 237 (52%) A = 223 (48%) (n = 460) 18 min 22 max	A A = 231 (100%) (n = 231) 20 min 24 max	A A = 69 (100%) (n = 69) 27 min 33 max	A A = 51 (100%) (n = 51) 32 min 39 max	I/A I = 989 (48%) A = 1,080 (52%) (n = 2,069) 18 min 22 max

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level (continued)
FY 2006/07 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 = 505 (78%) A = 144 (22%) (n = 649) 11 min 14 max	I/A I = 899 (70%) A = 391 (30%) (n = 1,290) 13 min 16 max	I/A I = 466 (54%) A = 395 (46%) (n = 861) 14 min 17 max	I/A I = 268 (40%) A = 395 (60%) (n = 663) 17 min 21 max	A A = 115 (100%) (n = 115) 18 min 23 max	A A = 90 (100%) (n = 90) 25 min 30 max	I/A I = 2,138 (58%) A = 1,530 (42%) (n = 3,668) 15 min 19 max
H	C/I/A C = 1,589 (55%) I = 957 (33%) A = 343 (12%) (n = 2,889) 5 min 7 max	I/A I = 2,621 (73%) A = 986 (27%) (n = 3,607) 7 min 8 max	I/A I = 1,230 (55%) A = 991 (45%) (n = 2,221) 8 min 10 max	I/A I = 632 (35%) A = 1,167 (65%) (n = 1,799) 10 min 12 max	I/A I = 146 (26%) A = 411 (74%) (n = 557) 13 min 16 max	A A = 368 (100%) (n = 368) 17 min 21 max	C/I/A C = 1,589 (14%) I = 5,586 (49%) A = 4,266 (37%) (n = 11,441) 9 min 12 max
I	C C = 1,957 (100%) (n = 1,957) N/A	C/I C = 1,805 (57%) I = 1,386 (43%) (n = 3,191) N/A	I I = 1,293 (100%) (n = 1,293) N/A	I/A I = 478 (48%) A = 527 (52%) (n = 1,005) 7 min 8 max	I/A I = 70 (26%) A = 200 (74%) (n = 270) 8 min 10 max	I/A I = 52 (19%) A = 221 (81%) (n = 273) 9 min 11 max	C/I/A C = 3,762 (47%) I = 3,279 (41%) A = 948 (12%) (n = 7,989) 7 min 9 max
TOTAL	C/I/A C = 3,546 (50%) I = 2,175 (30%) A = 1,446 (20%) (n = 7,167) 40 min 53 max	C/I/A C = 1,805 (19%) I = 5,510 (57%) A = 2,369 (24%) (n = 9,684) 29 min 38 max	I/A I = 3,226 (60%) A = 2,154 (40%) (n = 5,380) 29 min 37 max	I/A I = 1,378 (33%) A = 2,847 (67%) (n = 4,225) 28 min 35 max	I/A I = 216 (18%) A = 961 (82%) (n = 1,177) 30 min 37 max	I/A I = 52 (6%) A = 857 (94%) (n = 909) 32 min 40 max	C/I/A C = 5,351 (19%) I = 12,557 (44%) A = 10,634 (37%) (n = 28,542) 31 min 39 max

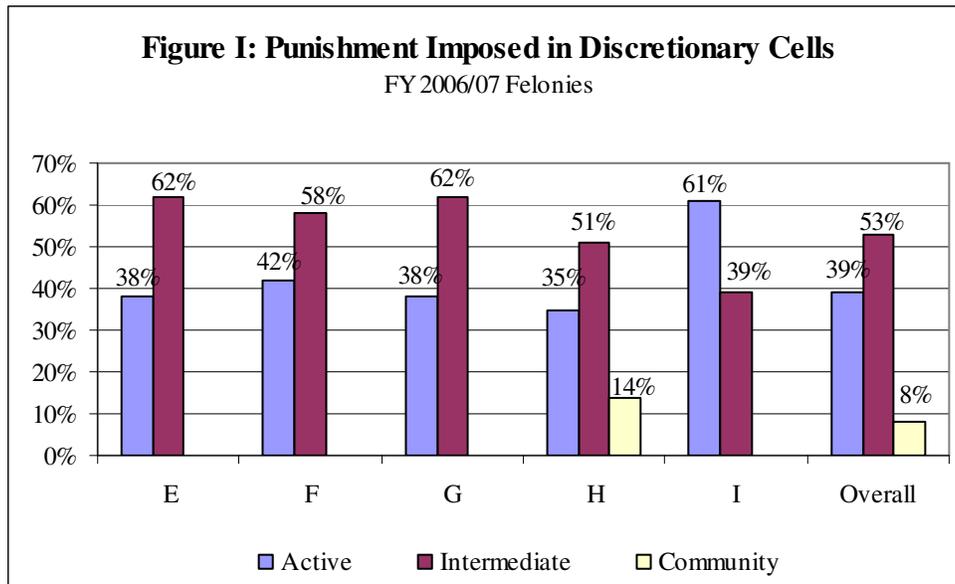
Note: Of the 30,905 felony convictions in FY 2006/07, 2,363 convictions were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing 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 2006/07 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 (78%), while an Active sentence was most likely to be imposed for convictions falling within Offense Class I with Prior Record Level VI (81%).

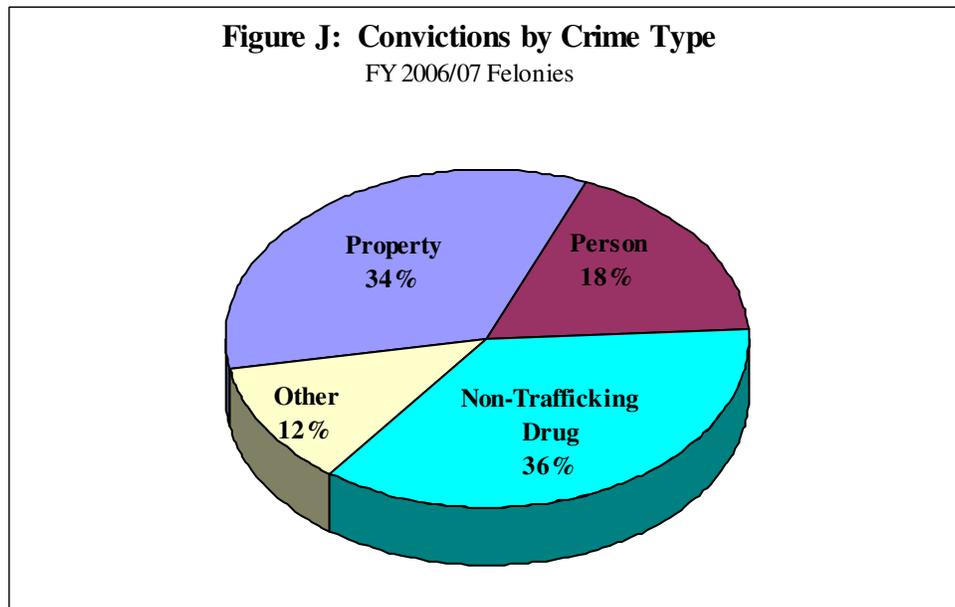
Figure I summarizes sentences imposed by offense class for discretionary cells with an Active punishment option.



Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

D. Punishment Imposed by Crime Type

During Fiscal Year 2006/07, non-trafficking drug offenses accounted for 36% of convictions, followed closely by convictions for property offenses (34%). (See Figure J.) For additional data on convictions by crime type, see Appendix D.



Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 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 (63%), while convictions for non-trafficking drug offenses were least likely to result in the imposition of an Active punishment (21%). Of the four crime types, non-trafficking drug convictions had the highest percentage of Intermediate and Community punishment sentences (48% and 31%, respectively).

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

**Table 5: Convictions and Sentences by Crime Type
FY 2006/07 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	3,257	63	1,794	35	101	2	58	75	5,152
Property	3,377	34	4,555	47	1,825	19	12	15	9,757
Non-Trafficking Drug	2,207	21	4,892	48	3,208	31	11	14	10,307
Other Felony	1,793	54	1,316	40	217	6	42	54	3,326
TOTAL	10,634	37	12,557	44	5,351	19	31	39	28,542

Note: Of the 30,905 felony convictions in FY 2006/07, 2,363 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).

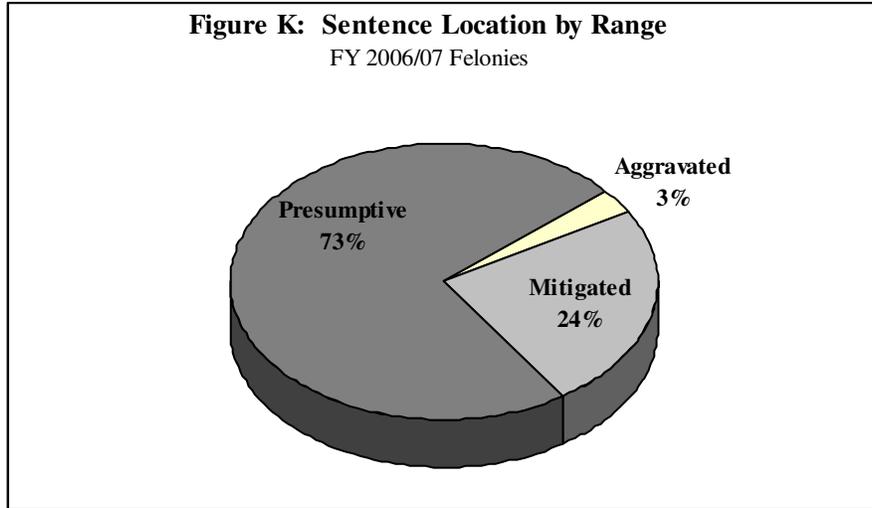
Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

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=10,634)*. Class A convictions, which are subject to mandatory life or death sentences, are excluded from this section (n=66), 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=1).

A. Sentence Location

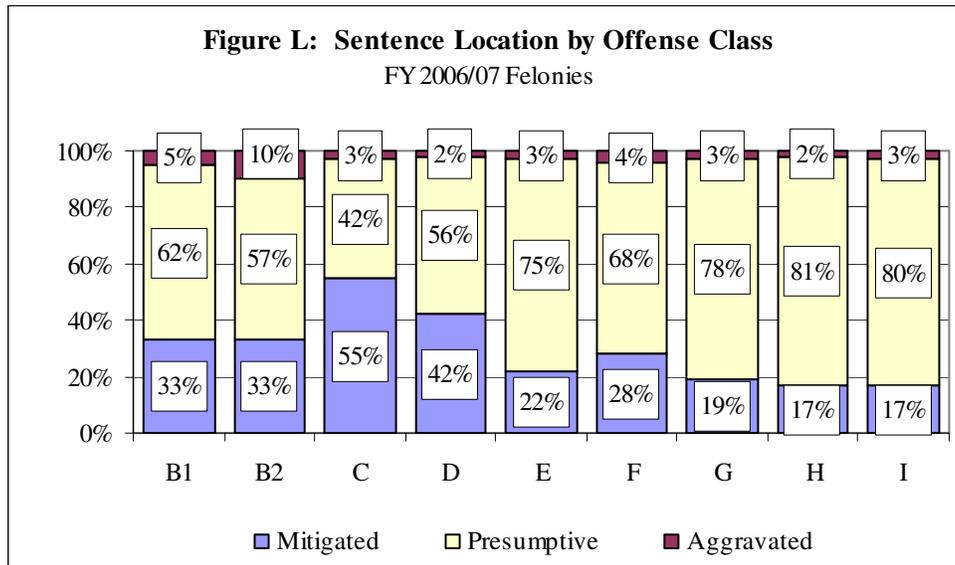
Figure K shows that 73% of all Active sentences fell within the presumptive range; 24% fell within the mitigated range; and 3% fell within the aggravated range.



Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 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 2006/07 Statistical Report Data

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 (81% and 80%, 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 (27%) and in the aggravated range (4%).

Overall, 24% of Active sentences were in the mitigated range and an additional 30% were at the lowest possible point of the presumptive range. Convictions for Class C offenses had the highest percentage of Active sentences in the mitigated range (55%), followed by convictions for Class D offenses (42%). In addition, as shown in *Appendix D*, 68% of Class C convictions and almost 60% of Class D convictions were sentenced within the mitigated range or at the lowest possible point of the presumptive range.

**Table 6: Sentence Location by Offense Class and Prior Record Level
(Active Sentences Only)
FY 2006/07 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	28 (44%)	10 (37%)	2 (11%)	2 (13%)	1 (33%)	0 (0%)	43 (33%)
	Presumptive	34 (54%)	17 (63%)	12 (67%)	12 (80%)	2 (67%)	4 (100%)	81 (62%)
	Aggravated	1 (2%)	0 (0%)	4 (22%)	1 (7%)	0 (0%)	0 (0%)	6 (5%)
	Subtotal	63	27	18	15	3	4	130
B2	Mitigated	41 (38%)	37 (35%)	10 (30%)	7 (20%)	0 (0%)	1 (50%)	96 (33%)
	Presumptive	49 (46%)	60 (58%)	21 (64%)	26 (74%)	6 (86%)	1 (50%)	163 (57%)
	Aggravated	17 (16%)	7 (7%)	2 (6%)	2 (6%)	1 (14%)	0 (0%)	29 (10%)
	Subtotal	107	104	33	35	7	2	288
C	Mitigated	33 (31%)	76 (46%)	134 (61%)	163 (61%)	59 (62%)	48 (57%)	513 (55%)
	Presumptive	67 (63%)	82 (50%)	78 (36%)	101 (37%)	35 (37%)	32 (38%)	395 (42%)
	Aggravated	6 (6%)	7 (4%)	6 (3%)	6 (2%)	1 (1%)	4 (5%)	30 (3%)
	Subtotal	106	165	218	270	95	84	938

Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
(Active Sentences Only)
FY 2006/07 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	124 (47%)	80 (38%)	51 (43%)	33 (37%)	16 (55%)	6 (43%)	310 (42%)
	Presumptive	139 (52%)	127 (60%)	65 (54%)	55 (61%)	12 (42%)	8 (57%)	406 (56%)
	Aggravated	3 (1%)	4 (2%)	4 (3%)	2 (2%)	1 (3%)	0 (0%)	14 (2%)
	Subtotal	266	211	120	90	29	14	730
E	Mitigated	39 (22%)	27 (15%)	36 (25%)	30 (28%)	3 (10%)	6 (27%)	141 (22%)
	Presumptive	129 (73%)	143 (82%)	104 (71%)	75 (70%)	27 (87%)	15 (68%)	493 (75%)
	Aggravated	8 (5%)	5 (3%)	6 (4%)	2 (2%)	1 (3%)	1 (5%)	23 (3%)
	Subtotal	176	175	146	107	31	22	657
F	Mitigated	46 (22%)	87 (29%)	54 (24%)	82 (36%)	24 (35%)	13 (25%)	306 (28%)
	Presumptive	154 (74%)	200 (67%)	161 (72%)	144 (62%)	43 (62%)	35 (69%)	737 (68%)
	Aggravated	8 (4%)	11 (4%)	8 (4%)	5 (2%)	2 (3%)	3 (6%)	37 (4%)
	Subtotal	208	298	223	231	69	51	1,080
G	Mitigated	26 (18%)	80 (20%)	68 (17%)	81 (21%)	19 (17%)	16 (18%)	290 (19%)
	Presumptive	114 (79%)	300 (77%)	316 (80%)	305 (77%)	92 (80%)	70 (78%)	1,197 (78%)
	Aggravated	4 (3%)	11 (3%)	11 (3%)	9 (2%)	4 (3%)	4 (4%)	43 (3%)
	Subtotal	144	391	395	395	115	90	1,530
H	Mitigated	48 (14%)	190 (19%)	203 (20%)	157 (13%)	61 (15%)	70 (19%)	729 (17%)
	Presumptive	281 (82%)	778 (79%)	783 (79%)	975 (84%)	341 (83%)	288 (78%)	3,446 (81%)
	Aggravated	14 (4%)	18 (2%)	5 (1%)	35 (3%)	9 (2%)	10 (3%)	91 (2%)
	Subtotal	343	986	991	1,167	411	368	4,266

**Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
(Active Sentences Only)
FY 2006/07 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	95 (18%)	33 (17%)	34 (15%)	162 (17%)
	Presumptive	N/A	N/A	N/A	420 (80%)	158 (79%)	178 (81%)	756 (80%)
	Aggravated	N/A	N/A	N/A	12 (2%)	9 (4%)	9 (4%)	30 (3%)
	Subtotal	N/A	N/A	N/A	527	200	221	948
TOTAL	Mitigated	385 (27%)	587 (25%)	558 (26%)	650 (23%)	216 (22%)	194 (23%)	2,590 (24%)
	Presumptive	967 (69%)	1,707 (72%)	1,540 (72%)	2,113 (74%)	716 (75%)	631 (74%)	7,674 (73%)
	Aggravated	61 (4%)	63 (3%)	46 (2%)	74 (3%)	28 (3%)	31 (3%)	303 (3%)
	Subtotal	1,413	2,357	2,144	2,837	960	856	10,567

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

Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 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 (5%). Convictions in the category of other felony offenses accounted for the lowest percentage of presumptive sentences (59%), the highest percentage of mitigated sentences (40%), 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 35% 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 2006/07 Felonies**

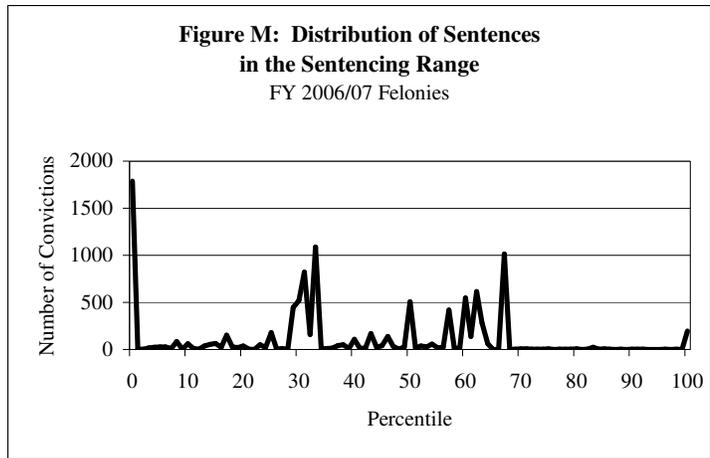
Crime Type	Sentencing Range						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
Person	857	27	2,181	68	152	5	3,190
Property	598	18	2,712	80	67	2	3,377
Non-Trafficking Drug	422	19	1,726	78	59	3	2,207
Other Felony	713	40	1,055	59	25	1	1,793
TOTAL	2,590	24	7,674	73	303	3	10,567

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

Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

D. Length of Active Sentence Relative to the Sentencing Range

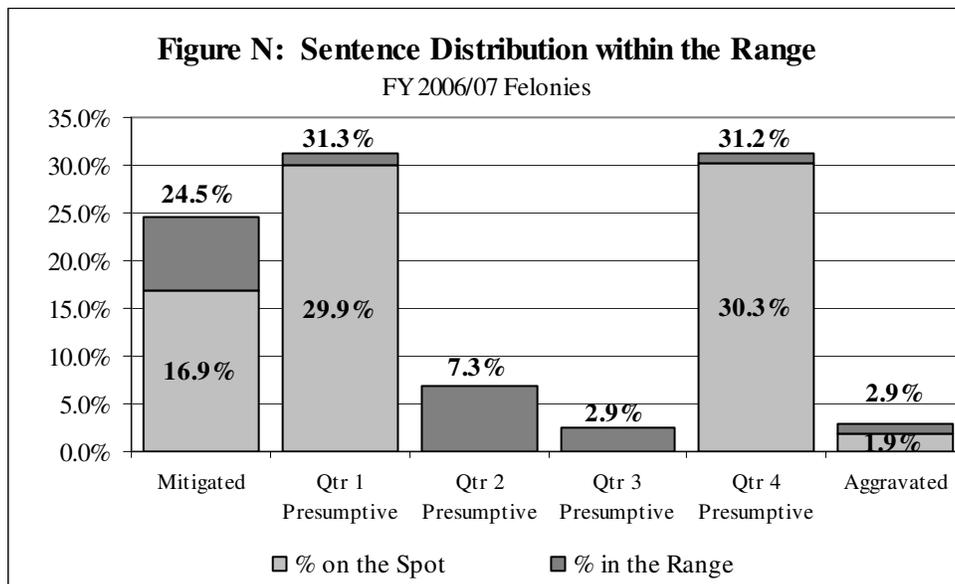
Viewing the entire sentencing range as a continuum from the lowest possible sentence imposed in the mitigated range to the highest possible sentence imposed in the aggravated range, on average the 10,567 active sentences imposed (excluding the 67 convictions with a mandatory life or death sentence) fell 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 (31.3% and 31.2% of all cases, respectively) (see *Figure M* and *Table 9*).



Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

Further analysis indicates that over three-quarters (78.9%) 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*, 16.9% of Active sentences fell on the lowest point of the mitigated range; 29.9% fell on the lowest point of the presumptive range; 30.3% 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 86.1% and 87.5% 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 (57.3%).



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

Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

**Table 8: Most Frequent Sentencing Range Spots by Offense Class
(Active Sentences Only)
FY 2006/07**

Offense Class	Location in the Range				% on the Four Spots
	Mitigated Range	Presumptive Range		Aggravated Range	
	% Lowest Spot	% Lowest Spot	% Highest Spot	% Highest Spot	
B1	16.9	17.7	30.8	3.1	68.5
B2	18.4	9.4	24.3	5.2	57.3
C	41.8	13.5	11.9	1.2	68.4
D	23.4	17.1	17.7	0.7	58.9
E	12.6	24.5	31.7	2.4	71.2
F	16.5	29.9	25.1	2.4	73.9
G	12.9	34.2	30.8	2.2	80.1
H	12.9	35.1	36.6	1.5	86.1
I	14.1	36.1	35.2	2.1	87.5
TOTAL	16.9	29.9	30.3	1.8	78.9

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, 67 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 2006/07 Statistical Report Data

A similar pattern is evident by crime type, especially for property and non-trafficking drug offenses, with 85.7% and 83.9% 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 2006/07**

Crime Type	Location in the Range						% on the Four Spots
	% Mitigated Range (Min. Spot)	Presumptive Range				% Aggravated Range (Max. Spot)	
		% First Quarter (Min. Spot)	% Second Quarter	% Third Quarter	% Fourth Quarter (Max. Spot)		
Person	26.9 (16.1)	26.7 (23.6)	6.5	5.6	29.6 (27.4)	4.8 (3.0)	70.0
Property	17.7 (13.4)	33.9 (33.6)	8.2	0.9	37.4 (37.2)	2.0 (1.5)	85.7
Non-Trafficking Drug	19.1 (13.9)	37.8 (37.3)	7.8	1.5	31.0 (31.0)	2.7 (1.8)	83.9
Other Felony	39.8 (28.4)	26.6 (24.8)	6.1	3.4	22.8 (21.9)	1.4 (0.6)	75.7
TOTAL	24.5 (16.9)	31.3 (29.9)	7.3	2.9	31.2 (30.3)	2.9 (1.9)	78.9

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, one conviction requiring a mandatory life or death sentence was excluded from this table. Percentages may not add to 100% due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

V. INTERMEDIATE PUNISHMENTS

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

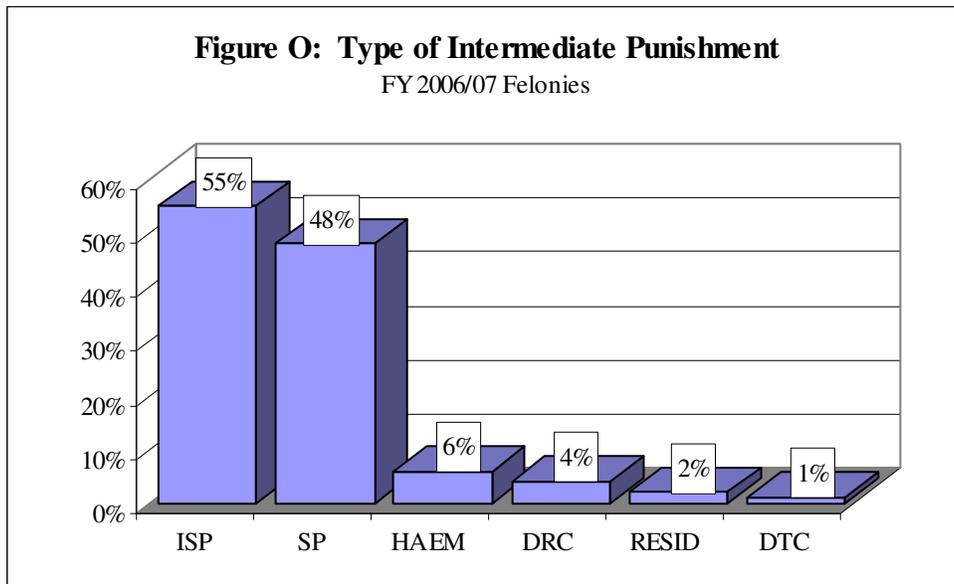
During Fiscal Year 2006/07, Intermediate punishments were imposed for 12,557 convictions, with an average supervised probation sentence length of 32 months. The specific type(s) of intermediate sanction(s) imposed was reported in the AOC database for 12,367 convictions – a reporting rate of 98%.

³ 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 (55%). Assignment to Drug Treatment Court accounted for the smallest percentage of convictions for which a specific intermediate sanction was reported (1%).



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

Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 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=6,278). For Class H, Intensive Supervision Probation was the most frequently invoked sanction (n=3,006), followed by Special Probation (n=2,567).

**Table 10: Type of Intermediate Punishment by Offense Class and Prior Record Level
FY 2006/07 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	181	2	13	167	0	23	386
	II	185	3	6	130	0	16	340
	Subtotal	366	5	19	297	0	39	726
F	I	226	2	8	212	0	23	471
	II	212	5	6	160	1	23	407
	III	149	2	2	103	0	15	271
	Subtotal	587	9	16	475	1	61	1,149
G	I	266	1	21	284	5	25	602
	II	458	17	43	502	7	65	1,092
	III	259	7	13	258	1	36	574
	IV	145	11	13	140	3	20	332
	Subtotal	1,128	36	90	1,184	16	146	2,600
H	I	423	9	66	534	7	54	1,093
	II	1,160	35	128	1,416	16	131	2,886
	III	603	28	51	628	10	62	1,382
	IV	308	18	27	361	12	24	750
	V	73	6	9	67	0	12	167
	Subtotal	2,567	96	281	3,006	45	283	6,278
I	II	444	16	68	851	17	84	1,480
	III	535	16	46	711	10	93	1,411
	IV	212	8	20	264	6	24	534
	V	39	2	2	28	2	3	76
	VI	32	6	1	20	2	2	63
	Subtotal	1,262	48	137	1,874	37	206	3,564
TOTAL		5,910	194	543	6,836	99	735	14,317

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 2006/07 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=5,478), followed by property offenses (n=5,142).

**Table 11: Type of Intermediate Punishment by Crime Type
FY 2006/07 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	1,106	20	53	868	3	110	2,160
Property	2,144	98	204	2,425	44	227	5,142
Non-Trafficking Drug	1,974	61	252	2,840	51	300	5,478
Other Felony	686	15	34	703	1	98	1,537
TOTAL	5,910	194	543	6,836	99	735	14,317

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 2006/07 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 2006/07, there were 5,351 convictions for which a Community punishment was imposed. The specific type(s) of Community punishment(s) imposed was reported in the AOC database for 5,274 convictions – a reporting rate of 99%.⁴ Of these 5,274 convictions, 5,074 were for supervised probation; 159 were for unsupervised probation, and 41 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.

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

Class I felony offenses accounted for the largest number of convictions for which a Community punishment was imposed (n=3,762). Convictions for Class H felonies resulted in the longest average probation sentences for Community punishments (28 months). Overall, convictions for which a Community punishment was imposed resulted in an average probation sentence of 25 months.

**Table 12: Type of Community Punishment by Offense Class
FY 2006/07 Felonies**

Offense Class	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
H	1,510 <i>29 months</i>	41 <i>18 months</i>	6 <i>N/A</i>	32 <i>N/A</i>	1,589 <i>28 months</i>
I	3,564 <i>24 months</i>	118 <i>20 months</i>	35 <i>N/A</i>	45 <i>N/A</i>	3,762 <i>24 months</i>
TOTAL	5,074 <i>25 months</i>	159 <i>19 months</i>	41 <i>N/A</i>	77 <i>N/A</i>	5,351 <i>25 months</i>

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

Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 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=3,208). Convictions for person offenses and property offenses had the longest average probation sentences (29 months each).

**Table 13: Type of Community Punishment by Crime Type
FY 2006/07 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>29 months</i>	0 <i>N/A</i>	0 <i>N/A</i>	0 <i>N/A</i>	101 <i>29 months</i>
Property	1,739 <i>29 months</i>	46 <i>17 months</i>	8 <i>N/A</i>	32 <i>N/A</i>	1,825 <i>29 months</i>
Non-Trafficking Drug	3,036 <i>23 months</i>	98 <i>21 months</i>	32 <i>N/A</i>	42 <i>N/A</i>	3,208 <i>23 months</i>
Other Felony	198 <i>26 months</i>	15 <i>19 months</i>	1 <i>N/A</i>	3 <i>N/A</i>	217 <i>25 months</i>
TOTAL	5,074 <i>25 months</i>	159 <i>19 months</i>	41 <i>N/A</i>	77 <i>N/A</i>	5,351 <i>25 months</i>

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

Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 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 651 habitual felon convictions during Fiscal Year 2006/07. *Table 14* shows the breakdown by offense class and crime type of the most serious conviction associated with habitual felon convictions. Thirty-eight percent of habitual felons had a conviction for a Class H offense as their underlying conviction (n=250). Thirty-six percent of habitual felons had some type of drug offense as their underlying conviction (n=236). Felony Breaking and/or Entering was the most frequently occurring most serious crime associated with habitual felon convictions (n=72). Sixty-nine

percent of habitual felon convictions were sentenced in the mitigated range and an additional 15% 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 2006/07 Felonies**

Offense Class	Offense	Total	Offense Class	Offense	Total
Class B1	1 st Degree Rape	1	Class F (cont.)	Other Drug Offenses	5
	Subtotal	1		Subtotal	47
Class B2	Attempted 1 st Degree Murder	1	Class G	Common Law Robbery	25
	Subtotal	1		Break/Enter Place of Worship	1
Class C	1 st Degree Kidnapping	4		2 nd Degree Burglary	5
	2 nd Degree Rape	1		Poss 5+ Counterfeit Instrument	1
	AWDWIKISI	4		Identity Theft	3
	Continuing Criminal Enterprise	1		Sell/Deliver Schedule II CS	2
	Other Person Offenses	1		Trafficking in MDS/MDMA	1
	Other Property Offenses	1		Sell/Deliver Cocaine	9
	Other Drug Offenses	1		Sell Cocaine	49
	Other Felony Offenses	1		Sell Heroin	1
	Subtotal	14		Sell Schedule I CS	1
Class D	Voluntary Manslaughter	1		Sell Schedule II CS	4
	Att Robbery w /Dang Weapon	1		Conspire Sell Cocaine	1
	Robbery w/ Dangerous Weapon	27		Trafficking in Cocaine	7
	1 st Degree Burglary	6		Possession of Firearm by Felon	39
	Other Person Offenses	1		Felony Death by Vehicle	1
	Subtotal	36		Other Drug Offenses	9
Class E	2 nd Degree Kidnapping	3		Subtotal	159
	AWDW Intent to Kill	3		Class H	Att Common Law Robbery	2
	AWDW Serious Injury	12	Assault by Strangulation		1
	Assault LEO/PO/Other w/Firearm	1	Habitual Misdemeanor Assault		3
	Discharge Weap Occupied Prop	3	Breaking and/or Entering		72
	Other Drug Offenses	1	Aid and Abet Larceny		1
	Subtotal	23	Felony Larceny		27
Class F	Indecent Liberties w/ Child	3	Larceny of a Firearm		1
	Failure Register as Sex Offender	13	Larceny from the Person		4
	Malicious Conduct by Prisoner	6	Possess Stolen Firearm		1
	Assault Serious Bodily Injury	4	Poss Stolen Goods/Prop		17
	AWDW Government Official	1	Larceny After Break/Enter		1
	Assault LEO/PO/Other Ser Injury	1	Larceny of Motor Vehicle		12
	Burning Unoccupied Bldg	2	Att Obtain Prop False Pretense		1
	Traffic in Amphetamine/Meth	1	Obtain Prop False Pretense		12
	Perjury	1	Poss CS Prison/Jail Premises		4
	Possess Weapon Mass Destruct	1	Consp Sell/Deliver Sch III CS		1
	Habitual Impaired Driving	9	Sell Marijuana		1

**Table 14: Most Serious Crime Associated with Habitual Felon Convictions
by Offense Class and Offense (continued)
FY 2006/07 Felonies**

Offense Class	Offense	Total	Offense Class	Offense	Total
Class H (cont.)	Deliver Cocaine	3	Class I (cont.)	Break or Enter Motor Vehicle	20
	PWIMSD Methamphetamine	1		Forgery of Instrument	8
	Poss/Dist Precursor Chemical	1		Uttering Forged Instrument	6
	PWIMSD Schedule I CS	3		Financial Card Theft	3
	PWIMSD Schedule II CS	4		Financial Card Fraud	1
	Manufacture Cocaine	2		Obtain CS by Fraud/Forgery	1
	PWISD Cocaine	39		Possess Methamphetamine	1
	PWIMSD Cocaine	8		PWISD Counterfeit CS	1
	PWIMSD Heroin	1		Felony Possession Sch I CS	3
	Felony Stalking	1		Felony Possession Sch II CS	16
	Possess Stolen Motor Vehicle	11		PWISD Marijuana	7
	Elude Arrest MV 2 Agg. Factors	8		Felony Possession Marijuana	2
	Elude Arrest MV \geq 3 Agg. Factors	5		Felony Possession Cocaine	37
	Other Person Offenses	1		Maintain Veh/Dwell/Place CS	5
	Other Felony Offenses	1		Other Property Offenses	1
Subtotal	250	Other Drug Offenses	2		
Class I	Possession of Burglary Tools	5	Subtotal	120	
	Attempt Break or Enter Bldg	1	TOTAL	651	

Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 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 2006/07.

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 2006/07, four death sentences and

62 life without parole sentences were imposed for felons convicted of first degree murder. An additional life without parole sentence was imposed for a felon convicted of first degree rape.

A violent habitual felon is an offender with at least two prior Class A, B1, B2, C, D, or E felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a Class A, B1, B2, C, D, or E felony offense and who has been found by a jury to be a violent habitual felon. A violent habitual felon is sentenced to life without parole. (N.C.G.S. §§ 14-7.7-7.12) During Fiscal Year 2006/07, two life without parole sentences were imposed for a violent habitual felon conviction. The most serious offenses associated with the violent habitual felon convictions were second degree murder (n=1) and assault with a deadly weapon inflicting serious injury (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))

In FY 2006/07, methodological changes to the drug trafficking offenses analysis provided a more accurate accounting of those convictions. After applying the new methodology to previous fiscal years, there were 745 drug trafficking convictions in FY 2001/02, 790 drug trafficking convictions in FY 2002/03, 795 drug trafficking convictions in FY 2003/04, 747 drug trafficking convictions in FY 2004/05, and 796 drug trafficking convictions in FY 2005/06.

As shown in *Table 15*, there were 867 convictions for drug trafficking offenses in FY 2006/07. Trafficking Cocaine (Offense Class G) was the most frequently occurring drug trafficking offense (n=239).

**Table 15: Drug Trafficking Convictions
FY 2006/07 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
C	Traffic Methamphetamine	3	100	.	.	.	.	225	279	3
	Traffic Cocaine	1	100	.	.	.	.	225	279	1
	Traffic Heroin	4	80	1	20	.	.	170	213	5
	Other Trafficking	6	100	.	.	.	.	202	251	6
	Subtotal	14	93	1	7	.	.	197	246	15
D	Traffic Cocaine	17	85	3	15	.	.	145	181	20
	Consp. Traffic Cocaine	2	67	1	33	.	.	122	152	3
	Other Trafficking	32	91	1	3	2	6	118	147	35
	Subtotal	51	88	5	9	2	3	127	159	58
E	Traffic Methamphetamine	3	100	.	.	.	.	90	115	3
	Traffic Cocaine	1	100	.	.	.	.	35	42	1
	Traffic Heroin	12	100	.	.	.	.	85	111	12
	Other Trafficking	8	89	.	.	1	11	82	105	9
	Subtotal	24	96	.	.	1	4	82	107	25
F	Traffic Methamphetamine	19	90	1	5	1	5	59	72	21
	Consp. Traffic Meth.	1	33	1	33	1	33	70	84	3
	Traffic MDA/MDMA	1	100	.	.	.	.	70	84	1
	Traffic Cocaine	32	97	1	3	.	.	63	76	33
	Traffic Heroin	17	94	1	6	.	.	62	75	18
	Consp. Traffic Cocaine	5	100	.	.	.	.	70	84	5
	Consp. Traffic Heroin	2	100	.	.	.	.	70	84	2
	Other Trafficking	64	82	11	14	3	4	60	73	78
	Subtotal	141	88	15	9	5	3	62	74	161

**Table 15: Drug Trafficking Convictions (continued)
FY 2006/07 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	.	.	.	.	30	37	1
	Consp. Traffic Methamphetamine	1	50	.	.	1	50	42	55	2
	Traffic MDA/MDMA	11	73	3	20	1	7	30	36	15
	Traffic Marijuana	3	75	1	25	.	.	32	39	4
	Traffic Cocaine	209	87	25	11	5	2	34	41	239
	Traffic Heroin	1	100	.	.	.	.	70	84	1
	Consp. Traffic Marijuana	.	.	.	.	1	100	25	30	1
	Consp. Traffic Cocaine	20	65	10	32	1	3	35	43	31
	Other Trafficking	184	76	43	18	14	6	32	39	241
	Subtotal	430	81	82	15	23	4	33	40	535
H	Traffic Methamphetamine	1	100	.	.	.	.	25	30	1
	Traffic Marijuana	23	79	4	14	2	7	23	28	29
	Traffic Cocaine	3	100	.	.	.	.	19	23	3
	Traffic Heroin	1	100	.	.	.	.	8	10	1
	Consp. Traffic Marijuana	3	75	1	25	.	.	19	23	4
	Other Trafficking	28	85	4	12	1	3	24	29	33
Subtotal	59	83	9	13	3	4	23	28	71	
I	Traffic Cocaine	1	50	.	.	1	50	21	25	2
	Subtotal	1	50	.	.	1	50	21	25	2
TOTAL		720	83	112	13	35	4	48	59	867

Notes: (1) 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.

(2) In FY 2006/07, methodological changes to the drug trafficking offenses analysis provided a more accurate accounting of those convictions. After applying the new methodology to previous fiscal years, there were 745 drug trafficking convictions in FY 2001/02, 790 drug trafficking convictions in FY 2002/03, 795 drug trafficking convictions in FY 2003/04, 747 drug trafficking convictions in FY 2004/05, and 796 drug trafficking convictions in FY 2005/06.

Source: NC Sentencing and Policy Commission, FY 2006/07 Statistical Report Data

SECTION II

**MISDEMEANOR CONVICTIONS
IN FISCAL YEAR 2006/07**

I. MISDEMEANOR CONVICTIONS IN FY 2006/07

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 2006/07 (July 1, 2006 through June 30, 2007). Overall, sentences for 164,882 misdemeanor convictions were imposed. For many of the tables, information on 3,728 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) 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=40,729 or 25%).

**Table 16: Distribution of Convictions within the Misdemeanor Punishment Chart
FY 2006/07 Misdemeanors**

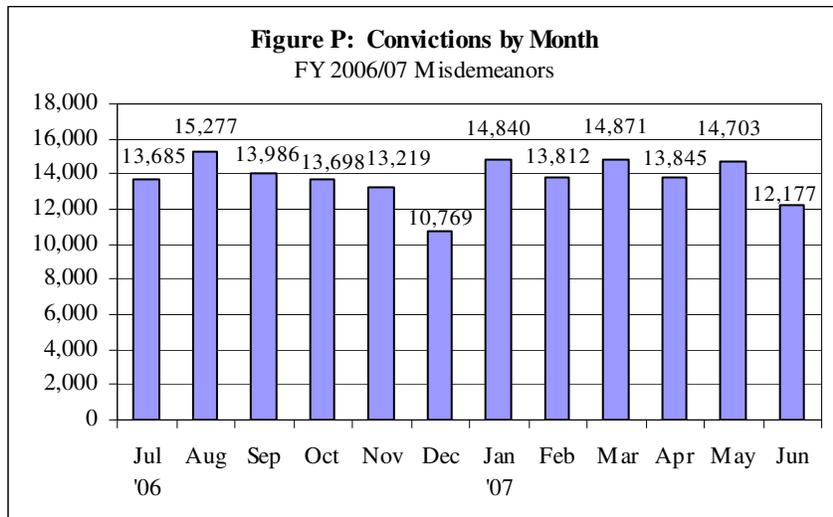
Offense Class	Prior Conviction Level			Total
	I 0 Points	II 1-4 Points	III 5+ Points	
A1	4,512 (2.8%)	5,113 (3.2%)	3,837 (2.4%)	13,462 (8.3%)
1	40,729 (25.3%)	34,392 (21.3%)	19,167 (11.9%)	94,288 (58.5%)
2	15,332 (9.5%)	9,854 (6.1%)	4,079 (2.5%)	29,265 (18.2%)
3	13,941 (8.7%)	6,960 (4.3%)	3,238 (2.0%)	24,139 (15.0%)
TOTAL	74,514 (46.2%)	56,319 (35.0%)	30,321 (18.8%)	161,154 (100.0%)

Note: Of the 164,882 misdemeanor convictions in FY 2006/07, 3,728 (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. Percentages may not add to totals due to rounding.

Source: NC Sentencing and Policy Commission, FY 2006/07 Statistical Report Data

D. Convictions by Month of Sentencing

Figure P shows the number of misdemeanor convictions (N=164,882) by month of sentencing during Fiscal Year 2006/07. Convictions peaked in August and were lowest in December.



Source: NC Sentencing and Policy Commission, FY 2006/07 Statistical Report Data

E. Convictions by Judicial District and County

Table 17 shows the number of misdemeanor convictions by judicial district and county. The table also indicates whether a conviction occurred in District or Superior Court and whether it resulted from a guilty plea, a bench trial, or a jury trial.⁵ See Appendix A for a map of judicial districts. In FY 2006/07, there were 156,727 guilty pleas/bench trials in District Court, 7,964 guilty pleas/bench trials in Superior Court, and 191 jury trials in Superior Court.

**Table 17: Convictions by Judicial District, County, and Mode of Disposition
FY 2006/07 Misdemeanors**

Judicial District and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 1	Camden	108	14	0	122
	Chowan	393	24	1	418
	Currituck	396	64	0	460
	Dare	933	145	2	1,080
	Gates	148	9	0	157
	Pasquotank	1,001	88	2	1,091
	Perquimans	195	16	0	211
	Total	3,174	360	5	3,539
District 2	Beaufort	1,135	67	5	1,207
	Hyde	138	8	0	146
	Martin	545	38	2	585
	Tyrrell	196	8	1	205
	Washington	266	22	3	291
	Total	2,280	143	11	2,434
District 3A	Pitt	2,896	186	4	3,086
	Total	2,896	186	4	3,086
District 3B	Carteret	1,642	105	0	1,747
	Craven	2,071	110	0	2,181
	Pamlico	247	11	0	258
	Total	3,960	226	0	4,186
District 4	Duplin	951	87	2	1,040
	Jones	208	20	1	229
	Onslow	2,154	326	8	2,488
	Sampson	1,448	29	0	1,477
	Total	4,761	462	11	5,234
District 5	New Hanover	3,677	116	2	3,795
	Pender	649	51	0	700
	Total	4,326	167	2	4,495

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

**Table 17: Convictions by Judicial District, County, and Mode of Disposition (continued)
FY 2006/07 Misdemeanors**

Judicial District and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 6A	Halifax	1,455	79	0	1,534
	Total	1,455	79	0	1,534
District 6B	Bertie	479	33	0	512
	Hertford	668	42	0	710
	Northampton	361	44	0	405
	Total	1,508	119	0	1,627
District 7	Edgecombe	1,413	214	3	1,630
	Nash	1,586	206	4	1,796
	Wilson	1,369	160	3	1,532
	Total	4,368	580	10	4,958
District 8	Greene	327	43	2	372
	Lenoir	1,863	118	0	1,981
	Wayne	2,351	178	4	2,533
	Total	4,541	339	6	4,886
District 9	Franklin	1,023	74	0	1,097
	Granville	953	115	2	1,070
	Vance	1,440	188	1	1,629
	Warren	289	39	1	329
	Total	3,705	416	4	4,125
District 9A	Caswell	404	34	0	438
	Person	935	51	1	987
	Total	1,339	85	1	1,425
District 10	Wake	13,909	136	8	14,053
Total	13,909	136	8	14,053	
District 11	Harnett	1,352	40	0	1,392
	Johnston	1,983	22	0	2,005
	Lee	1,178	82	0	1,260
	Total	4,513	144	0	4,657
District 12	Cumberland	3,047	147	3	3,197
Total	3,047	147	3	3,197	
District 13	Bladen	808	51	0	859
	Brunswick	1,447	57	0	1,504
	Columbus	1,055	60	2	1,117
	Total	3,310	168	2	3,480
District 14	Durham	5,229	58	5	5,292
Total	5,229	58	5	5,292	
District 15A	Alamance	3,093	246	6	3,345
Total	3,093	246	6	3,345	
District 15B	Chatham	603	30	0	633

**Table 17: Convictions by Judicial District, County, and Mode of Disposition (continued)
FY 2006/07 Misdemeanors**

Judicial District and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 15B	Orange	1,105	11	0	1,116
(cont.)	Total	1,708	41	0	1,749
District 16A	Hoke	669	37	2	708
	Scotland	1,028	55	1	1,084
	Total	1,697	92	3	1,792
District 16B	Robeson	3,896	73	1	3,970
	Total	3,896	73	1	3,970
District 17A	Rockingham	1,607	76	6	1,689
	Total	1,607	76	6	1,689
District 17B	Stokes	747	53	0	800
	Surry	1,388	113	0	1,501
	Total	2,135	166	0	2,301
District 18	Guilford	5,795	356	4	6,155
	Total	5,795	356	4	6,155
District 19A	Cabarrus	4,259	322	1	4,582
	Total	4,259	322	1	4,582
District 19B	Montgomery	674	25	1	700
	Moore	1,215	78	1	1,294
	Randolph	2,310	41	2	2,353
	Total	4,199	144	4	4,347
District 19C	Rowan	2,897	81	3	2,981
	Total	2,897	81	3	2,981
District 20A	Anson	694	92	3	789
	Richmond	1,066	240	2	1,308
	Stanly	1,028	152	0	1,180
	Total	2,788	484	5	3,277
District 20B	Union	1,316	350	1	1,667
	Total	1,316	350	1	1,667
District 21	Forsyth	6,417	77	15	6,509
	Total	6,417	77	15	6,509
District 22	Alexander	387	18	0	405
	Davidson	2,379	126	1	2,506
	Davie	449	24	0	473
	Iredell	2,322	71	1	2,394
	Total	5,537	239	2	5,778
District 23	Alleghany	202	1	0	203
	Ashe	372	6	0	378

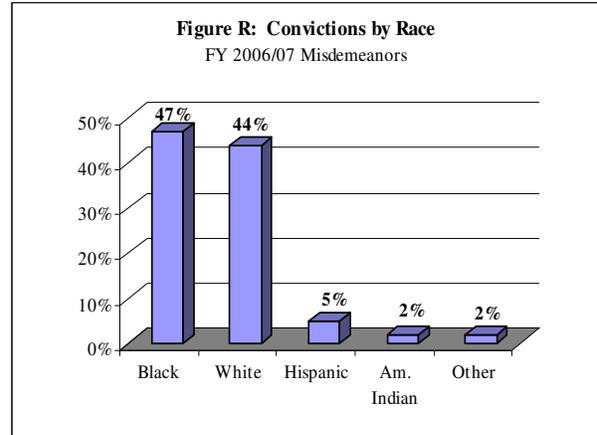
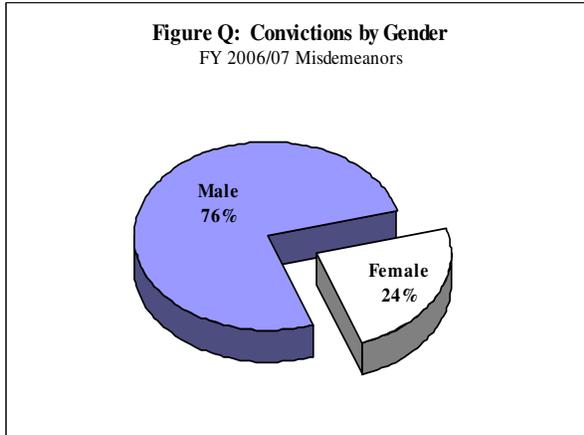
**Table 17: Convictions by Judicial District, County, and Mode of Disposition (continued)
FY 2006/07 Misdemeanors**

Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 23 (cont.)	Wilkes	1,356	22	1	1,379
	Yadkin	607	10	0	617
	Total	2,537	39	1	2,577
District 24	Avery	257	15	0	272
	Madison	180	8	0	188
	Mitchell	173	6	0	179
	Watauga	500	23	2	525
	Yancey	201	5	1	207
	Total	1,311	57	3	1,371
District 25	Burke	1,535	86	2	1,623
	Caldwell	1,446	60	2	1,508
	Catawba	3,004	143	3	3,150
	Total	5,985	289	7	6,281
District 26	Mecklenburg	10,666	243	17	10,926
Total	10,666	243	17	10,926	
District 27A	Gaston	3,688	247	3	3,938
Total	3,688	247	3	3,938	
District 27B	Cleveland	1,790	59	1	1,850
	Lincoln	1,230	37	0	1,267
	Total	3,020	96	1	3,117
District 28	Buncombe	5,464	60	8	5,532
Total	5,464	60	8	5,532	
District 29A	McDowell	897	77	1	975
	Rutherford	1,960	59	10	2,029
	Total	2,857	136	11	3,004
District 29B	Henderson	1,944	35	5	1,984
	Polk	394	18	3	415
	Transylvania	532	20	1	553
	Total	2,870	73	9	2,952
District 30	Cherokee	418	36	2	456
	Clay	96	7	0	103
	Graham	125	11	0	136
	Haywood	912	40	5	957
	Jackson	466	31	0	497
	Macon	358	29	0	387
	Swain	289	8	1	298
	Total	2,664	162	8	2,834
STATE TOTAL		156,727	7,964	191	164,882

Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

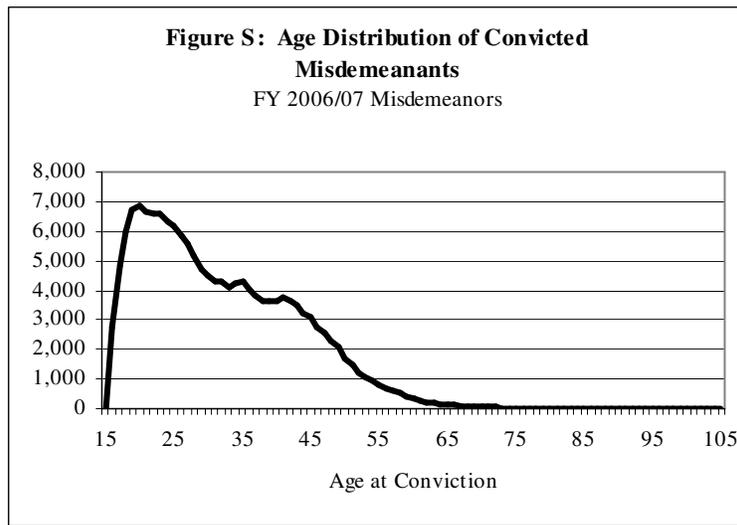
II. CHARACTERISTICS OF OFFENDERS

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 were Hispanic (5%), American Indian (2%), or Other (2%).



Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

Based on age at conviction, 16% of misdemeanor convictions were for offenders under the age of 21, 19% were 21-25 years of age, 13% were 26-29 years of age, 25% were 30-39 years of age, 19% were 40-49 years of age, and 8% were 50 years of age or older. The average age at conviction was 32 years. *Figure S* illustrates the age distribution of misdemeanor offenders at conviction. As with felons, the volume of offenders peaks in the late teens and early twenties and then generally declines. *Table 18* provides a summary of misdemeanor convictions by gender, race, and age of offenders.



Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

**Table 18: Convictions by Gender, Race, and Age
FY 2006/07 Misdemeanors**

Gender and Race		Age at Conviction						Total
		<21	21-25	26-29	30-39	40-49	>49	
Male	White	9,564	10,390	6,518	12,270	9,883	4,229	52,854
	Black	9,592	10,924	7,413	13,402	11,955	5,390	58,676
	Hispanic	1,187	2,067	1,633	2,051	730	161	7,829
	Amer. Indian	326	395	259	487	357	134	1,958
	Other	220	293	177	373	223	88	1,374
	Subtotal	20,889	24,069	16,000	28,583	23,148	10,002	122,691
Female	White	2,596	3,392	2,591	5,354	3,760	1,047	18,740
	Black	2,436	3,035	2,281	4,539	3,126	905	16,322
	Hispanic	105	157	137	211	85	25	720
	Amer. Indian	86	123	115	267	131	38	760
	Other	60	88	77	114	71	27	437
	Subtotal	5,283	6,795	5,201	10,485	7,173	2,042	36,979
TOTAL		26,172	30,864	21,201	39,068	30,321	12,044	159,670

Note: Of the 164,882 misdemeanor convictions in FY 2006/07, 5,212 convictions with missing values for offenders' age were excluded from this table.

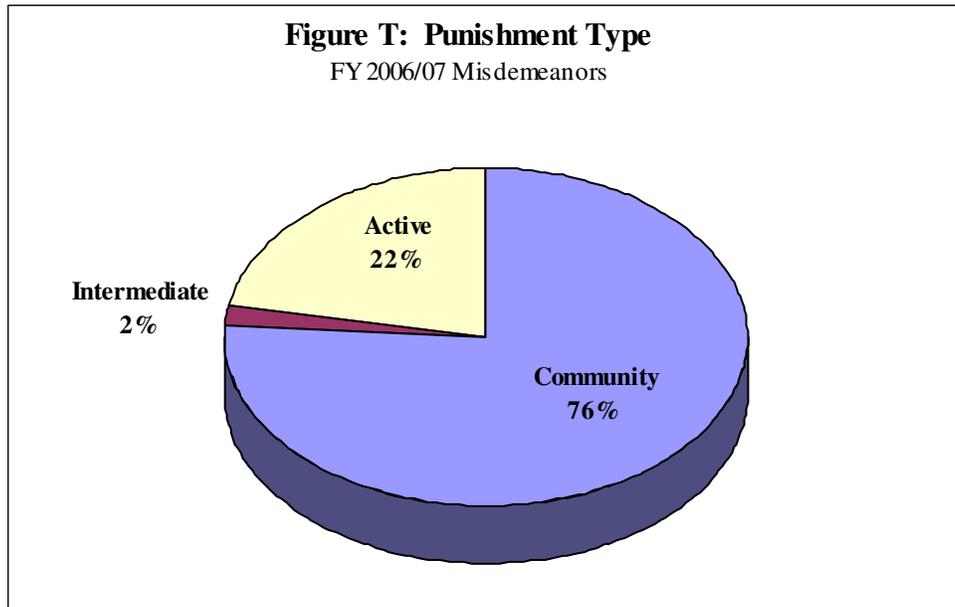
Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

III. PUNISHMENT IMPOSED FOR MISDEMEANORS

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

A. Overall Punishment

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



Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

B. Punishment Imposed by Offense Class and Prior Conviction Level

Misdemeanor convictions and sentences imposed are presented within the context of the Misdemeanor Punishment Chart in *Table 19*. Most convictions – regardless of the offense class or prior conviction level – resulted in the imposition of a Community punishment. Eight percent of misdemeanor convictions fell into Offense Class A1, 59% fell into Offense Class 1, 18% fell into Offense Class 2, and 15% fell into Offense Class 3. Forty-six percent of misdemeanor convictions fell into Prior Conviction Level I, 35% fell into Prior Conviction Level II, and 19% 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=40,729). 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 2006/07 Misdemeanors**

Offense Class	Prior Conviction Level			Total
	I 0 Points	II 1-4 Points	III 5+ Points	
A1	C/I/A C = 3,651 (81%) I = 138 (3%) A = 723 (16%) (n=4,512) 34.3 days	C/I/A C = 3,662 (72%) I = 270 (5%) A = 1,181 (23%) (n=5,113) 51.5 days	C/I/A C = 1,867 (49%) I = 340 (9%) A = 1,630 (42%) (n=3,837) 105.0 days	C/I/A C = 9,180 (68%) I = 748 (6%) A = 3,534 (26%) (n=13,462) 72.7 days
1	C C = 34,854 (85%) I = 283 (1%) A = 5,592 (14%) (n=40,729) 20.8 days	C/I/A C = 26,846 (78%) I = 941 (3%) A = 6,605 (19%) (n=34,392) 29.0 days	C/I/A C = 10,478 (55%) I = 1,219 (6%) A = 7,470 (39%) (n=19,167) 73.9 days	C/I/A C = 72,178 (77%) I = 2,443 (2%) A = 19,667 (21%) (n=94,288) 43.7 days
2	C C = 13,199 (86%) I = 29 (0%) A = 2,104 (14%) (n=15,332) 14.1 days	C/I C = 7,851 (80%) I = 168 (2%) A = 1,835 (18%) (n=9,854) 22.1 days	C/I/A C = 2,341 (58%) I = 96 (2%) A = 1,642 (40%) (n=4,079) 36.0 days	C/I/A C = 23,391 (80%) I = 293 (1%) A = 5,581 (19%) (n=29,265) 23.2 days
3	C C = 11,195 (80%) I = 13 (0%) A = 2,733 (20%) (n=13,941) 5.7 days	C/I C = 5,415 (78%) I = 59 (1%) A = 1,486 (21%) (n=6,960) 9.0 days	C/I/A C = 1,735 (54%) I = 40 (1%) A = 1,463 (45%) (n=3,238) 13.0 days	C/I/A C = 18,345 (76%) I = 112 (1%) A = 5,682 (23%) (n=24,139) 8.5 days
TOTAL	C/I/A C = 62,899 (84%) I = 463 (1%) A = 11,152 (15%) (n=74,514) 16.7 days	C/I/A C = 43,774 (78%) I = 1,438 (2%) A = 11,107 (20%) (n=56,319) 27.6 days	C/I/A C = 16,421 (54%) I = 1,695 (6%) A = 12,205 (40%) (n=30,321) 65.6 days	C/I/A C = 123,094 (76%) I = 3,596 (2%) A = 34,464 (22%) (n=161,154) 37.5 days

Note: Of the 164,882 misdemeanor convictions in FY 2006/07, 3,728 (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 2006/07 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 (49.8 days). Overall, the average time to be served for misdemeanor convictions was 24.4 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 2006/07 Misdemeanors**

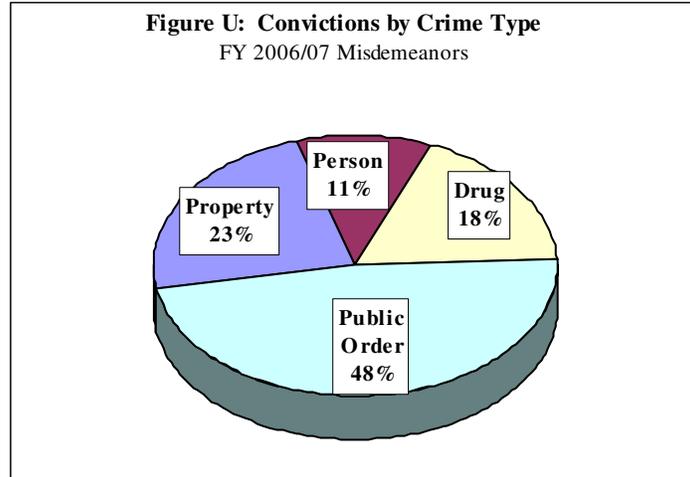
Offense Class		Prior Conviction Level			Total
		I 0 Points	II 1-4 Points	III 5+ Points	
A1	Average Active Sentence (Days)	34.3	51.5	105.0	72.7
	Average Credit for Time Served (Days)	19.1	20.6	26.2	22.9
	Average Time to be Served (Days)	15.1	30.9	78.9	49.8
	No. of Active Sentences	723	1,181	1,630	3,534
1	Average Active Sentence (Days)	20.8	29.0	73.9	43.7
	Average Credit for Time Served (Days)	12.1	12.6	16.9	14.1
	Average Time to be Served (Days)	8.7	16.4	56.9	29.6
	No. of Active Sentences	5,592	6,605	7,470	19,667
2	Average Active Sentence (Days)	14.1	22.1	36.0	23.2
	Average Credit for Time Served (Days)	10.2	11.8	13.3	11.6
	Average Time to be Served (Days)	3.8	10.3	22.7	11.5
	No. of Active Sentences	2,104	1,835	1,642	5,581
3	Average Active Sentence (Days)	5.7	9.0	13.0	8.5
	Average Credit for Time Served (Days)	4.9	6.3	5.2	5.4
	Average Time to be Served (Days)	0.8	2.7	7.8	3.1
	No. of Active Sentences	2,733	1,486	1,463	5,682
TOTAL	Average Active Sentence (Days)	16.7	27.6	65.6	37.5
	Average Credit for Time Served (Days)	10.4	12.5	16.3	13.2
	Average Time to be Served (Days)	6.3	15.1	49.4	24.4
	No. of Active Sentences	11,152	11,107	12,205	34,464

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 2006/07 Statistical Report Data

D. Punishment Imposed by Crime Type

As shown in *Figure U*, public order offenses (48%) 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 2006/07 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 (19%). Twenty-three percent of convictions for person and property offenses resulted in an Active punishment and 21% 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 2006/07 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	4,000	23	745	4	12,515	73	62.6	21.0	41.6	17,260
Property	8,832	23	964	3	28,274	74	42.1	16.5	25.6	38,070
Drug	5,632	19	589	2	22,833	79	31.8	12.6	19.3	29,054
Public Order	16,000	21	1,298	2	59,472	77	30.8	9.6	21.2	76,770
TOTAL	34,464	22	3,596	2	123,094	76	37.5	13.2	24.4	161,154

Note: Of the 164,882 misdemeanor convictions in FY 2006/07, 3,728 (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 2006/07 Statistical Report Data

IV. INTERMEDIATE PUNISHMENTS

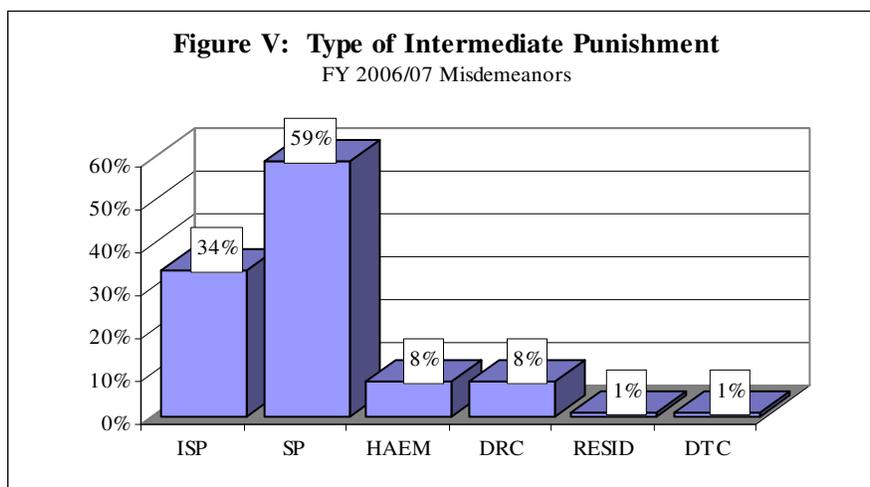
This section provides a summary of the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed at sentencing.*⁶ Under Structured Sentencing, all offenders who receive an Intermediate punishment must receive a term of supervised probation 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 2006/07, there were 3,596 convictions for which an Intermediate punishment was imposed. One or more specific intermediate sanctions were reported for 3,500 of these convictions (a reporting rate of 97%).

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

A. Intermediate Punishments Imposed

Figure V shows the percentage of convictions for which each intermediate sanction was imposed. Where a specific intermediate sanction was reported in the AOC database, data indicated that Special Probation accounted for the highest percentage of convictions (59%). 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 2006/07 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=1,336). Overall, intermediate sanctions were most frequently imposed for Class 1 convictions (n=2,599).

**Table 22: Type of Intermediate Punishment by Offense Class and Prior Conviction Level
FY 2006/07 Misdemeanors**

Offense Class	Prior Conviction Level	Type of Intermediate Punishment						Total
		Special Probation	Residential Facility	Day Reporting Center	Drug Treatment Court	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	
A1	I	95	2	5	0	32	10	144
	II	170	1	14	1	94	20	300
	III	213	2	13	0	136	19	383
	Subtotal	478	5	32	1	262	49	827
1	I	138	3	55	4	83	13	296
	II	476	8	96	7	302	78	967
	III	712	11	56	27	420	110	1,336
	Subtotal	1,326	22	207	38	805	201	2,599
2	I	14	0	2	0	12	2	30
	II	102	0	17	1	53	10	183
	III	61	1	6	1	27	8	104
	Subtotal	177	1	25	2	92	20	317
3	I	7	1	2	0	4	0	14
	II	34	0	11	0	13	5	63
	III	28	0	7	0	5	2	42
	Subtotal	69	1	20	0	22	7	119
TOTAL		2,050	29	284	41	1,181	277	3,862

Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 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=1,348).

**Table 23: Type of Intermediate Punishment by Crime Type
FY 2006/07 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	482	4	34	1	254	46	821
Property	482	19	86	24	371	73	1,055
Drug	210	2	112	13	263	38	638
Public Order	876	4	52	3	293	120	1,348
TOTAL	2,050	29	284	41	1,181	277	3,862

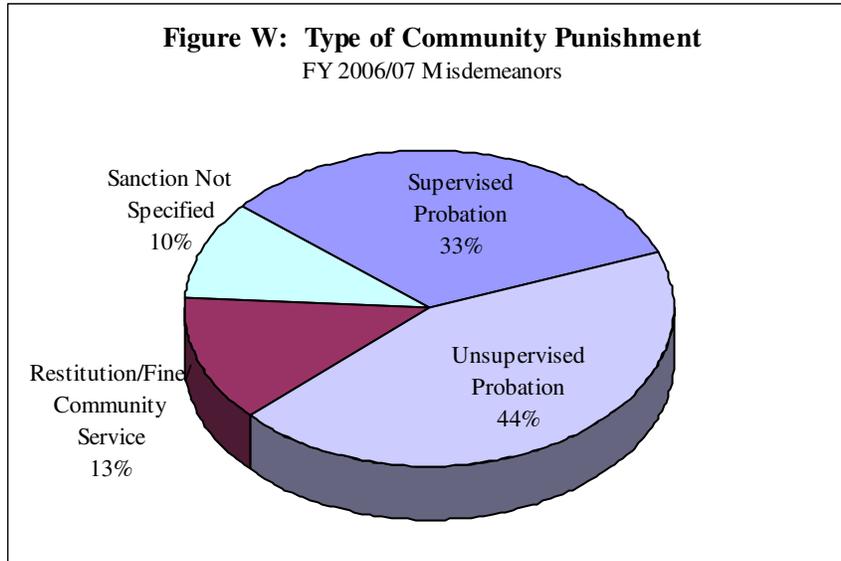
Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

V. COMMUNITY PUNISHMENTS

A. Community Punishments by Offense Class

This section includes only those convictions for which a Community punishment was imposed. Of the 123,094 convictions for which a Community punishment was imposed, the specific type of Community punishment imposed was reported for 110,613 convictions. Overall, 44% received Unsupervised Probation; 33% received Supervised Probation; 13% received only Restitution/Fine/Community Service without probation; and 10% had no specific sanction ordered (see Figure W).⁷

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



Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

Table 24 shows the type of Community punishment imposed – either Supervised Probation, Unsupervised Probation, Restitution/Fine/Community Service, or Sanction Not Specified – by offense class, as well as information regarding the average length of probation sentences. Convictions for Class 1 offenses comprised the majority of convictions resulting in a Community punishment (n=72,178). Convictions for Class A1 offenses resulted in the longest average probation sentences (18 months).

Table 24: Type of Community Punishment by Offense Class
FY 2006/07 Misdemeanors

Offense Class	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
A1	5,334 <i>18 months</i>	3,058 <i>18 months</i>	121 <i>N/A</i>	667 <i>N/A</i>	9,180 <i>18 months</i>
1	26,984 <i>17 months</i>	30,184 <i>15 months</i>	8,480 <i>N/A</i>	6,530 <i>N/A</i>	72,178 <i>16 months</i>
2	5,749 <i>15 months</i>	12,066 <i>14 months</i>	3,338 <i>N/A</i>	2,238 <i>N/A</i>	23,391 <i>14 months</i>
3	2,199 <i>14 months</i>	9,474 <i>13 months</i>	3,626 <i>N/A</i>	3,046 <i>N/A</i>	18,345 <i>13 months</i>
TOTAL	40,266 <i>16 months</i>	54,782 <i>14 months</i>	15,565 <i>N/A</i>	12,481 <i>N/A</i>	123,094 <i>15 months</i>

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

Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 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=14,521) followed by property offenses (n=12,716). The largest number sentenced to Unsupervised Probation were convicted of public order offenses (n=27,890).

**Table 25: Type of Community Punishment by Crime Type
FY 2006/07 Misdemeanors**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
Person	6,100 <i>18 months</i>	5,124 <i>16 months</i>	363 <i>N/A</i>	928 <i>N/A</i>	12,515 <i>17 months</i>
Property	12,716 <i>17 months</i>	11,039 <i>14 months</i>	2,458 <i>N/A</i>	2,061 <i>N/A</i>	28,274 <i>16 months</i>
Drug	6,929 <i>15 months</i>	10,729 <i>14 months</i>	3,065 <i>N/A</i>	2,110 <i>N/A</i>	22,833 <i>14 months</i>
Public Order	14,521 <i>16 months</i>	27,890 <i>14 months</i>	9,679 <i>N/A</i>	7,382 <i>N/A</i>	59,472 <i>15 months</i>
TOTAL	40,266 <i>16 months</i>	54,782 <i>14 months</i>	15,565 <i>N/A</i>	12,481 <i>N/A</i>	123,094 <i>15 months</i>

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

Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

VI. SPECIAL ISSUES

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

A. Community Service

During Fiscal Year 2006/07, 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=7,591). Of the four offense classes, convictions for Class 1 offenses were most likely to result in a Community Service sentence (8%), while convictions for Class A1 offenses had the highest average hours of Community Service ordered (44.5 hours).

**Table 26: Community Service by Offense Class
FY 2006/07 Misdemeanors**

Offense Class	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
A1	44.5	713	5.3
1	36.5	7,591	8.1
2	33.4	1,826	6.2
3	29.3	1,397	5.8
TOTAL	35.6	11,527	7.2

Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

Table 27 contains information on the average hours ordered and the number of convictions for which Community Service was ordered by crime type. Also shown is the percentage of convictions for which Community Service was part of the sentence relative to the total number of convictions for each crime type. Convictions for public order offenses accounted for the largest number of Community Service sentences (n=4,647). Of the four crime types, property convictions were the most likely to result in a Community Service sentence (10.9%), while person convictions had the highest number of Community Service hours ordered (an average of 40 hours).

**Table 27: Community Service by Crime Type
FY 2006/07 Misdemeanors**

Crime Type	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
Person	40.1	1,145	6.7
Property	36.5	4,156	10.9
Drug	33.5	1,579	5.4
Public Order	34.4	4,647	6.1
TOTAL	35.6	11,527	7.2

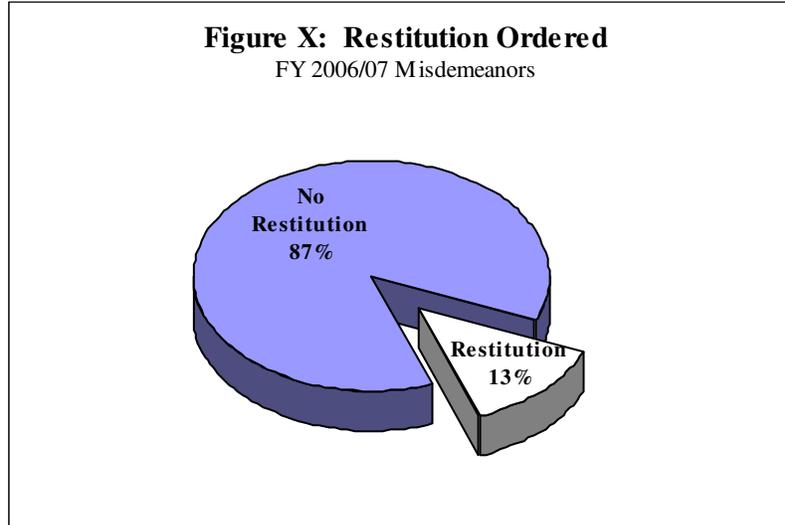
Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

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 13% of all misdemeanor convictions during Fiscal Year 2006/07.



Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 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 \$857, while the median amount was \$215. The highest amount of Restitution, on average, was ordered for Class A1 convictions (a mean of \$1,271 and a median of \$320). Convictions for Class 1 misdemeanors comprised the largest group with a Restitution sentence (n=10,789), followed by Class 2 misdemeanors (n=8,303). Twenty-eight 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 2006/07 Misdemeanors**

Offense Class	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
A1	1,271	320	1,417	10.5
1	1,183	300	10,789	11.4
2	424	150	8,303	28.4
3	208	130	788	3.3
TOTAL	857	215	21,297	13.2

Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 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 public order convictions (a mean of \$1,234 and a median of \$200). Property offense convictions accounted for the majority of convictions for which payment of Restitution was ordered (n=16,056). Almost 42% 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 2006/07 Misdemeanors**

Crime Type	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Person	1,153	327	1,876	10.9
Property	801	221	16,056	42.2
Drug	328	200	1,019	3.5
Public Order	1,234	200	2,346	3.1
TOTAL	857	215	21,297	13.2

Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 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 Community punishment was imposed (\$861). 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=20,352).

**Table 30: Restitution Ordered by Punishment Imposed
FY 2006/07 Misdemeanors**

Type of Punishment	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Active	514	228	121	0.4
Intermediate	795	300	824	22.9
Community	861	211	20,352	16.5
TOTAL	857	215	21,297	13.2

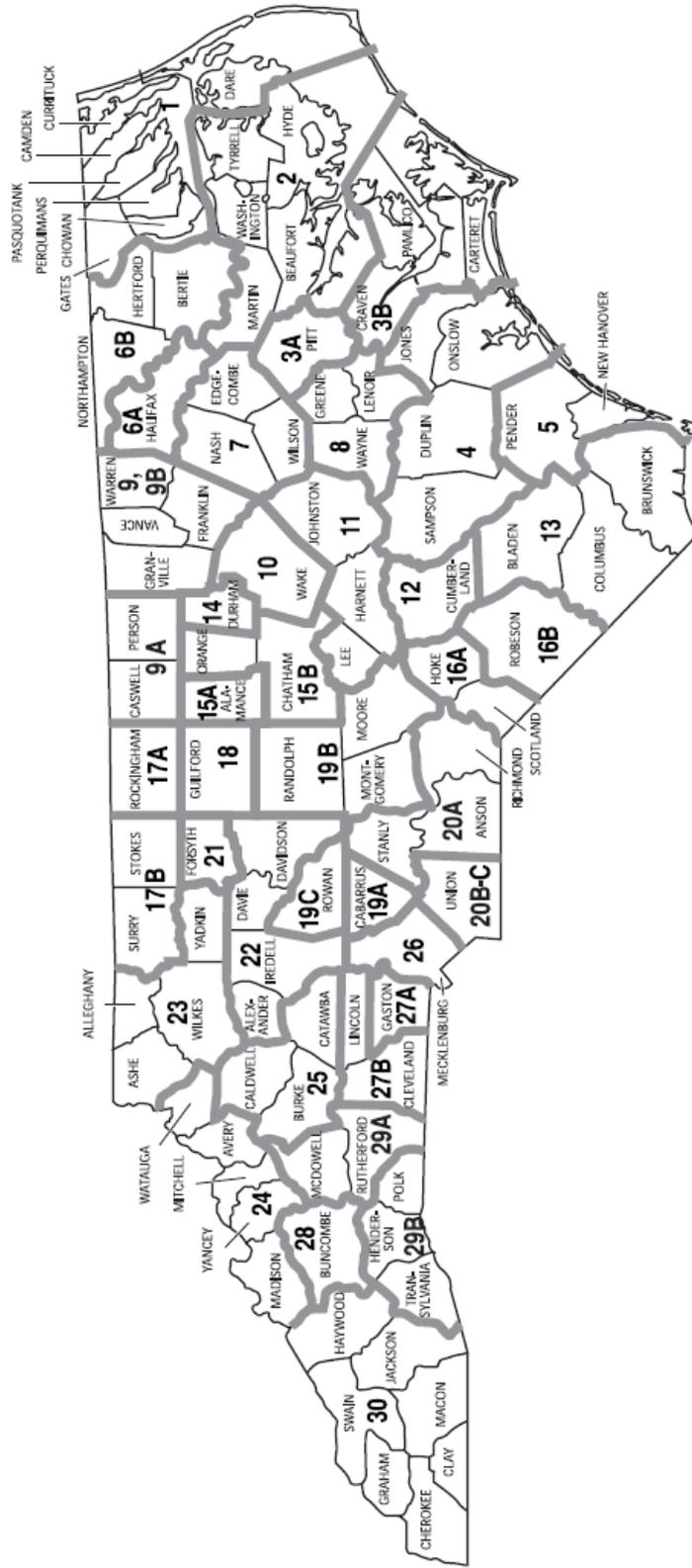
Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

APPENDIX A

MAP OF JUDICIAL DIVISIONS AND DISTRICTS

North Carolina District Court Districts

Effective June 30, 2007



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

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APPENDIX B

SAMPLE OFFENSES

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

APPENDIX C

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

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District
FY 2006/07 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				
	#	%	#	%	#	%			
First Judicial Division	1,083	40.5	1,135	42.4	459	17.1	28.2	36.3	2,677
District 1	137	30.9	168	37.9	138	31.2	34.6	44.0	443
District 2	188	44.5	195	46.2	39	9.2	30.6	39.0	422
District 3A	214	33.4	296	46.2	131	20.4	31.9	41.4	641
District 6A	65	29.1	119	53.4	39	17.5	25.4	33.4	223
District 6B	78	40.8	79	41.4	34	17.8	32.8	41.7	191
District 7A	128	53.1	94	39.0	19	7.9	27.1	35.0	241
District 7B,C	273	52.9	184	35.7	59	11.4	20.4	26.2	516
Second Judicial Division	1,340	36.6	1,418	38.7	906	24.7	27.3	35.4	3,664
District 3B	204	35.8	261	45.8	105	18.4	28.5	36.6	570
District 4A	159	33.3	175	36.6	144	30.1	29.6	38.1	478
District 4B	216	33.7	288	44.9	137	21.4	30.8	40.1	641
District 5	449	40.1	370	33.0	301	26.9	24.5	31.5	1,120
District 8A	137	31.8	191	44.3	103	23.9	22.6	29.8	431
District 8B	175	41.3	133	31.4	116	27.4	30.7	39.7	424
Third Judicial Division	1,869	43.5	1,686	39.2	744	17.3	27.2	34.7	4,299
District 9	221	41.5	234	44.0	77	14.5	27.5	34.9	532
District 9A	71	39.0	89	48.9	22	12.1	19.5	25.7	182
District 10	903	44.7	652	32.3	466	23.1	23.2	29.9	2,021
District 14	252	39.0	339	52.5	55	8.5	46.9	60.7	646
District 15A	291	47.0	242	39.1	86	13.9	23.1	27.7	619
District 15B	131	43.8	130	43.5	38	12.7	29.6	38.0	299

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District
(continued)
FY 2006/07 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>	1,252	37.4	1,548	46.2	548	16.4	31.0	39.9	3,348
District 11A	174	34.2	263	51.7	72	14.1	27.2	35.0	509
District 11B	181	42.8	161	38.1	81	19.1	26.3	34.4	423
District 12	341	35.8	456	47.8	156	16.4	30.5	39.6	953
District 13A	132	37.1	174	48.9	50	14.0	31.6	40.8	356
District 13B	110	30.8	163	45.7	84	23.5	28.4	36.4	357
District 16A	153	41.0	157	42.1	63	16.9	29.8	38.1	373
District 16B	161	42.7	174	46.2	42	11.1	44.1	55.4	377
<i>Fifth Judicial Division</i>	1,805	36.8	2,300	46.9	799	16.3	32.0	41.3	4,904
District 17A	91	31.4	135	46.6	64	22.1	25.2	32.6	290
District 17B	137	38.1	167	46.4	56	15.6	16.0	20.2	360
District 18	817	39.0	944	45.0	335	16.0	30.8	40.0	2,096
District 19B	93	27.5	187	55.3	58	17.2	25.8	33.6	338
District 19D	88	28.9	152	49.8	65	21.3	34.2	45.3	305
District 21	472	42.9	482	43.8	146	13.3	39.5	50.9	1,100
District 23	107	25.8	233	56.1	75	18.1	38.0	47.1	415
<i>Sixth Judicial Division</i>	922	32.5	1,396	49.2	522	18.4	37.6	48.2	2,840
District 19A	215	32.8	300	45.8	140	21.4	31.9	41.5	655
District 19C	152	31.4	232	47.9	100	20.7	31.1	39.8	484
District 20A	151	35.0	224	51.9	57	13.2	36.9	47.0	432
District 20B	86	28.3	157	51.6	61	20.1	40.9	52.5	304
District 22	318	33.0	483	50.1	164	17.0	44.0	56.1	965

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District
(continued)
FY 2006/07 Felonies**

Sentence Type and Average Length of Active Sentences by Judicial Division and Judicial District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Seventh Judicial Division	1,477	33.8	2,099	48.0	800	18.3	32.6	41.9	4,376
District 25A	121	27.9	229	52.8	84	19.4	37.1	48.0	434
District 25B	116	34.4	149	44.2	72	21.4	40.4	52.5	337
District 26	762	36.8	906	43.8	402	19.4	32.3	42.0	2,070
District 27A	289	31.6	497	54.3	130	14.2	24.9	32.0	916
District 27B	189	30.5	318	51.4	112	18.1	37.8	46.0	619
Eighth Judicial Division	886	36.4	975	40.1	573	23.5	30.7	39.0	2,434
District 24	101	23.8	193	45.5	130	30.7	27.7	35.4	424
District 28	340	47.8	327	46.0	44	6.2	33.5	42.8	711
District 29A	168	40.0	160	38.1	92	21.9	31.3	38.7	420
District 29B	151	33.0	114	24.9	192	42.0	25.6	33.1	457
District 30A	51	24.9	100	48.8	54	26.3	42.3	53.6	205
District 30B	75	34.6	81	37.3	61	28.1	22.7	29.0	217
STATE TOTAL	10,634	37.3	12,557	44.0	5,351	18.7	30.5	39.2	28,542

Note: Of the 30,905 felony convictions in FY 2006/07, 2,363 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 2006/07 Statistical Report Data

**Appendix C, Table 2: Sentence Location by Judicial Division and District
(Active Sentences Only)
FY 2006/07 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>	170	15.8	878	81.7	27	2.5	1,075
District 1	14	10.3	115	84.6	7	5.1	136
District 2	28	15.0	156	83.4	3	1.6	187
District 3A	63	29.4	144	67.3	7	3.3	214
District 6A	17	26.2	46	70.8	2	3.1	65
District 6B	17	21.8	60	76.9	1	1.3	78
District 7A	16	12.7	109	86.5	1	0.8	126
District 7B,C	15	5.6	248	92.2	6	2.2	269
<i>Second Judicial Division</i>	366	27.4	938	70.3	30	2.2	1,334
District 3B	49	24.0	150	73.5	5	2.5	204
District 4A	46	29.7	105	67.7	4	2.6	155
District 4B	29	13.4	186	86.1	1	0.5	216
District 5	110	24.6	322	71.9	16	3.6	448
District 8A	55	40.1	81	59.1	1	0.7	137
District 8B	77	44.3	94	54.0	3	1.7	174
<i>Third Judicial Division</i>	489	26.3	1,331	71.5	42	2.3	1,862
District 9	18	8.1	201	91.0	2	0.9	221
District 9A	4	5.6	66	93.0	1	1.4	71
District 10	251	27.9	621	69.0	28	3.1	900
District 14	88	35.2	161	64.4	1	0.4	250
District 15A	96	33.1	191	65.9	3	1.0	290
District 15B	32	24.6	91	70.0	7	5.4	130

**Appendix C, Table 2: Sentence Location by Judicial Division and District
(Active Sentences Only) (continued)
FY 2006/07 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>	303	24.5	893	72.2	40	3.2	1,236
District 11A	20	11.5	151	86.8	3	1.7	174
District 11B	48	26.8	129	72.1	2	1.1	179
District 12	102	30.5	228	68.3	4	1.2	334
District 13A	28	21.2	92	69.7	12	9.1	132
District 13B	25	22.9	80	73.4	4	3.7	109
District 16A	37	24.3	110	72.4	5	3.3	152
District 16B	43	27.6	103	66.0	10	6.4	156
<i>Fifth Judicial Division</i>	516	28.8	1,202	67.1	74	4.1	1,792
District 17A	25	27.5	59	64.8	7	7.7	91
District 17B	21	15.3	111	81.0	5	3.6	137
District 18	180	22.2	595	73.3	37	4.6	812
District 19B	20	22.0	63	69.2	8	8.8	91
District 19D	36	40.9	52	59.1	.	.	88
District 21	214	45.7	239	51.1	15	3.2	468
District 23	20	19.0	83	79.0	2	1.9	105
<i>Sixth Judicial Division</i>	226	24.6	653	71.2	38	4.1	917
District 19A	78	36.4	134	62.6	2	0.9	214
District 19C	21	14.0	121	80.7	8	5.3	150
District 20A	23	15.2	123	81.5	5	3.3	151
District 20B	25	29.1	60	69.8	1	1.2	86
District 22	79	25.0	215	68.0	22	7.0	316

**Appendix C, Table 2: Sentence Location by Judicial Division and District
(Active Sentences Only) (continued)
FY 2006/07 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>	339	23.1	1,112	75.6	19	1.3	1,470
District 25A	38	31.4	82	67.8	1	0.8	121
District 25B	38	32.8	77	66.4	1	0.9	116
District 26	179	23.6	568	74.9	11	1.5	758
District 27A	64	22.4	220	76.9	2	0.7	286
District 27B	20	10.6	165	87.3	4	2.1	189
<i>Eighth Judicial Division</i>	181	20.5	667	75.7	33	3.7	881
District 24	12	11.9	88	87.1	1	1.0	101
District 28	105	31.0	216	63.7	18	5.3	339
District 29A	21	12.7	142	85.5	3	1.8	166
District 29B	20	13.4	119	79.9	10	6.7	149
District 30A	7	13.7	44	86.3	.	.	51
District 30B	16	21.3	58	77.3	1	1.3	75
STATE TOTAL	2,590	24.5	7,674	72.6	303	2.9	10,567

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

Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 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 2006/07 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	3,257	63.2	1,794	34.8	101	2.0	57.7	74.8	5,152
1 st Degree Murder	66	100.0	.	.	.	.	.	.	66
2 nd Degree Murder	219	100.0	.	.	.	.	168.0	210.9	219
Attempted Murder	22	100.0	.	.	.	.	188.2	235.2	22
Voluntary Manslaughter	73	100.0	.	.	.	.	75.3	99.8	73
Involuntary Manslaughter	49	55.7	39	44.3	.	.	18.6	22.8	88
Felony Death by Vehicle	9	50.0	9	50.0	.	.	14.1	18.1	18
Armed Robbery	470	100.0	.	.	.	.	67.4	90.3	470
Att. Armed Robbery	136	60.7	88	39.3	.	.	42.0	59.9	224
Common Law Robbery	415	55.3	336	44.7	.	.	15.4	18.9	751
Att. Common Law Robbery	53	50.0	43	40.6	10	9.4	8.0	10.1	106
Other Robbery	30	42.3	33	46.5	8	11.3	26.4	35.1	71
AWDWIKISI	81	100.0	.	.	.	.	95.5	123.9	81
AWDW Intent to Kill	32	49.2	33	50.8	.	.	30.5	46.0	65
ADWD Serious Injury	253	59.1	175	40.9	.	.	31.0	46.4	428
Assault Govt. Official	68	56.2	53	43.8	.	.	20.2	25.9	121
Assault by Strangulation	58	38.9	82	55.0	9	6.0	9.5	11.8	149
Other Felony Assaults	129	41.5	177	56.9	5	1.6	21.6	27.7	311
1 st Degree Rape	83	100.0	.	.	.	.	249.9	309.1	83
Attempted 1 st Degree Rape	21	100.0	.	.	.	.	142.1	180.0	21
2 nd Degree Rape	118	100.0	.	.	.	.	88.1	115.0	118
Attempted 2 nd Degree Rape	15	100.0	.	.	.	.	59.7	81.1	15
Statutory Rape	41	100.0	.	.	.	.	220.4	273.7	41
Indecent Liberties with Child	255	44.6	317	55.4	.	.	17.1	20.9	572
Crime Against Nature	9	16.7	11	20.4	34	63.0	12.9	15.9	54

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)
FY 2006/07 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Sexual Exploitation of Minor	9	20.5	19	43.2	16	36.4	29.2	38.6	44
Child Abuse	32	50.8	31	49.2	.	.	40.7	58.1	63
Registered Sex Offender Offenses	168	60.9	108	39.1	.	.	20.1	24.5	276
Other Sex Crimes	103	53.9	70	36.6	18	9.4	72.6	93.4	191
Kidnap, Abduction	157	67.4	76	32.6	.	.	50.1	68.2	233
Attempted Kidnapping	.	.	1	100.00	.	.	N/A	N/A	1
All Other Person Felonies	83	46.9	93	52.5	1	0.6	20.1	24.5	177
Property	3,377	34.6	4,555	46.7	1,825	18.7	11.6	14.7	9,757
1st Degree Burglary	73	100.0	.	.	.	.	69.3	92.6	73
Att. 1st Degree Burglary	19	76.0	6	24.0	.	.	28.9	44.5	25
2nd Degree Burglary	67	45.9	79	54.1	.	.	16.2	19.9	146
Breaking/Entering	1,370	40.4	1,514	44.6	511	15.1	9.5	11.8	3,395
Att. Breaking/Entering	13	23.2	16	28.6	27	48.2	6.9	8.8	56
Larceny	637	34.9	908	49.7	282	15.4	9.9	12.3	1,827
Attempted Larceny	10	16.7	24	40.0	26	43.3	7.3	9.1	60
1st Degree Arson	9	100.0	.	.	.	.	65.0	87.3	9
2nd Degree Arson	15	35.7	27	64.3	.	.	17.7	21.5	42
Other Arson/Burning	38	34.2	60	54.1	13	11.7	15.2	20.3	111
Forgery	99	16.0	262	42.4	257	41.6	9.2	11.5	618
Fraud	95	21.1	248	55.1	107	23.8	14.4	17.9	450
Embezzlement	39	13.2	112	37.8	145	49.0	18.3	24.1	296
Obt Prop by False Pretenses	438	31.9	694	50.6	239	17.4	9.8	12.2	1,371
Att Obt Prop False Pretenses	33	37.1	42	47.2	14	15.7	9.8	12.4	89
All Other Property Felonies	422	35.5	563	47.4	204	17.2	9.5	11.8	1,189

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)
FY 2006/07 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>Non-Trafficking Drug</i>	2,207	21.4	4,892	47.5	3,208	31.1	10.9	13.7	10,307
Sell/Deliver Drugs	557	36.2	911	59.2	70	4.6	14.1	17.3	1,538
Consp to Sell/Deliver Drugs	26	21.5	88	72.7	7	5.8	11.9	14.7	121
Manufacture Drugs	29	21.6	38	28.4	67	50.0	42.6	55.0	134
Possession with Intent	777	27.0	1,445	50.3	652	22.7	8.6	10.8	2,874
Drug Possession	490	11.1	1,879	42.6	2,045	46.3	7.1	9.0	4,414
Other Drug Felonies	328	26.8	531	43.3	367	29.9	13.9	17.8	1,226
<i>Other Felony</i>	1,793	53.9	1,316	39.6	217	6.5	42.0	53.6	3,326
Weapon Offense	430	36.8	705	60.3	34	2.9	16.3	20.9	1,169
Habitual Felon	621	100.0	.	.	.	.	91.3	118.2	621
Habitual Misd. Assault	56	50.0	55	49.1	1	0.9	10.1	12.5	112
Habitual Impaired Driving	197	98.0	4	2.0	.	.	16.7	20.4	201
Motor Vehicle Offenses	255	41.0	298	47.9	69	11.1	9.1	11.4	622
Crimes Against Admin. Just.	23	43.4	25	47.2	5	9.4	11.1	13.7	53
All Other Felonies	211	38.5	229	41.8	108	19.7	24.4	32.2	548
<i>STATE TOTAL</i>	10,634	37.3	12,557	44.0	5,351	18.7	30.5	39.2	28,542

Note: Of the 30,905 felony convictions in FY 2006/07, 2,363 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 2006/07 Statistical Report Data

**Appendix D, Table 2: Sentence Location by Crime Type and Offense
FY 2006/07 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Crime Type and Offense	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<i>Person</i>	857	26.9	2,181	68.4	152	4.8	3,190
2 nd Degree Murder	62	28.3	130	59.4	27	12.3	219
Attempted Murder	6	27.3	14	63.6	2	9.1	22
Voluntary Manslaughter	23	31.5	40	54.8	10	13.7	73
Involuntary Manslaughter	3	6.1	41	83.7	5	10.2	49
Felony Death by Vehicle	1	11.1	8	88.9	.	.	9
Armed Robbery	199	42.3	269	57.2	2	0.4	470
Attempt Armed Robbery	41	30.1	89	65.4	6	4.4	136
Common Law Robbery	58	14.0	332	80.0	25	6.0	415
Att Common Law Robbery	8	15.1	42	79.2	3	5.7	53
Other Robbery	9	30.0	20	66.7	1	3.3	30
AWDWIKISI	19	23.5	55	67.9	7	8.6	81
AWDW Intent to Kill	9	28.1	23	71.9	.	.	32
AWDW Serious Injury	57	22.5	187	73.9	9	3.6	253
Assault Govt. Official	16	23.5	50	73.5	2	2.9	68
Assault by Strangulation	5	8.6	52	89.7	1	1.7	58
Other Fel Assaults/Sex Off.	26	20.2	100	77.5	3	2.3	129
1 st Degree Rape	25	30.5	54	65.9	3	3.7	82
Attempt 1 st Degree Rape	12	57.1	9	42.9	.	.	21
2 nd Degree Rape	25	21.2	84	71.2	9	7.6	118
Attempt 2 nd Degree Rape	9	60.0	6	40.0	.	.	15
Stat Rape/Sex Off Against 13, 14, 15	18	43.9	21	51.2	2	4.9	41
Indecent Liberties w/ Child	36	14.1	202	79.2	17	6.7	255
Crime Against Nature	.	.	9	100.0	.	.	9
Sexual Exploitation of Minor	3	33.3	6	66.7	.	.	9

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
FY 2006/07 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Crime Type and Offense	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<i>Person (cont.)</i>							
Child Abuse	4	12.5	25	78.1	3	9.4	32
Reg Sex Offender Offenses	89	53.0	76	45.2	3	1.8	168
Other Sex Crimes	39	37.9	61	59.2	3	2.9	103
Kidnap, Abduction	29	18.5	120	76.4	8	5.1	157
All Other Person Felonies	26	31.3	56	67.5	1	1.2	83
<i>Property</i>	598	17.7	2,712	80.3	67	2.0	3,377
1 st Degree Burglary	34	46.6	39	53.4	.	.	73
Attempt 1 st Degree Burglary	2	10.5	17	89.5	.	.	19
2 nd Degree Burglary	8	11.9	58	86.6	1	1.5	67
Breaking/Entering	201	14.7	1,138	83.1	31	2.3	1,370
Attempt Breaking/Entering	1	7.7	12	92.3	.	.	13
Larceny	117	18.4	508	79.7	12	1.9	637
Attempted Larceny	2	20.0	8	80.0	.	.	10
1 st Degree Arson	3	33.3	6	66.7	.	.	9
2 nd Degree Arson	.	.	14	93.3	1	6.7	15
Other Arson/Burning	8	21.1	29	76.3	1	2.6	38
Forgery	11	11.1	87	87.9	1	1.0	99
Fraud	23	24.2	71	74.7	1	1.1	95
Embezzlement	9	23.1	30	76.9	.	.	39
Obt Prop by False Pretenses	75	17.1	356	81.3	7	1.6	438
Att Obt Prop False Pretenses	13	39.4	19	57.6	1	3.0	33
All Other Property Felonies	91	21.6	320	75.8	11	2.6	422

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
FY 2006/07 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Crime Type and Offense	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<i>Non-Trafficking Drug</i>	422	19.1	1,726	78.2	59	2.7	2,207
Sell/Deliver Drugs	109	19.6	438	78.6	10	1.8	557
Consp to Sell/Deliver Drugs	10	38.5	16	61.5	.	.	26
Manufacture Drugs	9	31.0	20	69.0	.	.	29
Possession with Intent	121	15.6	636	81.9	20	2.6	777
Drug Possession	95	19.4	377	76.9	18	3.7	490
All Other Drug Felonies	78	23.8	239	72.9	11	3.4	328
<i>Other Felony</i>	713	39.8	1,055	58.8	25	1.4	1,793
Weapon Offense	104	24.2	322	74.9	4	0.9	430
Habitual Felon	433	69.7	181	29.1	7	1.1	621
Habitual Misd Assault	10	17.9	45	80.4	1	1.8	56
Habitual Impaired Driving	80	40.6	115	58.4	2	1.0	197
Motor Vehicle Offenses	32	12.5	220	86.3	3	1.2	255
Crimes Against Admin Just	8	34.8	14	60.9	1	4.3	23
All Other Felonies	46	21.8	158	74.9	7	3.3	211
<i>STATE TOTAL</i>	2,590	24.5	7,674	72.6	303	2.9	10,567

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

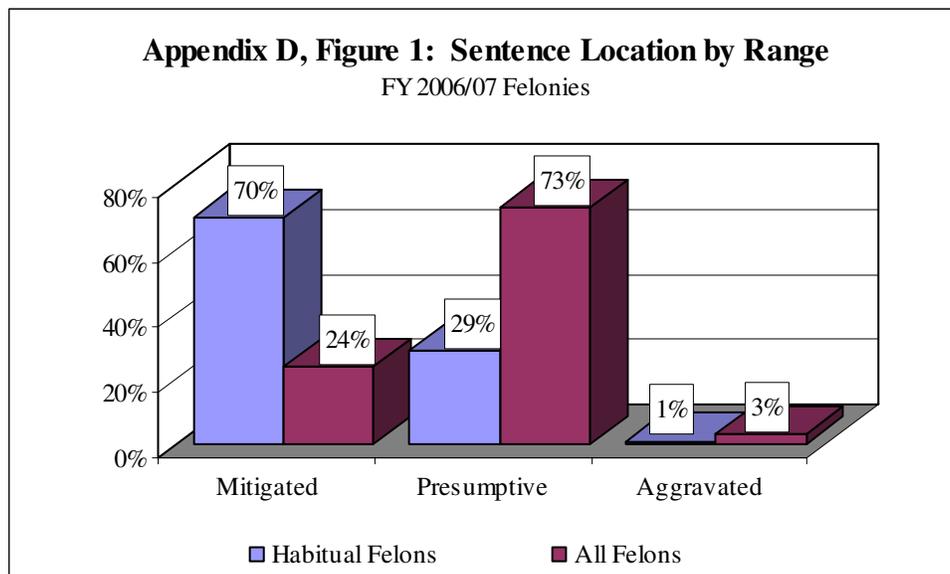
Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

**Appendix D, Table 3: Percent of Sentences in the Mitigated Range and at the Lowest Spot of the Presumptive Range by Offense Class
FY 2006/07 Felonies**

Offense Class	% Mitigated	% Mitigated and Lowest Spot in Presumptive Range
B1	33.1	50.8
B2	33.3	42.7
C	54.7	68.2
Habitual Felons Only	69.4	84.1
D	42.5	59.6
E	21.5	46.0
F	28.3	58.2
G	19.0	53.2
H	17.0	52.1
I	17.1	53.2
TOTAL	24.5	54.4

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. In addition, 67 convictions requiring a mandatory life or death sentence were excluded from this table.

Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data



Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 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 2006/07 Felonies**

Offense Class	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
E	83.6	101	8.3
F	68.2	155	7.5
G	65.5	380	10.4
H	60.1	1,402	12.3
I	53.1	1,547	19.4
TOTAL	58.7	3,585	12.6

Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

**Appendix F, Table 2: Community Service by Crime Type
FY 2006/07 Felonies**

Crime Type	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
Person	73.8	322	6.3
Property	59.0	1,316	13.5
Non-Trafficking Drug	54.4	1,618	15.7
Other Felony	63.6	329	9.9
TOTAL	58.7	3,585	12.6

Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

**Appendix F, Table 3: Community Service by Type of Punishment
FY 2006/07 Felonies**

Type of Punishment	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
Active	0.0	0	0.0
Intermediate	61.4	2,265	18.0
Community	54.0	1,320	24.7
TOTAL	58.7	3,585	12.6

Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

Appendix F, Table 4: Restitution Ordered by Offense Class⁸
FY 2006/07 Felonies

Offense Class	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
A	8,088	8,088	2	3.0
B1	1,882	1,882	2	1.5
B2	6,945	4,942	22	7.6
C	18,759	1,525	43	4.6
D	4,750	1,332	64	8.8
E	7,749	1,870	299	24.5
F	7,299	1,363	258	12.5
G	1,802	300	959	26.2
H	3,341	922	4,047	35.4
I	1,487	300	2,072	25.9
TOTAL	3,066	600	7,768	27.2

Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

Appendix F, Table 5: Restitution Ordered by Crime Type
FY 2006/07 Felonies

Crime Type	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Person	5,507	1,107	808	15.7
Property	3,824	1,100	4,493	46.1
Non-Trafficking Drug	381	300	2,080	20.2
Other Felony	3,595	653	387	11.6
TOTAL	3,066	600	7,768	27.2

Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 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 2006/07 Felonies**

Type of Punishment	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Active	5,880	1,035	580	5.5
Intermediate	2,682	600	5,222	41.6
Community	3,256	560	1,966	36.7
TOTAL	3,066	600	7,768	27.2

Source: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report Data

Disclaimer for AOC Data

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

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

MISDEMEANOR PUNISHMENT CHART

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

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

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

**FELONY PUNISHMENT CHART
PRIOR RECORD LEVEL**

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

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

Revised: 08-04-95