

North Carolina
Sentencing and Policy Advisory Commission



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

**Fiscal Year 2009/10
(July 1, 2009 – June 30, 2010)**

January 2011

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NC Sentencing and Policy Advisory Commission

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North Carolina Sentencing and Policy Advisory Commission

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INTRODUCTION

INTRODUCTION

This report provides detailed information about felony and misdemeanor convictions under Structured Sentencing during Fiscal Year 2009/10 (July 1, 2009 through June 30, 2010). 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*.

During the 2009 Session of the General Assembly, changes to the minimum sentence lengths and prior record point distributions in the felony punishment chart were passed. Session Law 2009-556 (SB 488/Establish Proportionate Sentence Lengths) changes the felony punishment chart to make the increase in sentence lengths between prior record levels more proportionate using set percentage (15%) increments. The sentence lengths in Prior Record Level I in each offense class remain unchanged, serving as an anchor, while the sentence lengths between each subsequent prior record level are increased by 15% in all classes except Classes H and I, which also remain unchanged. Session Law 2009-555 (SB 489/Even Out Prior Criminal Record Points) changes the felony punishment chart by restructuring the prior record level point ranges in order to expand the points in Prior Record Level I and to even out the remaining ranges. Prior Record Level I is expanded to include up to one prior record point. Prior Record Levels II through V are changed to cover four points each. The new felony punishment chart that results from these changes is effective for offenses committed on or after December 1, 2009. Because this report covers convictions from July 1, 2009 through June 30, 2010, some convictions covered here fall under the previous felony punishment chart, and some fall under the new ranges (90% and 10%, respectively). As a result, the statistical tables do not include the number of prior record points associated with each Prior Record Level. The prior record points and punishment limit changes made effective on December 1, 2009, are contained in the felony punishment chart on the outside back cover of the report. The previous felony punishment chart (for offenses committed on or after 12/1/1995 but before 12/1/2009) are on the inside back cover of this report.

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

SUMMARY OF FINDINGS

FELONY AND MISDEMEANOR CONVICTIONS
IN FISCAL YEAR 2009/10

**STRUCTURED SENTENCING STATISTICAL REPORT
SUMMARY OF FINDINGS
FISCAL YEAR 2009/10 CONVICTIONS**

Felony Convictions

- During Fiscal Year 2009/10, sentences for 30,138 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=3,593 or 13%).
- The majority of felony convictions (57%) were for offenders with Prior Record Levels I and II. Nine percent of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).
- Eighty-five percent of convictions were for male offenders; 38% of convictions were for offenders under the age of 26; and 53% of convictions were for Black offenders.
- Forty percent of felony convictions resulted in an Active punishment, 44% resulted in an Intermediate punishment, and 16% resulted in a Community punishment.
- Of the four crime types, property offenses (37%) and non-trafficking drug offenses (31%) accounted for the largest group of felony convictions. Person offenses represented 18% of convictions and other felonies accounted for 14% of convictions.
- Sixty-nine percent of all Active sentences fell within the presumptive range; 27% fell within the mitigated range; and 4% 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=6,616).
- Of all felony offenders who received a Community punishment, 96% received supervised probation; 3% received unsupervised probation; and 1% were ordered to perform community service, pay restitution and/or a fine as their most serious punishment.
- Other information of interest includes: 2 death sentences and 79 life without parole sentences were imposed; there were 4 violent habitual felon convictions; there were 734 habitual felon convictions; there were 808 convictions for drug trafficking offenses; performance of community service was ordered for nearly 13% of all felony convictions; and payment of restitution was ordered for 30% of all felony convictions.

Misdemeanor Convictions

- During Fiscal Year 2009/10, sentences for 154,233 misdemeanor convictions were imposed under Structured Sentencing. (Note: This number excludes Driving While Impaired convictions, cases disposed of by magistrates, Class 2 and Class 3 criminal traffic offenses, and local ordinance offenses.)
- Nine percent of misdemeanor convictions fell into Offense Class A1, 58% fell into Offense Class 1, 16% fell into Offense Class 2, and 17% fell into Offense Class 3.
- Thirty-eight percent of misdemeanor convictions fell into Prior Conviction Level I (0 points), about 39% fell into Prior Conviction Level II (1-4 points), and 23% fell into Prior Conviction Level III (5 or more points).
- The greatest number of misdemeanor convictions fell into Offense Class 1 with Prior Conviction Level II (n=35,574 or 24%), followed by Offense Class 1 with Prior Conviction Level I (n=30,013 or 20%).
- Seventy-five percent of convictions were for male offenders; 36% of convictions were for offenders under the age of 26; and 47% of convictions were for Black offenders.
- Twenty-five percent of misdemeanor convictions resulted in an Active punishment, 3% resulted in an Intermediate punishment, and 72% resulted in a Community punishment.
- Public order offenses accounted for the majority of misdemeanor convictions (47%), while misdemeanor person offenses accounted for the lowest proportion (11%). Convictions for person offenses were most likely to result in an Active punishment (30%). 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 (63%). 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, 45% received unsupervised probation; 36% received supervised probation; and 11% were ordered to perform community service, pay restitution and/or a fine as their most serious punishment. The remainder had no sanction specified.

SECTION I

**FELONY CONVICTIONS
IN FISCAL YEAR 2009/10**

I. FELONY CONVICTIONS IN FY 2009/10

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

B. Felony Convictions

This section contains information on felony convictions and sentences imposed under Structured Sentencing during Fiscal Year 2009/10. Overall, sentences for 30,138 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 2,022 convictions (or almost 7%) were 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.

As discussed in the Introduction, several changes to the felony punishment chart and prior record points became effective for offenses committed on or after December 1, 2009. The changes to the minimum sentence lengths and prior record point distributions that are effective for offenses committed on or after December 1, 2009 are contained in the felony punishment chart on the outside back cover of the report. The previous felony punishment chart (for offenses committed on or after 12/1/1995 but before 12/1/2009) are on the inside back cover of this report.

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=11,725 or 42%) and into Prior Record Level II (n=9,010 or 32%). 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=3,593 or 13%). Sentences imposed for Offense Classes A through E accounted for 13% of felony convictions during FY 2009/10; 66% of sentences imposed were for Class H and Class I felony convictions.

**Table 1: Distribution of Convictions within the Felony Punishment Chart
FY 2009/10 Felonies**

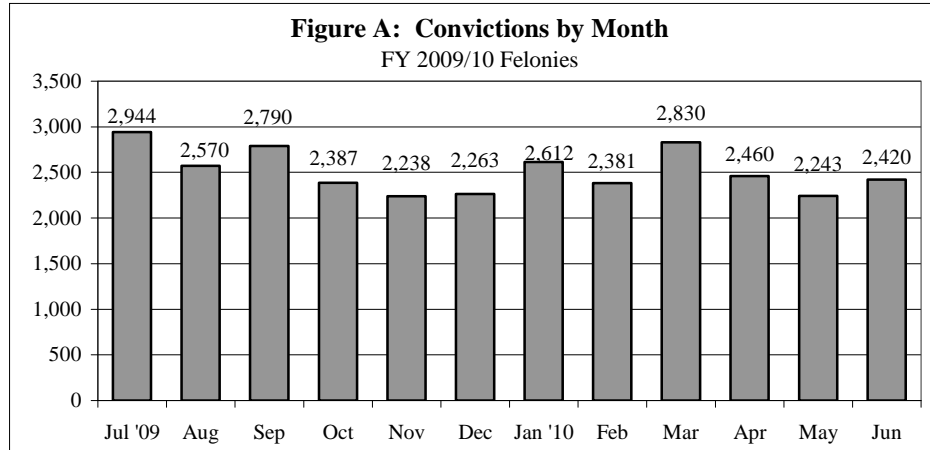
Offense Class	Prior Record Level						Total
	I	II	III	IV	V	VI	
A	31 (0.1%)	21 (0.1%)	14 (0.1%)	12 (0.0%)	1 (0.0%)	1 (0.0%)	80 (0.3%)
B1	49 (0.2%)	36 (0.1%)	14 (0.1%)	13 (0.1%)	6 (0.0%)	3 (0.0%)	121 (0.4%)
B2	101 (0.4%)	99 (0.4%)	53 (0.2%)	24 (0.1%)	6 (0.0%)	6 (0.0%)	289 (1.0%)
C	122 (0.4%)	142 (0.5%)	182 (0.7%)	290 (1.0%)	142 (0.5%)	126 (0.5%)	1,004 (3.6%)
D	351 (1.3%)	267 (1.0%)	145 (0.5%)	108 (0.4%)	27 (0.1%)	23 (0.1%)	921 (3.3%)
E	548 (2.0%)	467 (1.7%)	154 (0.6%)	109 (0.4%)	31 (0.1%)	27 (0.1%)	1,336 (4.8%)
F	642 (2.3%)	679 (2.4%)	467 (1.7%)	235 (0.8%)	80 (0.3%)	65 (0.2%)	2,168 (7.7%)
G	729 (2.6%)	1,135 (4.0%)	964 (3.4%)	605 (2.2%)	138 (0.5%)	118 (0.4%)	3,689 (13.1%)
H	3,033 (10.8%)	3,593 (12.8%)	2,211 (7.8%)	1,736 (6.2%)	621 (2.2%)	531 (1.9%)	11,725 (41.7%)
I	1,515 (5.4%)	2,571 (9.1%)	1,119 (4.0%)	978 (3.5%)	297 (1.1%)	303 (1.1%)	6,783 (24.1%)
TOTAL	7,121 (25.3%)	9,010 (32.1%)	5,323 (18.9%)	4,110 (14.6%)	1,349 (4.8%)	1,203 (4.3%)	28,116 (100.0%)

Note: Of the 30,138 felony convictions in FY 2009/10, 2,022 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 2009/10 Statistical Report Data

D. Convictions by Month of Sentencing

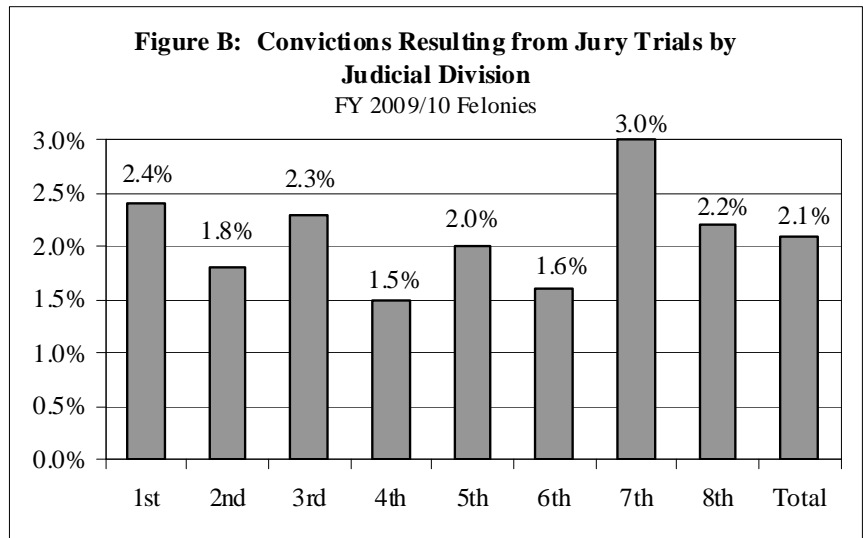
Figure A shows the total number of felony convictions by month of sentencing during Fiscal Year 2009/10 (N=30,138). Convictions peaked in July and were lowest in November.



Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 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 7% 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, 2.1% of convictions statewide resulted from jury trials (see Figure B). The percentage of jury trials varied slightly by judicial division with a low of 1.5% in the fourth division and a high of 3.0% in the seventh division.



Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition
FY 2009/10 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
<i>First Judicial Division</i>		2,776	69	2,845
District 1	Camden	16	1	17
	Chowan	40	0	40
	Currituck	58	0	58
	Dare	119	1	120
	Gates	9	0	9
	Pasquotank	118	2	120
	Perquimans	33	1	33
	Total	393	4	397
District 2	Beaufort	284	1	285
	Hyde	16	2	18
	Martin	101	5	106
	Tyrrell	15	1	16
	Washington	48	1	49
	Total	464	10	474
District 3A	Pitt	675	14	689
Total	675	14	689	
District 6A	Halifax	212	5	217
Total	212	5	217	
District 6B	Bertie	66	0	66
	Hertford	990	0	990
	Northampton	51	0	51
	Total	207	0	207
District 7A	Nash	321	10	331
Total	321	10	331	
District 7B, C	Edgecombe	233	17	250
	Wilson	271	9	280
	Total	504	26	530
<i>Second Judicial Division</i>		3,448	63	3,511
District 3B	Carteret	207	6	213
	Craven	376	4	380
	Pamlico	29	0	29
	Total	612	10	622
District 4A	Duplin	225	4	229
	Jones	31	0	31
	Sampson	282	9	291
	Total	538	13	551

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2009/10 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 4B	Onslow	444	13	457
	Total	444	13	457
District 5	New Hanover	1,006	15	1,021
	Pender	179	0	179
	Total	1,185	15	1,200
District 8A	Greene	70	1	71
	Lenoir	309	2	311
	Total	379	3	382
District 8B	Wayne	290	9	299
	Total	290	9	299
Third Judicial Division		4,536	107	4,643
District 9	Franklin	132	1	133
	Granville	174	3	177
	Vance	245	0	245
	Warren	61	0	61
	Total	612	4	616
District 9A	Caswell	50	1	51
	Person	115	6	121
	Total	165	7	172
District 10	Wake	2,168	51	2,219
	Total	2,168	51	2,219
District 14	Durham	731	26	757
	Total	731	26	757
District 15A	Alamance	497	9	506
	Total	497	9	506
District 15B	Chatham	125	4	129
	Orange	238	6	244
	Total	363	10	373
Fourth Judicial Division		3,764	59	3,823
District 11A	Harnett	381	6	387
	Lee	202	1	203
	Total	583	7	590
District 11B	Johnston	538	13	551
	Total	538	13	551
District 12	Cumberland	1,101	15	1,116
	Total	1,101	15	1,116

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2009/10 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 13A	Bladen	128	2	130
	Columbus	212	2	214
	Total	340	4	344
District 13B	Brunswick	413	6	419
	Total	413	6	419
District 16A	Hoke	170	2	172
	Scotland	236	2	238
	Total	406	4	410
District 16B	Robeson	383	10	393
	Total	383	10	393
<i>Fifth Judicial Division</i>		5,076	103	5,179
District 17A	Rockingham	408	12	420
	Total	408	12	420
District 17B	Stokes	127	1	128
	Surry	176	2	178
	Total	303	3	306
District 18	Guilford	2,019	31	2,050
	Total	2,019	31	2,050
District 19B	Montgomery	46	1	47
	Randolph	266	11	277
	Total	312	12	324
District 19D	Moore	318	7	325
	Total	318	7	325
District 21	Forsyth	1,195	35	1,230
	Total	1,195	35	1,230
District 23	Alleghany	43	0	43
	Ashe	67	0	67
	Wilkes	310	2	312
	Yadkin	101	1	102
	Total	521	3	524
<i>Sixth Judicial Division</i>		3,048	50	3,098
District 19A	Cabarrus	558	12	570
	Total	558	12	570
District 19C	Rowan	542	15	557
	Total	542	15	557

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2009/10 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 20A	Anson	95	0	95
	Richmond	165	2	167
	Stanly	191	3	194
	Total	451	5	456
District 20B	Union	309	5	314
	Total	309	5	314
District 22A	Alexander	77	2	79
	Iredell	416	7	423
	Total	493	9	502
District 22B	Davidson	604	3	607
	Davie	91	1	92
	Total	695	4	699
<i>Seventh Judicial Division</i>		<i>4,640</i>	<i>143</i>	<i>4,783</i>
District 25A	Burke	231	6	237
	Caldwell	173	3	176
	Total	404	9	413
District 25B	Catawba	273	8	281
	Total	273	8	281
District 26	Mecklenburg	2,364	75	2,439
	Total	2,364	75	2,439
District 27A	Gaston	888	23	911
	Total	888	23	911
District 27B	Cleveland	468	21	489
	Lincoln	243	7	250
	Total	711	28	739
<i>Eighth Judicial Division</i>		<i>2,206</i>	<i>50</i>	<i>2,256</i>
District 24	Avery	78	1	79
	Madison	97	0	97
	Mitchell	72	0	72
	Watauga	119	1	120
	Yancey	54	1	55
	Total	420	3	423
District 28	Buncombe	687	20	707
	Total	687	20	707
District 29A	McDowell	142	2	144
	Rutherford	257	7	264
	Total	399	9	408

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2009/10 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 29B	Henderson	265	4	269
	Polk	35	1	36
	Transylvania	68	2	70
	Total	368	7	375
District 30A	Cherokee	38	2	40
	Clay	17	0	17
	Graham	19	1	20
	Macon	71	2	73
	Swain	16	1	17
	Total	161	6	167
District 30B	Haywood	120	3	123
	Jackson	51	2	53
	Total	171	5	176
STATE TOTAL		29,494	644	30,138

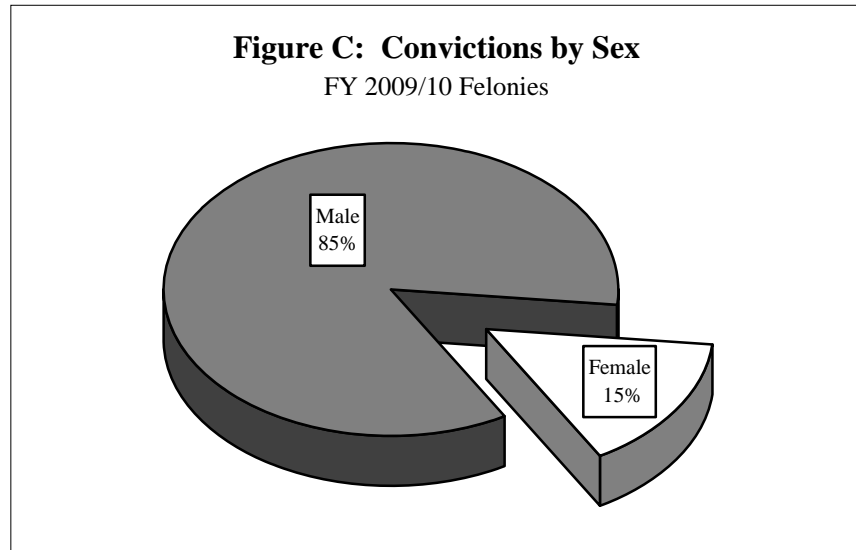
Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

F. Felony Pleas in District Court

Under G.S. 15A-1029.1(a), the District Court is authorized to accept a defendant's plea of guilty (or no contest) to a Class H or I felony. With the consent of both parties, the Superior Court may transfer a Class H or I felony to District Court for entry of the defendant's plea. In Fiscal Year 2009/10, 3,033 Class H (or 24% of Class H convictions) and 1,906 Class I (or 25% of Class I convictions) felony pleas were accepted in District Court for a total of 4,939 pleas (25% of all Class H and I felony convictions).

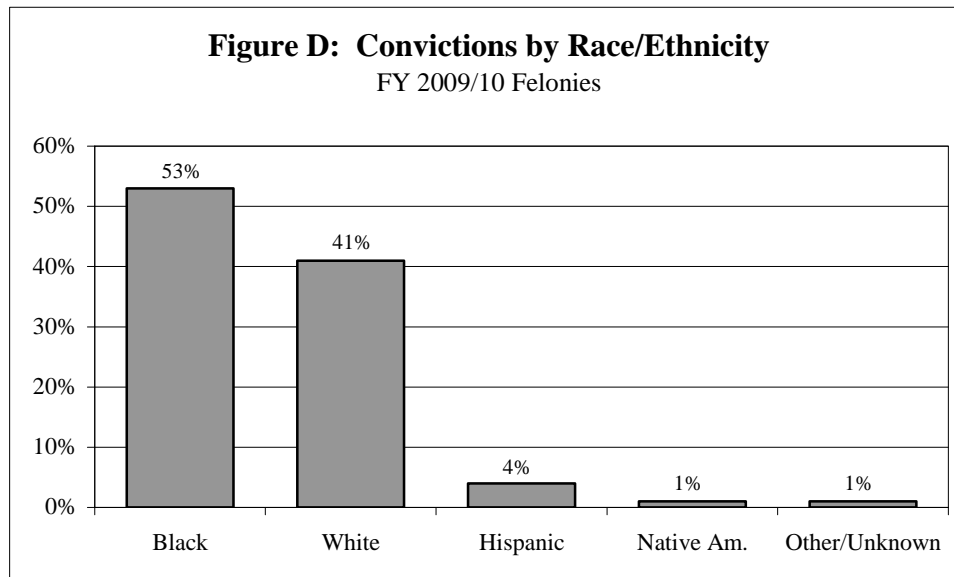
II. CHARACTERISTICS OF OFFENDERS

This section provides a breakdown of convictions by offenders' sex, race/ethnicity, and age. Of the 30,138 felony convictions, 85% were for males (see *Figure C*).



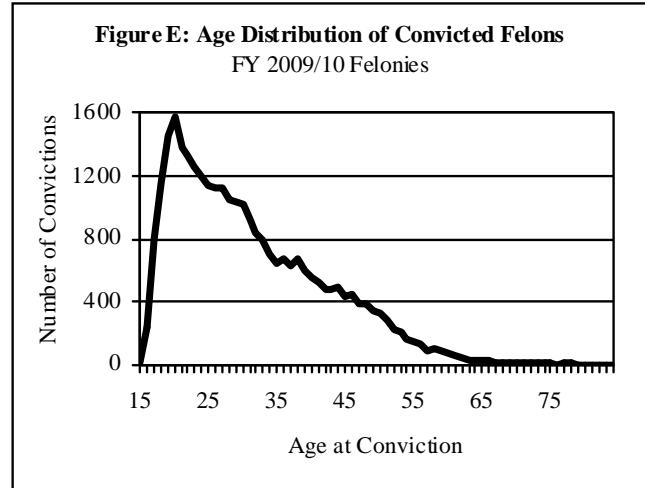
Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

Figure D shows that 53% of all felony offenders were Black, 41% were White, and a small percentage were Hispanic (4%), Native American (1%), or Other/Unknown (1%).



Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

Based on age at conviction, 17% of felony convictions were for offenders under the age of 21, 21% were 21-25 years of age, 14% were 26-29 years of age, 25% were 30-39 years of age, 15% were 40-49 years of age, and 7% 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 sex, race/ethnicity, and age of offenders.



Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

**Table 3: Convictions by Sex, Race/Ethnicity, and Age
FY 2009/10 Felonies**

Sex and Race/Ethnicity		Age at Conviction						Total
		<21	21-25	26-29	30-39	40-49	>49	
Male	White	1,337	1,941	1,440	2,507	1,590	835	9,650
	Black	3,194	3,194	1,924	3,210	1,921	932	14,375
	Hispanic	228	244	193	271	104	21	1,061
	Native Amer.	57	71	68	81	39	21	337
	Other	23	40	24	38	14	8	147
	Subtotal	4,839	5,490	3,649	6,107	3,668	1,817	25,570
Female	White	166	456	403	804	495	188	2,512
	Black	198	332	240	478	317	111	1,676
	Hispanic	10	19	12	15	11	3	70
	Native Amer.	4	5	18	27	13	4	71
	Other	4	6	4	6	7	1	28
	Subtotal	382	818	677	1,330	843	307	4,357
TOTAL		5,221	6,308	4,326	7,437	4,511	2,124	29,927

Note: Of the 30,138 felony convictions in FY 2009/10, 211 convictions with missing values for offenders' age were excluded from this table.

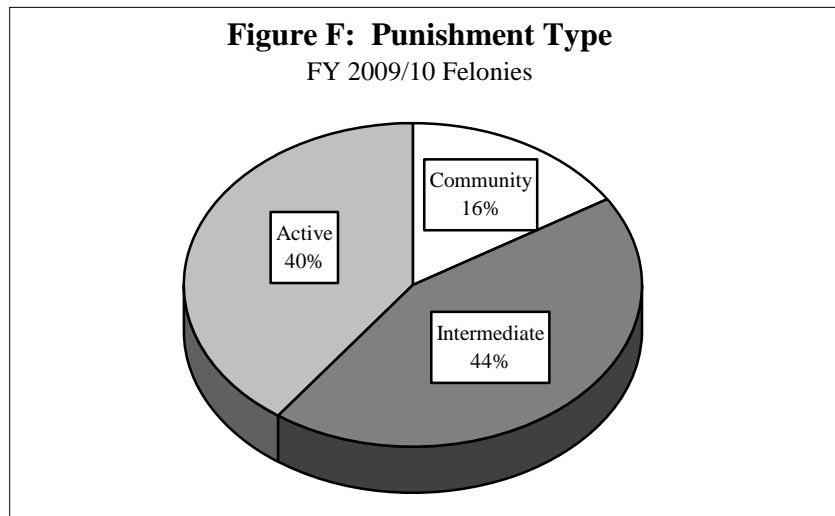
Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

III. PUNISHMENT IMPOSED FOR FELONIES

This section details the type of sentence imposed (Active, Intermediate, or Community) for convictions during Fiscal Year 2009/10. 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 40% of felony convictions, an Intermediate punishment was imposed for 44% of felony convictions, and a Community punishment was imposed for 16% of felony convictions (see *Figure F*).

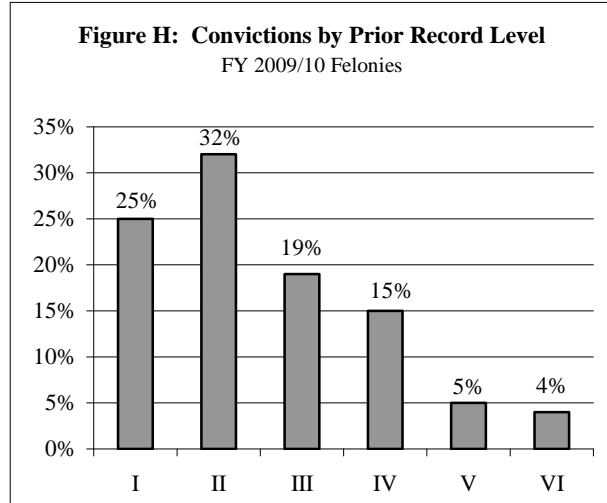
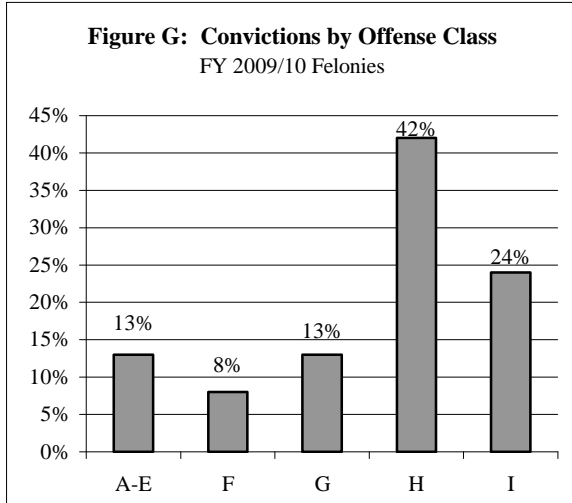


Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

B. Punishment Imposed by Offense Class and Prior Record Level

Figure G shows the percentage of convictions by offense class. The majority of felony convictions (66%) were for Class H and Class I offenses. (See *Appendix B* for sample offenses for each offense class.) As shown in *Figure H*, the majority of felony convictions (57%) were for offenders with Prior Record Levels I and II, indicating little or no prior criminal record. Nine 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=2,022 or almost 7%). 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 2009/10 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=3,593 or 13%).

The data presented in Table 4 indicate that the percentage of offenders receiving an Active sentence typically increases as the offense seriousness increases. As shown in the vertical “Total” column in Table 4, the average minimum and maximum sentences imposed increase as offense class increases. The average minimum sentence for all convictions resulting in an Active punishment (n=11,178) 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 (242 months).

Convictions for offenders falling into Prior Record Levels I and VI resulted in the highest average minimum sentences (37 months and 34 months respectively). The higher minimum sentences for Prior Record Level I 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 2009/10 Felonies**

Offense Class	Prior Record Level						Total
	I	II	III	IV	V	VI	
A	A A = 31 (100%) (n = 31) Life/Death	A A = 21 (100%) (n = 21) Life/Death	A A = 14 (100%) (n = 14) Life/Death	A A = 12 (100%) (n = 12) Life/Death	A A = 1 (100%) (n = 1) Life/Death	A A = 1 (100%) (n = 1) Life/Death	A A = 80 (100%) (n = 80) Life/Death
B1	A A = 49 (100%) (n = 49) 193 min 241 max	A A = 36 (100%) (n = 36) 235 min 292 max	A A = 14 (100%) (n = 14) 285 min 351 max	A A = 13 (100%) (n = 13) 299 min 369 max	A A = 6 (100%) (n = 6) 357 min 437 max	A A = 3 (100%) (n = 3) 480 min 585 max	A A = 121 (100%) (n = 121) 242 min 300 max
B2	A A = 101 (100%) (n = 101) 140 min 178 max	A A = 99 (100%) (n = 99) 173 min 217 max	A A = 53 (100%) (n = 53) 201 min 250 max	A A = 24 (100%) (n = 24) 233 min 289 max	A A = 6 (100%) (n = 6) 234 min 291 max	A A = 6 (100%) (n = 6) 264 min 327 max	A A = 289 (100%) (n = 289) 175 min 219 max
C	A A = 122 (100%) (n = 122) 60 min 82 max	A A = 142 (100%) (n = 142) 76 min 100 max	A A = 182 (100%) (n = 182) 85 min 112 max	A A = 290 (100%) (n = 290) 96 min 124 max	A A = 142 (100%) (n = 142) 104 min 135 max	A A = 126 (100%) (n = 126) 120 min 153 max	A A = 1,004 (100%) (n = 1,004) 91 min 119 max
D	A A = 351 (100%) (n = 351) 49 min 68 max	A A = 267 (100%) (n = 267) 61 min 83 max	A A = 145 (100%) (n = 145) 81 min 107 max	A A = 108 (100%) (n = 108) 92 min 120 max	A A = 27 (100%) (n = 27) 107 min 137 max	A A = 23 (100%) (n = 23) 113 min 145 max	A A = 921 (100%) (n = 921) 66 min 89 max
E	I/A I = 366 (67%) A = 182 (33%) (n = 548) 22 min 35 max	I/A I = 279 (60%) A = 188 (40%) (n = 467) 25 min 39 max	A A = 154 (100%) (n = 154) 29 min 44 max	A A = 109 (100%) (n = 109) 40 min 57 max	A A = 31 (100%) (n = 31) 45 min 63 max	A A = 27 (100%) (n = 27) 49 min 68 max	I/A I = 645 (48%) A = 691 (52%) (n = 1,336) 29 min 44 max
F	I/A I = 422 (66%) A = 220 (34%) (n = 642) 14 min 17 max	I/A I = 337 (50%) A = 342 (50%) (n = 679) 16 min 19 max	I/A I = 204 (44%) A = 263 (56%) (n = 467) 18 min 22 max	A A = 235 (100%) (n = 235) 20 min 25 max	A A = 80 (100%) (n = 80) 27 min 33 max	A A = 65 (100%) (n = 65) 32 min 39 max	I/A I = 963 (44%) A = 1,205 (56%) (n = 2,168) 18 min 22 max

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level (continued)
FY 2009/10 Felonies**

Offense Class	Prior Record Level						Total
	I	II	III	IV	V	VI	
G	I/A I = 536 (74%) A = 193 (26%) (n = 729) 11 min 13 max	I/A I = 790 (70%) A = 345 (30%) (n = 1,135) 13 min 16 max	I/A I = 528 (55%) A = 436 (45%) (n = 964) 14 min 17 max	I/A I = 258 (43%) A = 347 (57%) (n = 605) 17 min 21 max	A A = 138 (100%) (n = 138) 19 min 23 max	A A = 118 (100%) (n = 118) 26 min 32 max	I/A I = 2,112 (57%) A = 1,577 (43%) (n = 3,689) 15 min 19 max
H	C/I/A C = 1,451 (48%) I = 1,206 (40%) A = 376 (12%) (n = 3,012) 5 min 7 max	I/A I = 2,642 (74%) A = 951 (26%) (n = 3,593) 6 min 8 max	I/A I = 1,208 (55%) A = 1,003 (45%) (n = 2,211) 8 min 10 max	I/A I = 633 (36%) A = 1,103 (64%) (n = 1,736) 10 min 12 max	I/A I = 169 (27%) A = 452 (73%) (n = 621) 13 min 16 max	A A = 531 (100%) (n = 531) 18 min 22 max	C/I/A C = 1,451 (12%) I = 5,858 (50%) A = 4,416 (38%) (n = 11,725) 10 min 12 max
I	C C = 1,515 (100%) (n = 1,515) N/A	C/I C = 1,465 (57%) I = 1,106 (43%) (n = 2,571) N/A	I I = 1,119 (100%) (n = 1,119) N/A	I/A I = 516 (53%) A = 462 (47%) (n = 978) 7 min 8 max	I/A I = 108 (36%) A = 189 (64%) (n = 297) 8 min 10 max	I/A I = 80 (26%) A = 223 (74%) (n = 303) 9 min 11 max	C/I/A C = 2,980 (44%) I = 2,929 (43%) A = 874 (13%) (n = 6,783) 7 min 9 max
TOTAL	C/I/A C = 2,966 (42%) I = 2,530 (35%) A = 1,625 (23%) (n = 7,121) 37 min 53 max	C/I/A C = 1,465 (16%) I = 5,154 (57%) A = 2,391 (27%) (n = 9,010) 31 min 40 max	I/A I = 3,059 (57%) A = 2,264 (43%) (n = 5,323) 29 min 37 max	I/A I = 1,407 (34%) A = 2,703 (66%) (n = 4,110) 28 min 36 max	I/A I = 277 (20%) A = 1,072 (80%) (n = 1,349) 32 min 41 max	I/A I = 80 (7%) A = 1,123 (93%) (n = 1,203) 34 min 43 max	C/I/A C = 4,431 (16%) I = 12,507 (44%) A = 11,178 (40%) (n = 28,116) 31 min 40 max

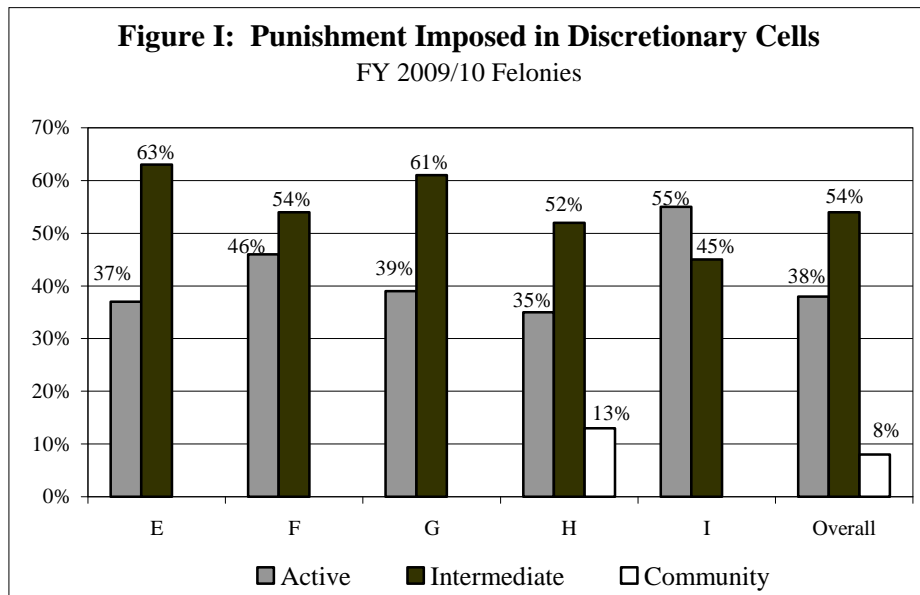
Note: Of the 30,138 felony convictions in FY 2009/10, 2,022 convictions were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing 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 2009/10 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 or Class H with Prior Record Level III (74% each), while an Active sentence was most likely to be imposed for convictions falling within Offense Class I with Prior Record Level VI (74%).

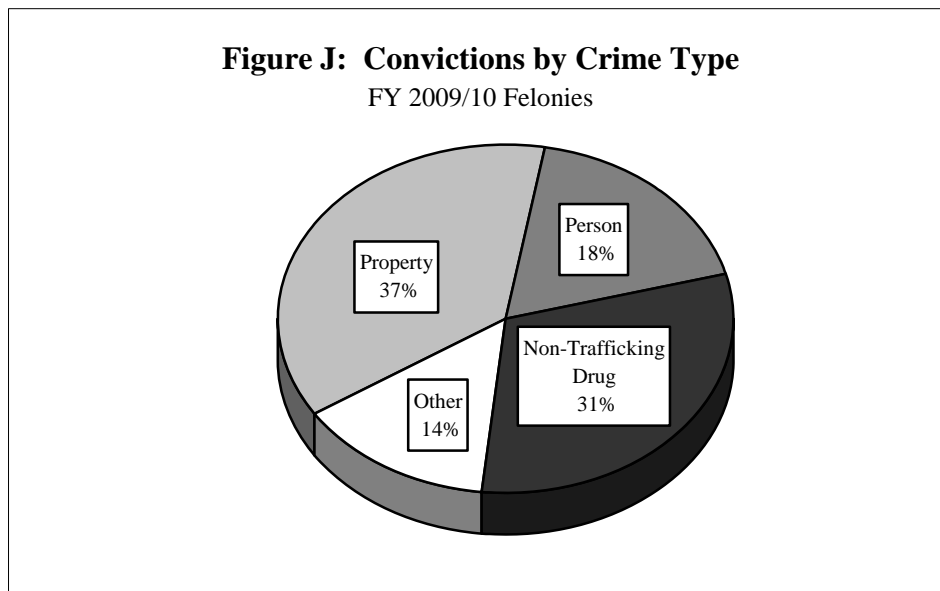
Figure I summarizes sentences imposed by offense class for discretionary cells with an Active punishment option.



Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

D. Punishment Imposed by Crime Type

During Fiscal Year 2009/10, property offenses accounted for 37% of convictions, while convictions for non-trafficking drug accounted for 31%. (See Figure J.) For additional data on convictions by crime type, see Appendix D.



Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 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 (64%), while convictions for non-trafficking drug offenses were least likely to result in the imposition of an Active punishment (23%). Of the four crime types, non-trafficking drug and property convictions had the highest percentage of Intermediate punishment sentences (49% and 48%, respectively); non-trafficking drug convictions had the highest percentage of Community punishment sentences (28%).

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 2009/10 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	3,312	64	1,757	34	79	2	58	75	5,148
Property	3,670	35	5,072	48	1,730	17	12	15	10,472
Non-Trafficking Drug	2,003	23	4,216	49	2,397	28	12	15	8,616
Other Felony	2,193	56	1,462	38	225	6	42	54	3,880
TOTAL	11,178	40	12,507	44	4,431	16	31	40	28,116

Note: Of the 30,138 felony convictions in FY 2009/10, 2,022 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).

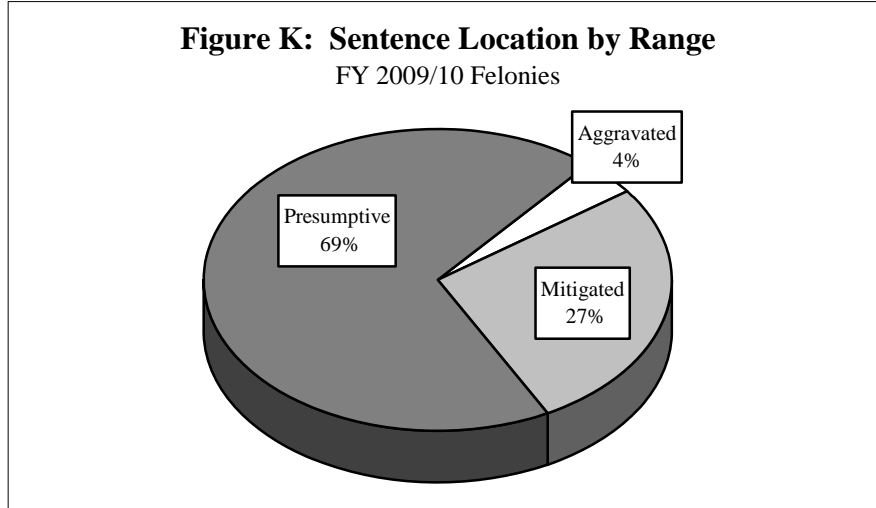
Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

IV. SENTENCE LOCATION IN THE SENTENCING RANGES

This section presents information regarding the location of sentences imposed in the sentencing ranges and *deals only with convictions for which an Active sentence was imposed (n=11,097)*. Class A convictions, which are subject to mandatory life or death sentences, are excluded from this section (n=80). An additional B1 conviction that resulted in a life sentence was also excluded (n=1).

A. Sentence Location

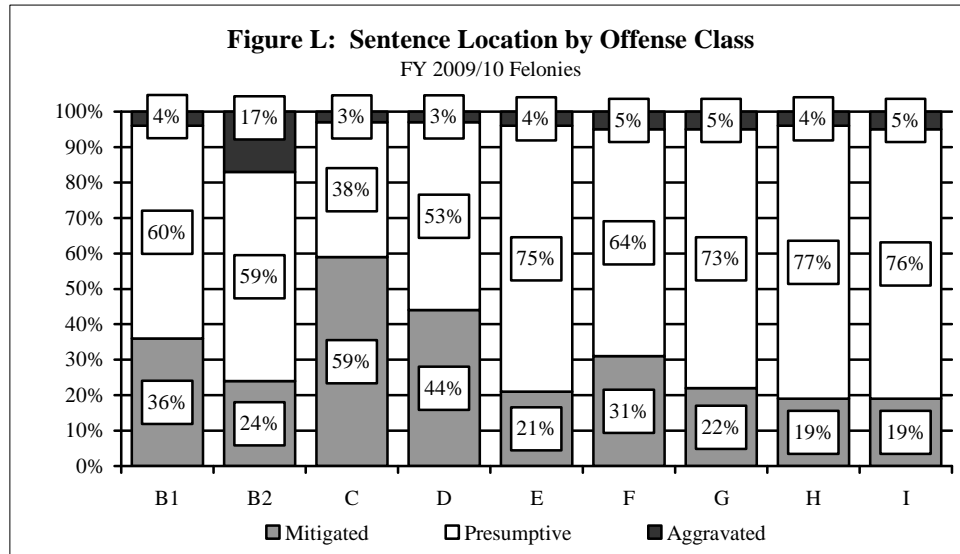
Figure K shows that 69% of all Active sentences fell within the presumptive range; 27% fell within the mitigated range; and 4% fell within the aggravated range.



Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 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 2009/10 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 percentages of Active sentences in

the presumptive range (77% and 76%, respectively), while convictions for Class C offenses had the lowest percentage of Active sentences in the presumptive range (38%). Convictions falling into Prior Record Level I had the highest percentage of Active sentences in the mitigated range (31%) while convictions falling into Prior Record Levels V and VI had the highest percentage of Active sentences in the aggravated range (at 6% each).

Overall, 27% of Active sentences were in the mitigated range and an additional 29% 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 (59%), followed by convictions for Class D offenses (44%). In addition, as shown in *Appendix D*, 71% of Class C convictions and 65% 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 2009/10 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I	II	III	IV	V	VI	
B1	Mitigated	19 (39%)	13 (36%)	5 (36%)	5 (39%)	1 (20%)	0 (0%)	43 (36%)
	Presumptive	27 (55%)	21 (58%)	9 (64%)	8 (62%)	4 (80%)	3 (100%)	72 (60%)
	Aggravated	3 (6%)	2 (6%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	5 (4%)
	Subtotal	49	36	14	13	5	3	120
B2	Mitigated	27 (27%)	21 (21%)	12 (23%)	5 (21%)	2 (33%)	1 (17%)	68 (24%)
	Presumptive	57 (56%)	58 (59%)	34 (64%)	13 (54%)	4 (67%)	5 (83%)	171 (59%)
	Aggravated	17 (17%)	20 (20%)	7 (13%)	6 (25%)	0 (0%)	0 (0%)	50 (17%)
	Subtotal	101	99	53	24	6	6	289
C	Mitigated	46 (38%)	75 (53%)	105 (58%)	179 (62%)	96 (68%)	86 (68%)	587 (59%)
	Presumptive	68 (56%)	60 (42%)	71 (39%)	105 (36%)	46 (32%)	35 (28%)	385 (38%)
	Aggravated	8 (7%)	7 (5%)	6 (3%)	6 (2%)	0 (0%)	5 (4%)	32 (3%)
	Subtotal	122	142	182	290	142	126	1,004

Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
(Active Sentences Only)
FY 2009/10 Felonies

Offense Class	Sentencing Range	Prior Record Level						Total
		I	II	III	IV	V	VI	
D	Mitigated	168 (48%)	118 (44%)	53 (37%)	45 (42%)	10 (37%)	12 (52%)	406 (44%)
	Presumptive	179 (51%)	142 (53%)	86 (59%)	61 (57%)	16 (59%)	8 (35%)	492 (53%)
	Aggravated	4 (1%)	7 (3%)	6 (4%)	2 (2%)	1 (4%)	3 (13%)	23 (3%)
	Subtotal	351	267	145	108	27	23	921
E	Mitigated	33 (18%)	41 (22%)	32 (21%)	21 (19%)	9 (29%)	8 (30%)	144 (21%)
	Presumptive	147 (81%)	139 (74%)	114 (74%)	83 (76%)	21 (68%)	17 (63%)	521 (75%)
	Aggravated	2 (1%)	8 (4%)	8 (5%)	5 (5%)	1 (3%)	2 (7%)	26 (4%)
	Subtotal	182	188	154	109	31	27	691
F	Mitigated	63 (29%)	107 (31%)	77 (29%)	78 (33%)	29 (36%)	19 (29%)	373 (31%)
	Presumptive	147 (67%)	218 (64%)	173 (66%)	145 (62%)	44 (55%)	39 (60%)	766 (64%)
	Aggravated	10 (5%)	17 (5%)	13 (5%)	12 (5%)	7 (9%)	7 (11%)	66 (5%)
	Subtotal	220	342	263	235	80	65	1,205
G	Mitigated	46 (24%)	80 (23%)	95 (22%)	79 (23%)	27 (20%)	16 (14%)	343 (22%)
	Presumptive	142 (74%)	243 (70%)	330 (76%)	248 (72%)	101 (73%)	90 (76%)	1,154 (73%)
	Aggravated	5 (3%)	22 (6%)	11 (3%)	20 (6%)	10 (7%)	12 (10%)	80 (5%)
	Subtotal	193	345	436	347	138	118	1,577
H	Mitigated	84 (22%)	198 (21%)	211 (21%)	192 (17%)	75 (17%)	88 (17%)	848 (19%)
	Presumptive	280 (75%)	725 (76%)	777 (78%)	863 (78%)	340 (75%)	417 (79%)	3,402 (77%)
	Aggravated	12 (3%)	28 (3%)	15 (2%)	48 (4%)	37 (8%)	26 (5%)	166 (4%)
	Subtotal	376	951	1,003	1,103	452	531	4,416

**Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
(Active Sentences Only)
FY 2009/10 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I	II	III	IV	V	VI	
I	Mitigated	N/A	N/A	N/A	91 (20%)	43 (23%)	35 (16%)	169 (19%)
	Presumptive	N/A	N/A	N/A	353 (76%)	138 (73%)	173 (78%)	664 (76%)
	Aggravated	N/A	N/A	N/A	18 (4%)	8 (4%)	15 (7%)	41 (5%)
	Subtotal	N/A	N/A	N/A	462	189	223	874
TOTAL	Mitigated	486 (31%)	653 (28%)	590 (26%)	695 (26%)	292 (27%)	265 (24%)	2,981 (27%)
	Presumptive	1,047 (66%)	1,606 (68%)	1,594 (71%)	1,879 (70%)	714 (67%)	787 (70%)	7,627 (69%)
	Aggravated	61 (4%)	111 (5%)	66 (3%)	117 (4%)	64 (6%)	70 (6%)	489 (4%)
	Subtotal	1,594	2,370	2,250	2,691	1,070	1,122	11,097

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, 2 convictions with death sentences and 79 convictions with life sentence were excluded from this table. Percentages may not add to 100% due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 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 (7%). Convictions in the category of other felony offenses accounted for the lowest percentage of presumptive sentences (55%), and the highest percentage of mitigated sentences (42%), relative to the other crime types. Convictions under the habitual felon law accounted for the largest number of convictions in the other felony category, representing 18% of convictions in this category. (This category does not reflect the underlying offense for a habitual felon conviction, which may be in a different category. Table 14 presents detailed information on underlying offenses for habitual felons.) For additional information regarding convictions by crime type, see *Appendix D*.

**Table 7: Sentence Location by Crime Type
(Active Sentences Only)
FY 2009/10 Felonies**

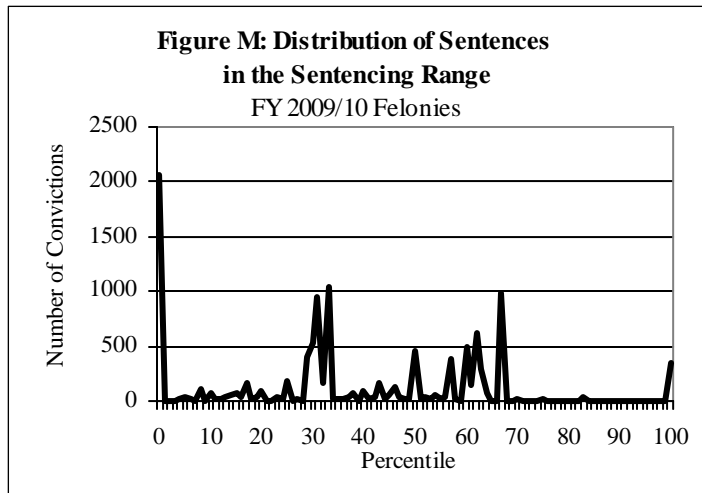
Crime Type	Sentencing Range						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
Person	905	28	2,110	65	216	7	3,231
Property	715	20	2,837	77	118	3	3,670
Non-Trafficking Drug	430	21	1,482	74	91	5	2,003
Other Felony	931	42	1,198	55	64	3	2,193
TOTAL	2,981	27	7,627	69	489	4	11,097

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, 2 convictions with death sentences and 79 convictions with life sentence were excluded from this table.

Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

D. Length of Active Sentence Relative to the Sentencing Range

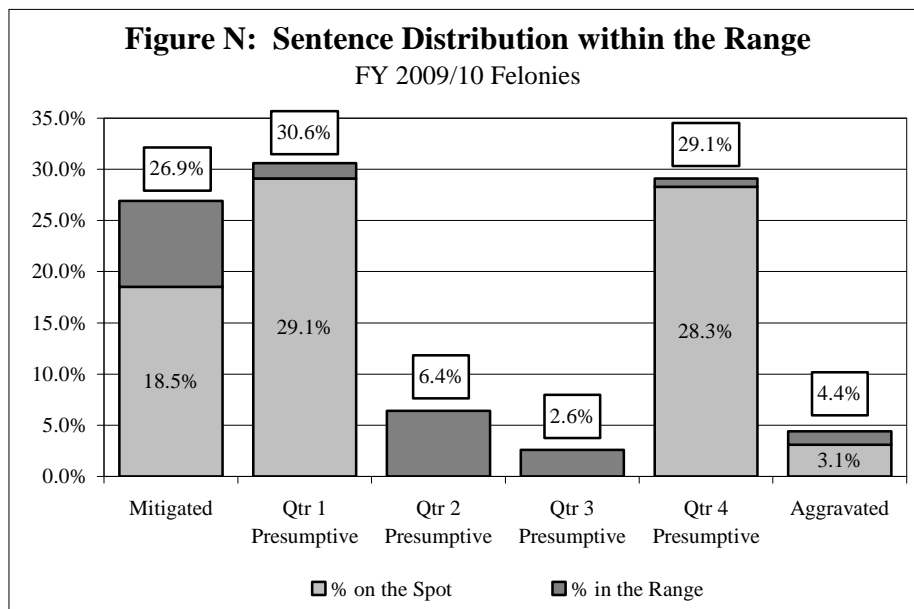
Viewing the entire sentencing range as a continuum from the lowest possible sentence imposed in the mitigated range to the highest possible sentence imposed in the aggravated range, on average the 11,097 active sentences imposed (excluding the 79 convictions with life sentences) fell below the midpoint of the range (at the 37th percentile above the minimum). Close examination of the actual location of each Active sentence within its respective range revealed that the majority of offenders were sentenced within the first or fourth quarter of the presumptive portion of the range (30.6% and 29.1% of all cases, respectively) (see *Figure M* and *Table 9*).



Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

Further analysis indicates that over three-quarters (79.0%) 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*, 18.5% of Active sentences fell on the lowest point of the mitigated range; 29.1% fell on the lowest point of the presumptive range; 28.3% fell on the highest point of the presumptive range; and 3.1% fell on the highest point of the aggravated range.

For information regarding sentences imposed on one of the four specific spots of the sentencing range by offense class, see *Table 8*. Convictions for Class H and I offenses had the highest percentages of Active sentences located on one of the four spots, with 87.5% and 88.9% of all Active sentences, respectively, located on one of four specific spots of the range. Convictions for Class D offenses had the lowest percentage of Active sentences located on one of the four specific spots of the sentencing range (61.4%).



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

Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

**Table 8: Most Frequent Sentencing Range Spots by Offense Class
(Active Sentences Only)
FY 2009/10 Felonies**

Offense Class	Location in the Range				% on the Four Spots
	Mitigated Range	Presumptive Range		Aggravated Range	
	% Lowest Spot	% Lowest Spot	% Highest Spot	% Highest Spot	
B1	20.8	21.7	24.2	1.7	68.3
B2	13.2	13.8	22.8	13.2	63.0
C	43.0	13.0	10.4	0.8	75.4
D	24.7	20.9	14.7	1.2	61.4
E	11.6	27.9	30.0	2.9	72.4
F	17.5	30.3	21.2	4.2	73.2
G	15.2	31.7	28.4	3.6	78.9
H	15.2	34.4	35.0	2.9	87.5
I	14.3	30.7	39.9	4.0	88.9
TOTAL	18.5	29.1	28.3	3.1	79.0

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

Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

The percentage of sentences in the mitigated range for Class C (59%) largely reflects the sentencing of habitual felons (see *Appendix D, Table 3*). Sixty-nine percent of habitual felons received sentences in the mitigated range, compared to 33% of other (non-habitual) felons in Class C. Without regard to offense class, 69% of felonies received sentences in the presumptive range and 27% received sentences in the mitigated range. For habitual felons, the pattern was reversed, with 69% receiving sentences in the mitigated range and 30% in the presumptive range (see *Appendix D, Figure 1*).

Table 9 shows the percentage of sentences in each quarter of the sentencing range by crime type. The numbers in parentheses show the percentage of sentences on each of the four spots. The pattern is similar to that shown in Table 8, in that most sentences are located on the four spots of the range. Property and non-trafficking drug offenses (85.9% and 84.8%, respectively) account for the largest percentages of sentences on the spots of the range.

**Table 9: Sentencing Range by Crime Type
(Active Sentences Only)
FY 2009/10 Felonies**

Crime Type	Location in the Range						% on the Four Spots
	% Mitigated Range (Min. Spot)	Presumptive Range				% Aggravated Range (Max. Spot)	
		% First Quarter (Min. Spot)	% Second Quarter	% Third Quarter	% Fourth Quarter (Max. Spot)		
Person	28.0 (17.2)	27.3 (24.7)	6.3	5.0	26.7 (24.8)	6.7 (4.9)	71.2
Property	19.5 (14.9)	34.1 (33.8)	7.3	1.0	34.9 (34.8)	3.2 (2.4)	85.9
Non-Trafficking Drug	21.5 (15.9)	32.5 (31.9)	6.2	2.1	33.3 (33.1)	4.5 (3.9)	84.9
Other Felony	42.5 (28.6)	27.7 (25.3)	5.4	2.4	19.2 (18.2)	2.9 (1.6)	73.7
TOTAL	26.9 (18.5)	30.6 (29.1)	6.4	2.6	29.1 (28.3)	4.4 (3.1)	79.0

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

Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 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.

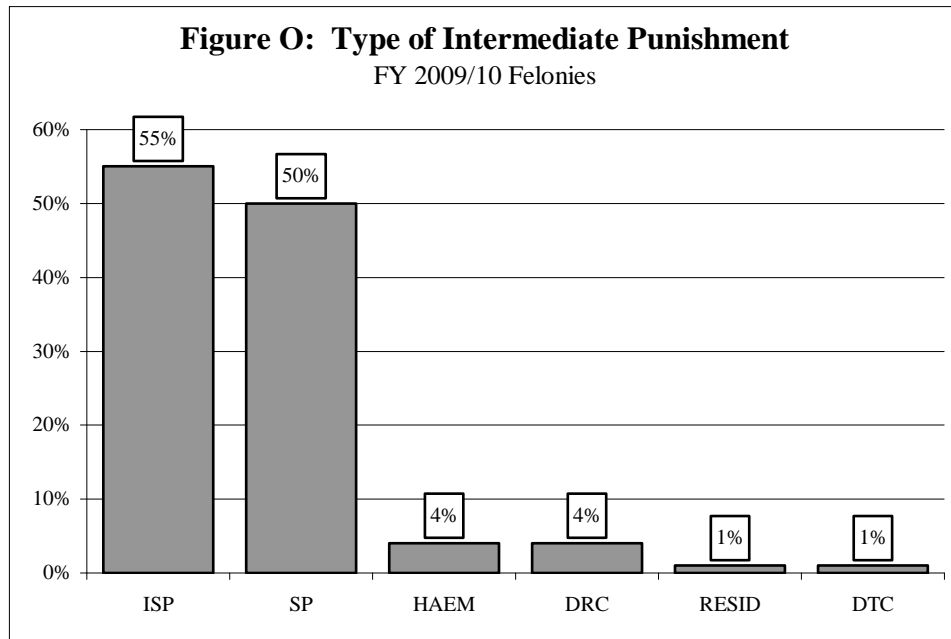
During Fiscal Year 2009/10, Intermediate punishments were imposed for 12,507 convictions. The specific type(s) of intermediate sanction(s) imposed was reported in the AOC database for 12,357 convictions – a reporting rate of 99%.

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

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

A. Intermediate Punishments Imposed

Figure O illustrates the percentage of convictions for which specific intermediate sanctions were imposed. The figure indicates that Intensive Supervision Probation accounted for the highest percentage of convictions for which a specific intermediate sanction was reported (55%). Assignment to Drug Treatment Court or a Residential Treatment Facility accounted for the smallest percentage of convictions for which a specific intermediate sanction was reported (1% each).



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

Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

B. Intermediate Punishments by Offense Class and Prior Record Level

Table 10 shows the frequency and average probation length of Intermediate punishments by offense class and prior record level. Of those convictions for which specific intermediate sanctions were reported, the greatest number was imposed for Class H felonies (n=6,616). For Class H, Intensive Supervision Probation was the most frequently invoked sanction (n=3,131), followed by Special Probation (n=2,845). Convictions for Class E felonies resulted in the longest average probation sentences for Intermediate punishments (36 months). Convictions for which a Residential Facility sanction was imposed resulted in the longest average probation sentence of all the Intermediate punishments (35 months). Overall, convictions for which an Intermediate punishment was imposed resulted in an average probation sentence of 31 months.

**Table 10: Type of Intermediate Punishment by Offense Class and Prior Record Level
FY 2009/10 Felonies**

Offense Class	Prior Record Level	Type of Intermediate Punishment (Number and Average Probation Length)						Total
		Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	Drug Treatment Court	House Arrest w/ Elect. Mon.	
E	I	211	5	10	207	0	26	459
	II	174	4	4	168	0	15	365
	Subtotal	385 <i>36 months</i>	9 <i>43 months</i>	14 <i>36 months</i>	375 <i>37 months</i>	0 <i>N/A</i>	41 <i>36 months</i>	824 <i>36 months</i>
F	I	221	2	14	223	0	18	478
	II	188	6	8	184	0	10	396
	III	122	3	1	101	0	11	238
	Subtotal	531 <i>35 months</i>	11 <i>34 months</i>	23 <i>38 months</i>	508 <i>35 months</i>	0 <i>N/A</i>	39 <i>39 months</i>	1,112 <i>35 months</i>
G	I	317	1	16	296	0	26	656
	II	450	5	26	423	5	29	938
	III	296	5	12	280	3	33	629
	IV	148	3	3	129	2	11	296
	Subtotal	1,211 <i>31 months</i>	14 <i>39 months</i>	57 <i>34 months</i>	1,128 <i>33 months</i>	10 <i>34 months</i>	99 <i>33 months</i>	2,519 <i>32 months</i>
H	I	639	9	61	580	8	57	1,354
	II	1,205	30	107	1,463	24	109	2,938
	III	591	21	40	671	14	50	1,387
	IV	320	13	14	334	16	35	732
	V	90	10	4	83	4	14	205
	Subtotal	2,845 <i>30 months</i>	83 <i>36 months</i>	226 <i>30 months</i>	3,131 <i>31 months</i>	66 <i>31 months</i>	265 <i>33 months</i>	6,616 <i>30 months</i>

**Table 10: Type of Intermediate Punishment by Offense Class and Prior Record Level
(continued)
FY 2009/10 Felonies**

Offense Class	Prior Record Level	Type of Intermediate Punishment (Number and Average Probation Length)						Total
		Special Probation	Residential Facility	Day Reporting Center	Intensive Supervision Probation	Drug Treatment Court	House Arrest w/ Elect. Mon.	
I	II	452	21	52	627	22	42	1,216
	III	470	17	39	652	22	32	1,232
	IV	226	7	23	298	10	17	581
	V	44	3	4	65	5	4	125
	VI	36	6	3	38	3	5	91
	Subtotal	1,228 <i>26 months</i>	54 <i>30 months</i>	121 <i>25 months</i>	1,680 <i>28 months</i>	62 <i>28 months</i>	100 <i>28 months</i>	3,245 <i>27 months</i>
TOTAL	6,200 <i>30 months</i>	171 <i>35 months</i>	441 <i>30 months</i>	6,822 <i>31 months</i>	138 <i>30 months</i>	544 <i>33 months</i>	14,316 <i>31 months</i>	

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

Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 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 property offenses (n=5,776), followed by non-trafficking drug offenses (n=4,752).

**Table 11: Type of Intermediate Punishment by Crime Type
FY 2009/10 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	1,055	20	44	912	0	83	2,114
Property	2,483	105	198	2,698	73	219	5,776
Non-Trafficking Drug	1,910	40	164	2,410	62	166	4,752
Other Felony	752	6	35	802	3	76	1,674
TOTAL	6,200	171	441	6,822	138	544	14,316

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 2009/10 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 2009/10, there were 4,431 convictions for which a Community punishment was imposed. The specific type(s) of Community punishment(s) imposed was reported in the AOC database for 4,404 convictions – a reporting rate of 99%.⁴ Of these 4,404 convictions, 4,256 (96%) were for supervised probation; 119 (3%) were for unsupervised probation, and 29 (1%) were for restitution, fines, and/or community service only. For more information about community service and restitution, refer to *Appendix F*.*

A. Community Punishments by Offense Class

Table 12 shows the type of Community punishment imposed – either Supervised Probation, Unsupervised Probation, Restitution/Fine/Community Service Only, or Sanction Not Specified – by offense class, as well as information regarding the average length of probation sentences. Class I felony offenses accounted for the largest number of convictions for which a Community punishment was imposed (n=2,980). 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.

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).

**Table 12: Type of Community Punishment by Offense Class
FY 2009/10 Felonies**

Offense Class	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
H	1,403 <i>28 months</i>	32 <i>17 months</i>	4 <i>N/A</i>	12 <i>N/A</i>	1,451 <i>28 months</i>
I	2,853 <i>23 months</i>	87 <i>18 months</i>	25 <i>N/A</i>	15 <i>N/A</i>	2,980 <i>23 months</i>
TOTAL	4,256 <i>25 months</i>	119 <i>18 months</i>	29 <i>N/A</i>	27 <i>N/A</i>	4,431 <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 2009/10 Statistical Report Data

B. Community Punishments by Crime Type

Information regarding the type of Community punishment imposed by crime type is provided in *Table 13*. The table also includes the average length of probation sentences. Non-trafficking drug offenses represented the largest offense category for which a Community punishment was imposed (n=2,397). Convictions for property offenses had the longest average probation sentences (28 months).

**Table 13: Type of Community Punishment by Crime Type
FY 2009/10 Felonies**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
Person	77 <i>26 months</i>	2 <i>30 months</i>	0 <i>N/A</i>	0 <i>N/A</i>	79 <i>26 months</i>
Property	1,685 <i>28 months</i>	35 <i>17 months</i>	3 <i>N/A</i>	7 <i>N/A</i>	1,730 <i>28 months</i>
Non-Trafficking Drug	2,285 <i>22 months</i>	75 <i>18 months</i>	25 <i>N/A</i>	12 <i>N/A</i>	2,397 <i>22 months</i>
Other Felony	209 <i>24 months</i>	7 <i>20 months</i>	1 <i>N/A</i>	8 <i>N/A</i>	225 <i>24 months</i>
TOTAL	4,256 <i>25 months</i>	119 <i>18 months</i>	29 <i>N/A</i>	27 <i>N/A</i>	4,431 <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 2009/10 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 734 habitual felon convictions during Fiscal Year 2009/10. *Table 14* shows the breakdown by offense class and crime type of the most serious conviction associated with habitual felon convictions. The most serious underlying conviction represents the most serious current conviction for which the habitual felon conviction was applied and does not take into account the class of the three prior felony convictions. Forty-four percent of habitual felons had a conviction for a Class H offense as their underlying conviction (n=325). Thirty percent of habitual felons had some type of drug offense as their underlying conviction (n=218). Felony Breaking and/or Entering was the most frequently occurring most serious crime associated with habitual felon convictions (n=140).

Sixty-nine percent of habitual felon convictions were sentenced in the mitigated range and an additional 11% 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 2009/10 Felonies**

Offense Class	Offense	Total	Offense Class	Offense	Total
CLASS A	First Degree Murder	1	CLASS F (cont.)	Burning Certain Buildings	1
	Subtotal	1		Extortion	1
CLASS B1	First Degree Rape	1		Trafficking in Amphet./Meth	1
	First Degree Sex Offense Child	1		Trafficking Opium/Heroin	5
	Subtotal	2		Felony Serious Injury by Vehicle	1
CLASS C	1 st Degree Kidnapping	8		Habitual Impaired Driving	7
	AWDWIKISI	3		Other Drug Offenses	7
	Other Property Offenses	2		Subtotal	61
	Other Drug Offenses	5	CLASS G	Common Law Robbery	28
	Other Felony Offenses	2		Break/Enter Place of Worship	2
Subtotal	20	2 nd Degree Burglary		6	
CLASS D	Att. Robbery Dang. Weapon	2		Poss. 5+ Counterfeit Instrument	1
	Robbery w/ Dangerous Weapon	30		Identity Theft	8
	1 st Degree Burglary	12		Sell/Deliver Sch. II CS	4
	Other Person Offenses	2		Sell/Deliver Cocaine	4
Subtotal	46	Sell Cocaine		28	
CLASS E	2 nd Degree Kidnapping	4		Conspire Sell Cocaine	1
	Sex Offense – Parental Role	1		Sell Schedule II CS	6
	Consp. Armed Rob. Bus./Pers.	1	Trafficking in Cocaine	3	
	AWDW Serious Injury	4	Conspire to Traffic in Cocaine	1	
	Assault LEO/PO/Other w Firearm	1	Possession of Firearm by Felon	50	
	M/S/D/P CS w/n 100ft School	3	Other Property Offenses	1	
	Discharge Weapon Occ. Prop.	1	Other Drug Offenses	3	
	Felony Death by Vehicle	1	Subtotal	146	
	Other Drug Offenses	1	CLASS H	Fail. Rep. Sex Off. Non-Comply	1
	Subtotal	17		Att. Common Law Robbery	4
CLASS F	Involuntary Manslaughter	1		Assault by Strangulation	2
	Indecent Liberties with Child	5		Habitual Misdemeanor Assault	2
	Failure to Reg. Sex Offender	16		Breaking and/or Entering	140
	Felony Assault on Handicapped	1		Felony Larceny	23
	Malicious Conduct by Prisoner	3		Felony Conversion	1
	Assault Serious Bodily Injury	6		Poss. Stolen Goods/Prop	9
	AWDW Gov't Official	6	Larceny After Break/Enter	4	

**Table 14: Most Serious Crime Associated with Habitual Felon Convictions
by Offense Class and Offense (continued)
FY 2009/10 Felonies**

Offense Class	Offense	Total	Offense Class	Offense	Total
CLASS H (cont.)	Larceny of Motor Vehicle	12	CLASS I	Safecracking	1
	Obtain Property False Pretense	17		Possession of Burglary Tools	2
	Att. Obtain Prop False Pretense	4		Att. Break or Enter Bldg	1
	Fail Return Hired MV >\$4000	1		Break or Enter a Motor Vehicle	29
	Poss. CS Prison/Jail Premises	3		Forgery of Instrument	1
	Sell/Deliver Heroin	1		Uttering Forged Instrument	4
	Sell/Deliver Cocaine	2		Uttering Forged Endorsement	1
	Sell Marijuana	3		Financial Card Theft	5
	Sell Sch. III CS	1		Obtain CS by Fraud/Forgery	1
	Deliver Cocaine	2		Felony Worthless Check	1
	Poss./Dist Precursor Chemical	1		Att. Obtain CS Forgery/Fraud	1
	Conspire Sell Marijuana	3		Possess Methamphetamine	1
	Conspire Deliver Cocaine	1		Sell or Deliver Counterfeit CS	2
	PWIMSD Sch. I CS	3		Felony Possession Sch. I CS	3
	PWIMSD Sch. II CS	6		Felony Possession Sch. II CS	7
	Manufacture Cocaine	2		Felony Possession Sch. VI CS	1
	PWISD Cocaine	41		PWISD Marijuana	8
	PWIMSD Cocaine	7		PWIMSD Marijuana	3
	Possess Stolen Motor Vehicle	11		Felony Possession Marijuana	3
	Elude Arrest MV 2 Agg. Factors	12		Felony Possession Cocaine	35
	Elude Arrest MV >=3 Agg. Fact.	1		Maintain Veh./Dwell/Place CS	3
	Indec. Exp. Def.>=18 Vic<16	1		Other Drug Offenses	2
	Escape from State Prison	1		Other Property Offenses	1
	Felony Escape Local Jail	1		Subtotal	116
	Other Property Offenses	2		TOTAL	734
	Other Drug Offenses	2			
	Subtotal	325			

Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 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 2009/10.

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 2009/10, two death sentences and 78 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 2009/10, four life without parole sentences were imposed for a violent habitual felon conviction. The most serious offenses associated with the violent habitual felon convictions were attempted first-degree murder, second-degree rape, robbery with a dangerous weapon, and assault with a firearm on a law enforcement, probation, or parole officer or on a person employed at a state or local detention facility.

D. Drug Trafficking Convictions

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

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

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

As shown in *Table 15*, there were 808 convictions for drug trafficking offenses in FY 2009/10. The most frequently occurring drug trafficking offense convictions were in Offense Class G (n=395).

**Table 15: Drug Trafficking Convictions
FY 2009/10 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
C	Traffic Amphet./Metham.	3	100	.	.	.	.	161	202	3
	Traffic LSD	1	100	.	.	.	.	175	219	1
	Consp. Traffic Metham.	1	100	.	.	.	.	12	15	1
	Traffic Cocaine	1	100	.	.	.	.	51	71	1
	Traffic Heroin	5	62	2	25	1	13	150	186	8
	Consp Traffic Heroin	1	33	2	67	.	.	91	118	3
	Other Trafficking	7	70	1	10	2	20	115	143	10
	Subtotal	19	70	5	19	3	11	124	155	27
D	Traffic Cocaine	2	100	.	.	.	.	88	115	2
	Consp. Traffic Cocaine	3	75	.	.	1	25	93	116	4
	Other Trafficking	18	82	1	4	3	14	123	155	22
	Subtotal	23	82	1	4	4	14	116	147	28
E	Traffic Methamphetamine	1	100	.	.	.	.	90	117	1
	Traffic Cocaine	.	.	1	100	.	.	35	42	1
	Traffic Heroin	14	67	6	29	1	4	69	91	21
	Consp. Traffic Heroin	.	.	2	100	.	.	26	31	2
	Other Trafficking	11	79	3	21	.	.	66	88	14
Subtotal	26	67	12	31	1	3	66	86	39	
F	Traffic Amphetam/Meth	5	71	2	29	.	.	54	65	7
	Traffic Methamphetamine	1	100	.	.	.	.	70	84	1
	Traffic MDA/MDMA	2	100	.	.	.	.	70	84	2
	Traffic Cocaine	36	94	1	3	1	3	61	74	38
	Traffic Heroin	57	67	27	32	1	1	59	71	85
	Consp. Traffic Cocaine	5	100	.	.	.	.	48	58	5
	Consp. Traffic Heroin	2	50	2	50	.	.	56	67	4
	Other Trafficking	79	86	11	12	2	2	63	76	92
Subtotal	187	80	43	18	4	2	61	73	234	

**Table 15: Drug Trafficking Convictions (continued)
FY 2009/10 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
G	Traffic in LSD	1	100	.	.	.	.	35	42	1
	Traffic in MDA/MDMA	12	71	4	23	1	6	34	41	17
	Consp. Traffic MDA/MDMA	2	50	2	50	.	.	31	37	4
	Traffic Marijuana	11	100	.	.	.	.	35	42	11
	Traffic Cocaine	129	84	19	12	6	4	32	38	154
	Traffic Heroin	4	80	1	20	.	.	50	57	5
	Consp. Traffic Marijuana	1	100	.	.	.	.	35	42	1
	Consp. Traffic Cocaine	26	90	3	10	.	.	28	34	29
	Consp. Traffic Heroin	1	100	.	.	.	.	10	12	1
	Other Trafficking	137	80	28	16	7	4	30	36	172
Subtotal		324	82	57	14	14	4	31	37	395
H	Traffic Marijuana	27	84	5	16	.	.	24	29	32
	Traffic Cocaine	1	100	.	.	.	.	35	42	1
	Consp. Traffic Marijuana	3	75	1	25	.	.	22	26	4
	Other Trafficking	37	84	4	9	3	7	24	28	44
Subtotal		68	84	10	12	3	4	24	29	81
I	Traffic Cocaine	1	100	.	.	.	.	16	20	1
	Traffic Heroin	.	.	1	33	2	67	31	38	3
Subtotal		1	25	1	25	2	50	28	34	4
TOTAL		648	80	129	16	31	4	47	57	808

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

Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

SECTION II

**MISDEMEANOR CONVICTIONS
IN FISCAL YEAR 2009/10**

I. MISDEMEANOR CONVICTIONS IN FY 2009/10

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

B. Misdemeanor Convictions

This section contains detailed information about misdemeanor convictions and sentences imposed under Structured Sentencing during Fiscal Year 2009/10 (July 1, 2009, through June 30, 2010). Overall, sentences for 154,233 misdemeanor convictions were imposed. For many of the tables, information on 3,816 convictions (or 2.5%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table.

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

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

C. Distribution of Convictions within the Misdemeanor Punishment Chart

Table 16 shows the distribution of convictions within the Misdemeanor Punishment Chart. Relative to other cells within the Misdemeanor Punishment Chart, the greatest number of convictions fell into Offense Class 1 with Prior Conviction Level II (n=35,574 or 24%).

**Table 16: Distribution of Convictions within the Misdemeanor Punishment Chart
FY 2009/10 Misdemeanors**

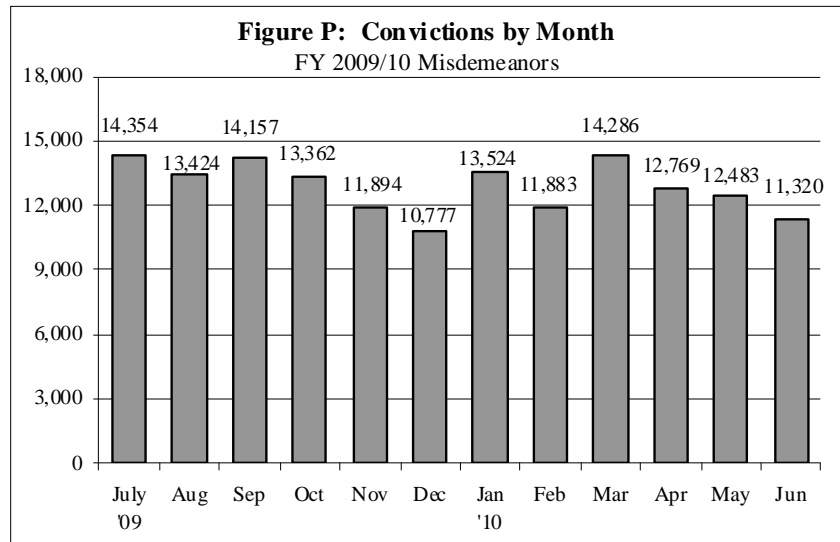
Offense Class	Prior Conviction Level			Total
	I 0 Points	II 1-4 Points	III 5+ Points	
A1	3,523 (2.2%)	5,451 (3.6%)	4,430 (2.9%)	13,134 (8.7%)
1	30,013 (19.9%)	35,574 (23.7%)	21,810 (14.5%)	87,397 (58.1%)
2	10,821 (7.2%)	9,470 (6.3%)	4,355 (2.9%)	24,646 (16.4%)
3	12,326 (8.2%)	8,619 (5.7%)	4,295 (2.9%)	25,240 (16.8%)
TOTAL	56,413 (37.5%)	59,114 (39.3%)	34,890 (23.2%)	150,417 (100.0%)

Note: Of the 154,233 misdemeanor convictions in FY 2009/10, 3,816 (2.5%) were excluded from this table. These convictions did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons. Percentages may not add to 100% due to rounding.

Source: NC Sentencing and Policy Commission, FY 2009/10 Statistical Report Data

D. Convictions by Month of Sentencing

Figure P shows the number of misdemeanor convictions (N=154,233) by month of sentencing during Fiscal Year 2009/10. Convictions peaked in July and were lowest in December.



Source: NC Sentencing and Policy Commission, FY 2009/10 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 2009/10, there were 145,986 guilty pleas/bench trials in District Court, 8,057 guilty pleas in Superior Court, and 190 jury trials in Superior Court.

**Table 17: Convictions by Judicial District, County, and Mode of Disposition
FY 2009/10 Misdemeanors**

Judicial District and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 1	Camden	70	8	1	79
	Chowan	233	21	0	254
	Currituck	356	53	0	409
	Dare	739	82	1	822
	Gates	173	16	0	189
	Pasquotank	943	103	1	1,047
	Perquimans	211	23	0	234
	Total	2,725	306	3	3,034
District 2	Beaufort	1,137	57	1	1,195
	Hyde	130	7	0	137
	Martin	625	50	3	678
	Tyrrell	104	5	2	111
	Washington	324	21	0	345
	Total	2,320	140	6	2,466
District 3A	Pitt	2,694	147	4	2,845
	Total	2,694	147	4	2,845
District 3B	Carteret	1,302	57	3	1,362
	Craven	1,758	106	4	1,868
	Pamlico	248	16	0	264
	Total	3,308	179	7	3,494
District 4	Duplin	695	81	0	776
	Jones	244	27	0	271
	Onslow	2,271	286	1	2,558
	Sampson	1,212	20	2	1,234
	Total	4,422	414	3	4,839
District 5	New Hanover	3,322	161	2	3,485
	Pender	608	29	0	637
	Total	3,930	190	2	4,122

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 2009/10 Misdemeanors**

Judicial District and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 6A	Halifax	1,189	120	1	1,310
	Total	1,189	120	1	1,310
District 6B	Bertie	399	64	1	464
	Hertford	670	67	0	737
	Northampton	413	34	0	447
	Total	1,482	165	1	1,648
District 7	Edgecombe	1,391	218	0	1,609
	Nash	1,781	234	1	2,016
	Wilson	1,388	164	0	1,552
	Total	4,560	616	1	5,177
District 8	Greene	330	66	0	396
	Lenoir	1,487	201	2	1,690
	Wayne	2,203	117	2	2,322
	Total	4,020	384	4	4,408
District 9	Franklin	692	96	0	788
	Granville	823	113	1	937
	Vance	1,424	231	0	1,655
	Warren	316	88	0	404
	Total	3,255	528	1	3,784
District 9A	Caswell	368	39	3	410
	Person	915	50	0	965
	Total	1,283	89	3	1,375
District 10	Wake	12,472	222	12	12,706
	Total	12,472	222	12	12,706
District 11	Harnett	1,161	19	0	1,180
	Johnston	1,608	32	0	1,640
	Lee	783	83	0	866
	Total	3,552	134	0	3,686
District 12	Cumberland	3,218	211	1	3,430
	Total	3,218	211	1	3,430
District 13	Bladen	591	43	1	634
	Brunswick	1,426	51	0	1,477
	Columbus	1,018	49	2	1,069
	Total	3,035	143	3	3,181
District 14	Durham	4,626	43	8	4,677
	Total	4,626	43	9	4,330
District 15A	Alamance	2,811	149	5	2,965
	Total	2,811	149	5	2,965
District 15B	Chatham	716	20	0	736

**Table 17: Convictions by Judicial District, County, and Mode of Disposition (continued)
FY 2009/10 Misdemeanors**

Judicial District and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 15B (cont.)	Orange	1,132	26	0	1,158
	Total	1,848	46	0	1,894
District 16A	Hoke	639	30	1	670
	Scotland	1,135	39	1	1,175
	Total	1,774	69	2	1,845
District 16B	Robeson	3,745	82	0	3,827
	Total	3,745	82	0	3,827
District 17A	Rockingham	1,433	68	5	1,506
	Total	1,433	68	5	1,506
District 17B	Stokes	566	83	0	649
	Surry	1,188	75	1	1,264
	Total	1,754	158	1	1,913
District 18	Guilford	6,703	484	4	7,191
	Total	6,703	484	4	7,191
District 19A	Cabarrus	4,608	133	3	4,744
	Total	4,608	133	3	4,744
District 19B	Montgomery	428	43	0	471
	Randolph	2,097	103	5	2,205
	Total	2,525	146	5	2,676
District 19C	Rowan	3,064	60	4	3,128
	Total	3,064	60	4	3,128
District 19D	Moore	1,100	50	6	1,156
	Total	1,100	50	6	1,156
District 20A	Anson	472	101	1	574
	Richmond	944	119	5	1,068
	Stanly	810	170	2	982
	Total	2,226	390	8	2,624
District 20B	Union	1,033	201	1	1,235
	Total	1,033	201	1	1,235
District 21	Forsyth	6,644	87	18	6,749
	Total	6,644	87	18	6,749
District 22A	Alexander	423	15	0	438
	Iredell	2,374	72	1	2,447
	Total	2,797	87	1	2,885
District 22B	Davidson	2,628	130	0	2,758
	Davie	464	21	0	485
	Total	3,092	151	0	3,243
District 23	Alleghany	180	2	0	182
	Ashe	335	7	0	342

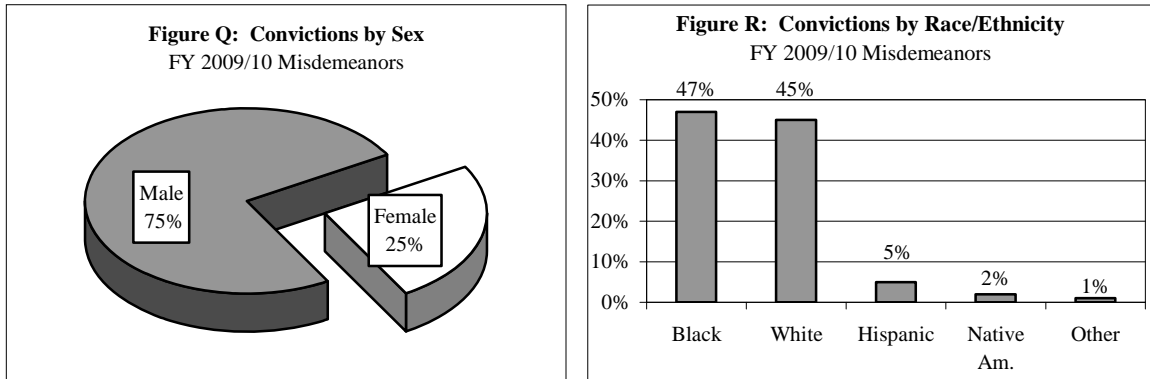
**Table 17: Convictions by Judicial District, County, and Mode of Disposition (continued)
FY 2009/10 Misdemeanors**

Judicial District and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 23 (cont.)	Wilkes	1,197	34	1	1,232
	Yadkin	488	12	0	500
	Total	2,200	55	1	2,256
District 24	Avery	230	14	3	247
	Madison	168	12	1	181
	Mitchell	192	17	0	209
	Watauga	602	61	4	667
	Yancey	199	23	3	225
	Total	1,391	127	11	1,529
District 25	Burke	1,375	133	1	1,509
	Caldwell	1,377	74	2	1,453
	Catawba	2,885	108	4	2,997
	Total	5,637	315	7	5,959
District 26	Mecklenburg	8,188	267	19	8,474
Total	8,188	267	19	8,474	
District 27A	Gaston	3,547	329	2	3,878
Total	3,547	329	2	3,878	
District 27B	Cleveland	2,604	69	5	2,678
	Lincoln	1,150	83	2	1,235
	Total	3,754	152	7	3,913
District 28	Buncombe	4,346	61	8	4,415
Total	4,346	61	8	4,415	
District 29A	McDowell	761	72	3	836
	Rutherford	1,935	79	3	2,017
	Total	2,696	151	6	2,853
District 29B	Henderson	1,823	27	2	1,852
	Polk	284	12	0	296
	Transylvania	451	8	1	460
	Total	2,558	47	3	2,608
District 30	Cherokee	289	10	0	299
	Clay	79	12	1	92
	Graham	79	8	0	87
	Haywood	874	56	1	931
	Jackson	427	34	0	461
	Macon	423	32	1	456
	Swain	250	9	0	259
	Total	2,421	161	3	2,585
STATE TOTAL		145,986	8,057	190	154,233

Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

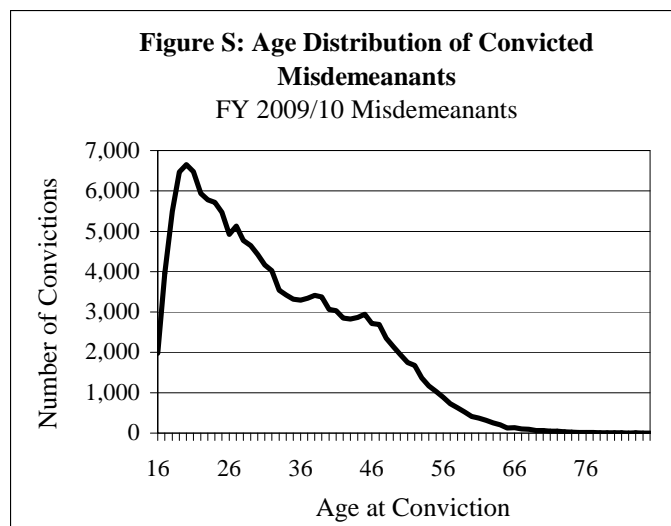
II. CHARACTERISTICS OF OFFENDERS

This section provides a summary of misdemeanor convictions by sex, race/ethnicity, and age of offenders. As indicated in *Figure Q*, the majority of misdemeanor convictions were for males (75%). *Figure R* shows that 47% of all misdemeanor offenders were Black and 45% were White. Only a small percentage were Hispanic (5%), Native American (2%), or Other (1%).



Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 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, 24% were 30-39 years of age, 19% were 40-49 years of age, and 8% were 50 years of age or older. The average age at conviction was 32 years. *Figure S* illustrates the age distribution of misdemeanor offenders at conviction. As with felons, the volume of offenders peaks in the late teens and early twenties and then generally declines. *Table 18* provides a summary of misdemeanor convictions by sex, race/ethnicity, and age of offenders.



Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

**Table 18: Convictions by Sex, Race/Ethnicity, and Age
FY 2009/10 Misdemeanors**

Sex and Race/Ethnicity		Age at Conviction						Total
		<21	21-25	26-29	30-39	40-49	>49	
Male	White	8,460	9,586	6,157	11,519	8,982	4,843	49,547
	Black	8,991	10,608	6,792	12,166	10,489	6,363	55,409
	Hispanic	1,032	1,390	1,177	1,993	718	192	6,502
	Native Amer.	281	384	275	501	368	169	1,978
	Other	228	214	156	306	201	80	1,185
	Subtotal	18,992	22,182	14,557	26,485	20,758	11,647	114,621
Female	White	2,535	3,505	2,564	5,296	3,442	1,293	18,635
	Black	2,716	3,327	2,086	3,978	3,014	1,074	16,195
	Hispanic	119	159	107	213	82	16	696
	Native Amer.	110	135	119	225	135	49	773
	Other	86	74	43	105	59	33	400
	Subtotal	5,566	7,200	4,919	9,817	6,732	2,465	36,699
TOTAL		24,558	29,382	19,476	36,302	27,490	14,112	151,320

Note: Of the 154,233 misdemeanor convictions in FY 2009/10, 2,913 convictions with missing values for offenders' age were excluded from this table.

Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

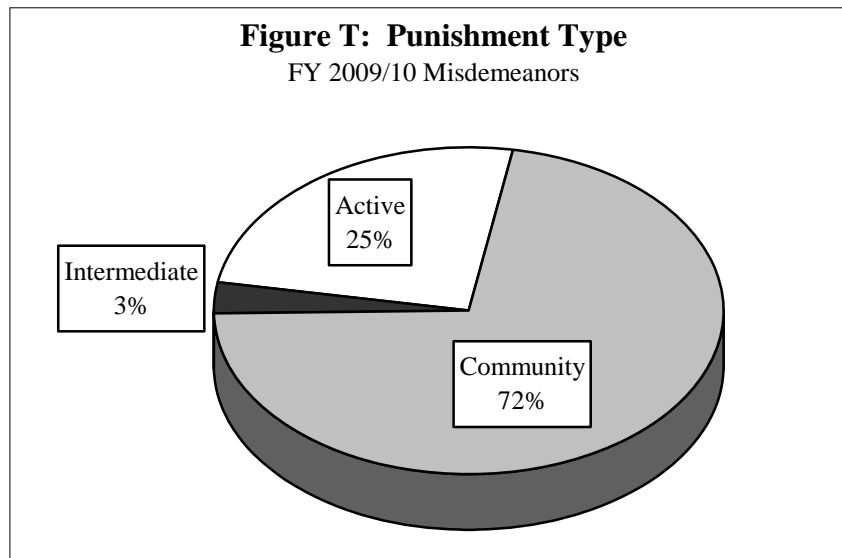
III. PUNISHMENT IMPOSED FOR MISDEMEANORS

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 25% of misdemeanor convictions; an Intermediate punishment was imposed for 3% of misdemeanor convictions; and a Community punishment was imposed for 72% of misdemeanor convictions. Of the Active punishments

imposed, 90% were for sentences of 90 days or less, with the remaining 10% for sentences greater than 90 days.



Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

B. Punishment Imposed by Offense Class and Prior Conviction Level

Misdemeanor convictions and sentences imposed are presented within the context of the Misdemeanor Punishment Chart in *Table 19*. Most convictions – regardless of the offense class or prior conviction level – resulted in the imposition of a Community punishment. Nine percent of misdemeanor convictions fell into Offense Class A1, 58% fell into Offense Class 1, 16% fell into Offense Class 2, and 17% fell into Offense Class 3. Thirty-eight percent of misdemeanor convictions fell into Prior Conviction Level I, 39% fell into Prior Conviction Level II, and 23% 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 (32%). The majority of convictions fell into Offense Class 1 with Prior Conviction Level II (n=35,574). 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 2009/10 Misdemeanors**

Offense Class	Prior Conviction Level			Total
	I 0 Points	II 1-4 Points	III 5+ Points	
A1	C/I/A C = 2,407 (74%) I = 123 (4%) A = 723 (22%) (n=3,253) 33.8 days	C/I/A C = 3,675 (67%) I = 300 (6%) A = 1,476 (27%) (n=5,451) 48.3 days	C/I/A C = 2,027 (46%) I = 356 (8%) A = 2,047 (46%) (n=4,430) 97.0 days	C/I/A C = 8,109 (62%) I = 779 (6%) A = 4,246 (32%) (n=13,134) 69.3 days
1	C C = 25,222 (84%) I = 181 (1%) A = 4,610 (15%) (n=30,013) 20.2 days	C/I/A C = 27,013 (76%) I = 981 (3%) A = 7,580 (21%) (n=35,574) 26.6 days	C/I/A C = 12,016 (55%) I = 1,327 (6%) A = 8,467 (39%) (n=21,810) 64.0 days	C/I/A C = 64,251 (73%) I = 2,489 (3%) A = 20,657 (24%) (n=87,397) 40.5 days
2	C C = 8,862 (82%) I = 21 (0%) A = 1,938 (18%) (n=10,821) 14.0 days	C/I C = 7,039 (74%) I = 138 (2%) A = 2,293 (24%) (n=9,470) 20.3 days	C/I/A C = 2,300 (53%) I = 103 (2%) A = 1,952 (45%) (n=4,355) 30.0 days	C/I/A C = 18,201 (74%) I = 262 (1%) A = 6,183 (25%) (n=24,646) 21.4 days
3	C C = 9,436 (77%) I = 7 (0%) A = 2,883 (23%) (n=12,326) 5.5 days	C/I C = 6,477 (75%) I = 65 (1%) A = 2,077 (24%) (n=8,619) 7.9 days	C/I/A C = 2,192 (51%) I = 46 (1%) A = 2,057 (48%) (n=4,295) 10.4 days	C/I/A C = 18,105 (71%) I = 118 (1%) A = 7,017 (28%) (n=25,240) 7.7 days
TOTAL	C/I/A C = 45,927 (81%) I = 332 (1%) A = 10,154 (18%) (n=56,413) 15.8 days	C/I/A C = 44,204 (75%) I = 1,484 (2%) A = 13,426 (23%) (n=59,114) 25.0 days	C/I/A C = 18,535 (53%) I = 1,832 (5%) A = 14,523 (42%) (n=34,890) 56.5 days	C/I/A C = 108,666 (72%) I = 3,648 (3%) A = 38,103 (25%) (n=150,417) 34.6 days

Note: Of the 154,233 misdemeanor convictions in FY 2009/10, 3,816 (2.5%) were excluded from this table. These convictions did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons. Active sentences in cells in which an Active punishment is not a sentencing option may be attributed to the use of credit for time served.

Source: NC Sentencing and Policy Commission, FY 2009/10 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 (46 days). Overall, the average time to be served for misdemeanor convictions was 22 days. Sixty-four percent of offenders with Active sentences received credit for time served.

**Table 20: Average Length of Active Sentences by Offense Class and Prior Conviction Level
FY 2009/10 Misdemeanors**

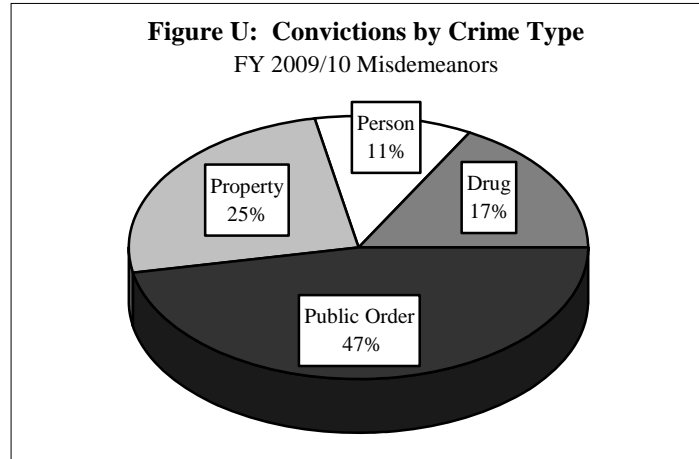
Offense Class		Prior Conviction Level			Total
		I 0 Points	II 1-4 Points	III 5+ Points	
A1	Average Active Sentence (Days)	33.8	48.3	97.0	69.3
	Average Credit for Time Served (Days)	20.0	23.4	24.6	23.4
	Average Time to be Served (Days)	13.9	24.9	72.4	45.9
	No. of Active Sentences	723	1,476	2,047	4,246
1	Average Active Sentence (Days)	20.2	26.6	64.0	40.5
	Average Credit for Time Served (Days)	13.7	11.9	15.6	13.8
	Average Time to be Served (Days)	6.6	14.7	48.4	26.7
	No. of Active Sentences	4,610	7,580	8,467	20,657
2	Average Active Sentence (Days)	14.0	20.3	30.0	21.4
	Average Credit for Time Served (Days)	10.7	11.9	12.1	11.6
	Average Time to be Served (Days)	3.3	8.4	17.9	9.8
	No. of Active Sentences	1,938	2,293	1,952	6,183
3	Average Active Sentence (Days)	5.5	7.9	10.4	7.7
	Average Credit for Time Served (Days)	4.7	5.6	4.8	5.0
	Average Time to be Served (Days)	0.8	2.4	5.7	2.7
	No. of Active Sentences	2,883	2,077	2,057	7,017
TOTAL	Average Active Sentence (Days)	15.8	25.0	56.5	34.6
	Average Credit for Time Served (Days)	11.0	12.2	14.8	12.9
	Average Time to be Served (Days)	4.8	12.8	41.6	21.7
	No. of Active Sentences	10,154	13,426	14,523	38,103

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 2009/10 Statistical Report Data

D. Punishment Imposed by Crime Type

As shown in *Figure U*, public order offenses (47%) accounted for the majority of misdemeanor convictions, while misdemeanor person offenses accounted for the lowest proportion (11%).



Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 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 (21%). Twenty-six percent of convictions for property offenses and 25% of convictions for public order offenses resulted in an Active punishment, as did 30% of person offenses. 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 2009/10 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	4,757	30	772	5	10,550	66	59.2	21.1	38.1	16,079
Property	10,010	26	1,061	3	26,934	71	39.4	16.3	23.2	38,005
Drug	5,122	21	592	2	19,253	77	27.4	11.2	16.2	24,967
Public Order	18,214	25	1,223	2	51,929	73	27.5	9.3	18.1	71,366
TOTAL	38,103	25	3,648	2	108,666	72	34.6	12.9	21.7	150,417

Note: Of the 154,233 misdemeanor convictions in FY 2009/10, 3,816 (2.5%) were excluded from this table. These convictions did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons.

Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

IV. INTERMEDIATE PUNISHMENTS

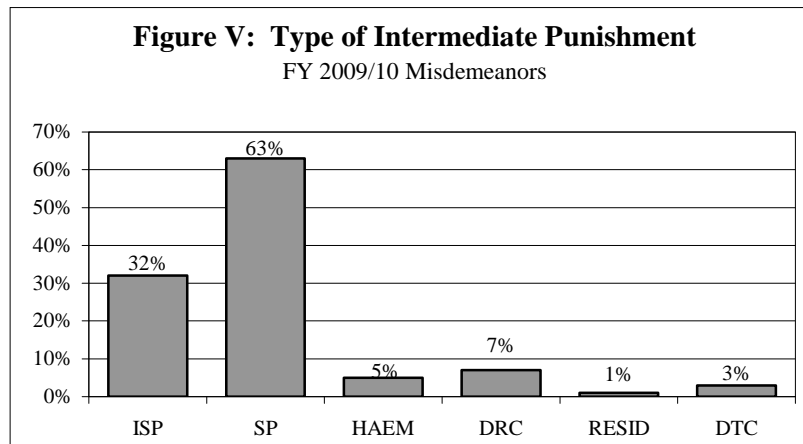
This section provides a summary of the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed at sentencing.*⁶ Under Structured Sentencing, all offenders who receive an Intermediate punishment must receive a term of supervised probation 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 2009/10, there were 3,648 convictions for which an Intermediate punishment was imposed. One or more specific intermediate sanctions were reported for 3,581 of these convictions (a reporting rate of 98%).

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

A. Intermediate Punishments Imposed

Figure V shows the percentage of convictions for which each intermediate sanction was imposed. Where a specific intermediate sanction was reported in the AOC database, data indicated that Special Probation accounted for the highest percentage of convictions (63%). Assignment to a Residential Treatment Facility accounted for the smallest percentage of convictions for which a specific intermediate sanction was reported (1%).



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

Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 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=1,469). Overall, intermediate sanctions were most frequently imposed for Class 1 convictions (n=2,699). Convictions for Class A1 offenses resulted in the longest average probation sentences (21 months).

**Table 22: Type of Intermediate Punishment by Offense Class and Prior Conviction Level
FY 2009/10 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	83	0	10	0	28	6	127
	II	204	2	13	1	86	18	324
	III	263	4	5	2	104	11	389
	Subtotal	550 <i>20 months</i>	6 <i>30 months</i>	28 <i>19 months</i>	3 <i>22 months</i>	218 <i>24 months</i>	35 <i>24 months</i>	840 <i>21 months</i>
1	I	97	4	29	7	42	5	184
	II	566	6	76	20	331	47	1,046
	III	830	14	55	52	451	67	1,469
	Subtotal	1,493 <i>18 months</i>	24 <i>25 months</i>	160 <i>16 months</i>	79 <i>20 months</i>	824 <i>22 months</i>	119 <i>20 months</i>	2,699 <i>19 months</i>
2	I	9	0	3	0	6	2	20
	II	96	0	19	0	33	7	155
	III	52	0	10	3	36	12	113
	Subtotal	157 <i>15 months</i>	0 <i>N/A</i>	32 <i>15 months</i>	3 <i>28 months</i>	75 <i>21 months</i>	21 <i>20 months</i>	288 <i>17 months</i>
3	I	3	0	2	0	2	0	7
	II	37	1	16	1	12	1	68
	III	28	0	10	4	8	1	51
	Subtotal	68 <i>14 months</i>	1 <i>9 months</i>	28 <i>14 months</i>	5 <i>16 months</i>	22 <i>18 months</i>	2 <i>14 months</i>	126 <i>15 months</i>
TOTAL		2,268 <i>18 months</i>	31 <i>26 months</i>	248 <i>16 months</i>	90 <i>20 months</i>	1,139 <i>22 months</i>	177 <i>21 months</i>	3,953 <i>20 months</i>

Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 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=1,296).

**Table 23: Type of Intermediate Punishment by Crime Type
FY 2009/10 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	535	4	36	3	213	36	827
Property	593	17	76	30	402	52	1,170
Drug	262	3	80	48	243	24	660
Public Order	878	7	56	9	281	65	1,296
TOTAL	2,268	31	248	90	1,139	177	3,953

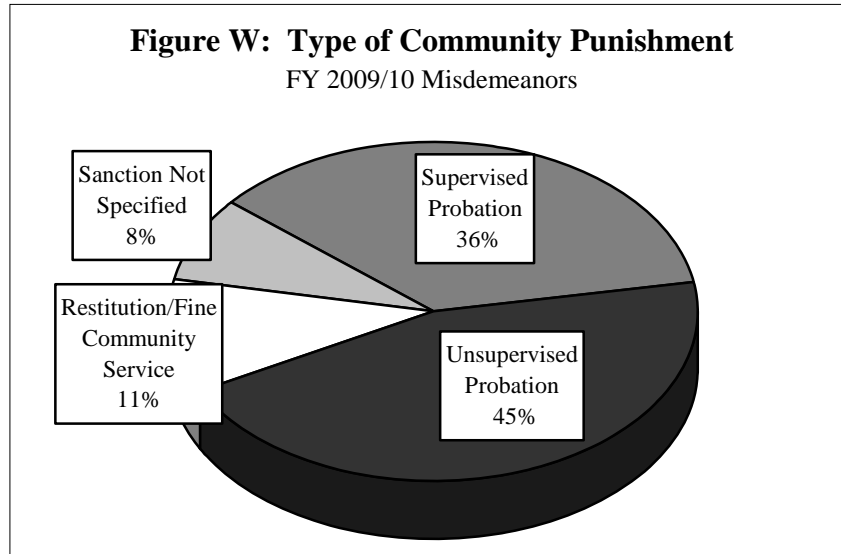
Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

V. COMMUNITY PUNISHMENTS

A. Community Punishments by Offense Class

This section includes only those convictions for which a Community punishment was imposed. Of the 108,666 convictions for which a Community punishment was imposed, the specific type of Community punishment imposed was reported for 99,637 convictions. Overall, 45% received Unsupervised Probation; 36% received Supervised Probation; 11% received only Restitution/Fine/Community Service without probation; and 8% had no specific sanction ordered (see Figure W).⁷

⁷ It is not clear why a specific Community punishment was not reported for 8% 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 2009/10 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=64,251). Convictions for Class A1 offenses resulted in the longest average probation sentences (17 months).

Table 24: Type of Community Punishment by Offense Class
FY 2009/10 Misdemeanors

Offense Class	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
A1	5,116 <i>18 months</i>	2,362 <i>16 months</i>	127 <i>N/A</i>	504 <i>N/A</i>	8,109 <i>17 months</i>
1	26,514 <i>16 months</i>	27,001 <i>14 months</i>	6,252 <i>N/A</i>	4,484 <i>N/A</i>	64,251 <i>15 months</i>
2	4,838 <i>15 months</i>	9,817 <i>13 months</i>	1,814 <i>N/A</i>	1,732 <i>N/A</i>	18,201 <i>14 months</i>
3	2,377 <i>13 months</i>	10,187 <i>12 months</i>	3,232 <i>N/A</i>	2,309 <i>N/A</i>	18,105 <i>12 months</i>
TOTAL	38,845 <i>16 months</i>	49,367 <i>13 months</i>	11,425 <i>N/A</i>	9,029 <i>N/A</i>	108,666 <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 2009/10 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=14,635) followed by property offenses (n=12,383). The largest number sentenced to Unsupervised Probation were convicted of public order offenses (n=24,955).

**Table 25: Type of Community Punishment by Crime Type
FY 2009/10 Misdemeanors**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
Person	5,680 <i>17 months</i>	3,917 <i>16 months</i>	267 <i>N/A</i>	686 <i>N/A</i>	10,550 <i>16 months</i>
Property	12,383 <i>16 months</i>	11,235 <i>14 months</i>	1,593 <i>N/A</i>	1,723 <i>N/A</i>	26,934 <i>15 months</i>
Drug	6,147 <i>15 months</i>	9,260 <i>13 months</i>	2,605 <i>N/A</i>	1,241 <i>N/A</i>	19,253 <i>14 months</i>
Public Order	14,635 <i>16 months</i>	24,955 <i>13 months</i>	6,960 <i>N/A</i>	5,379 <i>N/A</i>	51,929 <i>14 months</i>
TOTAL	38,845 <i>16 months</i>	49,367 <i>13 months</i>	11,425 <i>N/A</i>	9,029 <i>N/A</i>	108,666 <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.

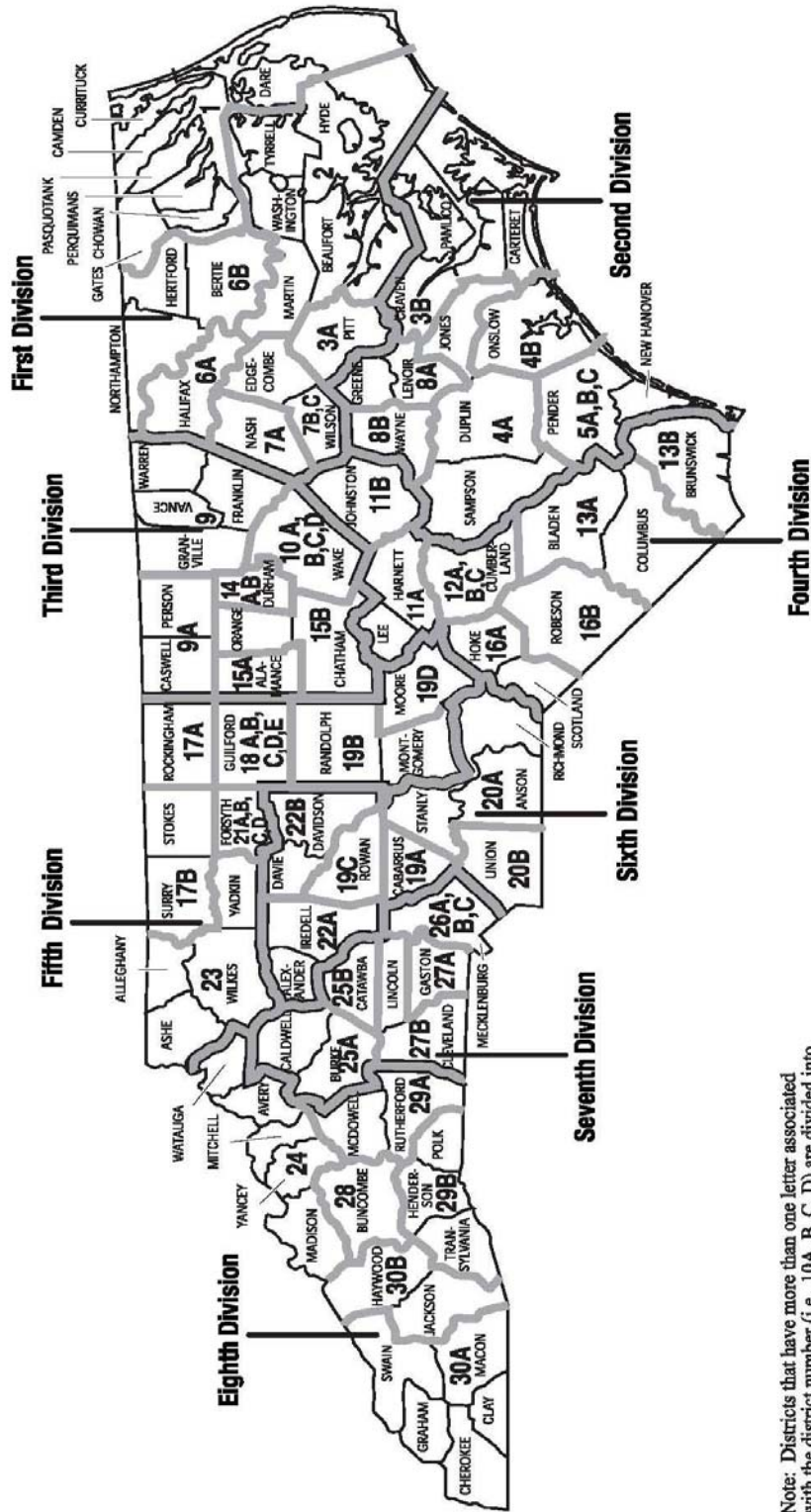
Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

APPENDIX A

MAP OF JUDICIAL DIVISIONS AND DISTRICTS

North Carolina Superior Court

Effective January 15, 2009



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

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APPENDIX B

SAMPLE OFFENSES

CLASSIFICATION OF A SAMPLE OF OFFENSES
(Effective 12/1/09)

CLASS A FELONIES		Maximum Punishment of Death or Life Without Parole
First-Degree Murder. (14-17)		
CLASS B1 FELONIES		Maximum Punishment of Life Without Parole
First-Degree Rape. (14-27.2) First-Degree Sexual Offense. (14-27.4)		
CLASS B2 FELONIES		Maximum Punishment of 481 Months
Second-Degree Murder. (14-17)		
CLASS C FELONIES		Maximum Punishment of 228 Months
Habitual Felon. (14-7.6) Assault W/D/W/I/K/I/S/I. (14-32(a))		
Second-Degree Rape. (14-27.3) First-Degree Kidnapping. (14-39)		
Second-Degree Sexual Offense. (14-27.5) Embezzlement (amount involved \$100,000 or more). (14-90)		
CLASS D FELONIES		Maximum Punishment of 201 Months
Voluntary Manslaughter. (14-18) First-Degree Arson. (14-58)		
Malicious Use of Explosive or Incendiary. (14-49(a)) Armed Robbery. (14-87)		
First-Degree Burglary. (14-51) Sell or Deliver a Controlled Substance to a Person Under 16 But More than 13 Years of Age. (90-95(e)(5))		
CLASS E FELONIES		Maximum Punishment of 85 Months
Intercourse and Sexual Offenses with Certain Victims (Substitute Parent/Custodian). (14-27.7) Second-Degree Kidnapping. (14-39)		
Assault W/D/W/I/S/I. (14-32(b)) Child Abuse Inflicting Serious Physical Injury. (14-318.4(a))		
Assault W/D/W/I/K. (14-32(c)) Death by Vehicle. (20-141.4(a)(1))		
Discharging Weapon Into Occupied Property. (14-34.1(a)) Sell or Deliver a Controlled Substance Within 1,000 Feet of a School. (90-95(e)(8))		
Assault with a Firearm on a Law Enforcement Officer. (14-34.5)		
CLASS F FELONIES		Maximum Punishment of 50 Months
Involuntary Manslaughter. (14-18) Burning of Certain Other Buildings. (14-62)		
Assault Inflicting Serious Bodily Injury. (14-32.4) Participating in Prostitution of a Minor. (14-190.19)		
Assault W/D/W on Governmental Officer or Employee. (14-34.2) Taking Indecent Liberties with Children. (14-202.1)		
Assault I/S/I on a Law Enforcement Officer. (14-34.7) Possess Weapon of Mass Destruction. (14-288.8)		
Felony Restraint. (14-43.3) Habitual Impaired Driving. (20-138.5)		
CLASS G FELONIES		Maximum Punishment of 38 Months
Second-Degree Burglary. (14-51) Possession of Firearms, etc., by Felon. (14-415.1)		
Second-Degree Arson. (14-58) Sale of a Schedule I or II Controlled Substance. (90-95(a)(1))		
Common Law Robbery. (14-87.1)		
CLASS H FELONIES		Maximum Punishment of 30 Months
Habitual Misdemeanor Assault. (14-33.2) Obtaining Property by False Pretenses (amount involved less than \$100,000). (14-100)		
Breaking or Entering Buildings (w/felonious intent). (14-54(a)) Intimidating/Interfering with Witnesses. (14-226)		
Fraudulently Setting Fire to Dwelling Houses. (14-65) Hit and Run (resulted in injury). (20-166(a1))		
Possessing Stolen Goods. (14-71.1) Sale of a Schedule III, IV, V, or VI Controlled Substance. (90-95(a)(1))		
Larceny of Property (worth more than \$1,000). (14-72) Possession W/I/M/S/D Cocaine. (90-95(a)(1))		
Embezzlement (amount involved less than \$100,000). (14-90) Escaping From State Prison System (felon). (148-45(b))		

CLASS I FELONIES		Maximum Punishment of 15 Months
Breaking or Entering Motor Vehicles. (14-56)	Possession W/I/M/S/D Marijuana. (90-95(a)(1))	
Financial Transaction Card Theft. (14-113.9)	Possess Cocaine. (90-95(a)(3))	
Forgery of Notes, Checks, Securities. (14-119(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)	Possess Marijuana (1/2 ounce or less). (90-95(a)(3))	
Intoxicated and Disruptive in Public. (14-444)	Hunting Without a License. (113-270.2)	
Unsealed Wine/Liquor in Passenger Area. (18B-401)	Fishing Without a License. (113-271)	
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 2009/10 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	1,033	39.5	1,158	44.3	424	16.2	26.6	34.2	2,615
District 1	120	33.4	159	44.3	80	22.3	33.7	42.8	359
District 2	125	28.6	232	53.1	80	18.3	30.2	38.9	437
District 3A	294	46.0	255	39.9	90	14.1	22.3	29.2	639
District 6A	90	43.7	102	49.5	14	6.8	38.9	49.7	206
District 6B	75	41.0	76	41.5	32	17.5	22.3	28.9	183
District 7A	163	52.1	115	36.7	35	11.2	18.4	23.6	313
District 7B,C	166	34.7	219	45.8	93	19.5	29.7	37.9	478
Second Judicial Division	1,209	38.4	1,386	44.0	553	17.6	29.6	38.2	3,148
District 3B	213	36.7	271	46.7	96	16.6	32.0	41.0	580
District 4A	215	45.5	168	35.5	90	19.0	36.1	46.6	473
District 4B	159	37.2	181	42.4	87	20.4	25.4	32.8	427
District 5	364	35.0	499	48.0	176	16.9	28.4	36.4	1,039
District 8A	150	42.3	158	44.5	47	13.2	25.7	33.1	355
District 8B	108	39.4	109	39.8	57	20.8	28.2	37.3	274
Third Judicial Division	2,039	47.1	1,660	38.3	633	14.6	28.7	37.0	4,332
District 9	259	45.0	225	39.1	91	15.8	19.9	25.2	575
District 9A	75	45.2	68	41.0	23	13.9	32.6	41.7	166
District 10	990	47.8	732	35.3	349	16.9	24.5	31.5	2,071
District 14	332	48.0	313	45.2	47	6.8	42.6	55.4	692
District 15A	205	43.5	193	41.0	73	15.5	32.1	41.1	471
District 15B	178	49.9	129	36.1	50	14.0	33.8	43.5	357

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District
(continued)
FY 2009/10 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>	1,378	39.0	1,541	43.6	618	17.5	29.3	38.0	3,537
District 11A	193	36.2	231	43.3	109	20.5	25.4	32.7	533
District 11B	191	37.8	221	43.8	93	18.4	24.0	31.0	505
District 12	465	42.9	447	41.2	173	15.9	31.5	40.9	1,085
District 13A	96	34.0	138	38.9	48	17.0	26.2	34.3	282
District 13B	133	37.2	141	39.4	84	23.5	32.9	42.7	358
District 16A	141	36.2	172	44.1	77	19.7	28.4	37.0	390
District 16B	159	41.4	191	49.7	34	8.9	33.7	43.9	384
<i>Fifth Judicial Division</i>	1,964	40.3	2,176	44.6	739	15.1	33.9	43.8	4,879
District 17A	142	37.3	181	47.5	58	15.2	34.0	43.7	381
District 17B	106	37.9	148	52.9	26	9.3	36.1	46.2	280
District 18	801	40.6	873	44.3	297	15.1	31.8	41.5	1,971
District 19B	111	35.9	147	47.6	51	16.5	38.5	48.6	309
District 19D	97	33.1	130	44.4	66	22.5	32.9	42.5	293
District 21	562	47.3	449	37.8	178	15.0	36.2	46.9	1,189
District 23	145	31.8	248	54.4	63	13.8	31.5	40.1	456
<i>Sixth Judicial Division</i>	1,060	36.4	1,370	47.0	485	16.6	34.2	44.1	2,915
District 19A	167	31.5	226	42.6	137	25.8	40.5	52.2	530
District 19C	226	44.1	217	42.3	70	13.6	42.7	54.7	513
District 20A	134	32.4	212	51.2	68	16.4	27.9	36.6	414
District 20B	110	36.5	151	50.2	40	13.3	31.4	40.7	301
District 22A	189	38.3	238	48.3	66	13.4	30.8	39.4	493
District 22B	234	35.2	326	49.1	104	15.7	29.3	37.7	664

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District
(continued)
FY 2009/10 Felonies**

Sentence Type and Average Length of Active Sentences by Judicial Division and Judicial District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>Seventh Judicial Division</i>	<i>1,734</i>	<i>37.6</i>	<i>2,226</i>	<i>48.3</i>	<i>653</i>	<i>14.2</i>	<i>35.0</i>	<i>45.2</i>	<i>4,613</i>
District 25A	116	29.2	213	53.7	68	17.1	32.3	41.5	397
District 25B	94	35.7	113	43.0	56	21.3	33.7	43.2	263
District 26	949	40.2	1,086	46.0	328	13.9	37.8	49.0	2,363
District 27A	311	35.7	447	51.3	113	13.0	29.8	38.0	871
District 27B	264	36.7	367	51.0	88	12.2	32.4	42.1	719
<i>Eighth Judicial Division</i>	<i>761</i>	<i>36.6</i>	<i>990</i>	<i>47.7</i>	<i>326</i>	<i>15.7</i>	<i>31.1</i>	<i>40.1</i>	<i>2,077</i>
District 24	125	31.7	195	49.5	74	18.8	30.6	39.1	394
District 28	287	42.0	323	47.2	74	10.8	34.8	45.1	684
District 29A	124	33.6	166	45.0	79	21.4	21.5	27.9	369
District 29B	119	37.1	155	48.3	47	14.6	26.8	34.7	321
District 30A	51	33.8	72	47.7	28	18.5	44.9	57.6	151
District 30B	55	34.8	79	50.0	24	15.2	31.4	39.4	158
<i>STATE TOTAL</i>	<i>11,178</i>	<i>39.8</i>	<i>12,507</i>	<i>44.5</i>	<i>4,431</i>	<i>15.8</i>	<i>31.3</i>	<i>40.3</i>	<i>28,116</i>

Note: Of the 30,138 felony convictions in FY 2009/10, 2,022 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 100% due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

**Appendix C, Table 2: Sentence Location by Judicial Division and District
(Active Sentences Only)
FY 2009/10 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>	195	19.0	813	79.2	19	1.9	1,027
District 1	14	11.7	101	84.2	5	4.2	120
District 2	25	20.0	99	79.2	1	0.8	125
District 3A	89	30.3	202	68.7	3	1.0	294
District 6A	20	22.2	67	74.4	3	3.3	90
District 6B	25	33.3	50	66.7	.	.	75
District 7A	10	6.2	148	91.4	4	2.5	162
District 7B,C	12	7.5	146	90.7	3	1.9	161
<i>Second Judicial Division</i>	282	23.4	871	72.4	50	4.2	1,203
District 3B	43	20.3	161	75.9	8	3.8	212
District 4A	57	26.5	142	66.0	16	7.4	215
District 4B	26	16.6	129	82.2	2	1.3	157
District 5	80	22.1	270	74.6	12	3.3	362
District 8A	39	26.2	102	68.5	8	5.4	149
District 8B	37	34.3	67	62.0	4	3.7	108
<i>Third Judicial Division</i>	569	28.2	1,392	68.9	59	2.9	2,020
District 9	25	9.7	226	87.3	8	3.1	259
District 9A	9	12.0	63	84.0	3	4.0	75
District 10	297	30.3	663	67.6	21	2.1	981
District 14	127	38.8	186	56.9	14	4.3	327
District 15A	57	27.9	145	71.1	1	1.0	204
District 15B	54	31.0	109	62.6	11	6.3	174

**Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)
(Active Sentences Only)
FY 2009/10 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>	398	29.2	912	67.0	52	3.8	1,362
District 11A	45	23.6	136	71.2	10	5.2	191
District 11B	59	30.9	121	63.4	11	5.8	191
District 12	141	30.7	309	67.3	9	2.0	459
District 13A	17	17.9	72	75.8	6	6.3	95
District 13B	43	32.6	83	62.9	6	4.5	132
District 16A	51	36.2	89	63.1	1	0.7	141
District 16B	42	27.5	102	66.7	9	5.9	153
<i>Fifth Judicial Division</i>	670	34.3	1,177	60.3	106	5.4	1,953
District 17A	31	21.8	100	70.4	11	7.7	142
District 17B	24	22.6	81	76.4	1	0.9	106
District 18	226	28.4	540	67.8	30	3.8	796
District 19B	24	21.6	77	69.4	10	9.0	111
District 19D	17	17.5	75	77.3	5	5.2	97
District 21	310	55.7	216	38.8	31	5.6	557
District 23	38	26.4	88	61.1	18	12.5	144
<i>Sixth Judicial Division</i>	300	28.5	706	67.0	47	4.5	1,053
District 19A	89	53.3	70	41.9	8	4.8	167
District 19C	48	21.4	152	67.9	24	10.7	224
District 20A	28	21.1	101	75.9	4	3.0	133
District 20B	22	20.4	85	78.7	1	0.9	108
District 22A	52	27.8	132	70.6	3	1.6	187
District 22B	61	26.1	166	70.9	7	3.0	234

**Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)
(Active Sentences Only)
FY 2009/10 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>	384	22.3	1,208	70.2	128	7.4	1,720
District 25A	33	28.7	81	70.4	1	0.9	115
District 25B	29	30.9	62	66.0	3	3.2	94
District 26	223	23.6	640	67.9	80	8.5	943
District 27A	52	17.0	229	74.8	25	8.2	306
District 27B	47	17.9	196	74.8	19	7.3	262
<i>Eighth Judicial Division</i>	183	24.1	548	72.2	28	3.7	759
District 24	18	14.4	102	81.6	5	4.0	125
District 28	88	30.8	189	66.1	9	3.1	286
District 29A	18	14.6	95	77.2	10	8.1	123
District 29B	41	34.5	76	63.9	2	1.7	119
District 30A	10	19.6	40	78.4	1	2.0	51
District 30B	8	14.5	46	83.6	1	1.8	55
<i>STATE TOTAL</i>	2,981	26.9	7,627	68.7	489	4.4	11,097

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, 2 convictions with death sentences and 79 convictions with life sentences were excluded from this table. Percentages may not add to 100% due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 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 2009/10 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	3,312	64.3	1,757	34.1	79	1.5	57.5	74.7	5,148
1 st Degree Murder	80	100.0	.	.	.	.	.	.	80
2 nd Degree Murder	226	100.0	.	.	.	.	178.5	223.5	226
Attempted Murder	18	100.0	.	.	.	.	199.9	249.4	18
Voluntary Manslaughter	76	96.2	3	3.8	.	.	73.1	97.2	79
Involuntary Manslaughter	33	50.8	32	49.2	.	.	17.5	21.4	65
Felony Death by Vehicle	18	64.3	10	35.7	.	.	27.2	41.9	28
Armed Robbery	571	100.0	.	.	.	.	65.2	87.7	571
Att. Consp. Armed Robbery	187	63.6	107	36.4	.	.	41.7	59.3	294
Common Law Robbery	359	49.5	366	50.5	.	.	15.3	18.7	725
Att. Common Law Robbery	58	50.0	44	37.9	14	12.1	8.6	10.7	116
Other Robbery	47	33.8	82	59.0	10	7.2	23.3	32.5	139
AWDWIKISI	88	100.0	.	.	.	.	84.9	111.2	88
AWDW Intent to Kill	30	60.0	20	40.0	.	.	27.9	42.5	50
ADWD Serious Injury	230	56.2	179	43.8	.	.	31.0	46.4	409
Assault Govt. Official	47	55.3	37	43.5	1	1.2	22.8	29.4	85
Assault by Strangulation	72	45.0	76	47.5	12	7.5	10.0	12.4	160
Other Felony Assaults	143	46.9	159	52.1	3	1.0	20.9	26.4	305
1 st Degree Rape	77	100.0	.	.	.	.	251.5	311.4	77
Attempted 1 st Degree Rape	14	100.0	.	.	.	.	161.6	203.2	14
2 nd Degree Rape	76	100.0	.	.	.	.	84.6	110.8	76
Attempted 2 nd Degree Rape	16	100.0	.	.	.	.	63.5	85.7	16
Statutory Rape/Sex Off. Against 13, 14, 15	41	100.0	.	.	.	.	199.1	248.2	41
Indecent Liberties with Child	262	52.1	241	47.9	.	.	17.0	20.8	503
Crime Against Nature	9	17.6	21	41.2	21	41.2	45.0	55.4	51

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)
FY 2009/10 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Sexual Exploitation of Minor	6	37.5	4	25.0	6	37.5	29.7	39.2	16
Child Abuse	24	38.1	39	61.9	.	.	35.6	51.2	63
Registered Sex Off. Offenses	177	58.6	123	40.7	2	0.7	18.9	23.2	302
Other Sex Crimes	96	55.5	71	41.0	6	3.5	74.8	96.2	173
Kidnap, Abduction	162	72.0	63	28.0	.	.	48.4	66.5	225
Att./Consp. Kidnapping	1	100.0	.	.	.	.	77.0	102.0	1
All Other Person Felonies	68	44.7	80	52.6	4	2.6	21.2	25.7	152
Property	3,670	35.0	5,072	48.4	1,730	16.5	12.2	15.4	10,472
1st Degree Burglary	119	100.0	.	.	.	.	68.5	91.7	119
Att. 1st Degree Burglary	20	51.3	19	48.7	.	.	30.3	45.7	39
2nd Degree Burglary	78	45.3	94	54.7	.	.	15.0	18.4	172
Breaking/Entering	1,575	38.0	1,943	46.8	632	15.2	9.5	11.8	4,150
Att. Breaking/Entering	12	17.1	28	40.0	30	42.9	7.6	9.6	70
Larceny	748	37.3	981	48.9	279	13.9	10.2	12.6	2,008
Attempted Larceny	12	18.2	38	57.6	16	24.2	6.9	8.8	66
Poss./Rec. Stolen Goods/Property	326	37.8	421	48.8	115	13.3	9.6	11.9	862
1st Degree Arson	2	100.0	.	.	.	.	59.5	81.0	2
2nd Degree Arson	9	37.5	15	62.5	.	.	16.0	19.7	24
Other Arson/Burning	23	24.2	63	66.3	9	9.5	12.7	16.4	95
Forgery	75	16.7	208	46.2	167	37.1	8.3	10.4	450
Fraud	135	28.7	239	50.7	97	20.6	14.6	18.0	471
Embezzlement	31	11.4	120	44.1	121	44.5	14.2	18.3	272
Obt. Prop. by False Pretenses	421	32.1	720	54.9	171	13.0	10.6	13.2	1,312
Att. Obt. Prop. False Pretenses	34	29.8	66	57.9	14	12.3	10.3	12.8	114
All Other Property Felonies	50	20.3	117	47.6	79	32.1	8.9	11.0	246

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)
FY 2009/10 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>Non-Trafficking Drugs</i>	2,003	23.2	4,216	48.9	2,397	27.8	12.1	15.3	8,616
Sell/Deliver Drugs	534	35.1	905	59.5	81	5.3	14.2	17.5	1,520
Consp. to Sell/Deliver Drugs	47	29.9	92	58.6	18	11.5	12.4	15.3	157
Manufacture Drugs	31	18.0	62	36.0	79	45.9	34.2	45.1	172
Possession with Intent	682	27.5	1,197	48.3	599	24.2	9.1	11.3	2,478
Drug Possession	332	11.2	1,318	44.6	1,305	44.2	7.3	9.2	2,955
Other Drug Felonies	377	28.3	642	48.1	315	23.6	27.2	22.5	1,334
<i>Other Felony</i>	2,193	56.5	1,462	37.7	225	5.8	42.1	54.3	3,880
Weapon Offense	554	40.1	793	57.5	33	2.4	16.3	20.6	1,380
Habitual Felon	715	100.0	.	.	.	.	94.3	122.5	715
Habitual Misd. Assault	65	60.2	43	39.8	.	.	11.6	14.2	108
Habitual Impaired Driving	324	98.8	4	1.2	.	.	16.7	20.4	328
Motor Vehicle Offenses	239	43.5	256	46.5	55	10.0	10.0	12.6	550
Crimes Against Admin. Just.	12	35.3	20	58.8	2	5.9	7.5	9.6	34
All Other Felonies	284	37.1	346	45.2	135	17.6	25.1	33.1	765
<i>STATE TOTAL</i>	11,178	39.8	12,507	44.5	4,431	15.8	31.3	40.3	28,116

Note: Of the 30,138 felony convictions in FY 2009/10, 2,022 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 100% due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

**Appendix D, Table 2: Sentence Location by Crime Type and Offense
(Active Sentences Only)
FY 2009/10 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>	<i>905</i>	<i>28.0</i>	<i>2,110</i>	<i>65.3</i>	<i>216</i>	<i>6.7</i>	<i>3,231</i>
2 nd Degree Murder	42	18.6	136	60.2	48	21.2	226
Attempted Murder	1	5.6	15	83.3	2	11.1	18
Voluntary Manslaughter	22	28.9	44	57.9	10	13.2	76
Involuntary Manslaughter	5	15.2	24	72.7	4	12.1	33
Felony Death by Vehicle	3	16.7	13	72.2	2	11.1	18
Armed Robbery	258	45.2	304	53.2	9	1.6	571
Att. Consp. Armed Robbery	63	33.7	121	64.7	3	1.6	187
Common Law Robbery	64	17.8	263	73.3	32	8.9	359
Att. Common Law Robbery	15	25.9	40	69.0	3	5.2	58
Other Robbery	9	19.1	34	72.3	4	8.5	47
AWDWIKISI	25	28.4	56	63.6	7	8.0	88
AWDW Intent to Kill	5	16.7	25	83.3	.	.	30
AWDW Serious Injury	50	21.7	164	71.3	16	7.0	230
Assault Govt. Official	7	14.9	38	80.9	2	4.3	47
Assault by Strangulation	12	16.7	56	77.8	4	5.6	72
Other Fel. Assaults	32	22.4	108	75.5	3	2.1	143
1 st Degree Rape	21	27.6	51	67.1	4	5.3	76
Attempted 1 st Degree Rape	6	42.9	8	57.1	.	.	14
2 nd Degree Rape	23	30.3	43	56.6	10	13.2	76
Attempted 2 nd Degree Rape	8	50.0	7	43.8	1	6.3	16
Statutory Rape/Sex Off. Against 13, 14, 15	22	53.7	18	43.9	1	2.4	41
Indecent Liberties w/ Child	45	17.2	193	73.7	24	9.2	262
Crime Against Nature	1	11.1	8	88.9	.	.	9
Sexual Exploitation of Minor	1	16.7	5	83.3	.	.	6

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
(Active Sentences Only)
FY 2009/10 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	5	20.8	15	62.5	4	16.7	24
Registered Sex Offender Offenses	83	46.9	87	49.2	7	4.0	177
Other Sex Crimes	33	34.4	59	61.5	4	4.2	96
Kidnap, Abduction	29	17.9	128	79.10	5	3.1	162
Att./Consp. Kidnapping	.	.	1	100.0	.	.	1
All Other Person Felonies	15	22.1	46	67.6	7	10.3	68
<i>Property</i>	<i>715</i>	<i>19.5</i>	<i>2,837</i>	<i>77.3</i>	<i>118</i>	<i>3.2</i>	<i>3,670</i>
1 st Degree Burglary	56	47.1	62	52.1	1	0.8	119
Att. 1 st Degree Burglary	1	5.0	19	95.0	.	.	20
2 nd Degree Burglary	14	17.9	61	78.2	3	3.8	78
Breaking/Entering	246	15.6	1,272	80.8	57	3.6	1,575
Att. Breaking/Entering	1	8.3	10	83.3	1	8.3	12
Larceny	1148	19.8	569	76.1	31	4.1	748
Attempted Larceny	3	25.0	9	75.0	.	.	12
Poss./Rec/ Stolen Goods/Property	71	21.8	248	76.1	7	2.1	326
1 st Degree Arson	1	50.0	1	50.0	.	.	2
2 nd Degree Arson	.	.	9	100.0	.	.	9
Other Arson/Burning	8	34.8	15	65.2	.	.	75
Forgery	13	17.3	61	81.3	1	1.3	23
Fraud	34	25.2	98	72.6	3	2.2	135
Embezzlement	4	12.9	26	83.9	1	3.2	31
Obt. Prop. by False Pretenses	93	22.1	317	75.3	11	2.6	421
Att. Obt. Prop. False Pretenses	11	32.4	21	61.8	2	5.9	34
All Other Property Felonies	11	22.0	39	78.0	.	.	50

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
(Active Sentences Only)
FY 2009/10 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>	<i>430</i>	<i>21.5</i>	<i>1,482</i>	<i>74.0</i>	<i>91</i>	<i>4.5</i>	<i>2,003</i>
Sell/Deliver Drugs	105	19.7	414	77.5	15	2.8	534
Consp. to Sell/Deliver Drugs	11	23.4	33	70.2	3	6.4	47
Manufacture Drugs	15	48.4	16	51.6	.	.	31
Possession with Intent	140	20.5	500	73.3	42	6.2	682
Drug Possession	65	19.6	248	74.7	19	5.7	332
All Other Drug Felonies	94	24.9	271	71.9	12	3.2	377
<i>Other Felony</i>	<i>931</i>	<i>42.5</i>	<i>1,198</i>	<i>54.6</i>	<i>64</i>	<i>2.9</i>	<i>2,193</i>
Weapon Offense	150	27.1	381	68.8	23	4.2	554
Habitual Felon	492	68.8	215	30.1	8	1.1	715
Habitual Misd. Assault	10	15.4	50	76.9	5	7.7	65
Habitual Impaired Driving	139	42.9	177	54.6	8	2.5	324
Motor Vehicle Offenses	51	21.3	179	74.9	9	3.8	239
Crimes Against Admin. Just.	6	50.0	6	50.0	.	.	12
All Other Felonies	83	29.2	190	66.9	11	3.9	284
<i>STATE TOTAL</i>	<i>2,981</i>	<i>26.9</i>	<i>7,627</i>	<i>68.7</i>	<i>489</i>	<i>4.4</i>	<i>11,097</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. In addition, 2 convictions with death sentences and 79 convictions with life sentences were excluded from this table.

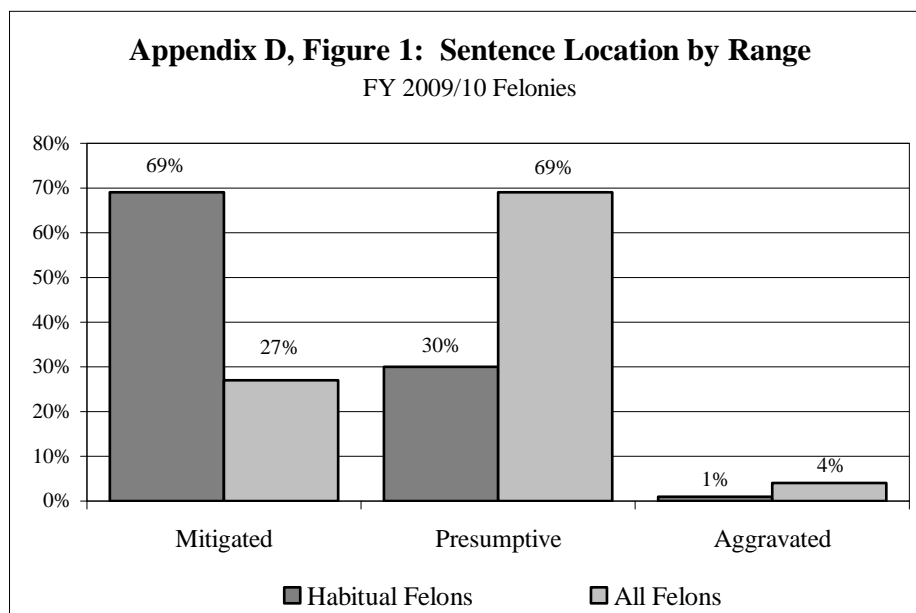
Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

**Appendix D, Table 3: Percentage of Sentences in the Mitigated Range and at the Lowest Spot of the Presumptive Range by Offense Class
FY 2009/10 Felonies**

Offense Class	% Mitigated	% Mitigated and Lowest Spot in Presumptive Range
B1	36	58
B2	23	37
C	59	71
<i>-Habitual Felons Only</i>	69	80
<i>-Non-Habitual Felons Only</i>	33	50
D	44	65
E	21	49
F	31	61
G	22	53
H	19	54
I	19	50
TOTAL	27	56

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 2009/10 Statistical Report Data



Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 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 2009/10 Felonies**

Offense Class	Number of Convictions	% of Convictions
A	0	0.0
B1	1	0.0
B2	3	0.1
C	3	0.1
D	11	0.3
E	129	3.6
F	186	5.2
G	453	12.8
H	1,460	41.2
I	1,302	36.7
TOTAL	3,548	12.6

Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

**Appendix F, Table 2: Community Service by Crime Type
FY 2009/10 Felonies**

Crime Type	Number of Convictions	% of Convictions
Person	381	10.7
Property	1,463	41.2
Non-Trafficking Drug	1,366	38.5
Other Felony	338	9.5
TOTAL	3,548	12.6

Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

**Appendix F, Table 3: Community Service by Type of Punishment
FY 2009/10 Felonies**

Type of Punishment	Number of Convictions	% of Convictions
Active	151	4.3
Intermediate	2,251	63.4
Community	1,146	32.3
TOTAL	3,548	12.6

Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

**Appendix F, Table 4: Restitution Ordered by Offense Class
FY 2009/10 Felonies**

Offense Class	Number of Convictions	% of Convictions
A	4	0.1
B1	2	0.0
B2	24	0.3
C	87	1.0
D	105	1.2
E	350	4.1
F	290	3.4
G	1,104	12.9
H	4,908	57.3
I	1,687	19.7
TOTAL	8,561	30.4

Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

**Appendix F, Table 5: Restitution Ordered by Crime Type
FY 2009/10 Felonies**

Crime Type	Number of Convictions	% of Convictions
Person	900	10.5
Property	5,416	63.3
Non-Trafficking Drug	1,734	20.3
Other Felony	511	6.0
TOTAL	8,561	30.4

Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 Statistical Report Data

**Appendix F, Table 6: Restitution Ordered by Type of Punishment
FY 2009/10 Felonies**

Type of Punishment	Number of Convictions	% of Convictions
Active	1,280	15.0
Intermediate	5,521	64.5
Community	1,760	20.6
TOTAL	8,561	30.4

Source: NC Sentencing and Policy Advisory Commission, FY 2009/10 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 but before 12/1/09

**FELONY PUNISHMENT CHART
PRIOR RECORD LEVEL**

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

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

***** Effective for Offenses Committed on or after 12/1/09 *****

**FELONY PUNISHMENT CHART
PRIOR RECORD LEVEL**

OFFENSE CLASS

	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
A	Death or Life Without Parole						
B1	A	A	A	A	A	A	DISPOSITION
	240 - 300	276 - 345	317 - 397	365 - 456	<i>Life Without Parole</i>	<i>Life Without Parole</i>	<i>Aggravated Range</i>
	192 - 240	221 - 276	254 - 317	292 - 365	336 - 420	386 - 483	PRESUMPTIVE RANGE
	144 - 192	166 - 221	190 - 254	219 - 292	252 - 336	290 - 386	<i>Mitigated Range</i>
B2	A	A	A	A	A	A	
	157 - 196	180 - 225	207 - 258	238 - 297	273 - 342	314 - 393	
	125 - 157	144 - 180	165 - 207	190 - 238	219 - 273	251 - 314	
	94 - 125	108 - 144	124 - 165	143 - 190	164 - 219	189 - 251	
C	A	A	A	A	A	A	
	73 - 92	83 - 104	96 - 120	110 - 138	127 - 159	146 - 182	
	58 - 73	67 - 83	77 - 96	88 - 110	101 - 127	117 - 146	
	44 - 58	50 - 67	58 - 77	66 - 88	76 - 101	87 - 117	
D	A	A	A	A	A	A	
	64 - 80	73 - 92	84 - 105	97 - 121	111 - 139	128 - 160	
	51 - 64	59 - 73	67 - 84	78 - 97	89 - 111	103 - 128	
	38 - 51	44 - 59	51 - 67	58 - 78	67 - 89	77 - 103	
E	I/A	I/A	A	A	A	A	
	25 - 31	29 - 36	33 - 41	38 - 48	44 - 55	50 - 63	
	20 - 25	23 - 29	26 - 33	30 - 38	35 - 44	40 - 50	
	15 - 20	17 - 23	20 - 26	23 - 30	26 - 35	30 - 40	
F	I/A	I/A	I/A	A	A	A	
	16 - 20	19 - 23	21 - 27	25 - 31	28 - 36	33 - 41	
	13 - 16	15 - 19	17 - 21	20 - 25	23 - 28	26 - 33	
	10 - 13	11 - 15	13 - 17	15 - 20	17 - 23	20 - 26	
G	I/A	I/A	I/A	I/A	A	A	
	13 - 16	14 - 18	17 - 21	19 - 24	22 - 27	25 - 31	
	10 - 13	12 - 14	13 - 17	15 - 19	17 - 22	20 - 25	
	8 - 10	9 - 12	10 - 13	11 - 15	13 - 17	15 - 20	
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: 08-31-09