

North Carolina
Sentencing and Policy Advisory Commission



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

**Fiscal Year 2010/11
(July 1, 2010 – June 30, 2011)**

March 2012

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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 2010/11 (July 1, 2010 through June 30, 2011). 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*.

The information in this report reflects the laws and practices that were in place during FY 2010/11. 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, 2010 through June 30, 2011, some convictions covered here fall under the previous felony punishment chart, and some fall under the new ranges (33% and 67%, 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) is 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 Infraction 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 2010/11

STRUCTURED SENTENCING STATISTICAL REPORT
SUMMARY OF FINDINGS
FISCAL YEAR 2010/11 CONVICTIONS

Felony Convictions

- During Fiscal Year 2010/11, sentences for 29,446 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.)
- Thirteen percent of felony convictions fell into Offense Classes A-E, 8% fell into Offense Class F, 13% fell into Offense Class G, 43% fell into Offense Class H, and 23% fell into Offense Class I.
- The majority of felony convictions (60%) were for offenders with Prior Record Levels I and II. Eleven 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 52% of convictions were for Black offenders.
- Forty percent of felony convictions resulted in an Active punishment, 43% resulted in an Intermediate punishment, and 17% resulted in a Community punishment.
- Of the four crime types, property offenses (38%) and non-trafficking drug offenses (31%) accounted for the largest groups of felony convictions.
- Sixty-eight percent of all Active sentences fell within the presumptive range; 27% fell within the mitigated range; and 5% 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 (53%). Offenders who received an Intermediate punishment were most frequently convicted of a Class H offense.
- Of all felony offenders who received a Community punishment, 97% received supervised probation; 3% received unsupervised probation; and less than 1% were ordered to perform community service, pay restitution and/or a fine as their most serious punishment.
- Other information of interest includes: 3 death sentences and 87 life without parole sentences were imposed; there was 1 violent habitual felon conviction; there were 750 habitual felon convictions; there were 687 convictions for drug trafficking offenses; performance of community service was ordered for 13% of all felony convictions; and payment of restitution was ordered for 29% of all felony convictions.

Misdemeanor Convictions

- During Fiscal Year 2010/11, sentences for 150,810 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-seven percent of misdemeanor convictions fell into Prior Conviction Level I (0 points), 39% fell into Prior Conviction Level II (1-4 points), and 24% fell into Prior Conviction Level III (5 or more points).
- Seventy-five percent of convictions were for male offenders; 34% of convictions were for offenders under the age of 26; and 47% of convictions were for Black offenders.
- Twenty-seven percent of misdemeanor convictions resulted in an Active punishment, 2% resulted in an Intermediate punishment, and 71% 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 (31%). Person offenses resulted in the longest average Active sentences.
- Of all misdemeanor offenders who received a Community punishment, 46% received unsupervised probation; 36% received supervised probation; and 10% 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 2010/11**

I. FELONY CONVICTIONS IN FY 2010/11

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 2010/11. Overall, sentences for 29,446 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 2,032 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.

The information in this report reflects the laws and practices that were in place during FY 2010/11. 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) is 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=11,757 or 43%) and into Prior Record Level II (n=8,378 or 31%). Relative to other cells in the Felony Punishment Chart, the greatest number of convictions fell into Offense Class H with Prior Record Level I (n=3,507 or 13%). Sentences imposed for Offense Classes A through E accounted for 13% of felony convictions during FY 2010/11; 66% of sentences imposed were for Class H and Class I felony convictions.

**Table 1: Distribution of Convictions within the Felony Punishment Chart
FY 2010/11 Felonies**

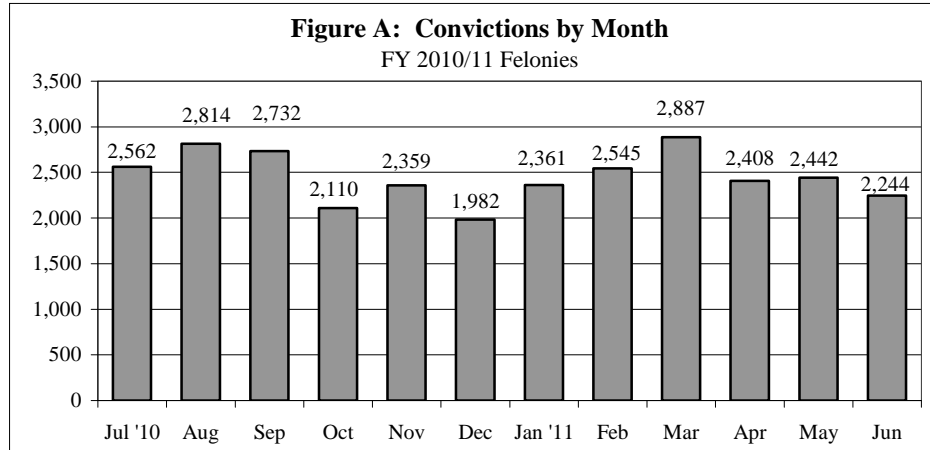
Offense Class	Prior Record Level						Total
	I	II	III	IV	V	VI	
A	44 (0.2%)	18 (0.1%)	13 (0.0%)	12 (0.0%)	0 (0.0%)	3 (0.0%)	90 (0.3%)
B1	65 (0.2%)	37 (0.1%)	14 (0.1%)	8 (0.1%)	1 (0.0%)	3 (0.0%)	128 (0.5%)
B2	84 (0.3%)	94 (0.3%)	47 (0.2%)	24 (0.1%)	4 (0.0%)	4 (0.0%)	257 (0.9%)
C	139 (0.5%)	174 (0.7%)	191 (0.7%)	244 (0.9%)	143 (0.5%)	140 (0.5%)	1,031 (3.8%)
D	272 (1.0%)	218 (0.8%)	127 (0.5%)	71 (0.2%)	26 (0.1%)	32 (0.1%)	746 (2.7%)
E	598 (2.2%)	432 (1.6%)	141 (0.5%)	101 (0.3%)	37 (0.1%)	36 (0.1%)	1,345 (4.9%)
F	774 (2.8%)	648 (2.4%)	386 (1.4%)	202 (0.7%)	105 (0.4%)	71 (0.3%)	2,186 (8.0%)
G	774 (2.8%)	1,128 (4.1%)	805 (2.9%)	459 (1.7%)	143 (0.5%)	134 (0.5%)	3,443 (12.5%)
H	3,507 (12.8%)	3,381 (12.4%)	2,167 (7.9%)	1,368 (5.0%)	722 (2.6%)	612 (2.2%)	11,757 (42.9%)
I	1,771 (6.5%)	2,248 (8.2%)	983 (3.6%)	748 (2.7%)	311 (1.1%)	370 (1.4%)	6,431 (23.5%)
TOTAL	8,028 (29.3%)	8,378 (30.6%)	4,874 (17.8%)	3,237 (11.8%)	1,492 (5.4%)	1,405 (5.1%)	27,414 (100.0%)

Note: Of the 29,446 felony convictions in FY 2010/11, 2,032 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 2010/11 Statistical Report Data

D. Convictions by Month of Sentencing

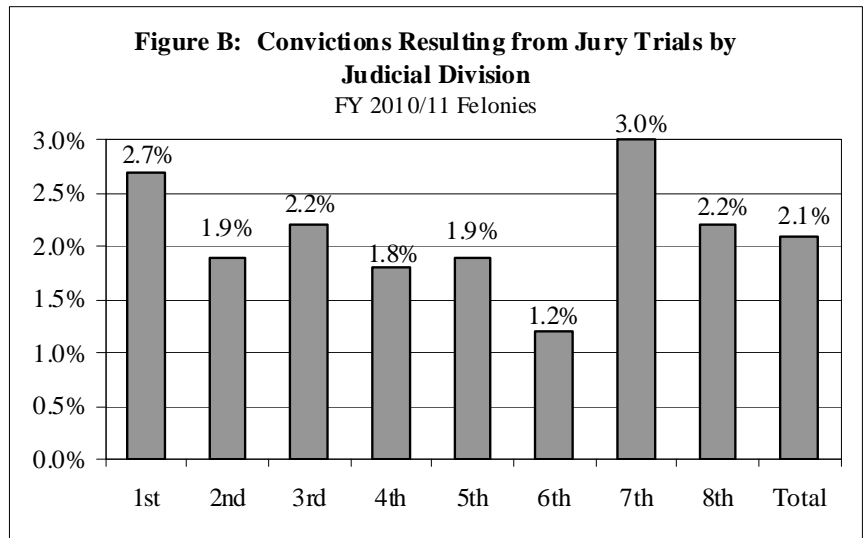
Figure A shows the total number of felony convictions by month of sentencing during Fiscal Year 2010/11 (N=29,446). Convictions peaked in March and were lowest in December.



Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 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 1.2% in the sixth division and a high of 3.0% in the seventh division.



Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Statistical Report Data

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition
FY 2010/11 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
<i>First Judicial Division</i>		2,503	70	2,573
District 1	Camden	11	0	11
	Chowan	48	0	48
	Currituck	67	0	67
	Dare	108	3	111
	Gates	9	0	9
	Pasquotank	90	4	94
	Perquimans	25	2	27
	Total	358	9	367
District 2	Beaufort	284	3	287
	Hyde	21	0	21
	Martin	98	7	105
	Tyrrell	21	0	21
	Washington	53	1	54
	Total	477	11	488
District 3A	Pitt	582	14	596
Total	582	14	596	
District 6A	Halifax	213	4	217
Total	213	4	217	
District 6B	Bertie	60	0	60
	Hertford	91	1	92
	Northampton	51	2	53
	Total	202	3	205
District 7A	Nash	238	14	252
Total	238	14	252	
District 7B, C	Edgecombe	211	10	221
	Wilson	222	5	227
	Total	433	15	448
<i>Second Judicial Division</i>		3,299	65	3,364
District 3B	Carteret	191	5	196
	Craven	368	6	374
	Pamlico	29	0	29
	Total	588	11	599
District 4A	Duplin	275	0	275
	Jones	35	0	35
	Sampson	261	9	270
	Total	571	9	580

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2010/11 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 4B	Onslow	436	17	453
	Total	436	17	453
District 5	New Hanover	868	10	878
	Pender	179	2	181
	Total	1,047	12	1,059
District 8A	Greene	76	2	78
	Lenoir	251	3	254
	Total	327	5	332
District 8B	Wayne	330	11	341
	Total	330	11	341
Third Judicial Division		4,487	100	4,587
District 9	Franklin	139	2	141
	Granville	137	2	139
	Vance	155	3	158
	Warren	43	0	43
	Total	474	7	481
District 9A	Caswell	51	2	53
	Person	87	4	91
	Total	138	6	144
District 10	Wake	2,236	47	2,283
	Total	2,236	47	2,283
District 14	Durham	798	24	822
	Total	798	24	822
District 15A	Alamance	524	11	535
	Total	524	11	535
District 15B	Chatham	100	1	101
	Orange	217	4	221
	Total	317	5	322
Fourth Judicial Division		3,593	65	3,658
District 11A	Harnett	336	5	341
	Lee	195	1	196
	Total	531	6	537
District 11B	Johnston	542	11	553
	Total	542	11	553
District 12	Cumberland	1,052	17	1,069
	Total	1,052	17	1,069

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2010/11 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 13A	Bladen	106	0	106
	Columbus	170	6	176
	Total	276	6	282
District 13B	Brunswick	409	4	413
	Total	409	4	413
District 16A	Hoke	176	3	179
	Scotland	184	1	185
	Total	360	4	364
District 16B	Robeson	423	17	440
	Total	423	17	440
<i>Fifth Judicial Division</i>		4,886	95	4,981
District 17A	Rockingham	381	11	392
	Total	381	11	392
District 17B	Stokes	106	1	107
	Surry	220	0	220
	Total	326	1	327
District 18	Guilford	1,897	36	1,933
	Total	1,897	36	1,933
District 19B	Montgomery	55	1	56
	Randolph	293	4	297
	Total	348	5	353
District 19D	Moore	360	5	365
	Total	360	5	365
District 21	Forsyth	1,024	31	1,055
	Total	1,024	31	1,055
District 23	Alleghany	25	2	27
	Ashe	93	1	94
	Wilkes	329	2	331
	Yadkin	103	1	104
	Total	550	6	556
<i>Sixth Judicial Division</i>		3,169	39	3,208
District 19A	Cabarrus	608	14	622
	Total	608	14	622
District 19C	Rowan	560	6	566
	Total	560	6	566

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2010/11 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 20A	Anson	108	2	110
	Richmond	224	1	225
	Stanly	215	2	217
	Total	547	5	552
District 20B	Union	301	6	307
	Total	301	6	307
District 22A	Alexander	75	1	76
	Iredell	509	4	513
	Total	584	5	589
District 22B	Davidson	465	3	468
	Davie	104	0	104
	Total	569	3	572
<i>Seventh Judicial Division</i>		4,741	147	4,888
District 25A	Burke	281	1	282
	Caldwell	180	2	182
	Total	461	3	464
District 25B	Catawba	330	18	348
	Total	330	18	348
District 26	Mecklenburg	2,437	75	2,512
	Total	2,437	75	2,512
District 27A	Gaston	767	16	783
	Total	767	16	783
District 27B	Cleveland	476	21	497
	Lincoln	270	14	284
	Total	746	35	781
<i>Eighth Judicial Division</i>		2,140	47	2,187
District 24	Avery	72	1	73
	Madison	79	0	79
	Mitchell	71	0	71
	Watauga	119	3	122
	Yancey	48	1	49
	Total	389	5	394
District 28	Buncombe	648	14	662
	Total	648	14	662
District 29A	McDowell	152	3	155
	Rutherford	268	2	270
	Total	420	5	425

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 2010/11 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 29B	Henderson	242	7	249
	Polk	19	1	20
	Transylvania	80	3	83
	Total	341	11	352
District 30A	Cherokee	56	0	56
	Clay	13	0	13
	Graham	18	0	18
	Macon	57	1	58
	Swain	19	3	22
	Total	163	4	167
District 30B	Haywood	118	5	123
	Jackson	61	3	64
	Total	179	8	187
STATE TOTAL		28,818	628	29,446

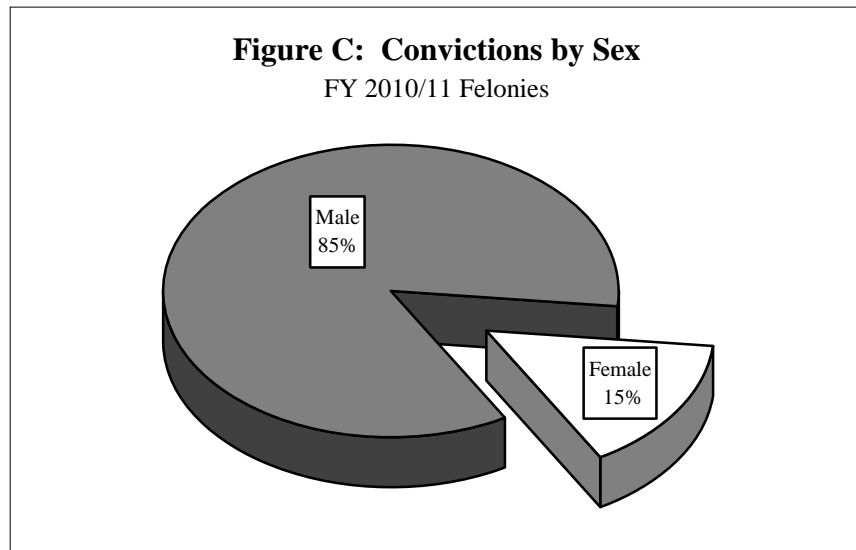
Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Statistical Report Data

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 2010/11, 2,939 Class H (or 23% of Class H convictions) and 1,781 Class I (or 24% of Class I convictions) felony pleas were accepted in District Court for a total of 4,720 pleas (24% of all Class H and I felony convictions).

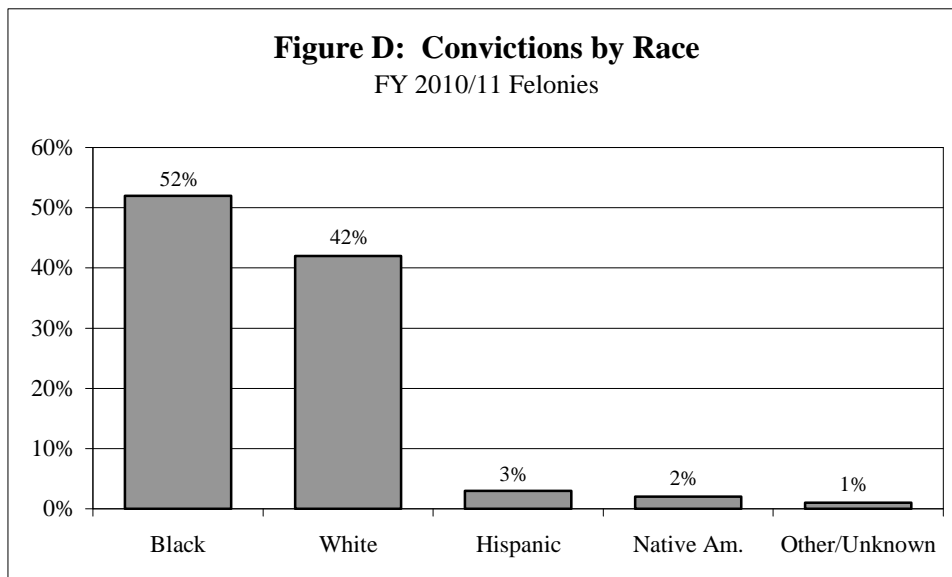
II. CHARACTERISTICS OF OFFENDERS

This section provides a breakdown of convictions by offenders' sex, race, and age. Of the 29,446 felony convictions, 85% were for males (see *Figure C*).



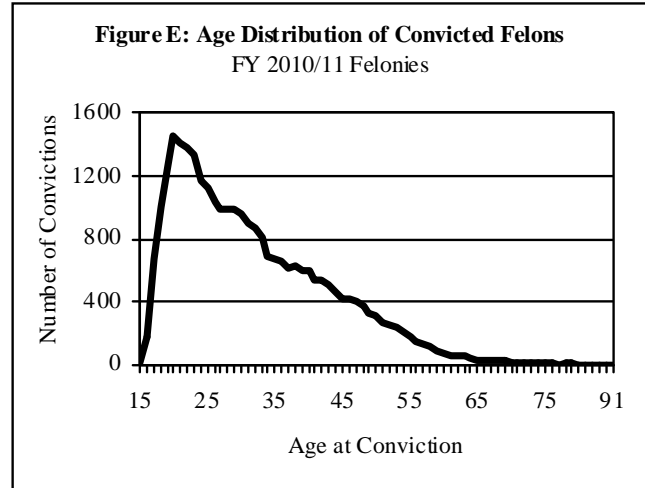
Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Statistical Report Data

Figure D shows that 52% of all felony offenders were Black, 42% were White, and a small percentage were Hispanic (3%), Native American (2%), or Other/Unknown (1%).



Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Statistical Report Data

Based on age at conviction, 15% of felony convictions were for offenders under the age of 21, 22% were 21-25 years of age, 14% were 26-29 years of age, 25% were 30-39 years of age, 16% were 40-49 years of age, and 8% 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 2010/11 Statistical Report Data

**Table 3: Convictions by Sex, Race/Ethnicity, and Age
FY 2010/11 Felonies**

Sex and Race/Ethnicity		Age at Conviction						Total
		<21	21-25	26-29	30-39	40-49	>49	
Male	White	1,257	1,983	1,341	2,483	1,675	909	9,648
	Black	2,663	3,246	1,797	3,132	1,842	1,043	13,723
	Hispanic	221	246	154	238	103	31	993
	Native Amer.	62	83	56	118	59	22	400
	Other	50	55	38	47	20	11	221
	Subtotal	4,253	5,613	3,386	6,018	3,699	2,016	24,985
Female	White	151	481	387	842	533	216	2,610
	Black	163	296	195	447	319	137	1,557
	Hispanic	6	13	19	22	14	1	75
	Native Amer.	3	16	12	22	10	2	65
	Other	4	7	5	9	5	2	32
	Subtotal	327	813	618	1,342	881	358	4,339
TOTAL		4,580	6,426	4,004	7,360	4,580	2,374	29,324

Note: Of the 29,446 felony convictions in FY 2010/11, 122 convictions with missing values for offenders' age were excluded from this table.

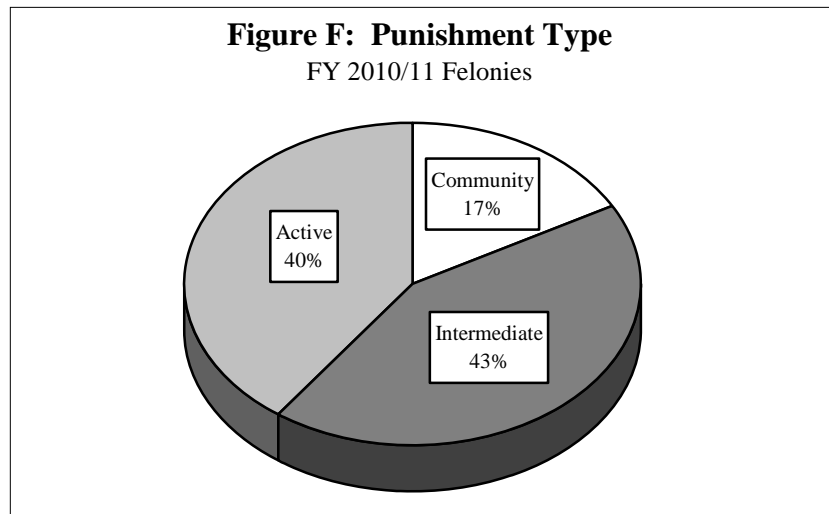
Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Statistical Report Data

III. PUNISHMENT IMPOSED FOR FELONIES

This section details the type of sentence imposed (Active, Intermediate, or Community) for convictions during Fiscal Year 2010/11. 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 43% of felony convictions, and a Community punishment was imposed for 17% of felony convictions (see *Figure F*).

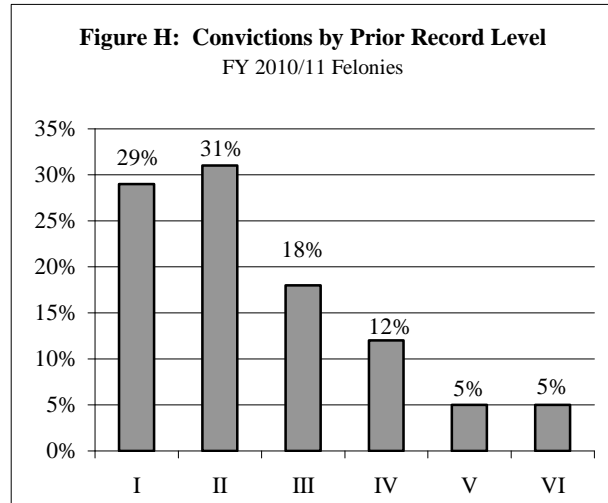
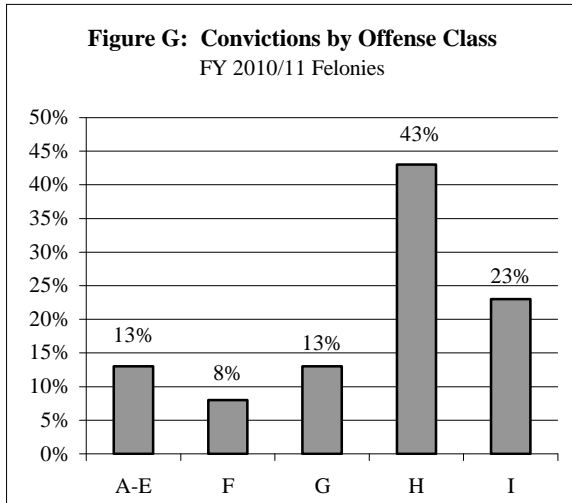


Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Statistical Report Data

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 in each offense class.) As shown in *Figure H*, the majority of felony convictions (60%) were for offenders with Prior Record Levels I and II. Ten 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=2,032 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 2010/11 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 I (n= 3,507 or 13%).

The data presented in Table 4 indicate that the percentage of offenders receiving an Active sentence generally increases as the offense seriousness increases, with the exception of Class E. As shown in the vertical “Total” column in Table 4, the average minimum and maximum sentences imposed increase as offense class increases. The average minimum sentence for all convictions resulting in an Active punishment (n=10,872) was 30 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 (230 months).

Convictions for offenders falling into Prior Record Levels I and VI resulted in the highest average minimum sentences (34 months and 32 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 2010/11 Felonies**

Offense Class	Prior Record Level						Total
	I	II	III	IV	V	VI	
A	A = 44 (100%) (n = 44) Life/Death	A = 18 (100%) (n = 18) Life/Death	A = 13 (100%) (n = 13) Life/Death	A = 12 (100%) (n = 12) Life/Death	A = 0 (100%) (n = 0) Life/Death	A = 3 (100%) (n = 3) Life/Death	A = 90 (100%) (n = 90) Life/Death
B1	A = 65 (100%) (n = 65) 195 min 243 max	A = 37 (100%) (n = 37) 232 min 288 max	A = 14 (100%) (n = 14) 280 min 346 max	A = 8 (100%) (n = 8) 336 min 412 max	A = 1 (100%) (n = 1) 346 min 425 max	A = 3 (100%) (n = 3) 420 min 513 max	A = 128 (100%) (n = 128) 230 min 286 max
B2	A = 84 (100%) (n = 84) 143 min 181 max	A = 94 (100%) (n = 94) 166 min 208 max	A = 47 (100%) (n = 47) 190 min 237 max	A = 24 (100%) (n = 24) 220 min 274 max	A = 4 (100%) (n = 4) 198 min 246 max	A = 4 (100%) (n = 4) 275 min 340 max	A = 257 (100%) (n = 257) 170 min 213 max
C	A = 139 (100%) (n = 139) 60 min 81 max	A = 174 (100%) (n = 174) 72 min 96 max	A = 191 (100%) (n = 191) 76 min 101 max	A = 244 (100%) (n = 244) 87 min 114 max	A = 143 (100%) (n = 143) 94 min 123 max	A = 140 (100%) (n = 140) 109 min 140 max	A = 1,031 (100%) (n = 1,031) 83 min 109 max
D	A = 272 (100%) (n = 272) 50 min 69 max	A = 218 (100%) (n = 218) 61 min 82 max	A = 127 (100%) (n = 127) 76 min 100 max	A = 71 (100%) (n = 71) 85 min 111 max	A = 26 (100%) (n = 26) 98 min 127 max	A = 32 (100%) (n = 32) 108 min 140 max	A = 746 (100%) (n = 746) 65 min 87 max
E	I/A = 405 (68%) A = 193 (32%) (n = 598) 22 min 35 max	I/A = 261 (60%) A = 171 (40%) (n = 432) 25 min 39 max	A = 141 (100%) (n = 141) 28 min 43 max	A = 101 (100%) (n = 101) 36 min 52 max	A = 37 (100%) (n = 37) 41 min 58 max	A = 36 (100%) (n = 36) 46 min 64 max	I/A = 666 (50%) A = 679 (50%) (n = 1,345) 28 min 43 max
F	I/A = 477 (62%) A = 297 (38%) (n = 774) 14 min 17 max	I/A = 348 (54%) A = 300 (46%) (n = 648) 15 min 19 max	I = 177 (46%) A = 209 (54%) (n = 386) 17 min 21 max	A = 202 (100%) (n = 202) 20 min 24 max	A = 105 (100%) (n = 105) 25 min 31 max	A = 71 (100%) (n = 71) 29 min 35 max	I = 1,002 (46%) A = 1,184 (54%) (n = 2,186) 18 min 22 max

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level (continued)
FY 2010/11 Felonies**

Offense Class	Prior Record Level						Total
	I	II	III	IV	V	VI	
G	I/A I = 577 (75%) A = 197 (25%) (n = 744) 11 min 14 max	I/A I = 789 (70%) A = 339 (30%) (n = 1,128) 12 min 15 max	I/A I = 449 (56%) A = 356 (44%) (n = 805) 14 min 17 max	I/A I = 195 (42%) A = 264 (58%) (n = 459) 16 min 20 max	A A = 143 (100%) (n = 143) 19 min 23 max	A A = 134 (100%) (n = 134) 24 min 29 max	I/A I = 2,010 (58%) A = 1,433 (42%) (n = 3,443) 15 min 18 max
H	C/I/A C = 1,544 (44%) I = 1,484 (42%) A = 479 (14%) (n = 3,507) 5 min 7 max	I/A I = 2,352 (70%) A = 1,029 (30%) (n = 3,381) 7 min 8 max	I/A I = 1,119 (52%) A = 1,048 (48%) (n = 2,167) 9 min 11 max	I/A I = 537 (39%) A = 831 (61%) (n = 1,368) 10 min 12 max	I/A I = 214 (30%) A = 508 (70%) (n = 722) 13 min 16 max	A A = 612 (100%) (n = 612) 18 min 22 max	C/I/A C = 1,544 (13%) I = 5,706 (49%) A = 4,507 (38%) (n = 11,757) 10 min 12 max
I	C C = 1,771 (100%) (n = 1,771) N/A	C/I C = 1,275 (57%) I = 973 (43%) (n = 2,248) N/A	I I = 983 (100%) (n = 983) N/A	I/A I = 389 (52%) A = 359 (48%) (n = 748) 7 min 8 max	I/A I = 110 (35%) A = 201 (65%) (n = 311) 7 min 9 max	I/A I = 113 (30%) A = 257 (70%) (n = 370) 9 min 11 max	C/I/A C = 3,046 (47%) I = 2,568 (40%) A = 817 (13%) (n = 6,431) 7 min 9 max
TOTAL	C/I/A C = 3,315 (41%) I = 2,943 (37%) A = 1,770 (22%) (n = 8,028) 34 min 46 max	C/I/A C = 1,275 (15%) I = 4,723 (57%) A = 2,380 (28%) (n = 8,378) 30 min 39 max	I/A I = 2,728 (56%) A = 2,146 (44%) (n = 4,874) 27 min 35 max	I/A I = 1,121 (35%) A = 2,116 (65%) (n = 3,237) 27 min 35 max	I/A I = 324 (22%) A = 1,168 (78%) (n = 1,492) 28 min 35 max	I/A I = 113 (8%) A = 1,292 (92%) (n = 1,405) 32 min 40 max	C/I/A C = 4,590 (17%) I = 11,952 (43%) A = 10,872 (40%) (n = 27,414) 30 min 38 max

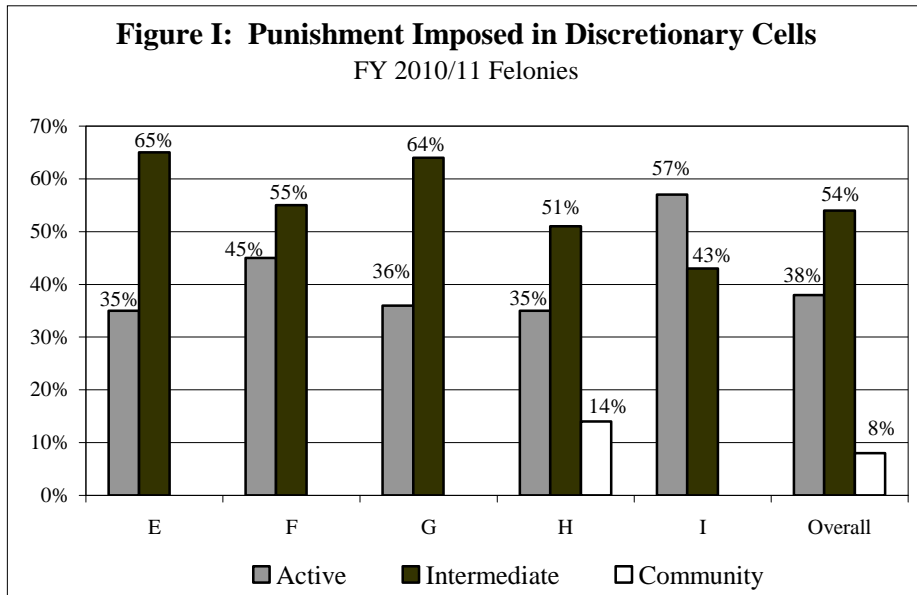
Note: Of the 29,446 felony convictions in FY 2010/11, 2,032 convictions were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing 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 2010/11 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.*, 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 (75%), while an Active sentence was most likely to be imposed for convictions falling within Class H with Prior Record V and within Class I with Prior Record Level VI (70% each).

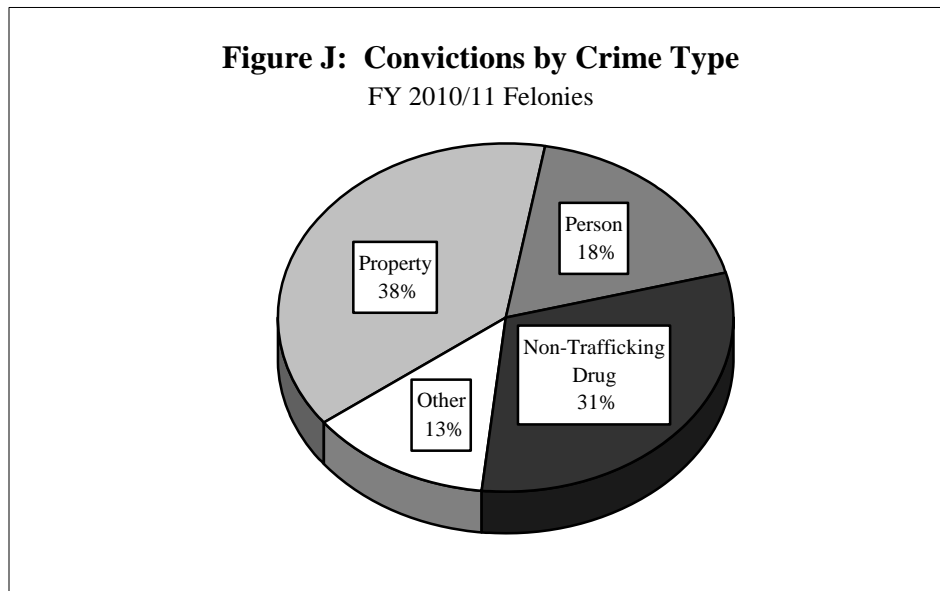
Figure I summarizes sentences imposed by offense class for discretionary cells with an Active punishment option.



Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Statistical Report Data

D. Punishment Imposed by Crime Type

During Fiscal Year 2010/11, property offenses accounted for 38% 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 2010/11 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 (22%). Of the four crime types, non-trafficking drug and property convictions had the highest percentage of Intermediate punishment sentences (48% and 47%, respectively); non-trafficking drug convictions had the highest percentage of Community punishment sentences (30%).

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

**Table 5: Convictions and Sentences by Crime Type
FY 2010/11 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	3,083	64	1,660	34	92	2	55	71	4,835
Property	3,714	36	4,870	47	1,784	17	12	15	10,368
Non-Trafficking Drug	1,899	22	4,084	48	2,501	30	12	15	8,484
Other Felony	2,176	58	1,338	36	213	6	40	52	3,727
TOTAL	10,872	40	11,952	43	4,590	17	30	38	27,414

Note: Of the 29,446 felony convictions in FY 2010/11, 2,032 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).

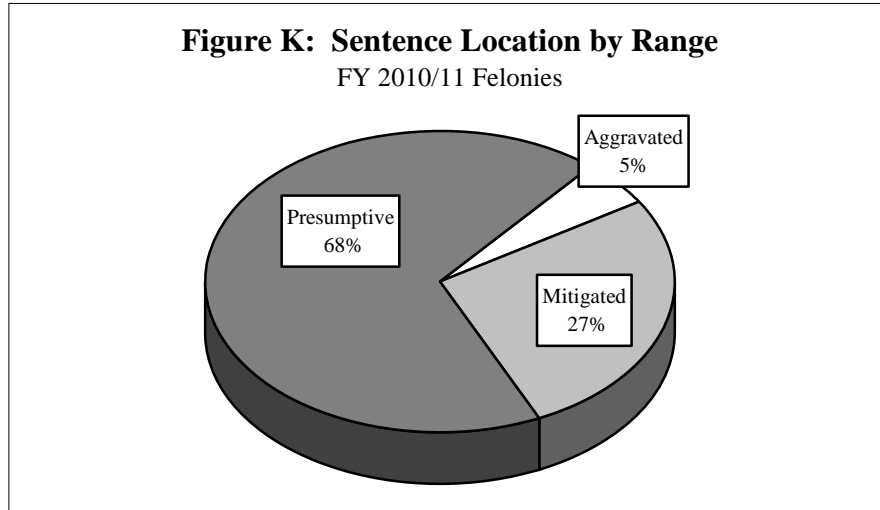
Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Statistical Report Data

IV. SENTENCE LOCATION IN THE SENTENCING RANGES

This section presents information regarding the location of sentences imposed in the sentencing ranges and *deals only with convictions for which an Active sentence was imposed (n=10,872)*. Class A convictions, which are subject to mandatory life or death sentences, are excluded from this section (n=90).

A. Sentence Location

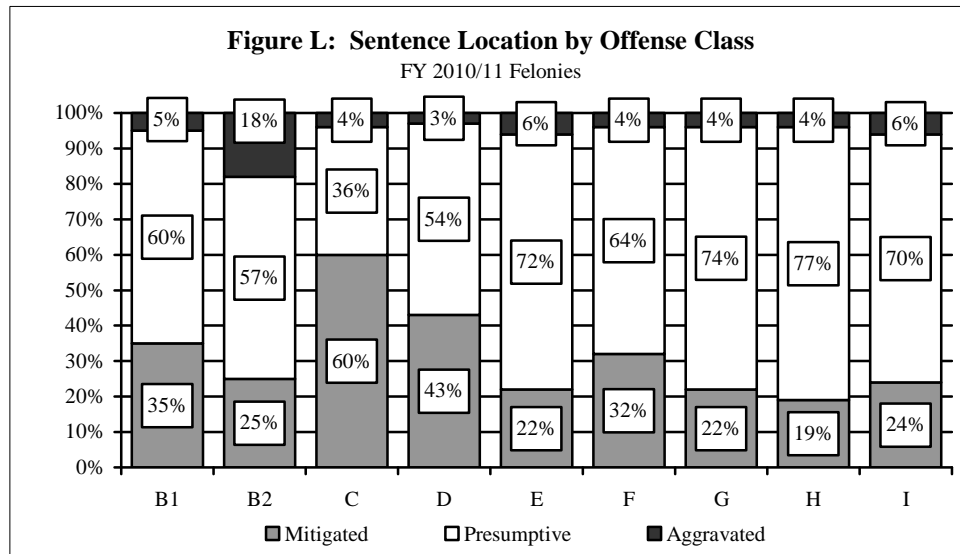
Figure K shows that 68% of all Active sentences fell within the presumptive range; 27% fell within the mitigated range; and 5% fell within the aggravated range.



Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 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 2010/11 Statistical Report Data

For information regarding sentence location by offense class and prior record level, see *Table 6*. Convictions for Class G and Class H offenses had the highest percentages of Active sentences in

the presumptive range (74% and 77%, respectively), while convictions for Class C offenses had the lowest percentage of Active sentences in the presumptive range (36%). Convictions falling into Prior Record Level I had the highest percentage of Active sentences in the mitigated range (30%) while convictions falling into Prior Record Levels I 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 28% 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 (60%), followed by convictions for Class D offenses (43%). In addition, as shown in *Appendix D*, 70% of Class C convictions and 63% of Class D convictions were sentenced within the mitigated range or at the lowest possible point of the presumptive range.

**Table 6: Sentence Location by Offense Class and Prior Record Level
(Active Sentences Only)
FY 2010/11 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I	II	III	IV	V	VI	
B1	Mitigated	25 (39%)	13 (35%)	5 (36%)	1 (12%)	0 (0%)	1 (33%)	45 (35%)
	Presumptive	36 (55%)	23 (62%)	8 (57%)	7 (88%)	1 (100%)	2 (67%)	77 (60%)
	Aggravated	4 (6%)	1 (3%)	1 (7%)	0 (0%)	0 (0%)	0 (0%)	6 (5%)
	Subtotal	65	37	14	8	1	3	128
B2	Mitigated	21 (25%)	23 (25%)	14 (30%)	4 (17%)	2 (50%)	1 (25%)	65 (25%)
	Presumptive	41 (49%)	59 (63%)	23 (49%)	19 (79%)	2 (50%)	3 (75%)	147 (57%)
	Aggravated	22 (26%)	12 (12%)	10 (21%)	1 (4%)	0 (0%)	0 (0%)	45 (18%)
	Subtotal	84	94	47	24	4	4	257
C	Mitigated	54 (39%)	85 (49%)	118 (62%)	164 (67%)	99 (69%)	92 (66%)	612 (60%)
	Presumptive	74 (53%)	77 (44%)	68 (36%)	70 (29%)	43 (30%)	43 (31%)	375 (36%)
	Aggravated	11 (8%)	12 (7%)	5 (2%)	10 (4%)	1 (1%)	5 (3%)	44 (4%)
	Subtotal	139	174	191	244	143	140	1,031

Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
(Active Sentences Only)
FY 2010/11 Felonies

Offense Class	Sentencing Range	Prior Record Level						Total
		I	II	III	IV	V	VI	
D	Mitigated	134 (49%)	83 (38%)	44 (35%)	32 (45%)	10 (38%)	15 (47%)	318 (43%)
	Presumptive	127 (47%)	127 (58%)	80 (63%)	38 (54%)	16 (62%)	17 (53%)	405 (54%)
	Aggravated	11 (4%)	8 (4%)	3 (2%)	1 (1%)	0 (0%)	0 (0%)	23 (3%)
	Subtotal	272	218	127	71	26	32	746
E	Mitigated	45 (23%)	27 (16%)	42 (30%)	22 (22%)	9 (24%)	7 (19%)	152 (22%)
	Presumptive	137 (71%)	136 (79%)	90 (64%)	73 (72%)	25 (68%)	27 (75%)	488 (72%)
	Aggravated	11 (6%)	8 (5%)	9 (6%)	6 (6%)	3 (8%)	2 (6%)	39 (6%)
	Subtotal	193	171	141	101	37	36	679
F	Mitigated	83 (28%)	86 (29%)	69 (33%)	80 (40%)	35 (33%)	23 (32%)	376 (32%)
	Presumptive	196 (66%)	207 (69%)	131 (63%)	117 (58%)	63 (60%)	42 (59%)	756 (64%)
	Aggravated	18 (6%)	7 (2%)	9 (4%)	5 (2%)	7 (7%)	6 (9%)	52 (4%)
	Subtotal	297	300	209	202	105	71	1,184
G	Mitigated	43 (22%)	80 (24%)	84 (24%)	66 (25%)	25 (18%)	21 (16%)	319 (22%)
	Presumptive	147 (75%)	247 (73%)	265 (74%)	188 (71%)	105 (73%)	100 (74%)	1,052 (74%)
	Aggravated	7 (3%)	12 (3%)	7 (2%)	10 (4%)	13 (9%)	13 (10%)	62 (4%)
	Subtotal	197	339	356	264	143	134	1,433
H	Mitigated	109 (23%)	200 (19%)	221 (21%)	115 (14%)	102 (20%)	123 (20%)	870 (19%)
	Presumptive	350 (73%)	798 (78%)	794 (76%)	678 (81%)	377 (74%)	453 (74%)	3,450 (77%)
	Aggravated	20 (4%)	31 (3%)	33 (3%)	38 (5%)	29 (6%)	36 (6%)	187 (4%)
	Subtotal	479	1,029	1,048	831	508	612	4,507

**Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
(Active Sentences Only)
FY 2010/11 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I	II	III	IV	V	VI	
I	Mitigated	N/A	N/A	N/A	86 (24%)	60 (30%)	51 (20%)	197 (24%)
	Presumptive	N/A	N/A	N/A	254 (71%)	135 (67%)	186 (72%)	575 (70%)
	Aggravated	N/A	N/A	N/A	19 (5%)	6 (3%)	20 (8%)	45 (6%)
	Subtotal	N/A	N/A	N/A	359	201	257	817
TOTAL	Mitigated	514 (30%)	597 (25%)	597 (28%)	570 (27%)	342 (29%)	334 (26%)	2,954 (27%)
	Presumptive	1,108 (64%)	1,674 (71%)	1,459 (68%)	1,444 (69%)	767 (66%)	873 (68%)	7,325 (68%)
	Aggravated	104 (6%)	91 (4%)	77 (4%)	90 (4%)	59 (5%)	82 (6%)	503 (5%)
	Subtotal	1,726	2,362	2,133	2,104	1,168	1,289	10,782

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, Class A convictions, which are subject to mandatory life or death sentences, were excluded from this table (n=90). Percentages may not add to 100% due to rounding.

Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 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 (6%). 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 20% 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 2010/11 Felonies**

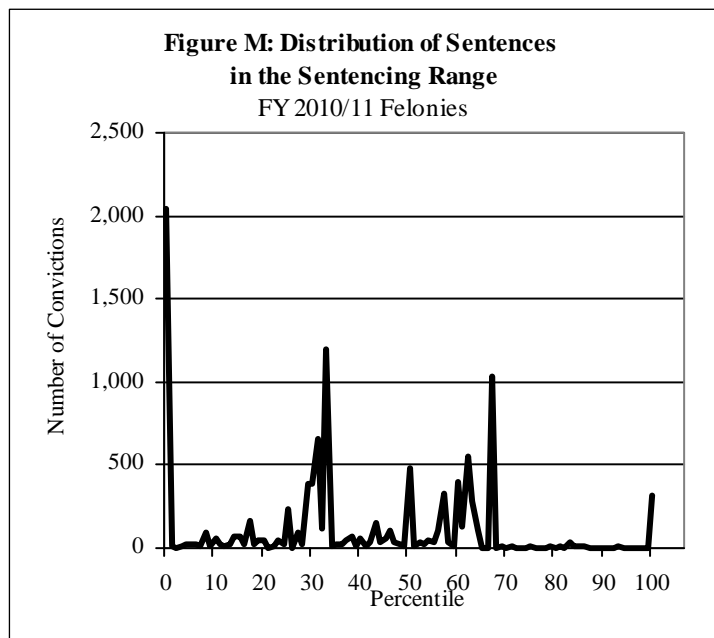
Crime Type	Sentencing Range						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
Person	886	30	1,922	64	185	6	2,993
Property	752	20	2,808	76	154	4	3,714
Non-Trafficking Drug	406	21	1,405	74	88	5	1,899
Other Felony	910	42	1,190	55	76	3	2,176
TOTAL	2,954	27	7,325	68	503	5	10,782

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, Class A convictions, which are subject to mandatory life or death sentences, were excluded from this table (n=90).

Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Statistical Report Data

D. Length of Active Sentence Relative to the Sentencing Range

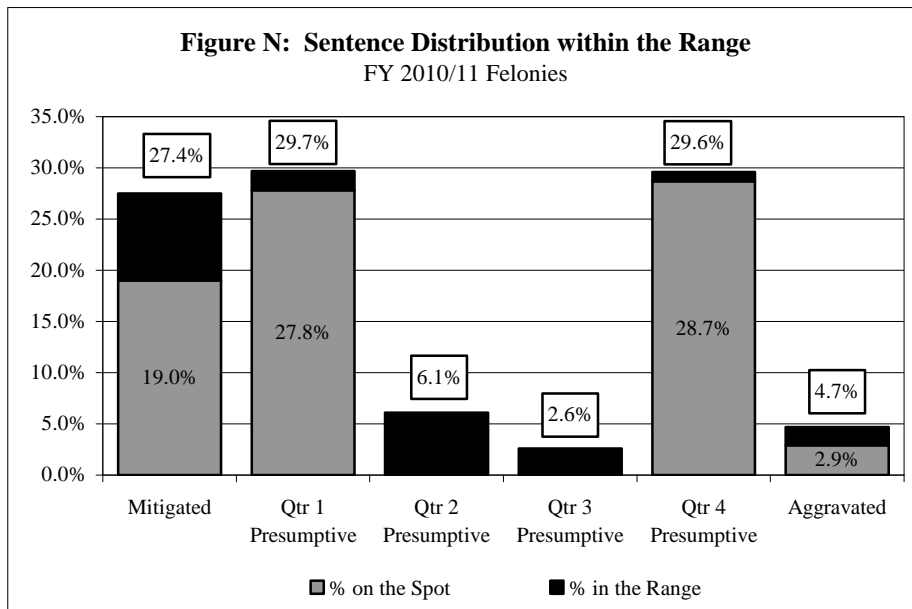
Viewing the entire sentencing range as a continuum from the lowest possible sentence imposed in the mitigated range to the highest possible sentence imposed in the aggravated range, on average the 10,782 active sentences imposed (excluding the 90 Class A convictions with life or death sentences) fell below the midpoint of the range (at the 33rd 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 (29.7% and 29.6% of all cases, respectively) (see *Figure M* and *Table 9*).



Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Statistical Report Data

Further analysis indicates that over three-quarters (78.3%) 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*, 19.0% of Active sentences fell on the lowest point of the mitigated range; 27.8% fell on the lowest point of the presumptive range; 28.7% fell on the highest point of the presumptive range; and 2.9% fell on the highest point of the aggravated range.

For information regarding sentences imposed on one of the four specific spots of the sentencing range by offense class, see *Table 8*. Convictions for Class H and I offenses had the highest percentages of Active sentences located on one of the four spots, with 87.1% and 89.4% of all Active sentences, respectively, located on one of four specific spots of the range. Convictions for Class B2 offenses had the lowest percentage of Active sentences located on one of the four specific spots of the sentencing range (55.6%).



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

Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Statistical Report Data

**Table 8: Most Frequent Sentencing Range Spots by Offense Class
(Active Sentences Only)
FY 2010/11 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	20.3	21.9	25.8	3.1	71.0
B2	15.6	12.1	19.5	8.6	55.6
C	41.3	10.3	11.0	1.0	63.5
D	24.1	20.0	14.2	1.5	59.8
E	13.6	24.2	28.6	3.4	69.7
F	19.2	29.8	21.8	2.4	73.1
G	15.1	31.5	28.5	2.7	77.8
H	15.1	32.5	36.4	3.1	87.1
I	19.2	30.4	35.3	4.5	89.4
TOTAL	19.0	27.8	28.7	2.9	78.3

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 2010/11 Statistical Report Data

The percentage of sentences in the mitigated range for Class C (60%) largely reflects the sentencing of habitual felons (see *Appendix D, Table 3*). Seventy 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, 68% of felonies received sentences in the presumptive range and 27% received sentences in the mitigated range. For habitual felons, the pattern was reversed, with 70% receiving sentences in the mitigated range and 27% 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. Property and non-trafficking drug offenses (85.2% and 85.5%, respectively) account for the largest percentages of sentences on the four spots of the range.

**Table 9: Sentencing Range by Crime Type
(Active Sentences Only)
FY 2010/11 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	29.6 (18.8)	26.7 (22.9)	5.5	5.2	26.9 (24.7)	6.2 (3.2)	69.5
Property	20.3 (15.2)	32.8 (32.1)	7.4	0.8	34.7 (34.7)	4.2 (3.2)	85.2
Non-Trafficking Drug	21.4 (16.3)	32.3 (31.4)	5.4	1.6	34.6 (34.4)	4.6 (3.3)	85.5
Other Felony	41.8 (28.0)	26.4 (24.0)	5.3	2.9	20.1 (18.8)	3.5 (1.7)	72.4
TOTAL	27.4 (19.0)	29.7 (27.8)	6.1	2.6	29.6 (28.7)	4.7 (2.9)	78.3

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 2010/11 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.

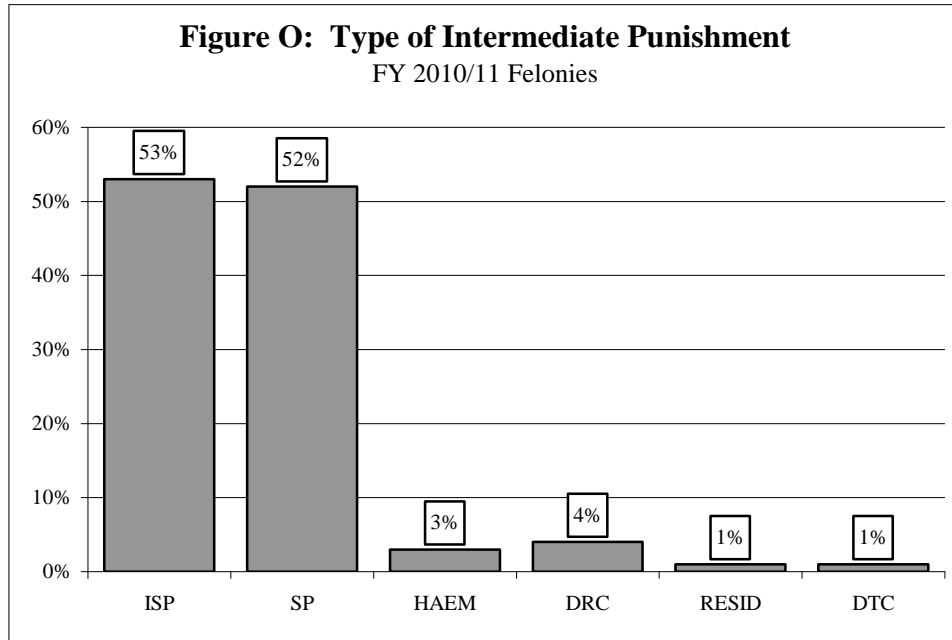
During Fiscal Year 2010/11, Intermediate punishments were imposed for 11,952 convictions. The specific type(s) of intermediate sanction(s) imposed was reported in the AOC database for 11,823 convictions – a reporting rate of 99%.

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 and Special Probation accounted for the highest percentage of convictions for which a specific intermediate sanction was reported (53% and 52%, respectively). 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 2010/11 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=6,359). For Class H, Intensive Supervision Probation was the most frequently invoked sanction (n=2,946), followed by Special Probation (n=2,842). 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 (36 months). Overall, convictions for which an Intermediate punishment was imposed resulted in an average probation sentence of 30 months.

**Table 10: Type of Intermediate Punishment by Offense Class and Prior Record Level
FY 2010/11 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	260	1	9	217	0	21	508
	II	169	5	5	129	1	6	315
	Subtotal	429 <i>35 months</i>	6 <i>48 months</i>	14 <i>33 months</i>	346 <i>37 months</i>	1 <i>48 months</i>	27 <i>38 months</i>	823 <i>36 months</i>
F	I	249	4	8	252	1	16	530
	II	206	5	3	172	1	15	402
	III	112	1	1	85	0	9	208
	Subtotal	567 <i>34 months</i>	10 <i>37 months</i>	12 <i>33 months</i>	509 <i>35 months</i>	2 <i>24 months</i>	40 <i>36 months</i>	1,140 <i>34 months</i>
G	I	299	4	21	334	2	16	676
	II	428	13	20	432	10	23	926
	III	273	6	7	220	0	12	518
	IV	117	3	4	100	0	11	235
	Subtotal	1,117 <i>31 months</i>	26 <i>36 months</i>	52 <i>32 months</i>	1,086 <i>33 months</i>	12 <i>30 months</i>	62 <i>33 months</i>	2,355 <i>32 months</i>
H	I	768	12	68	718	19	50	1,635
	II	1,128	28	93	1,229	38	69	2,585
	III	561	21	35	615	13	22	1,267
	IV	267	12	17	287	12	26	621
	V	118	10	8	97	8	10	251
	Subtotal	2,842 <i>29 months</i>	83 <i>35 months</i>	221 <i>30 months</i>	2,946 <i>31 months</i>	90 <i>31 months</i>	177 <i>32 months</i>	6,359 <i>30 months</i>

**Table 10: Type of Intermediate Punishment by Offense Class and Prior Record Level
(continued)
FY 2010/11 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	402	12	51	548	16	34	1,063
	III	452	10	38	515	12	19	1,046
	IV	170	9	20	209	12	7	427
	V	57	3	6	50	6	1	123
	VI	55	13	6	46	7	7	134
	Subtotal		1,136 <i>26 months</i>	47 <i>35 months</i>	121 <i>25 months</i>	1,368 <i>28 months</i>	53 <i>27 months</i>	68 <i>29 months</i>	2,793 27 months
TOTAL		6,091 <i>30 months</i>	172 <i>36 months</i>	420 <i>29 months</i>	6,255 <i>31 months</i>	158 <i>30 months</i>	374 <i>32 months</i>	13,470 <i>30 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 2010/11 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=5,428), followed by non-trafficking drug offenses (n=4,558).

**Table 11: Type of Intermediate Punishment by Crime Type
FY 2010/11 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	1,026	13	36	827	3	55	1,960
Property	2,483	103	189	2,426	77	150	5,428
Non-Trafficking Drug	1,869	44	163	2,297	73	112	4,558
Other Felony	713	12	32	705	5	57	1,524
TOTAL	6,091	172	420	6,255	158	374	13,470

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 2010/11 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 2010/11, there were 4,590 convictions for which a Community punishment was imposed. The specific type(s) of Community punishment(s) imposed was reported in the AOC database for 4,574 convictions – a reporting rate of 99%.⁴ Of these 4,574 convictions, 4,430 (97%) were for supervised probation; 136 (3%) were for unsupervised probation, and 8 (<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=3,046). Convictions for Class H felonies resulted in the longest average probation sentences for Community punishments (27 months). Overall, convictions for which a Community punishment was imposed resulted in an average probation sentence of 24 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 2010/11 Felonies**

Offense Class	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
H	1,493 <i>27 months</i>	44 <i>17 months</i>	4 <i>N/A</i>	3 <i>N/A</i>	1,544 <i>27 months</i>
I	2,937 <i>23 months</i>	92 <i>18 months</i>	4 <i>N/A</i>	13 <i>N/A</i>	3,046 <i>22 months</i>
TOTAL	4,430 <i>24 months</i>	136 <i>18 months</i>	8 <i>N/A</i>	16 <i>N/A</i>	4,590 <i>24 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 2010/11 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=2,501). Convictions for property offenses had the longest average probation sentences (27 months).

**Table 13: Type of Community Punishment by Crime Type
FY 2010/11 Felonies**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
Person	89 <i>24 months</i>	3 <i>22 months</i>	0 <i>N/A</i>	0 <i>N/A</i>	92 <i>24 months</i>
Property	1,725 <i>28 months</i>	51 <i>18 months</i>	4 <i>N/A</i>	4 <i>N/A</i>	1,784 <i>27 months</i>
Non-Trafficking Drug	2,418 <i>21 months</i>	71 <i>17 months</i>	3 <i>N/A</i>	9 <i>N/A</i>	2,501 <i>21 months</i>
Other Felony	198 <i>24 months</i>	11 <i>21 months</i>	1 <i>N/A</i>	3 <i>N/A</i>	213 <i>24 months</i>
TOTAL	4,430 <i>24 months</i>	136 <i>18 months</i>	8 <i>N/A</i>	16 <i>N/A</i>	4,590 <i>24 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 2010/11 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 750 habitual felon convictions during Fiscal Year 2010/11. *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-one percent of habitual felons had a conviction for a Class H offense as their underlying conviction (n=311). Thirty-two percent of habitual felons had some type of drug offense as their underlying conviction (n=237). Felony Breaking and/or Entering was the most frequently occurring most serious crime associated with habitual felon convictions (n=117). Seventy percent of habitual felon convictions were sentenced in the mitigated range and an additional 12% 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 2010/11 Felonies**

Offense Class	Offense	Total	Offense Class	Offense	Total
CLASS B2	2 nd Degree Murder	2	CLASS F (cont.)	Trafficking in Methamphetamine	1
	Subtotal	2		Fel. Hit/Run Ser. Inj./Death	1
CLASS C	1 st Degree Kidnapping	7		Felony Stalking	1
	2 nd Degree Rape	1		Habitual Impaired Driving	11
	AWDWIKISI	2		Other Person Offenses	6
	Att. Obtain Prop. False Pretense	2		Other Drug Offenses	8
	Other Person Offenses	2		Other Felony Offenses	1
	Other Drug Offenses	2	Subtotal	63	
Subtotal	16	CLASS G	Common Law Robbery	23	
CLASS D	Voluntary Manslaughter		2	Break/Enter Place of Worship	3
	Att. Robbery Dang. Weapon		2	2 nd Degree Burglary	6
	Robbery w/ Dangerous Weapon		20	Poss. 5+ Counterfeit Instrument	1
	1 st Degree Burglary		7	Identity Theft	8
	Discharge Weap. Occ. Dwell./MV		1	Sell/Deliver Sch. II CS	7
	Other Person Offenses		1	Sell/Deliver Cocaine	16
	Subtotal		33	Sell/Deliver Heroin	1
CLASS E	2 nd Degree Kidnapping		3	Sell Cocaine	34
	AWDW Intent to Kill		3	Sell Heroin	3
	AWDW Serious Injury		14	Sell Schedule II CS	5
	Assault LEO/PO/Other w/ Firearm		1	Sell Methamphetamine	1
	Trafficking in Cocaine		1	Conspire Sell Cocaine	1
	2 nd Degree Sex. Exploit. Minor	1	Trafficking in Cocaine	1	
	Intentional Child Abuse-Ser. Phys. Injury	1	Possession of Firearm by Felon	50	
	Agg. Fel. Ser. Injury by Vehicle	1	Other Property Offenses	2	
	Discharge Weapon Occ. Prop.	4	Other Drug Offenses	9	
	Other Drug Offenses	6	Subtotal	171	
	Subtotal	35	CLASS H	Att. Common Law Robbery	1
CLASS F	Felonious Restraint	1		Assault by Strangulation	2
	Indecent Liberties with Child	9		Habitual Misdemeanor Assault	4
	Failure to Reg. Sex Offender	12		Burning Personal Property	1
	Malicious Conduct by Prisoner	5		Breaking and/or Entering	117
	Assault Serious Bodily Injury	1		Felony Larceny	31
	AWDW Gov't. Official	6		Larceny of a Firearm	1

**Table 14: Most Serious Crime Associated with Habitual Felon Convictions
by Offense Class and Offense (continued)
FY 2010/11 Felonies**

Offense Class	Offense	Total	Offense Class	Offense	Total
CLASS H (cont.)	Larceny by Anti-Inventory Dev.	1	CLASS I	Other Property Offenses	3
	Larceny from the Person	3		Other Drug Offenses	8
	Poss. Stolen Goods/Prop.	11		Other Felony Offenses	3
	Larceny After Break/Enter	6	Subtotal	311	
	Larceny of Motor Vehicle	9	Possession of Burglary Tools	1	
	Common Law Uttering	1	Att. Break or Enter Bldg.	1	
	Att. Obtain Prop. False Pretense	3	Break or Enter a Motor Vehicle	35	
	Obtain Property False Pretense	19	Att. Larceny	1	
	Identity Theft	1	Larceny of Dog	1	
	Sell/Deliver Sch. II CS	1	Forgery of Instrument	2	
	Poss. CS Prison/Jail Premises	1	Uttering Forged Instrument	5	
	Sell/Deliver Marijuana	1	Uttering Forged Endorsement	1	
	Sell/Deliver Cocaine	1	Obtain CS by Fraud/Forgery	1	
	Sell Marijuana	1	Felony Worthless Check	1	
	Sell Sch. III CS	1	Deliver Marijuana	1	
	Sell Sch. VI CS	1	Possess Methamphetamine	3	
	Deliver Cocaine	1	Sell or Deliver Counterfeit CS	1	
	Deliver Heroin	1	Felony Possession Sch. I CS	1	
	Manufacture Sch. I CS	1	Felony Possession Sch. II CS	1	
	PWIMSD Sch. II CS	3	Manufacture Marijuana	1	
	PWISD Cocaine	46	PWISD Marijuana	14	
	PWIMSD Cocaine	3	PWIMSD Marijuana	1	
	PWIMSD Heroin	2	Felony Possession Marijuana	2	
	Sex Offender/Child Premises	4	Felony Possession Cocaine	37	
	DV Protective Order Viol.	2	Possess Heroin	3	
	Fel. Hit/Run Injury	1	Maintain Veh./Dwell./Place CS	2	
	Escape from State Prison	1	Other Drug Offenses	1	
	Possess Stolen Motor Vehicle	3	Other Property Offenses	2	
	Elude Arrest MV 2 Agg. Factors	8	Subtotal	119	
	Elude Arrest MV >=3 Agg. Fact.	2	TOTAL	750	
Other Person Offenses	1				

Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 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 2010/11.

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 2010/11, three death sentences and 87 life without parole sentences were imposed for felons convicted of first degree murder.

A violent habitual felon is an offender with at least two prior Class A, B1, B2, C, D, or E felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a Class A, B1, B2, C, D, or E felony offense and who has been found by a jury to be a violent habitual felon. A violent habitual felon is sentenced to life without parole. (N.C.G.S. §§ 14-7.7-7.12) During Fiscal Year 2010/11, one life without parole sentence was imposed for a violent habitual felon conviction. The most serious offense associated with the violent habitual felon conviction was robbery with a dangerous weapon.

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.

<u>Drug Trafficking</u>	<u>Minimum</u>	<u>Maximum</u>
Class C	225 months	279 months
Class D	175 months	219 months
Class E	90 months	117 months
Class F	70 months	84 months
Class G	35 months	42 months
Class H	25 months	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 687 convictions for drug trafficking offenses in FY 2010/11. The most frequently occurring drug trafficking offense convictions were in Offense Class G (n=308).

**Table 15: Drug Trafficking Convictions
FY 2010/11 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.	1	100	.	.	.	.	225	279	1
	Traffic Methamphetamine	2	100	.	.	.	.	158	198	2
	Traffic Cocaine	.	.	1	100	.	.	225	279	1
	Traffic Heroin	6	100	.	.	.	.	203	252	6
	Other Trafficking	3	75	.	.	1	25	132	166	4
	Subtotal	12	86	1	7	1	7	179	223	14
D	Traffic Cocaine	6	86	1	14	.	.	136	173	7
	Consp. Traffic Cocaine	4	100	.	.	.	.	140	175	4
	Other Trafficking	21	88	3	13	.	.	134	168	24
	Subtotal	31	89	4	11	.	.	135	170	35
E	Traffic Cocaine	1	100	.	.	.	.	35	42	1
	Traffic Heroin	20	83	4	17	.	.	83	109	24
	Consp. Traffic Heroin	1	100	.	.	.	.	90	117	1
	Other Trafficking	14	74	4	21	1	5	75	98	19
	Subtotal	36	80	8	18	1	2	79	103	45
F	Traffic Amphet./Meth.	4	80	1	20	.	.	68	84	5
	Consp. Traffic Methamphetamine	1	50	1	50	.	.	70	84	2
	Traffic MDA/MDMA	2	50	2	50	.	.	60	72	4
	Consp. Traffic MDA/MDMA	.	.	1	100	.	.	70	80	1
	Traffic Methamphetamine	12	92	1	8	.	.	67	81	13
	Traffic Cocaine	19	100	.	.	.	.	55	66	19
	Traffic Heroin	53	68	20	26	5	6	58	69	78
	Consp. Traffic Cocaine	3	100	.	.	.	.	51	61	3
	Consp. Traffic Heroin	.	.	1	100	.	.	21	26	1
	Other Trafficking	75	87	8	9	3	4	61	73	86
	Subtotal	169	80	35	17	8	4	60	72	212

**Table 15: Drug Trafficking Convictions (continued)
FY 2010/11 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
G	Traffic in MDA/MDMA	6	67	3	33	.	.	28	33	9
	Consp. Traffic MDA/MDMA	5	83	1	17	.	.	31	37	6
	Traffic Marijuana	4	57	1	14	2	29	28	33	7
	Traffic Cocaine	106	86	12	10	5	4	33	40	123
	Traffic Heroin	2	100	.	.	.	.	41	50	2
	Consp. Traffic Cocaine	14	82	1	6	2	12	32	39	17
	Other Trafficking	111	77	20	14	13	9	31	40	144
	Subtotal	248	81	38	12	22	7	32	40	308
H	Traffic Marijuana	26	87	1	3	3	10	24	29	30
	Traffic Cocaine	1	100	.	.	.	.	35	42	1
	Consp. Traffic Marijuana	4	57	.	.	3	43	22	27	7
	Consp. Traffic Cocaine	.	.	1	100	.	.	6	8	1
	Consp. Traffic Heroin	.	.	2	100	.	.	10	12	2
	Other Trafficking	22	71	4	13	5	16	23	28	31
	Subtotal	53	74	8	11	11	15	23	28	72
I	Traffic Heroin	.	.	1	100	.	.	70	84	1
	Subtotal	.	.	1	100	.	.	70	84	1
TOTAL		549	80	95	14	43	6	51	63	687

Note: This table reflects all drug trafficking convictions regardless of whether the offense classes are correct or whether the sentences are consistent with the minimum and maximum sentences set forth in N.C.G.S. §90-95(h). For example, according to statute, an offender can only be convicted of trafficking cocaine in Classes D, F, and G; however, in the table, there are Class H convictions for trafficking cocaine. Further, there are Class I convictions for trafficking heroin. 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 2010/11 Statistical Report Data

SECTION II

MISDEMEANOR CONVICTIONS
IN FISCAL YEAR 2010/11

I. MISDEMEANOR CONVICTIONS IN FY 2010/11

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 2010/11 (July 1, 2010, through June 30, 2011). Overall, sentences for 150,810 misdemeanor convictions were imposed. For many of the tables, information on 3,836 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=34,784 or 24%).

**Table 16: Distribution of Convictions within the Misdemeanor Punishment Chart
FY 2010/11 Misdemeanors**

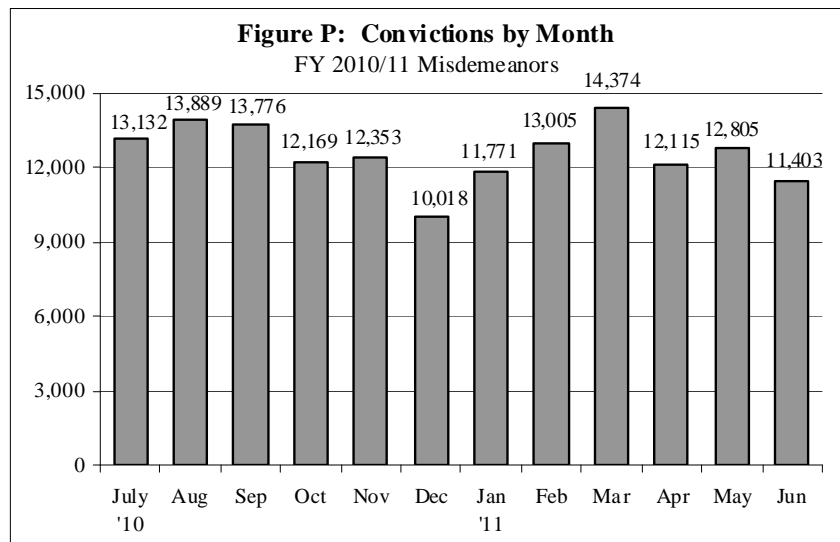
Offense Class	Prior Conviction Level			Total
	I 0 Points	II 1-4 Points	III 5+ Points	
A1	3,072 (2.1%)	5,228 (3.5%)	4,373 (3.0%)	12,673 (8.6%)
1	28,873 (19.6%)	34,784 (23.7%)	22,454 (15.3%)	86,111 (58.6%)
2	9,848 (6.7%)	9,146 (6.2%)	4,165 (2.8%)	23,159 (15.8%)
3	11,983 (8.1%)	8,471 (5.8%)	4,577 (3.1%)	25,031 (17.0%)
TOTAL	53,776 (36.6%)	57,629 (39.2%)	35,569 (24.2%)	146,974 (100.0%)

Note: Of the 150,810 misdemeanor convictions in FY 2010/11, 3,836 (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 2010/11 Statistical Report Data

D. Convictions by Month of Sentencing

Figure P shows the number of misdemeanor convictions (N=150,810) by month of sentencing during Fiscal Year 2010/11. Convictions peaked in March and were lowest in December.



Source: NC Sentencing and Policy Commission, FY 2010/11 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 2010/11, there were 142,651 guilty pleas/bench trials in District Court, 7,977 guilty pleas in Superior Court, and 182 jury trials in Superior Court.

**Table 17: Convictions by Judicial District, County, and Mode of Disposition
FY 2010/11 Misdemeanors**

Judicial District and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 1	Camden	92	4	0	96
	Chowan	284	10	0	294
	Currituck	338	58	0	396
	Dare	600	62	1	663
	Gates	155	13	0	168
	Pasquotank	813	65	0	878
	Perquimans	219	18	0	237
	Total	2,501	230	1	2,732
District 2	Beaufort	1,155	77	2	1,234
	Hyde	112	5	4	121
	Martin	579	38	2	619
	Tyrrell	92	6	0	98
	Washington	295	21	2	318
	Total	2,233	147	10	2,390
District 3A	Pitt	2,769	134	6	2,909
	Total	2,769	134	6	2,909
District 3B	Carteret	1,188	55	0	1,243
	Craven	1,903	90	0	1,993
	Pamlico	195	8	0	203
	Total	3,286	153	0	3,439
District 4	Duplin	922	145	2	1,069
	Jones	197	24	0	221
	Onslow	2,099	161	4	2,264
	Sampson	1,487	19	1	1,507
	Total	4,705	349	7	5,061
District 5	New Hanover	3,400	139	1	3,540
	Pender	564	27	2	593
	Total	3,964	166	3	4,133

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 2010/11 Misdemeanors**

Judicial District and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 6A	Halifax	1,038	108	0	1,146
	Total	1,038	108	0	1,146
District 6B	Bertie	412	24	1	437
	Hertford	581	84	1	666
	Northampton	380	27	0	407
	Total	1,373	135	2	1,510
District 7	Edgecombe	1,237	139	0	1,376
	Nash	1,773	190	2	1,965
	Wilson	1,242	153	3	1,398
	Total	4,252	482	5	4,739
District 8	Greene	337	59	0	396
	Lenoir	1,642	249	2	1,893
	Wayne	2,382	158	7	2,547
	Total	4,361	466	9	4,836
District 9	Franklin	673	87	0	760
	Granville	841	135	2	978
	Vance	1,316	181	1	1,498
	Warren	257	71	1	329
	Total	3,087	474	4	3,565
District 9A	Caswell	363	45	3	411
	Person	803	49	1	853
	Total	1,166	94	4	1,264
District 10	Wake	11,441	268	9	11,718
	Total	11,441	268	9	11,718
District 11	Harnett	947	12	0	959
	Johnston	1,551	34	3	1,588
	Lee	845	64	0	909
	Total	3,343	110	3	3,456
District 12	Cumberland	3,407	232	1	3,640
	Total	3,407	232	1	3,640
District 13	Bladen	684	50	1	735
	Brunswick	1,331	82	1	1,414
	Columbus	1,054	47	2	1,103
	Total	3,069	179	4	3,252
District 14	Durham	4,260	51	7	4,318
	Total	4,260	51	7	4,318
District 15A	Alamance	2,457	137	3	2,597
	Total	2,457	137	3	2,597
District 15B	Chatham	636	26	0	662

**Table 17: Convictions by Judicial District, County, and Mode of Disposition (continued)
FY 2010/11 Misdemeanors**

Judicial District and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 15B (cont.)	Orange	1,002	23	1	1,026
	Total	1,638	49	1	1,688
District 16A	Hoke	801	41	1	843
	Scotland	1,273	49	1	1,323
	Total	2,074	90	2	2,166
District 16B	Robeson	4,284	97	1	4,382
	Total	4,284	97	1	4,382
District 17A	Rockingham	1,523	41	3	1,567
	Total	1,523	41	3	1,567
District 17B	Stokes	609	65	1	675
	Surry	1,250	61	0	1,311
	Total	1,859	126	1	1,986
District 18	Guilford	6,556	585	7	7,148
	Total	6,556	585	7	7,148
District 19A	Cabarrus	4,736	136	1	4,873
	Total	4,736	136	1	4,873
District 19B	Montgomery	468	28	2	498
	Randolph	2,055	111	3	2,169
	Total	2,523	139	5	2,667
District 19C	Rowan	3,099	132	1	3,232
	Total	3,099	132	1	3,232
District 19D	Moore	1,209	47	4	1,260
	Total	1,209	47	4	1,260
District 20A	Anson	425	131	2	558
	Richmond	788	85	1	874
	Stanly	683	153	2	838
	Total	1,896	369	5	2,270
District 20B	Union	1,087	212	5	1,304
	Total	1,087	212	5	1,304
District 21	Forsyth	6,370	82	21	6,473
	Total	6,370	82	21	6,473
District 22A	Alexander	372	22	0	394
	Iredell	2,052	100	0	2,152
	Total	2,424	122	0	2,546
District 22B	Davidson	2,676	101	1	2,778
	Davie	497	24	1	522
	Total	3,173	125	2	3,300
District 23	Alleghany	130	3	1	134
	Ashe	305	13	0	318

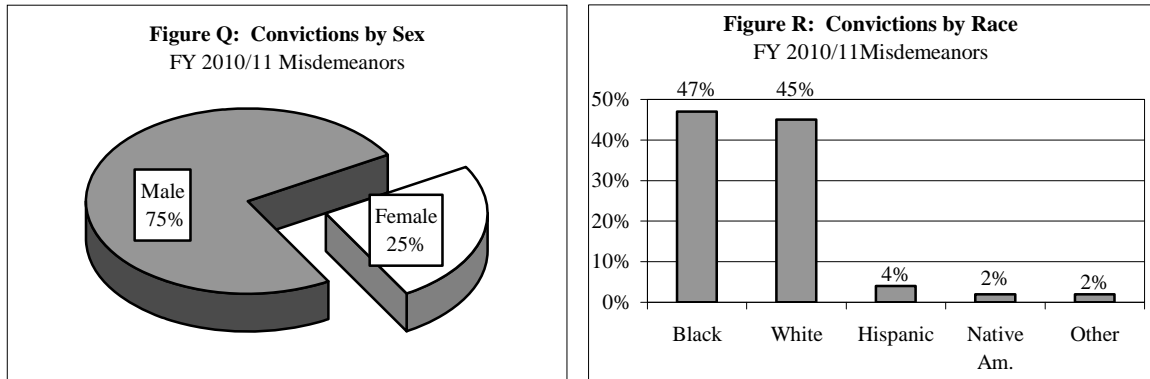
**Table 17: Convictions by Judicial District, County, and Mode of Disposition (continued)
FY 2010/11 Misdemeanors**

Judicial District and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 23 (cont.)	Wilkes	1,114	31	0	1,145
	Yadkin	574	7	0	581
	Total	2,123	54	1	2,178
District 24	Avery	193	22	0	215
	Madison	190	17	0	207
	Mitchell	198	19	0	217
	Watauga	518	44	3	565
	Yancey	222	24	1	247
	Total	1,321	126	4	1,451
District 25	Burke	1,291	151	4	1,446
	Caldwell	1,399	82	2	1,483
	Catawba	2,729	127	3	2,859
	Total	5,419	360	9	5,788
District 26	Mecklenburg	8,732	379	10	9,121
Total	8,732	379	10	9,121	
District 27A	Gaston	3,166	305	3	3,474
Total	3,166	305	3	3,474	
District 27B	Cleveland	2,246	82	3	2,331
	Lincoln	1,197	59	0	1,256
	Total	3,443	141	3	3,587
District 28	Buncombe	4,060	57	5	4,122
Total	4,060	57	5	4,122	
District 29A	McDowell	748	50	0	798
	Rutherford	1,778	80	0	1,858
	Total	2,526	130	0	2,656
District 29B	Henderson	1,626	23	2	1,651
	Polk	250	6	1	257
	Transylvania	419	13	2	434
	Total	2,295	42	5	2,342
District 30	Cherokee	281	12	1	294
	Clay	76	5	0	81
	Graham	98	10	0	108
	Haywood	874	33	2	909
	Jackson	462	26	1	489
	Macon	357	20	1	378
	Swain	255	10	0	265
	Total	2,403	116	5	2,524
STATE TOTAL		142,651	7,977	182	150,810

Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Statistical Report Data

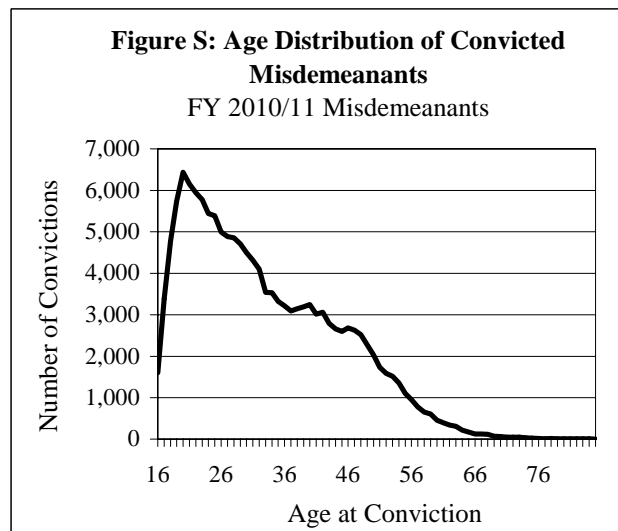
II. CHARACTERISTICS OF OFFENDERS

This section provides a summary of misdemeanor convictions by sex, race, 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 (4%), Native American (2%), or Other (2%).



Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Statistical Report Data

Based on age at conviction, 15% 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 10% were 50 years of age or older. The average age at conviction was 33 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 2010/11 Statistical Report Data

**Table 18: Convictions by Sex, Race/Ethnicity, and Age
FY 2010/11 Misdemeanors**

Sex and Race/Ethnicity		Age at Conviction						Total
		<21	21-25	26-29	30-39	40-49	>49	
Male	White	7,600	8,962	6,203	11,313	8,775	5,041	47,894
	Black	8,091	10,571	6,625	12,309	10,712	6,708	55,016
	Hispanic	886	1,206	971	1,759	626	201	5,649
	Native Amer.	257	407	334	684	389	218	2,289
	Other	293	279	203	413	264	126	1,578
	Subtotal	17,127	21,425	14,336	26,478	20,766	12,294	112,426
Female	White	2,277	3,478	2,571	5,150	3,519	1,381	18,376
	Black	2,285	3,404	2,227	3,952	2,855	1,185	15,908
	Hispanic	105	142	124	212	92	32	707
	Native Amer.	81	160	146	306	186	46	925
	Other	76	90	59	137	61	33	456
	Subtotal	4,824	7,274	5,127	9,757	6,713	2,677	36,372
TOTAL		21,951	28,699	19,463	36,235	27,479	14,971	148,798

Note: Of the 150,810 misdemeanor convictions in FY 2010/11, 2,012 convictions with missing values for offenders' age were excluded from this table.

Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Statistical Report Data

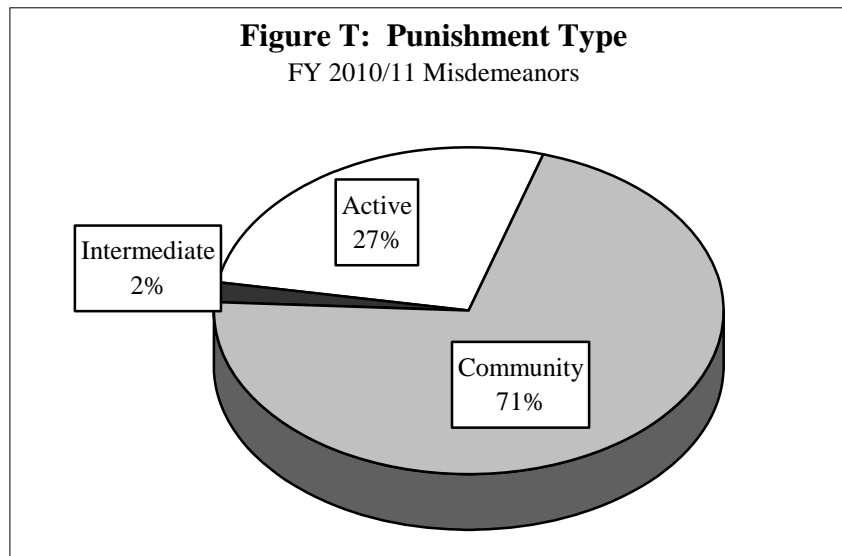
III. PUNISHMENT IMPOSED FOR MISDEMEANORS

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 27% of misdemeanor convictions; an Intermediate punishment was imposed for 2% of misdemeanor convictions; and a Community punishment was imposed for 71% 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 2010/11 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-seven percent of misdemeanor convictions fell into Prior Conviction Level I, 39% fell into Prior Conviction Level II, and 24% 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 (33%). The majority of convictions fell into Offense Class 1 with Prior Conviction Level II (n=34,784). 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 2010/11 Misdemeanors**

Offense Class	Prior Conviction Level			Total
	I 0 Points	II 1-4 Points	III 5+ Points	
A1	C/I/A C = 2,234 (73%) I = 124 (4%) A = 714 (23%) (n=3,072) 31.2 days	C/I/A C = 3,474 (66%) I = 294 (6%) A = 1,460 (28%) (n=5,228) 48.5 days	C/I/A C = 1,947 (44%) I = 375 (9%) A = 2,051 (47%) (n=4,373) 98.0 days	C/I/A C = 7,655 (61%) I = 793 (6%) A = 4,225 (33%) (n=12,673) 69.6 days
1	C C = 24,146 (83%) I = 174 (1%) A = 4,553 (16%) (n=28,873) 20.4 days	C/I/A C = 25,813 (74%) I = 864 (3%) A = 8,107 (23%) (n=34,784) 25.9 days	C/I/A C = 12,142 (54%) I = 1,225 (5%) A = 9,087 (41%) (n=22,454) 62.7 days	C/I/A C = 62,101 (72%) I = 2,263 (3%) A = 21,747 (25%) (n=86,111) 40.1 days
2	C C = 7,923 (81%) I = 22 (0%) A = 1,903 (19%) (n=9,848) 14.0 days	C/I C = 6,613 (72%) I = 112 (1%) A = 2,421 (27%) (n=9,146) 20.0 days	C/I/A C = 2,164 (52%) I = 90 (2%) A = 1,911 (46%) (n=4,165) 30.3 days	C/I/A C = 16,700 (72%) I = 224 (1%) A = 6,235 (27%) (n=23,159) 21.3 days
3	C C = 9,165 (77%) I = 5 (0%) A = 2,813 (23%) (n=11,983) 5.2 days	C/I C = 6,435 (76%) I = 52 (1%) A = 1,984 (23%) (n=8,471) 8.0 days	C/I/A C = 2,161 (47%) I = 47 (1%) A = 2,369 (52%) (n=4,577) 10.0 days	C/I/A C = 17,761 (71%) I = 104 (0%) A = 7,166 (29%) (n=25,031) 7.6 days
TOTAL	C/I/A C = 43,468 (81%) I = 325 (1%) A = 9,983 (18%) (n=53,776) 15.7 days	C/I/A C = 42,335 (74%) I = 1,322 (2%) A = 13,972 (24%) (n=57,629) 24.7 days	C/I/A C = 18,414 (52%) I = 1,737 (5%) A = 15,418 (43%) (n=35,569) 55.3 days	C/I/A C = 104,217 (71%) I = 3,384 (2%) A = 39,373 (27%) (n=146,974) 34.4 days

Note: Of the 150,810 misdemeanor convictions in FY 2010/11, 3,836 (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 2010/11 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 (44 days). Overall, the average time to be served for misdemeanor convictions was 21 days. Sixty-seven 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 2010/11 Misdemeanors**

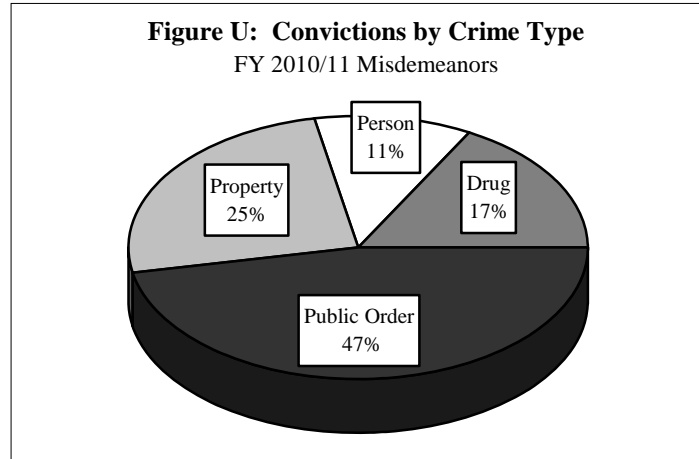
Offense Class		Prior Conviction Level			Total
		I 0 Points	II 1-4 Points	III 5+ Points	
A1	Average Active Sentence (Days)	31.2	48.5	98.0	69.6
	Average Credit for Time Served (Days)	20.9	23.9	28.3	25.5
	Average Time to be Served (Days)	10.3	24.5	69.7	44.1
	No. of Active Sentences	714	1,460	2,051	4,225
1	Average Active Sentence (Days)	20.4	25.9	62.7	40.1
	Average Credit for Time Served (Days)	14.0	12.5	15.9	14.2
	Average Time to be Served (Days)	6.4	13.5	46.8	25.9
	No. of Active Sentences	4,553	8,107	9,087	21,747
2	Average Active Sentence (Days)	14.0	20.0	30.3	21.3
	Average Credit for Time Served (Days)	11.2	12.4	13.7	12.5
	Average Time to be Served (Days)	2.8	7.6	16.6	8.9
	No. of Active Sentences	1,903	2,421	1,911	6,235
3	Average Active Sentence (Days)	5.2	8.0	10.0	7.6
	Average Credit for Time Served (Days)	4.5	5.9	5.0	5.1
	Average Time to be Served (Days)	0.7	2.1	4.9	2.5
	No. of Active Sentences	2,813	1,984	2,369	7,166
TOTAL	Average Active Sentence (Days)	15.7	24.7	55.3	34.4
	Average Credit for Time Served (Days)	11.3	12.7	15.6	13.5
	Average Time to be Served (Days)	4.4	12.0	39.7	20.9
	No. of Active Sentences	9,983	13,972	15,418	39,373

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 2010/11 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 2010/11 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-eight percent of convictions for property offenses and 27% of convictions for public order offenses resulted in an Active punishment, as did 31% 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 2010/11 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	4,795	31	743	5	9,853	64	58.5	23.0	35.5	15,391
Property	10,277	28	1,011	3	25,589	69	38.9	16.3	22.6	36,877
Drug	5,308	21	522	2	18,970	77	26.9	11.5	15.4	24,800
Public Order	18,993	27	1,108	2	49,805	71	27.9	10.1	17.8	69,906
TOTAL	39,373	27	3,384	2	104,217	71	34.4	13.5	20.9	146,974

Note: Of the 150,810 misdemeanor convictions in FY 2010/11, 3,836 (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 2010/11 Statistical Report Data

IV. INTERMEDIATE PUNISHMENTS

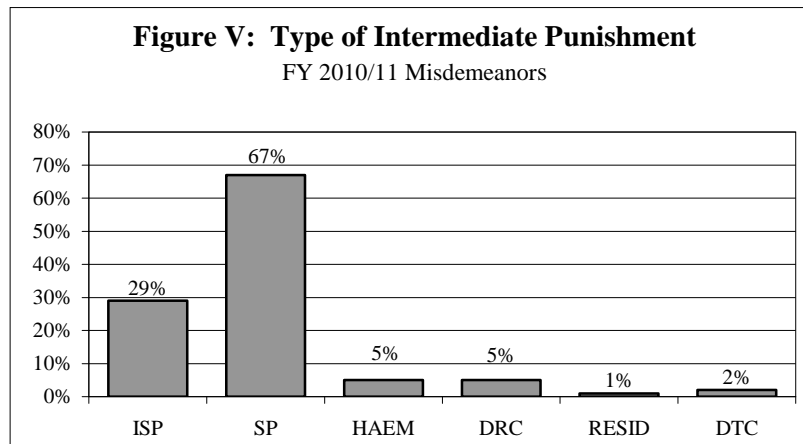
This section provides a summary of the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed at sentencing.*⁶ Under Structured Sentencing, all offenders who receive an Intermediate punishment must receive a term of supervised probation 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 2010/11, there were 3,384 convictions for which an Intermediate punishment was imposed. One or more specific intermediate sanctions were reported for 3,319 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 (67%). 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 2010/11 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=1,328). Overall, intermediate sanctions were most frequently imposed for Class 1 convictions (n=2,410). Convictions for Class A1 offenses resulted in the longest average probation sentences (20 months).

**Table 22: Type of Intermediate Punishment by Offense Class and Prior Conviction Level
FY 2010/11 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	86	0	7	0	26	5	124
	II	213	0	8	0	77	11	309
	III	264	6	6	2	112	20	410
	Subtotal	563 <i>19 months</i>	6 <i>22 months</i>	21 <i>20 months</i>	2 <i>24 months</i>	215 <i>24 months</i>	36 <i>24 months</i>	843 <i>20 months</i>
1	I	96	4	23	3	45	4	175
	II	516	4	55	19	277	36	907
	III	814	7	40	38	365	64	1,328
	Subtotal	1,426 <i>18 months</i>	15 <i>19 months</i>	118 <i>18 months</i>	60 <i>22 months</i>	687 <i>22 months</i>	104 <i>21 months</i>	2,410 <i>19 months</i>
2	I	14	0	4	0	2	2	22
	II	81	1	8	1	23	5	119
	III	66	0	6	0	22	4	98
	Subtotal	161 <i>16 months</i>	1 <i>24 months</i>	18 <i>14 months</i>	1 <i>18 months</i>	47 <i>20 months</i>	11 <i>22 months</i>	239 <i>17 months</i>
3	I	3	0	2	0	0	0	5
	II	32	0	11	0	9	2	54
	III	31	0	7	2	9	0	49
	Subtotal	66 <i>14 months</i>	0 <i>N/A</i>	20 <i>12 months</i>	2 <i>15 months</i>	18 <i>16 months</i>	2 <i>15 months</i>	108 <i>14 months</i>
TOTAL		2,216 <i>18 months</i>	22 <i>20 months</i>	177 <i>17 months</i>	65 <i>22 months</i>	967 <i>22 months</i>	153 <i>22 months</i>	3,600 <i>20 months</i>

Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 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=1,163) and property offenses (n=1,080).

**Table 23: Type of Intermediate Punishment by Crime Type
FY 2010/11 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	5	23	2	191	27	783
Property	594	9	67	22	348	40	1,080
Drug	250	5	58	32	208	21	574
Public Order	837	3	29	9	220	65	1,163
TOTAL	2,216	22	177	65	967	153	3,600

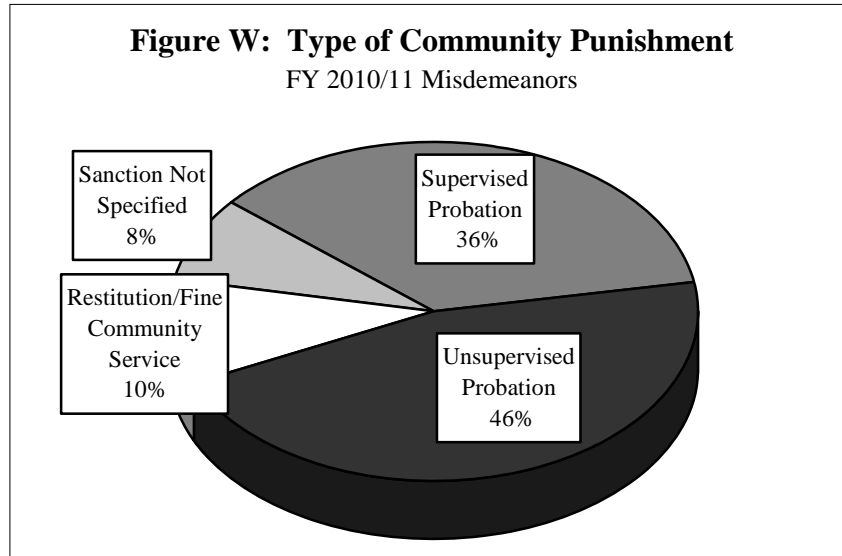
Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Statistical Report Data

V. COMMUNITY PUNISHMENTS

A. Community Punishments by Offense Class

This section includes only those convictions for which a Community punishment was imposed. Of the 104,217 convictions for which a Community punishment was imposed, the specific type of Community punishment imposed was reported for 95,785 convictions. Overall, 46% received Unsupervised Probation; 36% received Supervised Probation; 10% 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 2010/11 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=62,101). Convictions for Class A1 offenses resulted in the longest average probation sentences (17 months).

Table 24: Type of Community Punishment by Offense Class
FY 2010/11 Misdemeanors

Offense Class	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
A1	4,925 <i>18 months</i>	2,168 <i>16 months</i>	115 <i>N/A</i>	447 <i>N/A</i>	7,655 <i>17 months</i>
1	25,330 <i>16 months</i>	26,931 <i>14 months</i>	5,830 <i>N/A</i>	4,010 <i>N/A</i>	62,101 <i>15 months</i>
2	4,596 <i>15 months</i>	8,872 <i>13 months</i>	1,678 <i>N/A</i>	1,554 <i>N/A</i>	16,700 <i>13 months</i>
3	2,203 <i>13 months</i>	9,922 <i>12 months</i>	3,215 <i>N/A</i>	2,421 <i>N/A</i>	17,761 <i>12 months</i>
TOTAL	37,054 <i>16 months</i>	47,893 <i>13 months</i>	10,838 <i>N/A</i>	8,432 <i>N/A</i>	104,217 <i>14 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 2010/11 Statistical Report Data

B. Community Punishments by Crime Type

The type of Community punishment imposed by crime type and the average length of probation sentences are provided in *Table 25*. Public order offenses were the largest offense category for which Supervised Probation was imposed (n=13,986) followed by property offenses (n=11,936). The largest number sentenced to Unsupervised Probation were convicted of public order offenses (n=24,201).

**Table 25: Type of Community Punishment by Crime Type
FY 2010/11 Misdemeanors**

Crime Type	Type of Community Punishment (Number and Average Probation Length)				Total
	Supervised	Unsupervised	Restitution/Fine/ Community Service Only	Sanction Not Specified	
Person	5,418 <i>17 months</i>	3,541 <i>15 months</i>	240 <i>N/A</i>	654 <i>N/A</i>	9,853 <i>16 months</i>
Property	11,936 <i>16 months</i>	10,672 <i>13 months</i>	1,465 <i>N/A</i>	1,516 <i>N/A</i>	25,589 <i>15 months</i>
Drug	5,714 <i>15 months</i>	9,479 <i>13 months</i>	2,556 <i>N/A</i>	1,221 <i>N/A</i>	18,970 <i>14 months</i>
Public Order	13,986 <i>15 months</i>	24,201 <i>13 months</i>	6,577 <i>N/A</i>	5,041 <i>N/A</i>	49,805 <i>14 months</i>
TOTAL	37,054 <i>16 months</i>	47,893 <i>13 months</i>	10,838 <i>N/A</i>	8,432 <i>N/A</i>	104,217 <i>14 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.

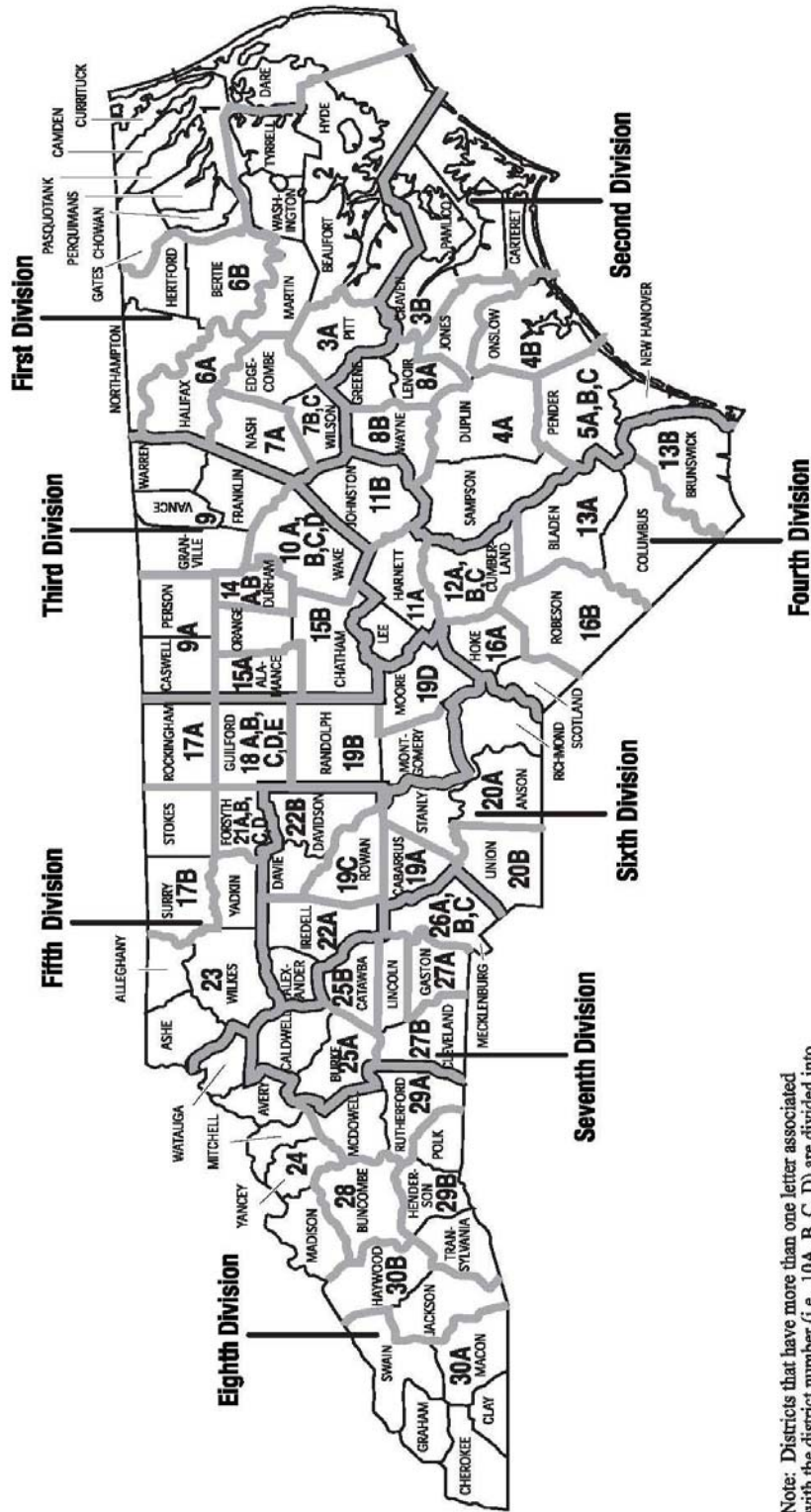
Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Statistical Report Data

APPENDIX A

MAP OF JUDICIAL DIVISIONS AND DISTRICTS

North Carolina Superior Court

Effective January 15, 2009

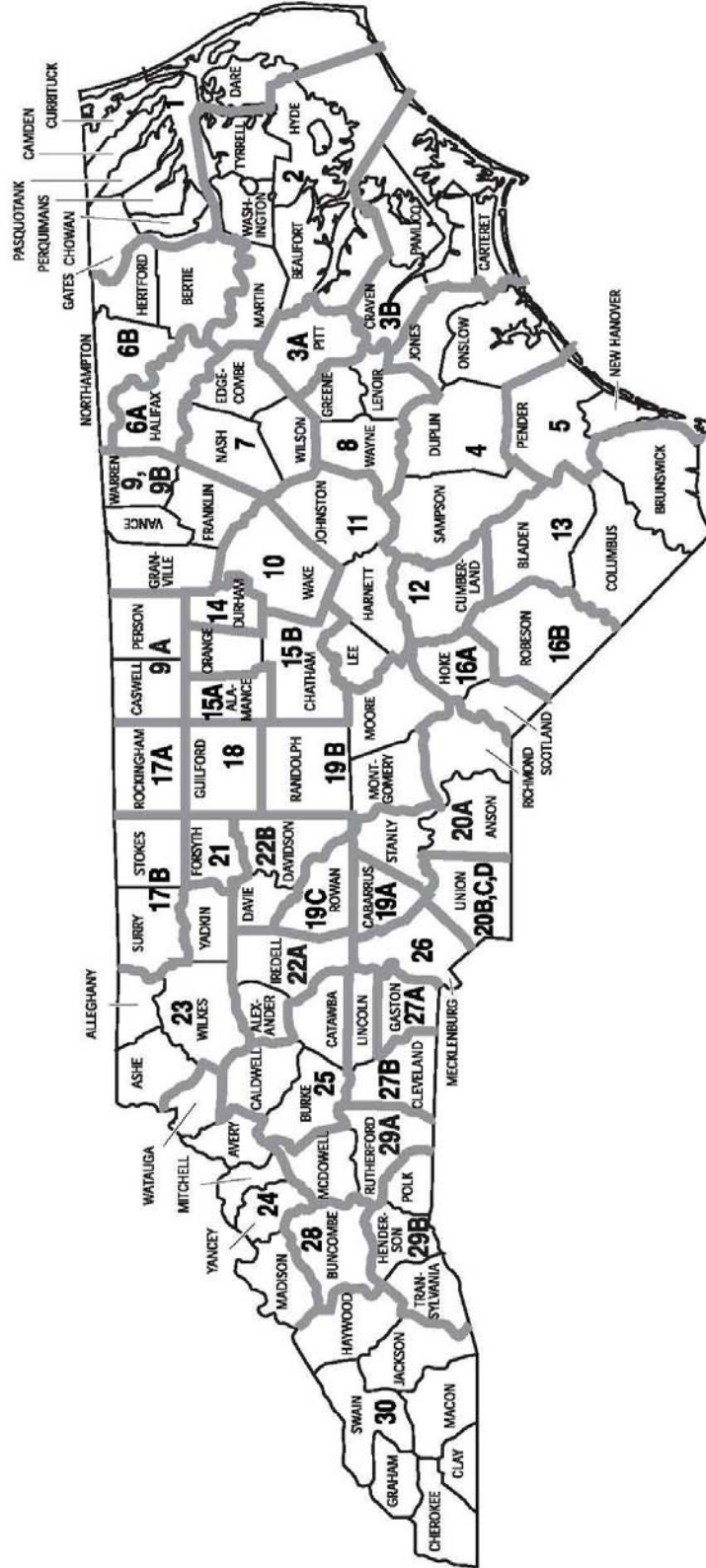


Note: Districts that have more than one letter associated with the district number (i.e., 10A, B, C, D) are divided into separate districts for electoral purposes. For administrative purposes, they are combined into a single district.

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North Carolina District Court Districts

Effective January 15, 2009



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

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APPENDIX B

SAMPLE OFFENSES

**CLASSIFICATION OF A SAMPLE OF OFFENSES
(Effective 12/1/10)**

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)	
Felonious 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(a)(1))	
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 2010/11 Felonies**

Sentence Type and Average Length of Active Sentences by Judicial Division and Judicial District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>First Judicial Division</i>	936	38.9	1,075	44.7	393	16.3	27.9	36.0	2,404
District 1	108	31.7	151	44.3	82	24.0	25.8	33.0	341
District 2	161	34.5	238	51.0	68	14.6	31.4	40.5	467
District 3A	264	47.8	202	36.6	86	15.6	24.2	31.4	552
District 6A	61	31.1	108	55.1	27	13.8	33.5	43.0	196
District 6B	79	42.9	82	44.6	23	12.5	29.6	38.7	184
District 7A	111	46.8	91	38.4	35	14.8	28.8	36.9	237
District 7B,C	152	35.6	203	47.5	72	16.9	28.4	36.5	427
<i>Second Judicial Division</i>	1,239	40.4	1,265	41.3	561	18.3	27.8	35.8	3,065
District 3B	216	38.0	280	49.3	72	12.7	28.6	36.4	568
District 4A	204	40.8	175	35.0	121	24.2	29.7	37.9	500
District 4B	202	48.3	156	37.3	60	14.4	27.5	35.9	418
District 5	347	36.8	392	41.6	204	21.6	27.5	35.3	943
District 8A	140	43.9	149	46.7	30	9.4	19.6	25.7	319
District 8B	130	41.0	113	35.6	74	23.3	33.6	44.0	317
<i>Third Judicial Division</i>	1,976	46.5	1,602	37.7	667	15.7	25.2	32.6	4,245
District 9	212	47.6	162	36.4	71	16.0	17.9	22.8	445
District 9A	46	35.9	63	49.2	19	14.8	30.2	39.1	128
District 10	1,075	51.0	659	31.3	374	17.7	21.0	27.2	2,108
District 14	306	40.1	393	51.4	65	8.5	37.5	48.9	764
District 15A	190	38.9	204	41.7	95	19.4	30.8	39.4	489
District 15B	147	47.3	121	38.9	43	13.8	32.4	41.7	311

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District
(continued)
FY 2010/11 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>	1,328	39.7	1,401	41.8	620	18.5	30.7	39.6	3,349
District 11A	172	34.8	230	46.6	92	18.6	21.4	27.5	494
District 11B	164	33.1	219	44.2	113	22.8	27.5	35.7	496
District 12	442	43.9	373	37.0	192	19.1	31.4	40.5	1,007
District 13A	105	49.1	65	30.4	44	20.6	34.1	44.3	214
District 13B	119	33.1	147	40.8	94	26.1	27.8	36.1	360
District 16A	145	41.2	156	44.3	51	14.5	29.4	37.9	352
District 16B	181	42.5	211	49.5	34	8.0	41.5	53.6	426
<i>Fifth Judicial Division</i>	1,888	40.7	2,041	44.0	711	15.3	31.4	40.9	4,640
District 17A	122	32.6	196	52.4	56	15.0	33.8	43.6	374
District 17B	148	51.2	106	36.7	35	12.1	31.3	40.5	289
District 18	788	42.4	802	43.1	269	14.5	29.8	38.9	1,859
District 19B	83	24.7	194	57.7	59	17.6	29.3	38.1	336
District 19D	113	38.4	95	32.3	86	29.3	30.6	39.6	294
District 21	473	47.3	396	39.6	131	13.1	34.5	44.9	1,000
District 23	161	33.0	252	51.6	75	15.4	30.2	39.4	488
<i>Sixth Judicial Division</i>	1,083	36.0	1,323	44.0	604	20.1	31.7	41.1	3,010
District 19A	170	28.9	241	41.0	177	30.1	38.2	49.4	588
District 19C	170	32.6	254	48.8	97	18.6	28.4	37.2	521
District 20A	193	38.8	229	46.1	75	15.1	33.2	43.2	497
District 20B	114	40.9	110	39.4	55	19.7	31.0	40.2	279
District 22A	209	36.1	268	46.3	102	17.6	30.2	39.0	579
District 22B	227	41.6	221	40.5	98	17.9	29.5	38.2	546

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District
(continued)
FY 2010/11 Felonies**

Sentence Type and Average Length of Active Sentences by Judicial Division and Judicial District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>Seventh Judicial Division</i>	1,663	35.4	2,299	49.0	733	15.6	32.3	41.7	4,695
District 25A	136	30.4	223	49.9	88	19.7	25.6	33.1	447
District 25B	108	33.6	148	46.1	65	20.2	27.9	36.1	321
District 26	928	38.4	1,106	45.8	383	15.8	33.1	43.0	2,417
District 27A	253	33.3	422	55.6	84	11.1	27.0	34.5	759
District 27B	238	31.7	400	53.3	113	15.0	40.3	51.4	751
<i>Eighth Judicial Division</i>	759	37.8	946	47.2	301	15.0	29.9	38.1	2,006
District 24	106	28.8	179	48.6	83	22.6	27.1	34.5	368
District 28	284	45.2	273	43.5	71	11.3	31.8	40.7	628
District 29A	114	30.2	208	55.0	56	14.8	29.5	37.2	378
District 29B	126	41.6	134	44.2	43	14.2	26.7	34.3	303
District 30A	61	38.6	70	44.3	27	17.1	23.1	29.4	158
District 30B	68	39.8	82	48.0	21	12.3	38.7	49.1	171
<i>STATE TOTAL</i>	10,872	39.7	11,952	43.6	4,590	16.7	29.5	38.2	27,414

Note: Of the 29,446 felony convictions in FY 2010/11, 2,032 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 2010/11 Statistical Report Data

**Appendix C, Table 2: Sentence Location by Judicial Division and District
(Active Sentences Only)
FY 2010/11 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>	162	17.6	735	79.7	25	2.7	922
District 1	14	13.2	86	81.1	6	5.7	106
District 2	34	21.3	122	76.3	4	2.5	160
District 3A	68	26.0	189	72.1	5	1.9	262
District 6A	11	18.3	45	75.0	4	6.7	60
District 6B	18	23.7	58	76.3	0	0.0	76
District 7A	8	7.3	100	91.7	1	0.9	109
District 7B,C	9	6.0	135	90.6	5	3.4	149
<i>Second Judicial Division</i>	285	23.2	892	72.6	52	4.2	1,229
District 3B	47	21.9	159	74.0	9	4.2	215
District 4A	58	28.4	131	64.2	15	7.4	204
District 4B	28	14.1	166	83.4	5	2.5	199
District 5	69	20.1	262	76.4	12	3.5	343
District 8A	39	27.9	94	67.1	7	5.0	140
District 8B	44	34.4	80	62.5	4	3.1	128
<i>Third Judicial Division</i>	631	32.1	1,273	64.7	63	3.2	1,967
District 9	28	13.3	180	85.3	3	1.4	211
District 9A	6	13.0	37	80.4	3	6.5	46
District 10	363	34.0	676	63.3	29	2.7	1,068
District 14	116	37.9	178	58.2	12	3.9	306
District 15A	69	36.5	118	62.4	2	1.1	189
District 15B	49	33.3	84	57.1	14	9.5	147

**Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)
(Active Sentences Only)
FY 2010/11 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>	<i>381</i>	<i>28.9</i>	<i>882</i>	<i>67.0</i>	<i>54</i>	<i>4.1</i>	<i>1,317</i>
District 11A	48	27.9	122	70.9	2	1.2	172
District 11B	57	35.2	95	58.6	10	6.2	162
District 12	138	31.6	275	62.9	24	5.5	437
District 13A	21	20.2	76	73.1	7	6.7	104
District 13B	45	37.8	70	58.8	4	3.4	119
District 16A	36	25.2	104	72.7	3	2.1	143
District 16B	36	20.0	140	77.8	4	2.2	180
<i>Fifth Judicial Division</i>	<i>656</i>	<i>35.1</i>	<i>1,101</i>	<i>58.8</i>	<i>114</i>	<i>6.1</i>	<i>1,871</i>
District 17A	18	14.8	87	71.3	17	13.9	122
District 17B	47	32.2	95	65.1	4	2.7	146
District 18	216	27.6	529	67.5	39	5.0	784
District 19B	26	31.7	54	65.9	2	2.4	82
District 19D	29	25.9	74	66.1	9	8.0	112
District 21	271	58.2	167	35.8	28	6.0	466
District 23	49	30.8	95	59.7	15	9.4	159
<i>Sixth Judicial Division</i>	<i>326</i>	<i>30.2</i>	<i>713</i>	<i>66.1</i>	<i>39</i>	<i>3.6</i>	<i>1,078</i>
District 19A	78	45.9	87	51.2	5	2.9	170
District 19C	43	25.6	119	70.8	6	3.6	168
District 20A	58	30.1	128	66.3	7	3.6	193
District 20B	27	23.7	86	75.4	1	0.9	114
District 22A	51	24.6	147	71.0	9	4.3	207
District 22B	69	30.5	146	64.6	11	4.9	226

**Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)
(Active Sentences Only)
FY 2010/11 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>	332	20.2	1,187	72.1	127	7.7	1,646
District 25A	26	19.3	105	77.8	4	3.0	135
District 25B	18	16.8	88	82.2	1	0.9	107
District 26	200	21.7	631	68.6	89	9.7	920
District 27A	35	14.1	189	76.2	24	9.7	248
District 27B	53	22.5	174	73.7	9	3.8	236
<i>Eighth Judicial Division</i>	181	24.1	542	72.1	29	3.9	752
District 24	19	18.1	81	77.1	5	4.8	105
District 28	91	32.2	183	64.7	9	3.2	283
District 29A	15	13.4	89	79.5	8	7.1	112
District 29B	31	24.6	95	75.4	0	0.0	126
District 30A	10	16.9	46	78.0	3	5.1	59
District 30B	15	22.4	48	71.6	4	6.0	67
<i>STATE TOTAL</i>	2,954	27.4	7,325	67.9	503	4.7	10,782

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, 3 death sentences and 87 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 2010/11 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 2010/11 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	3,083	63.8	1,660	34.3	92	1.9	54.9	71.4	4,835
1 st Degree Murder	90	100.0	.	.	.	.	.	.	90
2 nd Degree Murder	199	100.0	.	.	.	.	174.6	218.8	199
Attempted Murder	17	100.0	.	.	.	.	203.4	253.5	17
Voluntary Manslaughter	68	95.8	3	4.2	.	.	69.9	92.9	71
Involuntary Manslaughter	31	63.3	18	36.7	.	.	18.9	23.0	49
Felony Death by Vehicle	28	66.7	14	33.3	.	.	32.4	48.1	42
Armed Robbery	449	100.0	.	.	.	.	64.1	86.3	449
Att. Consp. Armed Robbery	144	55.2	117	44.8	.	.	41.1	58.6	261
Common Law Robbery	353	54.3	297	45.7	.	.	14.8	18.1	650
Att. Common Law Robbery	60	58.8	32	31.4	10	9.8	9.2	11.3	102
Other Robbery	27	34.6	47	60.3	4	5.1	20.0	27.7	78
AWDWIKISI	74	100.0	.	.	.	.	81.3	106.9	74
AWDW Intent to Kill	21	38.2	34	61.8	.	.	32.9	48.7	55
ADWD Serious Injury	211	54.5	176	45.5	.	.	29.5	44.7	387
Assault Govt. Official	50	64.9	26	33.8	1	1.3	20.8	26.3	77
Assault by Strangulation	69	46.3	69	46.3	11	7.4	8.8	10.9	149
Other Felony Assaults	110	43.5	141	55.7	2	0.8	20.9	26.6	253
1 st Degree Rape	80	100.0	.	.	.	.	245.4	303.7	80
Attempted 1 st Degree Rape	18	100.0	.	.	.	.	133.3	169.2	18
2 nd Degree Rape	82	100.0	.	.	.	.	78.4	103.3	82
Attempted 2 nd Degree Rape	28	100.0	.	.	.	.	59.5	80.9	28
Statutory Rape/Sex Offense Against 13, 14, 15	47	100.0	.	.	.	.	172.6	216.4	47
Indecent Liberties with Child	243	48.0	263	52.0	.	.	16.2	19.8	506
Crime Against Nature	11	16.4	18	26.9	38	56.7	46.9	58.3	67

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)
FY 2010/11 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Sexual Exploitation of Minor	23	40.4	27	47.4	7	12.3	19.5	29.6	57
Child Abuse	35	48.6	37	51.4	.	.	42.5	59.3	72
Registered Sex Off. Offenses	154	51.3	142	47.3	4	1.3	17.8	21.9	300
Other Sex Crimes	137	63.1	71	32.7	9	4.1	44.3	56.9	217
Kidnap/Abduction	152	66.7	76	33.3	.	.	46.5	64.1	228
Att./Consp. Kidnapping	.	.	1	100.0	.	.	.	.	1
All Other Person Felonies	72	55.8	51	39.5	6	4.7	19.6	24.0	129
Property	3,714	35.8	4,870	47.0	1,784	17.2	11.8	15.0	10,368
1st Degree Burglary	93	100.0	.	.	.	.	67.3	90.2	93
Att. 1st Degree Burglary	18	50.0	18	50.0	.	.	27.9	42.8	36
2nd Degree Burglary	76	47.5	84	52.5	.	.	14.6	17.9	160
Breaking/Entering	1,589	38.6	1,857	45.1	673	16.3	9.7	12.0	4,119
Att. Breaking/Entering	13	18.1	29	40.3	30	41.7	6.7	8.5	72
Larceny	797	37.6	1,006	47.5	317	15.0	10.0	12.3	2,120
Attempted Larceny	16	25.8	21	33.9	25	40.3	6.9	8.8	62
Possess/Receive Stolen Goods/Property	328	37.4	437	49.8	113	12.9	9.5	11.8	878
1st Degree Arson	10	100.0	.	.	.	.	62.4	84.3	10
2nd Degree Arson	16	45.7	19	54.3	.	.	15.3	18.7	35
Other Arson/Burning	31	32.3	51	53.1	14	14.6	16.6	22.3	96
Forgery	72	19.0	170	44.9	137	36.1	8.5	10.5	379
Fraud	113	24.3	261	56.1	91	19.6	13.9	17.3	465
Embezzlement	27	13.1	83	40.3	96	46.6	22.1	29.9	206
Obtain Property by False Pretenses	431	33.5	668	51.9	189	14.7	10.4	12.9	1,288
Attempt Obtain Property by False Pretenses	46	36.5	60	47.6	20	15.9	10.9	13.5	126
All Other Property Felonies	38	17.0	106	47.5	79	35.4	9.2	11.4	223

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)
FY 2010/11 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>Non-Trafficking Drugs</i>	<i>1,899</i>	<i>22.4</i>	<i>4,084</i>	<i>48.1</i>	<i>2,501</i>	<i>29.5</i>	<i>12.1</i>	<i>15.3</i>	<i>8,484</i>
Sell/Deliver Drugs	464	30.3	953	62.2	116	7.6	13.7	16.8	1,533
Consp. to Sell/Deliver Drugs	39	28.3	88	63.8	11	8.0	13.8	16.9	138
Manufacture Drugs	34	19.5	51	29.3	89	51.1	44.2	58.4	174
Possession with Intent	626	26.8	1,070	45.9	636	27.3	9.3	11.5	2,332
Drug Possession	349	12.2	1,231	43.0	1,285	44.9	7.2	9.1	2,865
Other Drug Felonies	387	26.8	691	47.9	364	25.2	16.2	21.2	1,442
<i>Other Felony</i>	<i>2,176</i>	<i>58.4</i>	<i>1,338</i>	<i>35.9</i>	<i>213</i>	<i>5.7</i>	<i>40.1</i>	<i>52.1</i>	<i>3,727</i>
Weapon Offense	541	42.0	723	56.1	25	1.9	17.5	22.4	1,289
Habitual Felon	721	100.0	.	.	.	.	85.0	111.3	721
Habitual Misd. Assault	68	63.0	39	36.1	1	0.9	12.2	15.0	108
Habitual Impaired Driving	298	97.4	8	2.6	.	.	16.6	20.2	306
Motor Vehicle Offenses	214	42.8	239	47.8	47	9.4	10.5	13.4	500
Crimes Against Admin. Just.	23	52.3	16	36.4	5	11.4	10.4	12.9	44
All Other Felonies	311	41.0	313	41.2	135	17.8	26.2	34.3	759
<i>STATE TOTAL</i>	<i>10,872</i>	<i>39.7</i>	<i>11,952</i>	<i>43.6</i>	<i>4,590</i>	<i>16.7</i>	<i>29.5</i>	<i>38.2</i>	<i>27,414</i>

Note: Of the 29,446 felony convictions in FY 2010/11, 2,032 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 2010/11 Statistical Report Data

**Appendix D, Table 2: Sentence Location by Crime Type and Offense
(Active Sentences Only)
FY 2010/11 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>886</i>	<i>29.6</i>	<i>1,922</i>	<i>64.2</i>	<i>185</i>	<i>6.2</i>	<i>2,993</i>
2 nd Degree Murder	40	20.1	117	58.8	42	21.1	199
Attempted Murder	3	17.6	11	64.7	3	17.6	17
Voluntary Manslaughter	15	22.1	44	64.7	9	13.2	68
Involuntary Manslaughter	4	12.9	24	77.4	3	9.7	31
Felony Death by Vehicle	6	21.4	17	60.7	5	17.9	28
Armed Robbery	200	44.5	237	52.8	12	2.7	449
Att. Consp. Armed Robbery	42	29.2	100	69.4	2	1.4	144
Common Law Robbery	64	18.1	270	76.5	19	5.4	353
Att. Common Law Robbery	11	18.3	46	76.7	3	5.0	60
Other Robbery	7	25.9	20	74.1	.	.	27
AWDWIKISI	21	28.4	49	66.2	4	5.4	74
AWDW Intent to Kill	2	9.5	17	81.0	2	9.5	21
AWDW Serious Injury	50	23.7	153	72.5	8	3.8	211
Assault Govt. Official	8	16.0	41	82.0	1	2.0	50
Assault by Strangulation	14	20.3	49	71.0	6	8.7	69
Other Felony Assaults	28	25.5	70	63.6	12	10.9	110
1 st Degree Rape	20	25.0	54	67.5	6	7.5	80
Attempted 1 st Degree Rape	9	50.0	9	50.0	.	.	18
2 nd Degree Rape	25	30.5	49	59.8	8	9.8	82
Attempted 2 nd Degree Rape	17	60.7	11	39.3	.	.	28
Statutory Rape/Sex Offense Against 13, 14, 15	31	66.0	16	34.0	.	.	47
Indecent Liberties w/ Child	51	21.0	174	71.6	18	7.4	243
Crime Against Nature	1	9.1	10	90.9	.	.	11
Sexual Exploitation of Minor	5	21.7	17	73.9	1	4.3	23

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
(Active Sentences Only)
FY 2010/11 Felonies**

Number and Percent of Active Sentences Falling Within Specified Range by Crime Type and Offense	Type of Punishment						Type of Punishment
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
<i>Person (cont.)</i>							
Child Abuse	12	34.3	20	57.1	3	8.6	35
Registered Sex Off. Offenses	75	48.7	77	50.0	2	1.3	154
Other Sex Crimes	57	41.6	75	54.7	5	3.6	137
Kidnap/Abduction	43	28.3	101	66.4	8	5.3	152
All Other Person Felonies	25	34.7	44	61.1	3	4.2	72
Property	752	20.2	2,808	75.6	154	4.1	3,714
1st Degree Burglary	36	38.7	57	61.3	.	.	93
Att. 1st Degree Burglary	3	16.7	14	77.8	1	5.6	18
2nd Degree Burglary	16	21.1	58	76.3	2	2.6	76
Breaking/Entering	250	15.7	1,257	79.1	82	5.2	1,589
Att. Breaking/Entering	5	38.5	8	61.5	.	.	13
Larceny	163	20.5	606	76.0	28	3.5	797
Attempted Larceny	5	31.3	11	68.8	.	.	16
Possess/Receive Stolen Goods/Property	79	24.1	235	71.6	14	4.3	328
1st Degree Arson	5	50.0	5	50.0	.	.	10
2nd Degree Arson	2	12.5	13	81.3	1	6.3	16
Other Arson/Burning	8	25.8	20	64.5	3	9.7	31
Forgery	20	27.8	49	68.1	3	4.2	72
Fraud	28	24.8	79	69.9	6	5.3	113
Embezzlement	10	37.0	17	63.0	.	.	27
Obtain Property by False Pretenses	104	24.1	316	73.3	11	2.6	431
Attempt Obtain Property by False Pretenses	10	21.7	34	73.9	2	4.3	46
All Other Property Felonies	8	21.1	29	76.3	1	2.6	38

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
(Active Sentences Only)
FY 2010/11 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>406</i>	<i>21.4</i>	<i>1,405</i>	<i>74.0</i>	<i>88</i>	<i>4.6</i>	<i>1,899</i>
Sell/Deliver Drugs	93	20.0	356	76.7	15	3.2	464
Consp. to Sell/Deliver Drugs	11	28.2	26	66.7	2	5.1	39
Manufacture Drugs	13	38.2	20	58.8	1	2.9	34
Possession with Intent	127	20.3	467	74.6	32	5.1	626
Drug Possession	92	26.4	233	66.8	24	6.9	349
All Other Drug Felonies	70	18.1	303	78.3	14	3.6	387
<i>Other Felony</i>	<i>910</i>	<i>41.8</i>	<i>1,190</i>	<i>54.7</i>	<i>76</i>	<i>3.5</i>	<i>2,176</i>
Weapon Offense	142	26.2	371	68.6	28	5.2	541
Habitual Felon	509	70.6	192	26.6	20	2.8	721
Habitual Misd. Assault	17	25.0	50	73.5	1	1.5	68
Habitual Impaired Driving	117	39.3	174	58.4	7	2.3	298
Motor Vehicle Offenses	37	17.3	173	80.8	4	1.9	214
Crimes Against Admin. Just.	9	39.1	14	60.9	.	.	23
All Other Felonies	79	25.4	216	69.5	16	5.1	311
<i>STATE TOTAL</i>	<i>2,954</i>	<i>27.4</i>	<i>7,325</i>	<i>67.9</i>	<i>503</i>	<i>4.7</i>	<i>10,782</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, 3 death sentences and 87 convictions with life sentences were excluded from this table.

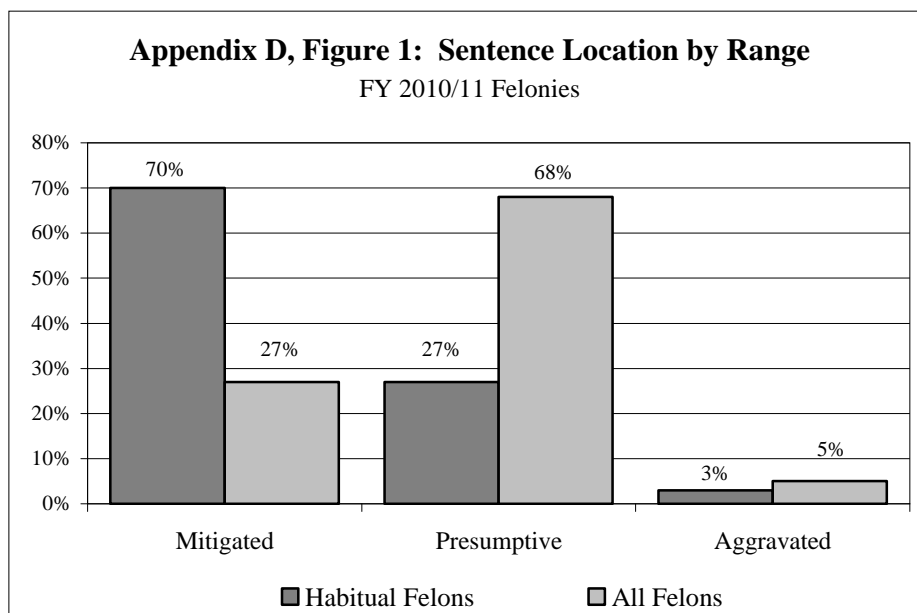
Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Statistical Report Data

**Appendix D, Table 3: Percentage of Sentences in the Mitigated Range and at the Lowest Spot of the Presumptive Range by Offense Class
FY 2010/11 Felonies**

Offense Class	% Mitigated	% Mitigated and Lowest Spot in Presumptive Range
B1	35	57
B2	25	37
C	59	70
<i>-Habitual Felons Only</i>	70	82
<i>-Non-Habitual Felons Only</i>	33	50
D	43	63
E	22	47
F	32	62
G	22	54
H	19	52
I	24	54
TOTAL	27	55

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 2010/11 Statistical Report Data



Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 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 2010/11 Felonies**

Offense Class	Number of Convictions	% of Convictions
A	0	0.0
B1	0	0.0
B2	0	0.0
C	3	0.1
D	8	0.3
E	108	3.0
F	183	5.1
G	422	11.8
H	1,490	41.8
I	1,350	37.9
TOTAL	3,564	13.0

Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Statistical Report Data

**Appendix F, Table 2: Community Service by Crime Type
FY 2010/11 Felonies**

Crime Type	Number of Convictions	% of Convictions
Person	306	8.6
Property	1,416	39.7
Non-Trafficking Drug	1,502	42.1
Other Felony	340	9.6
TOTAL	3,564	13.0

Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Statistical Report Data

**Appendix F, Table 3: Community Service by Type of Punishment
FY 2010/11 Felonies**

Type of Punishment	Number of Convictions	% of Convictions
Active	112	3.1
Intermediate	2,153	60.4
Community	1,299	36.5
TOTAL	3,564	13.0

Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Statistical Report Data

**Appendix F, Table 4: Restitution Ordered by Offense Class
FY 2010/11 Felonies**

Offense Class	Number of Convictions	% of Convictions
A	2	0.0
B1	3	0.0
B2	20	0.3
C	84	1.1
D	99	1.2
E	328	4.1
F	269	3.4
G	914	11.4
H	4,704	58.7
I	1,589	19.8
TOTAL	8,012	29.2

Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Statistical Report Data

**Appendix F, Table 5: Restitution Ordered by Crime Type
FY 2010/11 Felonies**

Crime Type	Number of Convictions	% of Convictions
Person	726	9.1
Property	5,093	63.6
Non-Trafficking Drug	1,756	21.9
Other Felony	437	5.4
TOTAL	8,012	29.2

Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Statistical Report Data

**Appendix F, Table 6: Restitution Ordered by Type of Punishment
FY 2010/11 Felonies**

Type of Punishment	Number of Convictions	% of Convictions
Active	1,228	15.3
Intermediate	5,023	62.7
Community	1,761	22.0
TOTAL	8,012	29.2

Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Statistical Report Data

Disclaimer for AOC Data

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

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

MISDEMEANOR PUNISHMENT CHART

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

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

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

	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