

Structured Sentencing

Jamie Markham
Professor of Public Law & Government

January 2026



1

Objectives

- Grid fluency
- How to say it
- Avoid common errors

2

Purposes of Sentencing

§ 15A-1340.12. Purposes of sentencing. The primary purposes of sentencing a person convicted of a crime are to impose a punishment commensurate with the injury the offense has caused, taking into account factors that may diminish or increase the offender's culpability; to protect the public by restraining offenders; to assist the offender toward rehabilitation and restoration to the community as a lawful citizen; and to provide a general deterrent to criminal behavior.

3

Purposes of Sentencing

§ 15A-1340.12. Purposes of sentencing. The primary purposes of sentencing a person convicted of a crime are to impose a punishment commensurate with the injury the offense has caused, taking into account factors that may diminish or increase the offender's culpability; to protect the public by restraining offenders; to assist the offender toward rehabilitation and restoration to the community as a lawful citizen; and to provide a general deterrent to criminal behavior.

4

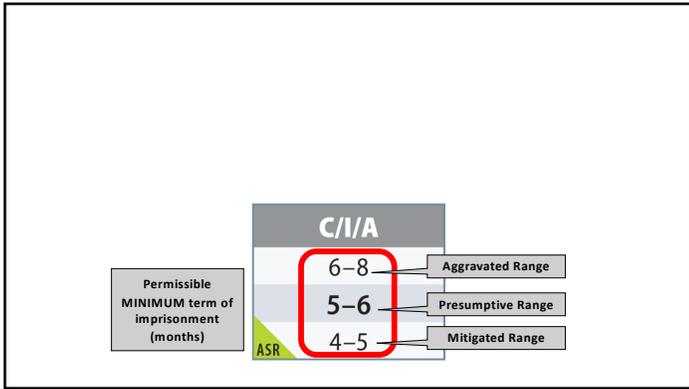
Felony Offense Committed on or after October 1, 2013
MADRIDIAN SYSTEMS

OFFENSE CLASS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
A	1-1/2	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
B1	1-1/2	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
B2	1-1/2	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
C	1-1/2	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
D	1-1/2	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
E	1-1/2	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
F	1-1/2	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
G	1-1/2	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
H	1-1/2	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
I	1-1/2	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
J	1-1/2	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100

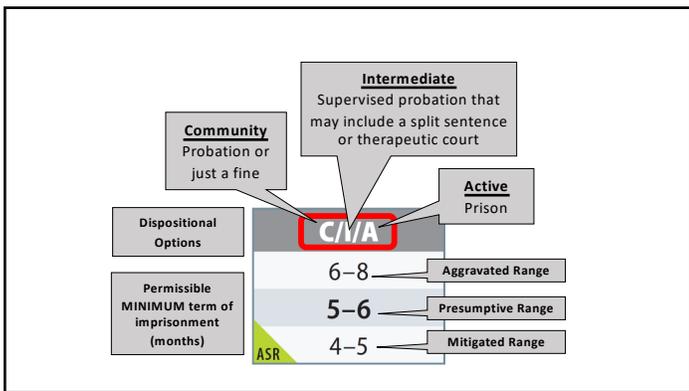
5

Felony Offense Committed on or after October 1, 2013
MADRIDIAN SYSTEMS

OFFENSE CLASS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
A	1-1/2	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
B1	1-1/2	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42																																																										



7



8

Judge's discretion

Mandatory Non-Active

Mandatory Active

OFFENSE CLASS	PRISON RECORD LEVEL			
	0-1 FY	2-5 FY	6-9 FY	10-13 FY
1	0-1	2-5	6-9	10-13
2	0-1	2-5	6-9	10-13
3	0-1	2-5	6-9	10-13
4	0-1	2-5	6-9	10-13
5	0-1	2-5	6-9	10-13
6	0-1	2-5	6-9	10-13
7	0-1	2-5	6-9	10-13
8	0-1	2-5	6-9	10-13
9	0-1	2-5	6-9	10-13
10	0-1	2-5	6-9	10-13
11	0-1	2-5	6-9	10-13
12	0-1	2-5	6-9	10-13
13	0-1	2-5	6-9	10-13
14	0-1	2-5	6-9	10-13
15	0-1	2-5	6-9	10-13
16	0-1	2-5	6-9	10-13
17	0-1	2-5	6-9	10-13
18	0-1	2-5	6-9	10-13
19	0-1	2-5	6-9	10-13
20	0-1	2-5	6-9	10-13
21	0-1	2-5	6-9	10-13
22	0-1	2-5	6-9	10-13
23	0-1	2-5	6-9	10-13
24	0-1	2-5	6-9	10-13
25	0-1	2-5	6-9	10-13
26	0-1	2-5	6-9	10-13
27	0-1	2-5	6-9	10-13
28	0-1	2-5	6-9	10-13
29	0-1	2-5	6-9	10-13
30	0-1	2-5	6-9	10-13
31	0-1	2-5	6-9	10-13
32	0-1	2-5	6-9	10-13
33	0-1	2-5	6-9	10-13
34	0-1	2-5	6-9	10-13
35	0-1	2-5	6-9	10-13
36	0-1	2-5	6-9	10-13
37	0-1	2-5	6-9	10-13
38	0-1	2-5	6-9	10-13
39	0-1	2-5	6-9	10-13
40	0-1	2-5	6-9	10-13
41	0-1	2-5	6-9	10-13
42	0-1	2-5	6-9	10-13
43	0-1	2-5	6-9	10-13
44	0-1	2-5	6-9	10-13
45	0-1	2-5	6-9	10-13
46	0-1	2-5	6-9	10-13
47	0-1	2-5	6-9	10-13
48	0-1	2-5	6-9	10-13
49	0-1	2-5	6-9	10-13
50	0-1	2-5	6-9	10-13

9

OFFENSE CLASS	PERMISSIBLE MINIMUM SENTENCES				CORRESPONDING MAXIMUM SENTENCES			
	1st	2nd	3rd	4th	1st	2nd	3rd	4th
A FELONY	180	225	270	315	360	450	540	630
B1 FELONY	120	150	180	210	240	300	360	420
B2 FELONY	90	112.5	135	157.5	180	225	270	315
C FELONY	60	75	90	105	120	150	180	210
D FELONY	30	37.5	45	52.5	60	75	90	105
E FELONY	15	18.75	22.5	26.25	30	37.5	45	52.5
F FELONY	7.5	9.375	11.25	13.125	15	18.75	22.5	26.25
G FELONY	3.75	4.6875	5.625	6.5625	7.5	9.375	11.25	13.125
H FELONY	1.875	2.34375	2.8125	3.28125	3.75	4.6875	5.625	6.5625
I FELONY	0.9375	1.171875	1.40625	1.640625	1.875	2.34375	2.8125	3.28125

10

**Lower level felony (Class F-I)
Active**

11

Example 1

- Felony larceny (Class H)
- Prior Record Level I
- No aggravating or mitigating factors
- Give an active sentence

12

The image shows a screenshot of a Minnesota Department of Corrections (MnDc) document, likely a classification manual or policy. It features several tables with columns for 'OFFENSE CLASS', 'MINIMUM MONTHS', 'MAXIMUM MONTHS', 'M', 'Y', and 'MAY'. A callout bubble with a yellow background and black border contains the text: "6-17 months, Active, in the custody of DAC." Below the tables, there are sections labeled 'C//A', 'ASR', and '5-15' and '6-17'.

13

- 6+ months in prison
- 9 months of PRS

The diagram shows a horizontal timeline. The segment from 0 to 8 is labeled 'Imprisonment'. The segment from 8 to 17 is labeled 'Post-Release Supervision (PRS)'. A blue arrow labeled 'Earned Time' points from 8 back to 6. A blue bracket labeled 'Last 9 months' spans from 8 to 17.

14

**Lower level felony (Class F-I)
Probation**

15

Example 2

- Obtaining Property by False Pretenses (Class H)
- Prior Record Level I
- No aggravating or mitigating factors
- Give a probationary sentence

16

OFFENSE CLASS	1st	2nd	3rd	4th	5th	6th
A	1-2	2-3	3-4	4-5	5-6	6-7
B1	1-2	2-3	3-4	4-5	5-6	6-7
B2	1-2	2-3	3-4	4-5	5-6	6-7
C	1-2	2-3	3-4	4-5	5-6	6-7
D	1-2	2-3	3-4	4-5	5-6	6-7
E	1-2	2-3	3-4	4-5	5-6	6-7

OFFENSE CLASS	1st	2nd	3rd	4th	5th	6th
H	6-8	8-10	10-12	12-15	15-18	18-24

ASR	1st	2nd	3rd	4th	5th	6th
ASR	4-5	5-6	6-8	8-10	10-12	12-15

17

Imposing Probation

- Impose a suspended term of imprisonment
- Decide Community or Intermediate
- Set the length of the probation period
- Set the conditions of probation
- Consider delegated authority

18

Victorian Sentencing and Parole Board
Medium Sentences
 Table of Medium Sentences for 2013

Offense Class	Offense	Min	Max								
A	Murder	10	15	10	15	10	15	10	15	10	15
		10	15	10	15	10	15	10	15	10	15
B1	Sexual Offences	10	15	10	15	10	15	10	15	10	15
		10	15	10	15	10	15	10	15	10	15
B2	Sexual Offences	10	15	10	15	10	15	10	15	10	15
		10	15	10	15	10	15	10	15	10	15
C	Sexual Offences	10	15	10	15	10	15	10	15	10	15
		10	15	10	15	10	15	10	15	10	15
D	Sexual Offences	10	15	10	15	10	15	10	15	10	15
		10	15	10	15	10	15	10	15	10	15
E	Sexual Offences	10	15	10	15	10	15	10	15	10	15
		10	15	10	15	10	15	10	15	10	15

ASR
 6-8
 5-6
 4-5

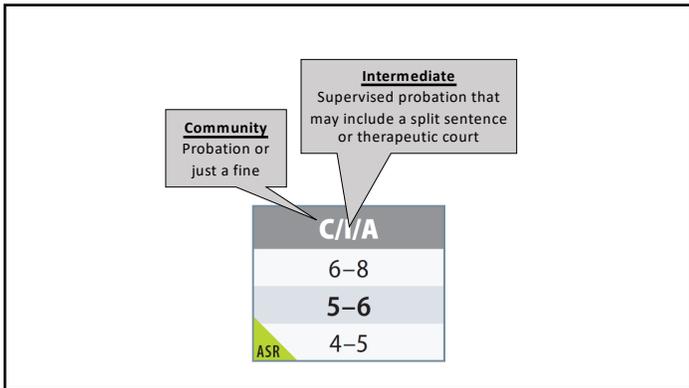
5-15
6-17

19

Imposing Probation

- Impose a suspended term of imprisonment
- Decide Community or Intermediate
- Set the length of the probation period
- Set the conditions of probation
- Consider delegated authority

20



21

Imposing Probation

- Impose a suspended term of imprisonment
- Decide Community or Intermediate
- Set the length of the probation period
- Set the conditions of probation
- Consider delegated authority

22

47 → 69 (117)	88 → 118 (166)	129 → 167 (215)	170 → 216 (264)	211 → 266 (314)	252 → 315 (363)	293 → 364 (412)	334 → 413 (461)
48 → 70 (118)	89 → 119 (167)	130 → 168 (216)	171 → 218 (266)	212 → 267 (315)	253 → 316 (364)	294 → 365 (413)	335 → 414 (462)
49 → 71 (119)	90 → 120 (168)	131 → 170 (218)	172 → 219 (267)	213 → 268 (316)	254 → 317 (365)	295 → 366 (414)	336 → 416 (464)
50 → 72 (120)	91 → 122 (170)	132 → 171 (219)	173 → 220 (268)	214 → 269 (317)	255 → 318 (366)	296 → 368 (416)	337 → 417 (465)
51 → 74 (122)	92 → 123 (171)	133 → 172 (220)	174 → 221 (269)	215 → 270 (318)	256 → 320 (368)	297 → 369 (417)	338 → 418 (466)
52 → 75 (123)	93 → 124 (172)	134 → 173 (221)	175 → 222 (270)	216 → 272 (320)	257 → 321 (369)	298 → 370 (418)	339 → 419 (467)
53 → 76 (124)	94 → 125 (173)	135 → 174 (222)	176 → 224 (272)	217 → 273 (321)	258 → 322 (370)	299 → 371 (419)	
54 → 77 (125)	95 → 126 (174)	136 → 176 (224)	177 → 225 (273)	218 → 274 (322)	259 → 323 (371)	300 → 372 (420)	
55 → 78 (126)	96 → 128 (176)	137 → 177 (225)	178 → 226 (274)	219 → 275 (323)	260 → 324 (372)	301 → 374 (422)	

FOR OFFENSE CLASSES F THROUGH I [Minimum Sentence → Corresponding Maximum]

3 → 13	9 → 20	15 → 27	21 → 35	27 → 42	33 → 49	39 → 56	45 → 63
4 → 14	10 → 21	16 → 29	22 → 36	28 → 43	34 → 50	40 → 57	46 → 65
5 → 15	11 → 23	17 → 30	23 → 37	29 → 44	35 → 51	41 → 59	47 → 66
6 → 17	12 → 24	18 → 31	24 → 38	30 → 45	36 → 53	42 → 60	48 → 67
7 → 18	13 → 25	19 → 32	25 → 39	31 → 47	37 → 54	43 → 61	49 → 68
8 → 19	14 → 26	20 → 33	26 → 41	32 → 48	38 → 55	44 → 62	

Length of Probation Period
The original period of probation for a felony sentenced under Structured Sentencing must fall within the following limits:
• Community—12 to 30 months
• Intermediate—18 to 36 months
The court may depart from those ranges with a finding that a longer or shorter period is required. The maximum permissible period with a finding is 5 years. G.S. 15A-1343.2.

Post-Release Supervision
Class F-1 felony—9 months
Class B1-E felony—12 months
Crimes requiring sex offender registration—5 years

Fines
Any felony sentence may include a fine. Unless otherwise provided for a specific offense, the amount of the fine is in the discretion of the court. G.S. 15A-1340.17(b).

23

5 → 15	11 → 23	17 → 30	23 → 37
6 → 17	12 → 24	18 → 31	24 → 38
7 → 18	13 → 25	19 → 32	25 → 39
8 → 19	14 → 26	20 → 33	26 → 41

Length of Probation Period
The original period of probation for a felony sentenced under Structured Sentencing must fall within the following limits:
• Community—12 to 30 months
• Intermediate—18 to 36 months
The court may depart from those ranges with a finding that a longer or shorter period is required. The maximum permissible period with a finding is 5 years. G.S. 15A-1343.2.

24

SUSPENSION OF SENTENCE	
Subject to the conditions set out below, the execution of this sentence is suspended and the defendant is placed on <input type="checkbox"/> supervised <input type="checkbox"/> unsupervised probation for _____ months.	
<input checked="" type="checkbox"/>	1. The Court finds that a <input checked="" type="checkbox"/> longer <input type="checkbox"/> shorter period of probation is necessary than that which is specified in G.S. 15A-1343.2(d).

25

Imposing Probation

- Impose a suspended term of imprisonment
- Decide Community or Intermediate
- Set the length of the probation period
- Set the conditions of probation
- Consider delegated authority

26

Probation Conditions

- Regular conditions: Apply by default
- Special conditions: Apply if ordered
 - Must be reasonably related to the defendant’s crime or rehabilitation
- Community and Intermediate conditions
- Sex offender conditions
- Domestic violence conditions

27

Probation Conditions

- Special conditions
 - DART Center (Goldsboro)
 - Black Mountain Substance Abuse Treatment Center



28

29

Imposing Probation

- Impose a suspended term of imprisonment
- Decide Community or Intermediate
- Set the length of the probation period
- Set the conditions of probation
- Consider delegated authority

30

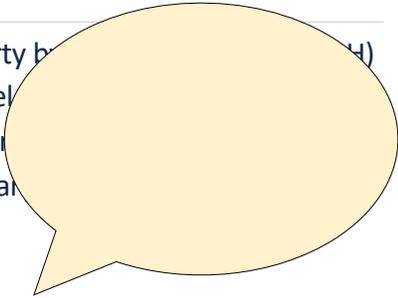
Delegated Authority

- Conditions a probation officer may impose themselves
 - Community service
 - Additional reporting
 - Substance abuse assessment/treatment
 - House arrest
 - Curfew with electronic monitoring
 - Educational/vocational programming
 - **2- or 3-day “quick dip” in the jail**

31

Example 2

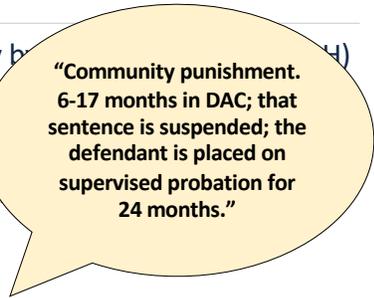
- Obtaining Property by (H)
- Prior Record Level
- No aggravating or
- Give a probational



32

Example 2

- Obtaining Property by (H)
- Prior Record Level
- No aggravating or
- Give a probational



33

Lower level felony (Class F-I) Special Probation (split sentence)

34

Example 3

- Possession of firearm by felon (Class G)
- Prior Record Level II
- No aggravating or mitigating factors
- Give a sentence to special probation

35

Intermediate Punishment

- Special Probation (G.S. 15A-1351(a))
 - Probation that includes incarceration as a condition of probation
 - **Permissible split: up to ¼ of the imposed maximum sentence**
 - May be noncontinuous (e.g., weekends)
 - Optional \$40/day jail fee. G.S. 7A-313
 - All confinement must be complete within two years
 - Judge has discretion to apply pretrial jail credit to split sentence or to the suspended term of imprisonment

36

The image shows a portion of the Michigan Sentencing Guidelines grid. The main table is titled "FELONY OFFENSE CLASS B1-E (Active, Non-Sex Crime)" and lists sentencing options for different offense classes (A, B1, B2, C, D, E) and prior record levels (I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, XXVIII, XXIX, XXX). A callout box highlights the sentencing options for a "Serious Felony (Class B1-E) Active, Non-Sex Crime" with a "Prior Record Level II":

Offense Class	Prior Record Level	Minimum	Maximum	Options
B1-E	II	12-18	36	12-18 months, suspended; 36 months supervised probation; 6-month split sentence

37

Example 3

- Possession of firearm by felon (Class G)
- Prior Record Level II
- One possible answer:
 - 12-24 months, suspended
 - 36 months supervised probation
 - 6-month split sentence

38

**Serious felony (Class B1-E)
Active, Non-Sex Crime**

39

Class B1-E Felonies

- 12 months post-release supervision
- Maximum is 120% of minimum + 12

40

Example 4

- Second-Degree Kidnapping (Class E)
- Prior Record Level V
- No aggravating or mitigating factors

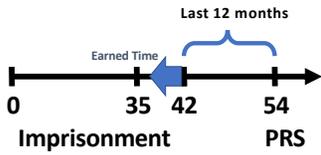
41

OFFENSE CLASS	I	II	III	IV	V
A	12-15	15-18	18-22	22-27	27-33
B1	18-24	24-30	30-36	36-45	45-54
B2	18-24	24-30	30-36	36-45	45-54
C	24-30	30-36	36-45	45-54	54-66
D	30-36	36-45	45-54	54-66	66-81
E	36-45	45-54	54-66	66-81	81-99
F	45-54	54-66	66-81	81-99	99-120
G	54-66	66-81	81-99	99-120	120-150
H	66-81	81-99	99-120	120-150	150-180
I	81-99	99-120	120-150	150-180	180-225
J	99-120	120-150	150-180	180-225	225-270

Example 4 Callout:
Offense Class: E (Class E)
Prior Record Level: V
Sentencing Range: 35-44

42

Class B1-E Sentence Administration



PRS period is 12 months

43

Serious felony (Class B1-E)
Active, Sex Crime

44

Example 5

- Second-Degree Kidnapping (Class E)
– Victim is 15 years old
- Prior Record Level V
- No aggravating or mitigating factors

45

Michigan Sentencing Grid

Offense Class: A (1st Degree Murder)

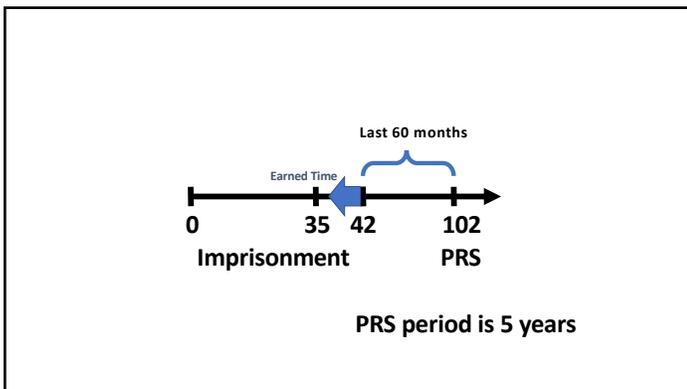
Age Ranges:

- 44-55
- 35-44
- 26-35

(Sex offender maximum)

Offense Class: 44-65 (113)

46



47

Sex Offenders

- Reportable sex crimes (p. 77)
 - Sex offender registration (30 years, reducible to 10)
 - Satellite-based monitoring
 - Additional probation conditions (p. 48)
 - No unsupervised probation

48

Serious felony (Class B1-E) Aggravating and Mitigating Factors

49

Example 6

- Second-Degree Murder (Class B2)
- Prior Record Level II
- **Aggravating factor:** The victim was very old
- **Mitigating factors:** The defendant was honorably discharged from the Armed Forces

50

Aggravating Factors

- The State must give 30-day notice of its intent to prove aggravating factors
 - Non-statutory aggravators must be charged
- Aggravating factors must be proved to the jury beyond a reasonable doubt (unless pled to)

51

Mitigating Factors

- Defendant must be given an opportunity to prove mitigating factors
- Mitigating factors must be proved to the judge by a preponderance of the evidence

52

Balancing Factors

- Judicial discretion
- Not a mathematical balance
- Presumptive range is always permissible after consideration of factors

53

Example 6

- Second-Degree Murder (Class B2)
- Prior Record Level II
- Aggravating factor: The victim was very old
- Mitigating factors: The defendant was honorably discharged from the Armed Forces

54

55

Example 7

- Second-Degree Murder (Class B2)
- Prior Record Level II
- Aggravating factor: The victim was very old
- Mitigating factors: The defendant was honorably discharged from the Armed Forces
 - Add “extraordinary mitigation”

56

Extraordinary Mitigation

- Allows an Intermediate punishment in an otherwise Active grid cell

57

58

Prior Record Level

59

Prior Record Level

Count	Do Not Count
<ul style="list-style-type: none"> – All prior felonies – Class 1 and Class A1 misdemeanors – DWI, commercial DWI, death by vehicle – Crimes from other jurisdictions 	<ul style="list-style-type: none"> – Class 2 & 3 misdemeanors – Infractions – Juvenile adjudications – Contempt – Convictions used to habitualize
<ul style="list-style-type: none"> • Count only the most serious conviction from each week of superior court and each session of district court 	

60

Out-of-State Convictions

- By default:
 - Out-of-state felonies: Treat as Class I (2 points)
 - Out-of-state misdemeanors: Treat as Class 3 (0 points)
- With “substantial similarity” showing:
 - Count like comparable NC offense
 - Proponent proves by preponderance of the evidence
 - Court must make findings; stipulations ineffective

61

Additional Points

- “Under supervision” (+1)
 - Committed while on probation, parole, post-release supervision, incarcerated, or on escape
 - State must give notice; prove like agg. factor
- “Elements included”
 - All elements of present offense included in a prior
 - Judge must make a finding; stipulation ineffective

62

Multiple Convictions

63

Sentencing Multiple Convictions

- Consolidation
- Concurrent sentences
- Consecutive sentences
- Multiple probationary sentences
 - Periods of probation must run concurrently
 - Court may order probation to begin after an active sentence (“contingent” probation)

For offenses committed on/after December 1, 2025, the court must make a finding on the record stating the reasoning for its determination.

64

Monetary Punishments

65

Monetary Punishments

- Fines (p. 60)
 - In fine-only cases, court may order up to 30 days imprisonment for unpaid fine
- Restitution (p. 60)
 - Limited to crimes of conviction. State v. Murphy (2018)
 - Court must consider defendant’s ability to pay
- Rule 28: Defendant may request consideration of ability to pay

66

Drug Trafficking

67

Drug Trafficking Sentencing

Drug trafficking is an essential element for the offense of possession of a controlled substance. The offense of possession of a controlled substance is defined in Article 233B, § 201a. The offense of possession of a controlled substance is defined in Article 233B, § 201a. The offense of possession of a controlled substance is defined in Article 233B, § 201a.

Statute	Amount	Class	Min/Max	Notes
233B-201a(1)	20 lbs. or more	C	30-50	
233B-201a(2)	50-100 lbs.	C	30-50	
233B-201a(3)	1,000 lbs. or more	F	30-50	
233B-201a(4)	100 lbs. or more	D	150-225	
233B-201a(5)	50-100 lbs. or more	F	30-50	
233B-201a(6)	1,000 lbs. or more	F	30-50	
233B-201a(7)	100 lbs. or more	D	150-225	
233B-201a(8)	100 lbs. or more	F	30-50	
233B-201a(9)	100 lbs. or more	F	30-50	
233B-201a(10)	100 lbs. or more	F	30-50	
233B-201a(11)	100 lbs. or more	F	30-50	
233B-201a(12)	100 lbs. or more	F	30-50	
233B-201a(13)	100 lbs. or more	F	30-50	
233B-201a(14)	100 lbs. or more	F	30-50	
233B-201a(15)	100 lbs. or more	F	30-50	
233B-201a(16)	100 lbs. or more	F	30-50	
233B-201a(17)	100 lbs. or more	F	30-50	
233B-201a(18)	100 lbs. or more	F	30-50	
233B-201a(19)	100 lbs. or more	F	30-50	
233B-201a(20)	100 lbs. or more	F	30-50	
233B-201a(21)	100 lbs. or more	F	30-50	
233B-201a(22)	100 lbs. or more	F	30-50	
233B-201a(23)	100 lbs. or more	F	30-50	
233B-201a(24)	100 lbs. or more	F	30-50	
233B-201a(25)	100 lbs. or more	F	30-50	
233B-201a(26)	100 lbs. or more	F	30-50	
233B-201a(27)	100 lbs. or more	F	30-50	
233B-201a(28)	100 lbs. or more	F	30-50	
233B-201a(29)	100 lbs. or more	F	30-50	
233B-201a(30)	100 lbs. or more	F	30-50	
233B-201a(31)	100 lbs. or more	F	30-50	
233B-201a(32)	100 lbs. or more	F	30-50	
233B-201a(33)	100 lbs. or more	F	30-50	
233B-201a(34)	100 lbs. or more	F	30-50	
233B-201a(35)	100 lbs. or more	F	30-50	
233B-201a(36)	100 lbs. or more	F	30-50	
233B-201a(37)	100 lbs. or more	F	30-50	
233B-201a(38)	100 lbs. or more	F	30-50	
233B-201a(39)	100 lbs. or more	F	30-50	
233B-201a(40)	100 lbs. or more	F	30-50	
233B-201a(41)	100 lbs. or more	F	30-50	
233B-201a(42)	100 lbs. or more	F	30-50	
233B-201a(43)	100 lbs. or more	F	30-50	
233B-201a(44)	100 lbs. or more	F	30-50	
233B-201a(45)	100 lbs. or more	F	30-50	
233B-201a(46)	100 lbs. or more	F	30-50	
233B-201a(47)	100 lbs. or more	F	30-50	
233B-201a(48)	100 lbs. or more	F	30-50	
233B-201a(49)	100 lbs. or more	F	30-50	
233B-201a(50)	100 lbs. or more	F	30-50	

- “Substantial assistance” allows discretionary departure
- Attempted trafficking reverts to regular sentencing grid

68



69
