

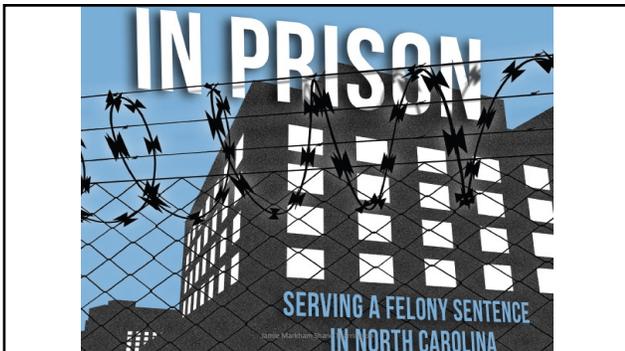
Sentencing and DAC Issues

Jamie Markham
Shane Tharrington

May 2025



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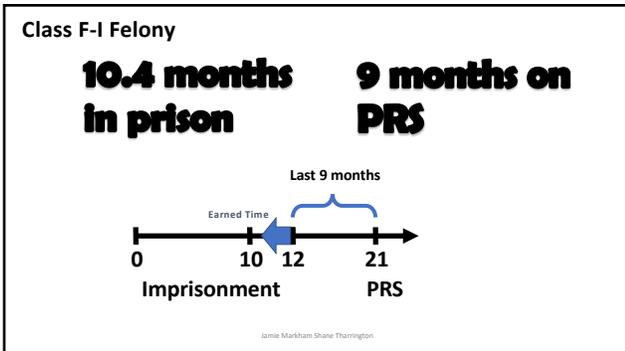
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Minimums and Maximums: The Basics

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OFFENSE CLASS	PRISON RECORD LEVEL					
	I 0-1 Pts	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts
A Max 47 Months Prison/Prob	12-24	24-36	36-48	48-60	60-72	72-84
B1 Max 47 Months Prison/Prob	12-24	24-36	36-48	48-60	60-72	72-84
B2 Max 47 Months Prison/Prob	12-24	24-36	36-48	48-60	60-72	72-84
C Max 47 Months Prison/Prob	12-24	24-36	36-48	48-60	60-72	72-84
D Max 47 Months Prison/Prob	12-24	24-36	36-48	48-60	60-72	72-84
E Max 47 Months Prison/Prob	12-24	24-36	36-48	48-60	60-72	72-84
F Max 47 Months Prison/Prob	12-24	24-36	36-48	48-60	60-72	72-84
G Max 47 Months Prison/Prob	12-24	24-36	36-48	48-60	60-72	72-84

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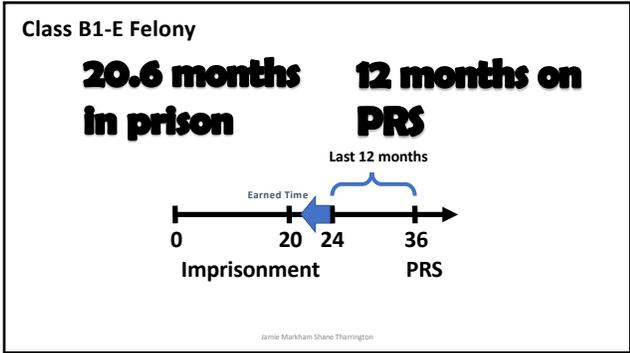


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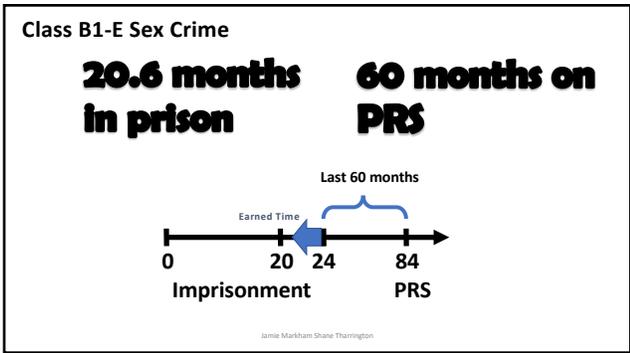
% of Sentence Served for SSA Felons		
Class B1	104%	estimated
Class B2	100%	estimated
Class C	101%	
Class D	102%	
Class E	103%	
Class F	104%	
Class G	104%	
Class H	105%	
Class I	106%	

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Class B1 – E
120% + 12

Class F – I
120% + 9

All felony sex offenders get 5 years of Post-Release Supervision

Class B1 – E Sex Crime
120% + 60

MAXIMUM SENTENCES

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

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The five years of post-release supervision to which Defendant was subjected, as opposed to the nine months to which he agreed, were a “direct consequence” of his guilty plea, because those additional months had a “definite, immediate and largely automatic effect on the range of the defendant's punishment.” . . . Without being aware of the direct consequences of his guilty plea, Defendant cannot be said to have made his plea “voluntarily, intelligently and understandingly.” For Defendant's plea to be knowing and voluntary, and thus valid, Defendant must have been made aware of “the actual value of any commitments made to him by the court.”

State v. Spry, 2025 WL 395022, at *9 (N.C. Ct. App. Feb. 5, 2025)

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Consecutive Sentences

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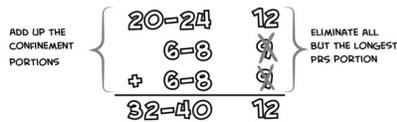
Consecutive Sentences

- “Single sentence rule.” G.S. 15A-1354(b)

Class E 20-36

Class H 6-17

Class H 6-17



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PROPOSED LEGISLATION (not the law)

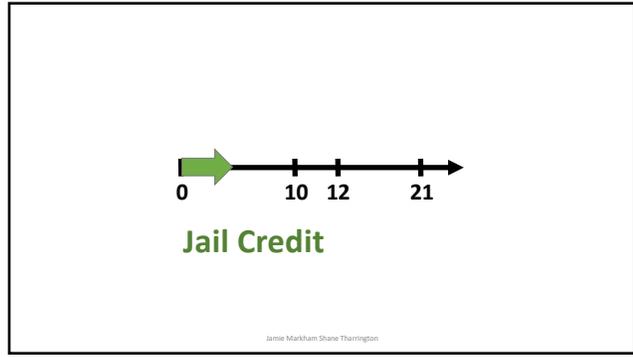
19
20 **REMOVE CONCURRENT SENTENCING DEFAULT**
21 **SECTION 6.(a)** G.S. 15A-1354(a) reads as rewritten:
22 "(a) Authority of Court. – When multiple sentences of imprisonment are imposed on a
23 person at the same time or when a term of imprisonment is imposed on a person who is already
24 subject to an undischarged term of imprisonment, including a term of imprisonment in another
25 jurisdiction, the sentences may run either concurrently or consecutively, as determined by the
26 court. ~~If not specified or not required by statute to run consecutively, sentences shall run~~
27 ~~concurrently.~~ The court shall make a finding on the record stating the reasoning for the
28 determination of the court."
29 **SECTION 6.(b)** This section becomes effective December 1, 2025, and applies to
30 offenses committed on or after that date.
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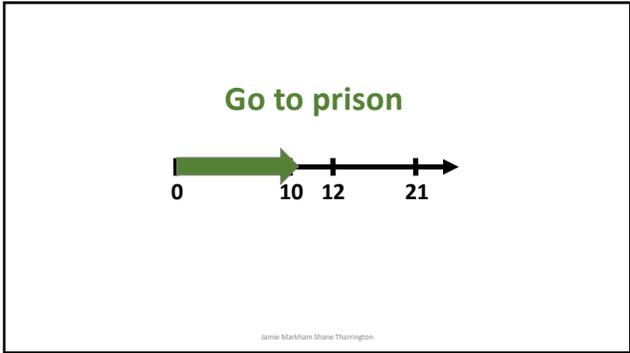


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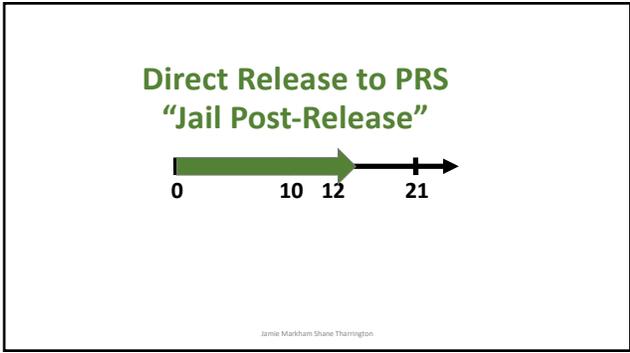


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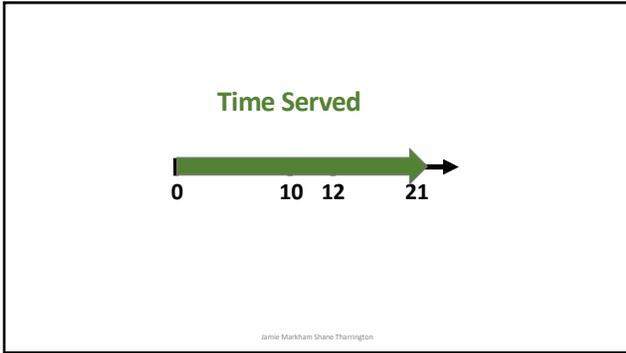
Jail Post-Release

- Coordinate with DAC Combined Records
- If defendant is already within 9 months of the maximum (or 12, in Class B1-E cases), DAC will set release date 4 days into the future
- If release date will come within 3 weeks of the sentencing date, DAC will ask the jail to keep the defendant

Kristie Brickhouse
 JRA Liaison – Detainer Supervisor
 919-324-1359 (Direct Line)

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Advanced Supervised Release (ASR)

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Advanced Supervised Release

- Created by Justice Reinvestment Act (2011)
- Allows early release from prison to post-release supervision for inmates who complete “risk reduction incentives” in prison
- Used 148 times in 2024

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ASR Eligibility

- Only certain grid cells
- Only Active sentences
- Only if court ordered
- Never over prosecutor objection



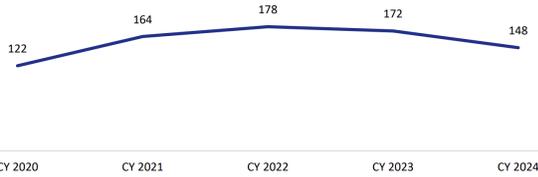
Sentence Length	PROBATION OFFICE				
	1-1.5y	2-2.5y	3-4y	5-6y	7-10y
B1	100.00%	100.00%	100.00%	100.00%	100.00%
B2	100.00%	100.00%	100.00%	100.00%	100.00%
C	100.00%	100.00%	100.00%	100.00%	100.00%
D	100.00%	100.00%	100.00%	100.00%	100.00%
E	100.00%	100.00%	100.00%	100.00%	100.00%
F	100.00%	100.00%	100.00%	100.00%	100.00%
G	100.00%	100.00%	100.00%	100.00%	100.00%
H	100.00%	100.00%	100.00%	100.00%	100.00%
I	100.00%	100.00%	100.00%	100.00%	100.00%
J	100.00%	100.00%	100.00%	100.00%	100.00%

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ASR Eligibility

Inmates Receiving ASR Sentences



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ASR Process & Date

- Court imposes regular sentence
- ASR date flows from regular sentence
 - If presumptive or aggravated, ASR date is lowest possible mitigated minimum sentence in the grid cell
 - If mitigated, ASR date is 80% of imposed minimum

Any presumptive or aggravated sentence:

C/I/A
6-8
5-6
4-5

Mitigated example:
4-14 month sentence
ASR date: 3.2 months

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Example

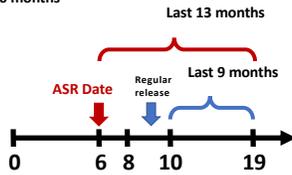
- Obtaining property by false pretenses
- Prior Record Level III
- Regular sentence is presumptive, 8-19 months

H Max. 39	C/I/A	I/A	I/A
	6-8	8-10	10-12
	5-6	6-8	8-10
	4-5	4-6	6-8

<input type="checkbox"/> to Life Imprisonment With Parole, pursuant to G.S. Chapter 15A, Article 81B, Part 2A.
for a minimum term of: 8 months and a maximum term of: 19 months ASR term (Order No. 4, Side Two) 6 months
The defendant shall be given credit for _____ days spent in confinement prior to the date of this Judgment.

25

Regular sentence: 8-19 months
ASR date: 6 months



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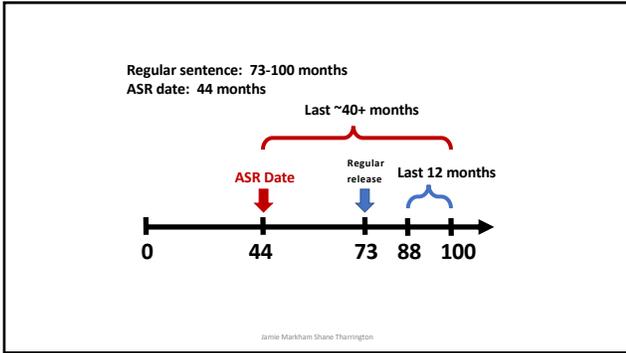
ASR Date (Class D, Level II)

A	EM
73-92	
59-73	
ASR 44-59	

Regular sentence: 73-100 months
Regular release: ~73 months
ASR: 44 months

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Institutions / Policies and Procedures / Chapter C - Classification

C .2600 - Advanced Supervised Release | | | |---|---| | <p>Division of Institutions
Policy and Procedure</p> | Chapter: C | | | Section: .2600 | | | Title: Advanced Supervised Release | | | Issue Date: May 1, 2023 | | | Supersedes: July 10, 2018 | **I. PURPOSE** Advanced Supervised Release (hereafter referred to as ASR term) is a program developed and initiated as part of the Justice Reinvestment Act of 2011 and established by NCGS 15A-1340.18. The program allows sentenced offenders in certain felony classes to serve a term lower than their court-imposed sentence required by statute (hereafter referred to as non-ASR term) if agreed upon by appropriate parties prior to the offenders' admission to the North Carolina Department of Adult Correction (DAC). To justify the early release the offender will be required, while incarcerated, to participate in certain risk-reduction programs and maintain a defined level of positive behavior in

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OFFENDER ASSIGNMENTS

A. Once an ASR participating offender completes Admission Processing, every effort will be made for that offender to participate in necessary Correctional Risk Reduction Incentives based upon risk score and identified criminogenic needs as determined by the Risk/Needs Assessment (RNA). When possible and, as necessary, the offender will participate in individually prescribed risk reduction incentives that are categorized as Programs (based on Evidence Based Practices), Services and/or Activities. If through no fault of their own offenders cannot participate in the recommended Correctional Risk Reduction Incentives, then they will remain in the ASR sentence track and be released according to that track. Otherwise, offenders will be expected to make reasonable progress towards fulfillment of the ASR Agreement.

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B. Offenders admitted to Institutions to serve ASR terms may or may not have received specific court recommendations for certain programs as a part of their ASR program participation. If the sentencing court has made specific recommendations for program participation, these recommendations will be evaluated by Diagnostic Center staff to determine if it will be necessary, appropriate, and possible for the offender to participate in said programs. From this information and in conjunction with the Case Factor score of the offender, the initial custody classification action will be generated, and appropriate recommendations for custody, assigned unit and program participation will be made by the assigned Diagnostic Case Analyst. In addition to this initial custody classification action, the Diagnostic Case Analyst will document that the offender has an ASR sentence using OPUS Online/OPUS Sig Issue/Case Mgt. Notes screen using code "71" for "ASR Notes".

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DAC Issues

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Diagnostic and Classification

- NCCIW (Raleigh): All females
- Central (Raleigh): All males with sentences over 20 years or serious medical/mental health needs
- Foothills (Morganton) Males under 18
- Granville (Butner): Males 18-25
- Piedmont (Salisbury): Males from west
- Craven (Vanceboro): Males from the east

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Confinement in Response to Violation

- CRV Centers
 - Men: Robeson CRV (Lumberton)
 - Women: North Piedmont CRV (Lexington)

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DAC Issues

- Recommendations in the judgment
 - Substance use treatment (ACDP)
 - Sex offender treatment (SOAR program)
 - Work release

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35

Resentencing and Other Hearings

- Some inmates will not want to leave prison
- Possible via remote hearings

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Tablets



*Division of Institutions
Policy and Procedure*

Chapter:	D
Section:	.0800
Title:	Offender Access to Telephone and Tablets
Issue Date:	May 10, 2023
Supersedes:	April 4, 2022

I. PURPOSE

The purpose of this policy is to provide guidance to North Carolina Department of Adult Correction (DAC), Division of Institutions facilities regarding telephone and tablet access for offenders.

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Tablets

- “It is the policy of North Carolina Department of Adult Correction (DAC), Division of Institutions to extend telephone and tablet privileges to offenders as part of its overall correctional management. Telephone and tablet privileges are a supplemental means of maintaining communication ties with family and the community to contribute to an offender’s personal development.”

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Tablets

- “The Institutions telephone and/or tablet coordinator will ensure that contracts providing telephone and tablet services for offenders comply with all applicable state and federal regulations. Contracts are based on rates and surcharges that are commensurate with those charged to the general public for like services and any deviation from ordinary consumer rates reflects actual costs associated with the provision of services in a correctional setting. The contract for offender telephone and tablet services will provide the broadest range of calling options determined by the agency administrator to be consistent with the requirements of sound correctional management.”

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