



Introduction to Structured Sentencing

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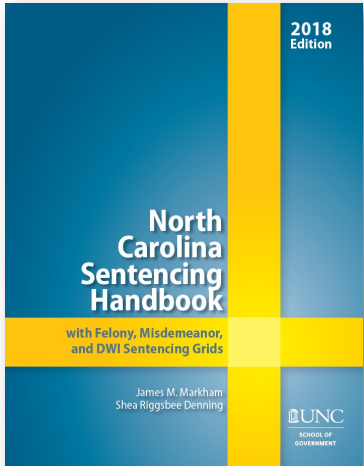
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Objectives

- Grid fluency
- How to say a sentence
- Avoid common errors



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Purposes of Sentencing

Under G.S. 15A-1340.12, the primary purposes of sentencing in North Carolina are to:

Punish the defendant, commensurate with the injury the offense has caused, taking into account factors that may diminish or increase the defendant's culpability.

Protect the public by restraining the defendant.

Rehabilitate the defendant.

Restore the defendant to the community as a lawful citizen.

Deter criminal behavior by others.

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- Prison
- Probation
- Money

- Prison (“Active”)
- Probation (“Intermediate” or “Community”)
- Split sentence (“Special Probation”)
- Sex Offenders
- Multiple convictions
- Fines and Restitution

Felony Offenses Committed on or after October 1, 2013									
MINIMUM SENTENCES AND DISPOSITIONAL OPTIONS									
OFFENSE CLASS	I (0-1 Yr)	II (2-5 Yrs)	III (6-8 Yrs)	IV (10-12 Yrs)	V (14-17 Yrs)	VI (18+ Yrs)			
A First-degree murder	A	A	A	A	A	A	Life	Life	Life
B1 Second-degree murder	A	A	A	A	A	A	Life	Life	Life
B2 Second-degree murder	A	A	A	A	A	A	Life	Life	Life
C Habitual felon	A	A	A	A	A	A	Life	Life	Life
D Armed robbery	A	A	A	A	A	A	Life	Life	Life
E AWDWSI	A	A	A	A	A	A	Life	Life	Life
F Indecent liberties with children	A	A	A	A	A	A	Life	Life	Life
G Possession of firearm by felon	A	A	A	A	A	A	Life	Life	Life
H Breaking or entering	A	A	A	A	A	A	Life	Life	Life
I Meth Possession	A	A	A	A	A	A	Life	Life	Life

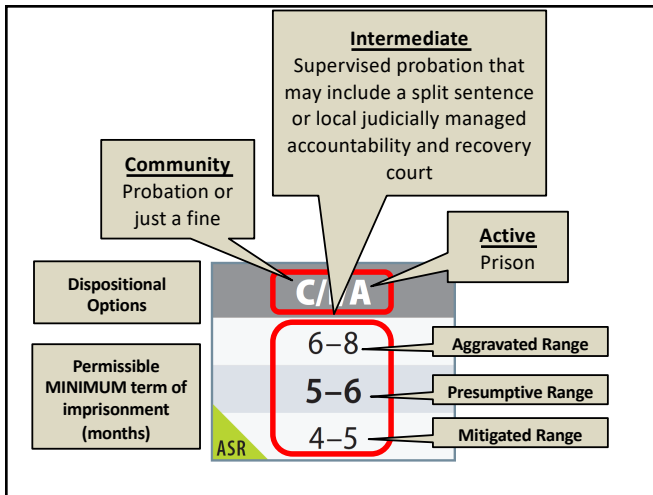
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Felony Offenses Committed on or after October 1, 2013									
MINIMUM SENTENCES AND DISPOSITIONAL OPTIONS									
OFFENSE CLASS	I (0-1 Yr)	II (2-5 Yrs)	III (6-8 Yrs)	IV (10-12 Yrs)	V (14-17 Yrs)	VI (18+ Yrs)			
A First-degree murder	A	A	A	A	A	A	Life	Life	Life
B1 Second-degree murder	A	A	A	A	A	A	Life	Life	Life
B2 Second-degree murder	A	A	A	A	A	A	Life	Life	Life
C Habitual felon	A	A	A	A	A	A	Life	Life	Life
D Armed robbery	A	A	A	A	A	A	Life	Life	Life
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F Indecent liberties with children	A	A	A	A	A	A	Life	Life	Life
G Possession of firearm by felon	A	A	A	A	A	A	Life	Life	Life
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OFFENSE CLASS	I (0-1 Yr)	II (2-5 Yrs)	III (6-8 Yrs)	IV (10-12 Yrs)	V (14-17 Yrs)	VI (18+ Yrs)			
A First-degree murder	A	A	A	A	A	A	Life	Life	Life
B1 Second-degree murder	A	A	A	A	A	A	Life	Life	Life
B2 Second-degree murder	A	A	A	A	A	A	Life	Life	Life
C Habitual felon	A	A	A	A	A	A	Life	Life	Life
D Armed robbery	A	A	A	A	A	A	Life	Life	Life
E AWDWSI	A	A	A	A	A	A	Life	Life	Life
F Indecent liberties with children	A	A	A	A	A	A	Life	Life	Life
G Possession of firearm by felon	A	A	A	A	A	A	Life	Life	Life
H Breaking or entering	A	A	A	A	A	A	Life	Life	Life
I Meth Possession	A	A	A	A	A	A	Life	Life	Life

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Offense Class

Prior Record Level

Minimum Sentence (Months)

Judge's discretion

Mandatory Active

Mandatory Non-Active

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Exercise 1

- Felony Larceny (Class H)
- Prior Record Level I

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- Give the longest possible Active sentence
- Minimum and Maximum?

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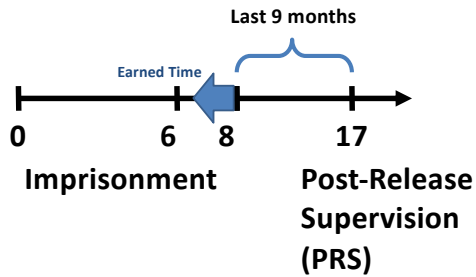
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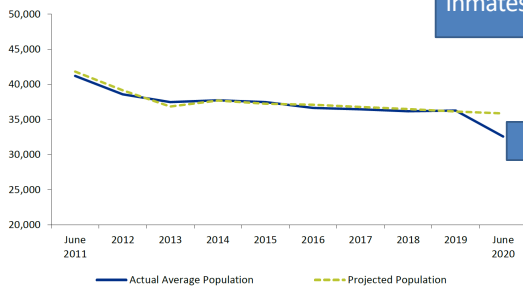
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- Around 6 months in prison
- 9 months of PRS



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A Comparison of the Actual and Projected Population for June
FY 2011 to FY 2020 Projections



What crimes
are most
inmates in for?

20

Prison Population (2019)

- Murder 17 %
- Sexual assaults 12 %
- Robbery 9 %
- Non-trafficking drug 7 %

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Probationary Sentences

22

Exercise 2

- Suspend the term of imprisonment from Exercise 1 and give the defendant an Intermediate sentence

C/I/A	
	6–8
	5–6
ASR	4–5

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Probationary Sentences (p. 26)

- **Term of imprisonment**
- **Type of sentence**
- **Length of probation period**
- **Conditions of probation**
- **Delegated authority**

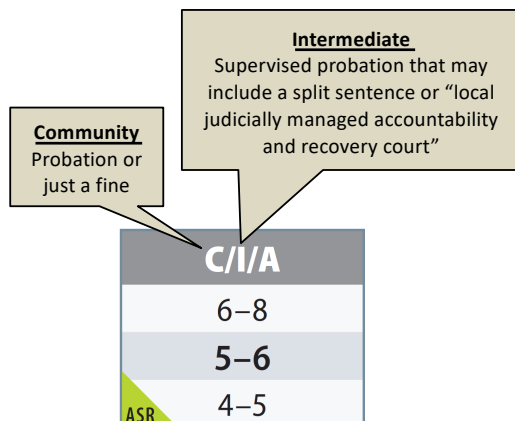
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Probationary Sentences (p. 26)

- Term of imprisonment 6-17 months
- Type of sentence
- Length of probation period
- Conditions of probation
- Delegated authority

Probationary Sentences (p. 26)

- Term of imprisonment
- Type of sentence
- Length of probation period
- Conditions of probation
- Delegated authority



Probationary Sentences (p. 26)

- Term of imprisonment
- Type of sentence
- Length of probation period
- Conditions of probation
- Delegated authority

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.

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.				
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).				
2. The Court finds that it is <input checked="" type="checkbox"/> NOT appropriate to delegate to the Section of Community Corrections the authority to impose any of the requirements in G.S. 15A-1343.2(e) for community punishment or G.S. 15A-1343.2(f) for intermediate punishment.				
3. This period of probation shall begin <input type="checkbox"/> when the defendant is released from incarceration <input type="checkbox"/> at the expiration of the sentence in the case below.				
File No.	Offense	County	Court	Date
4. The defendant shall comply with the conditions set forth in file number _____				
5. The defendant shall provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319 required)				

- Average probation for a felony: 24 months

Probationary Sentences (p. 26)

- Term of imprisonment
- Type of sentence
- Length of probation period
- Conditions of probation
- Delegated authority

Conditions of Probation

- Regular conditions
 - Apply by default, but may be stricken
- Special conditions
 - Statutory special conditions
 - Ad hoc conditions; must be “reasonably related”
- “Community and Intermediate” conditions
- Intermediate conditions
 - Apply in Intermediate cases, unless stricken
- Sex offender conditions

The collage shows various legal forms for probation conditions. The 'Regular' form is at the top left. The 'Special' form is at the bottom left. The 'Community and Intermediate' form is in the center. The 'Default Intermediate Conditions' form is at the bottom right. A small image of a 'DART / CHERRY PROGRAM' sign is also visible.

Probationary Sentences (p. 26)

- Term of imprisonment
- Type of sentence
- Length of probation period
- Conditions of probation
- Delegated authority

Delegated Authority

- Conditions a probation officer may impose without court action
 - 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**

Delegated Authority

- Applies unless the court “un-delegates” it

The Court finds that it is NOT appropriate to delegate...

Exercise 2

- Suspend the term of imprisonment from (1) and give the defendant an Intermediate sentence

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

Probationary Sentences (p. 26)

- Term of imprisonment
- Type of sentence
- Length of probation period
- Conditions of probation
- Delegated authority

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

ASR

- 37

Exercise 2

- Suspend the term of imprisonment from (1) and give the defendant an Intermediate sentence

The diagram illustrates the process of sentencing under North Carolina law. It shows a flowchart starting with "C/I/A" (Community/Incarceration/Alternative), leading to "6-8" months, then "5-6" months, and finally "4-5" months. A callout bubble indicates "6-17 months, suspended. 36 months of supervised probation." Below the flowchart is a sample "STATE OF NORTH CAROLINA JUDICIAL BRANCH SENTENCE REPORT" form.

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Exercise 3

- Give the defendant from Exercise 1 a Community sentence

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

Community

- Supervised or unsupervised probation that MAY NOT include
 - Special probation
 - Local judicially managed accountability and recovery court
- Or a fine only

Intermediate

- Supervised probation that MAY include
 - Special probation
 - Local judicially managed accountability and recovery court

Exercise 3

- Give the defendant a Community sentence

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

"\$1,000 fine."

"6-17 months, suspended.
12 months unsupervised probation."

"6-17 months, suspended.
30 months supervised probation."

Exercise 4

- Common Law Robbery (Class G)
- Prior Record Level IV
- Sentence the defendant to “Special Probation”:
Give him a 30-day split sentence

FELONY OFFENSES COMMITTED ON OR AFTER OCTOBER 1, 2013									
MINIMUM SENTENCES AND DISCRETIONARY OPTIONS									
OFFENSE CLASS	1 0-1 Pts	2 2-5 Pts	3 6-8 Pts	4 9-12 Pts	5 13-17 Pts	6 18-24 Pts	7 25-30 Pts	8 31-36 Pts	9 37-42 Pts
A Class A1	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
B1 Class B1	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
B2 Class B2	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
C Class C	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
D Class D	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
E Class E	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
F Class F	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
G Class G	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
H Class H	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
I Class I	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
J Class J	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
K Class K	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
L Class L	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
M Class M	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
N Class N	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
O Class O	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
P Class P	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
Q Class Q	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
R Class R	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
S Class S	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
T Class T	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
U Class U	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
V Class V	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
W Class W	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
X Class X	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
Y Class Y	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360
Z Class Z	100-120	120-150	150-180	180-210	210-240	240-270	270-300	300-330	330-360

Exercise 4

- Common Law Robbery (Class G)
- Prior Record Level IV
- Sentence the defendant to “Special Probation”:
Give him a 30-day split sentence

- Term of imprisonment
- Type of sentence
- Length of probation period
- Conditions of probation
- Delegated authority

Felony Offenses Committed on or after October 1, 2013

MINIMUM SENTENCES: INDIVIDUALISTIC OFFENSE

OFFENSE CLASS	PRIOR RECORD					
	0 0-1%	II 2-5 1/3%	III 6-9 1/3%	IV 10-13 1/3%	V 14-17 1/3%	VI 18-21 1/3%
A 1st Felony Offense	180-240	210-270	240-300	270-330	300-360	330-390
B1 2nd Felony Offense	210-270	240-300	270-330	300-360	330-390	360-420
B2 3rd Felony Offense	240-300	270-330	300-360	330-390	360-420	390-450
C 4th Felony Offense	270-330	300-360	330-390	360-420	390-450	420-480
D 5th Felony Offense	300-360	330-390	360-420	390-450	420-480	450-510
E 6th Felony Offense	330-390	360-420	390-450	420-480	450-510	480-540
F 7th Felony Offense	360-420	390-450	420-480	450-510	480-540	510-570
G 8th Felony Offense	390-450	420-480	450-510	480-540	510-570	540-600
H 9th Felony Offense	420-480	450-510	480-540	510-570	540-600	570-630
I 10th Felony Offense	450-510	480-540	510-570	540-600	570-630	600-660

MAXIMUM SENTENCES

MINIMUM SENTENCES: INDIVIDUALISTIC OFFENSE

FOR OFFENSE CLASSES II THROUGH VI: Comparative Maximum Sentences

Offense Class	0-1%	2-5 1/3%	6-9 1/3%	10-13 1/3%	14-17 1/3%	18-21 1/3%
1st Felony Offense	180-240	210-270	240-300	270-330	300-360	330-390
2nd Felony Offense	210-270	240-300	270-330	300-360	330-390	360-420
3rd Felony Offense	240-300	270-330	300-360	330-390	360-420	390-450
4th Felony Offense	270-330	300-360	330-390	360-420	390-450	420-480
5th Felony Offense	300-360	330-390	360-420	390-450	420-480	450-510
6th Felony Offense	330-390	360-420	390-450	420-480	450-510	480-540
7th Felony Offense	360-420	390-450	420-480	450-510	480-540	510-570
8th Felony Offense	390-450	420-480	450-510	480-540	510-570	540-600
9th Felony Offense	420-480	450-510	480-540	510-570	540-600	570-630
10th Felony Offense	450-510	480-540	510-570	540-600	570-630	600-660

ASR

15-19

11-15

19 → 32

Comparative Maximum Sentences

Offense Class	0-1%	2-5 1/3%	6-9 1/3%	10-13 1/3%	14-17 1/3%	18-21 1/3%
1st Felony Offense	180-240	210-270	240-300	270-330	300-360	330-390
2nd Felony Offense	210-270	240-300	270-330	300-360	330-390	360-420
3rd Felony Offense	240-300	270-330	300-360	330-390	360-420	390-450
4th Felony Offense	270-330	300-360	330-390	360-420	390-450	420-480
5th Felony Offense	300-360	330-390	360-420	390-450	420-480	450-510
6th Felony Offense	330-390	360-420	390-450	420-480	450-510	480-540
7th Felony Offense	360-420	390-450	420-480	450-510	480-540	510-570
8th Felony Offense	390-450	420-480	450-510	480-540	510-570	540-600
9th Felony Offense	420-480	450-510	480-540	510-570	540-600	570-630
10th Felony Offense	450-510	480-540	510-570	540-600	570-630	600-660

- **Term of imprisonment**
- **Type of sentence**
- **Length of probation period**
- **Conditions of probation**
- **Delegated authority**

Community

- Supervised or unsupervised probation that MAY NOT include
 - Special probation
 - Local judicially managed accountability and recovery court
- Or a fine only

Intermediate

- Supervised probation that MAY include
 - Special probation
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Probationary Sentences (p. 26)

- **Term of imprisonment**
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- Term of imprisonment
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Special Probation (Split)

- Jail/prison confinement for up to $\frac{1}{4}$ the maximum imposed sentence of imprisonment
- May be noncontinuous (e.g., weekends)
 - Noncontinuous periods must be served in jail
 - Must be complete within 2 years of conviction
- Judge may order \$40/day jail fee (optional)

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Maximum permissible split?
8 months

Exercise 4

- Common Law Robbery (Class G)
- Prior Record Level IV
- Sentence the defendant to “Special Probation”:
Give him a 30-day split sentence

Suppose the defendant
had 30 days of jail credit?

- 19-32 months, suspended
- 36 months supervised probation
- 30 days special probation

Serious Felonies (Class A-E)

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Exercise 5

- Discharge Weapon into Occupied Property (Class E)
- PRL V
- Aggravating and Mitigating factors: None
- Give the defendant the shortest possible Active sentence

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Felony Offenses Committed on or after October 1, 2013									
MINIMUM SENTENCES AND DISPOSITIONAL OPTIONS									
OFFENSE CLASS	PRIOR RC CRIM LEVELS						MINIMUM SENTENCES		
	0-1 Yr	2-3 Yrs	4-6 Yrs	6-9 Yrs	10-13 Yrs	14-17 Yrs	18-20 Yrs	21-25 Yrs	26-30 Yrs
A Felony	Class of Felony Offense as of October 1, 2013						Minimum Sentence		
1	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
2	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
3	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
4	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
5	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
6	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
7	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
8	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
9	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
10	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
11	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
12	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
13	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
14	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
15	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
16	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
17	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
18	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
19	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
20	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
21	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
22	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
23	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
24	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
25	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
26	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
27	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
28	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
29	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
30	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
31	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
32	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
33	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96
34	18-24	24-30	30-36	36-45	45-54	54-63	63-72	72-84	84-96

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1 2 3 4 5 6 7 8 9 10 11 12

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- [illegible]

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Felony Offenses Committed on or after October 1, 2013
MINIMUM SENTENCES AND DISPOSITIONAL OPTIONS

OFFENSE CLASS	I 0-1Y	II 2-3Y	III 4-5Y	IV 6-7Y	V 8-10Y	VI 11-15Y
A Felony Class A	10-15	15-20	20-25	25-30	30-35	35-40
B1 Felony Class B1	10-15	15-20	20-25	25-30	30-35	35-40
B2 Felony Class B2	10-15	15-20	20-25	25-30	30-35	35-40
C Felony Class C	10-15	15-20	20-25	25-30	30-35	35-40
D Felony Class D	10-15	15-20	20-25	25-30	30-35	35-40
E Felony Class E	10-15	15-20	20-25	25-30	30-35	35-40
F Felony Class F	10-15	15-20	20-25	25-30	30-35	35-40
G Felony Class G	10-15	15-20	20-25	25-30	30-35	35-40
H Felony Class H	10-15	15-20	20-25	25-30	30-35	35-40
I Felony Class I	10-15	15-20	20-25	25-30	30-35	35-40

35-54 months, Active, in the custody of DAC.

35-54 (102)

44-55

35-44

26-35

A

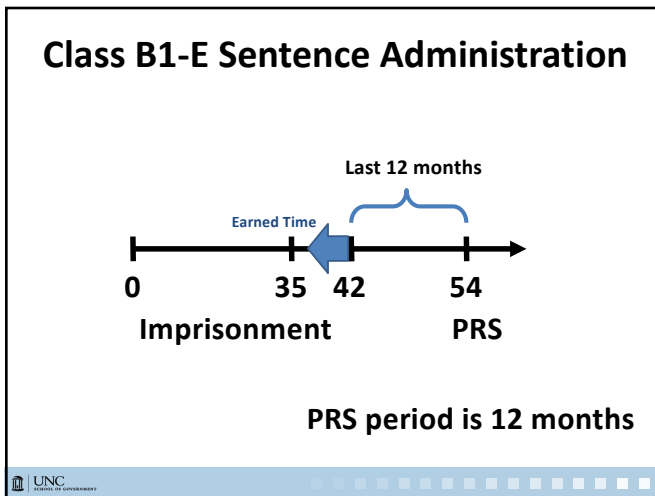
UNC
UNITED NATIONS COMMISSION ON CRIME PREVENTION

61

What does it mean?

UNC
UNITED NATIONS COMMISSION ON CRIME PREVENTION

62



63

64

65

66

Aggravating Factors: Procedure

- State must give 30-day notice of intent to prove
 - Statutory aggravators need not be pled
 - Non-statutory aggravators must be pled
- Aggravating factors must be proved to jury beyond a reasonable doubt (unless pled to)

Mitigating Factors: Procedure

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

STATE OF NORTH CAROLINA		File No.
County		In The General Court Of Justice <input type="checkbox"/> District <input type="checkbox"/> Superior Court Division
STATE VERSUS		
Name Of Defendant		
Offense		
FELONY JUDGMENT FINDINGS OF AGGRAVATING AND MITIGATING FACTORS (STRUCTURED SENTENCING) G.S. 15A-1340.16		
NOTE: When consolidating offenses for judgment, findings of aggravating factors and mitigating factors should be made only for the most serious offense. Separate findings of aggravating factors and mitigating factors should be made for each offense that is not consolidated.		
AGGRAVATING FACTORS		
<input type="checkbox"/> 1. The Defendant: <input type="checkbox"/> a. induced others to participate in the commission of the offense.		
<input type="checkbox"/> b. occupied a position of leadership or dominance of other participants in the commission of the offense.		
<input type="checkbox"/> 2. The defendant joined with more than one other person in committing the offense and was not charged with committing a conspiracy.		
<input type="checkbox"/> 2a. The offense was committed for the benefit of, or at the direction of, any (check one) <input type="checkbox"/> offenses committed Dec. 1, 1997 - Nov. 30, 2017 criminal street gang, <input type="checkbox"/> offenses committed on or after Dec. 1, 2017 criminal gang as defined by G.S. 14-50.16A(1), with the specific intent to promote, further, or assist in any criminal conduct by gang members, and the defendant was not charged with committing a conspiracy.		
<input type="checkbox"/> 3. The offense was committed for the purpose of: <input type="checkbox"/> a. avoiding or preventing a lawful arrest, <input type="checkbox"/> b. effecting an escape from custody.		
<input type="checkbox"/> 4. The defendant was: <input type="checkbox"/> a. hired to commit the offense, <input type="checkbox"/> b. paid to commit the offense.		
<input type="checkbox"/> 5. The offense was committed to: <input type="checkbox"/> a. disrupt <input type="checkbox"/> b. hinder the lawful exercise of a governmental function or the enforcement of laws.		
<input type="checkbox"/> 6. The offense was committed against or proximately caused serious injury to a present or former law enforcement officer, employee of the Division of Adult Correction and Juvenile Justice, jailer, fireman, emergency medical technician, ambulance attendant, social worker, justice or judge, clerk or assistant or deputy clerk of court, magistrate, prosecutor, juror, or witness against the defendant, while engaged in the performance of that person's official duties or because of the exercise of that person's official duties.		
<input type="checkbox"/> 6a. The offense was committed against or proximately caused serious harm as defined in G.S. 14-163.1 or death to a law enforcement agency animal, an assistance animal, or a search and rescue animal (Applies to offenses committed on or after December 1, 2009) as defined in G.S. 14-163.1, while engaged in the performance of the animal's official duties.		
<input type="checkbox"/> 7. The offense was especially heinous, atrocious or cruel.		
<input type="checkbox"/> 8. The defendant knowingly created a great risk of death to more than one person by means of a weapon or device which would normally be hazardous to the lives of more than one person.		
<input type="checkbox"/> 9. (select appropriate option depending on date of offense) <input type="checkbox"/> a. Use for offenses committed prior to December 1, 2012: The defendant held public office at the time of the offense and the offense related to the conduct of the office. <input type="checkbox"/> b. Use for offenses committed on or after December 1, 2012: The defendant held public elected or appointed office or public employment at the time of the offense and the offense directly related to the conduct of the office or employment. (NOTE: The court must notify the State Treasurer as required by G.S. 15A-1340.16(d).)		

MITIGATING FACTORS	
<input type="checkbox"/>	1. The defendant committed the offense under: <input type="checkbox"/> a. duress which was insufficient to constitute a defense but significantly reduced the defendant's culpability. <input type="checkbox"/> b. coercion which was insufficient to constitute a defense but significantly reduced the defendant's culpability. <input type="checkbox"/> c. threat which was insufficient to constitute a defense but significantly reduced the defendant's culpability. <input type="checkbox"/> d. compulsion which was insufficient to constitute a defense but significantly reduced the defendant's culpability.
<input type="checkbox"/>	2. The defendant: <input type="checkbox"/> a. was a passive participant in the commission of the offense. <input type="checkbox"/> b. played a minor role in the commission of the offense.
<input type="checkbox"/>	3. The defendant was suffering from a: <input type="checkbox"/> a. mental condition that was insufficient to constitute a defense but significantly reduced the defendant's culpability for the offense. <input type="checkbox"/> b. physical condition that was insufficient to constitute a defense but significantly reduced the defendant's culpability for the offense.
<input type="checkbox"/>	4. The defendant's: <input type="checkbox"/> a. age, or immaturity, at the time of the commission of the offense significantly reduced the defendant's culpability for the offense. <input type="checkbox"/> b. limited mental capacity at the time of the commission of the offense significantly reduced the defendant's culpability for the offense.
<input type="checkbox"/>	5. The defendant has made: <input type="checkbox"/> a. substantial restitution to the victim. <input type="checkbox"/> b. full restitution to the victim.
<input type="checkbox"/>	6. The victim was more than 16 years of age and: <input type="checkbox"/> a. was a voluntary participant in the defendant's conduct. <input type="checkbox"/> b. consented to the defendant's conduct.
<input type="checkbox"/>	7. The defendant: <input type="checkbox"/> a. aided in the apprehension of another felon. <input type="checkbox"/> b. testified truthfully on behalf of the State in another prosecution of a felony.
<input type="checkbox"/>	8. <input type="checkbox"/> a. The defendant acted under strong provocation. <input type="checkbox"/> b. The relationship between the defendant and the victim was otherwise extenuating.
<input type="checkbox"/>	9. The defendant: <input type="checkbox"/> a. could not reasonably foresee that the defendant's conduct would cause or threaten serious bodily harm or fear. <input type="checkbox"/> b. exercised caution to avoid serious bodily harm or fear to other persons.
<input type="checkbox"/>	10. The defendant reasonably believed that the defendant's conduct was legal.
<input type="checkbox"/>	11. The defendant voluntarily acknowledged wrongdoing in connection with the offense to a law enforcement officer: <input type="checkbox"/> a. at an early stage of the criminal process. <input type="checkbox"/> b. prior to arrest.
<input type="checkbox"/>	12. The defendant has been a person of good character or has had a good reputation in the community in which the defendant lives.
<input type="checkbox"/>	13. The defendant is a minor and has reliable supervision available.
<input type="checkbox"/>	14. The defendant has been honorably discharged from the United States Armed Services.
<input type="checkbox"/>	15. The defendant has accepted responsibility for the defendant's criminal conduct.
<input type="checkbox"/>	16. The defendant has entered and is currently involved in or has successfully completed a drug treatment program or an alcohol treatment program subsequent to arrest and prior to trial.
<input type="checkbox"/>	17. The defendant supports the defendant's family.
<input type="checkbox"/>	18. The defendant has a support system in the community.

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Weighing factors

- A matter of judicial discretion
- Not a mathematical balance
- Presumptive range always permissible after consideration of offered factors

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Exercise 6

- Discharge Weapon into Occupied Property (Class E)
- PRL V
- **Aggravating factors:**
 - Involved a person under the age of 16
 - The victim was very old
- **Mitigating factors:**
 - Honorable discharge from the Armed Forces
- Give the defendant the shortest possible Active sentence

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Felony Offenses Committed on or after October 1, 2013

MINIMUM SENTENCES AND DISPOSITIONAL OPTIONS

OFFENSE CLASS	I 10-15%	II 2-3%	III 5-9.2%	IV 10-13.7%	V 14-17.2%	VI 18-19.7%
A Felony Class A	10-15%	2-3%	5-9.2%	10-13.7%	14-17.2%	18-19.7%
B1 Felony Class B1	10-15%	2-3%	5-9.2%	10-13.7%	14-17.2%	18-19.7%
B2 Felony Class B2	10-15%	2-3%	5-9.2%	10-13.7%	14-17.2%	18-19.7%
C Felony Class C	10-15%	2-3%	5-9.2%	10-13.7%	14-17.2%	18-19.7%
D Felony Class D	10-15%	2-3%	5-9.2%	10-13.7%	14-17.2%	18-19.7%
E Felony Class E	10-15%	2-3%	5-9.2%	10-13.7%	14-17.2%	18-19.7%
F Felony Class F	10-15%	2-3%	5-9.2%	10-13.7%	14-17.2%	18-19.7%
G Felony Class G	10-15%	2-3%	5-9.2%	10-13.7%	14-17.2%	18-19.7%
H Felony Class H	10-15%	2-3%	5-9.2%	10-13.7%	14-17.2%	18-19.7%
I Felony Class I	10-15%	2-3%	5-9.2%	10-13.7%	14-17.2%	18-19.7%

MAXIMUM SENTENCES

For Offense Classes I through VI, the maximum sentence is 10 years, 15 years, 20 years, 25 years, 30 years, and 40 years, respectively.

For Offense Classes VII through IX, the maximum sentence is 10 years, 15 years, 20 years, 25 years, 30 years, and 40 years, respectively.

For Offense Classes X through XII, the maximum sentence is 10 years, 15 years, 20 years, 25 years, 30 years, and 40 years, respectively.

For Offense Classes XIII through XV, the maximum sentence is 10 years, 15 years, 20 years, 25 years, 30 years, and 40 years, respectively.

For Offense Classes XVI through XVIII, the maximum sentence is 10 years, 15 years, 20 years, 25 years, 30 years, and 40 years, respectively.

For Offense Classes XIX through XXI, the maximum sentence is 10 years, 15 years, 20 years, 25 years, 30 years, and 40 years, respectively.

For Offense Classes XXII through XXIV, the maximum sentence is 10 years, 15 years, 20 years, 25 years, 30 years, and 40 years, respectively.

For Offense Classes XXV through XXVII, the maximum sentence is 10 years, 15 years, 20 years, 25 years, 30 years, and 40 years, respectively.

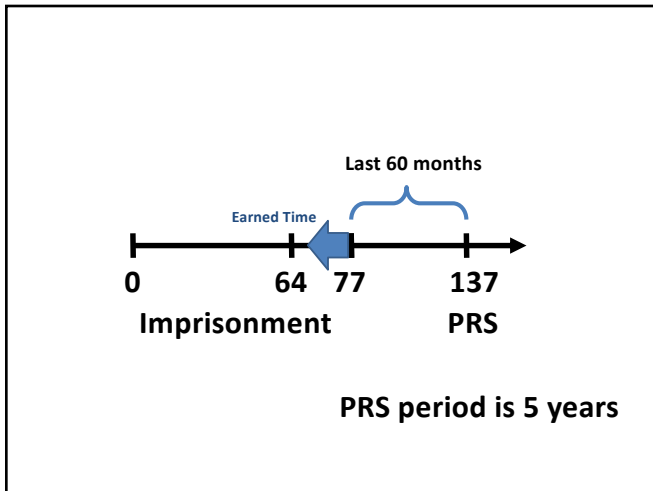
For Offense Classes XXVIII through XXX, the maximum sentence is 10 years, 15 years, 20 years, 25 years, 30 years, and 40 years, respectively.

64 → 89 (137)

Sex offender maximum

"64-137 months, Active, in the custody of DAC."

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Exercise 8

- Indecent Liberties with a Child
- PRL II
- Aggravating and Mitigating factors: None
- Give the defendant probation with the longest possible split sentence

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- Indecent Liberties with a Child
- PRL II
- Aggravating and Mitigating factors: None
- Give the defendant probation with the longest possible split sentence

- 80

81

82

8384

FELONY

NOTE: If sentencing for a felony, locate the prior record level which corresponds to the total points determined in Section I above.

Points	Level
0 - 1	I
2 - 5	II
6 - 9	III
10 - 13	IV
14 - 17	V
18+	VI

**PRIOR
RECORD
LEVEL**

- ☐ The Court finds the prior convictions, prior record points and the prior record level of the defendant to be as shown herein.
- ☐ In making this determination, the Court has relied upon the State's evidence of the defendant's prior convictions from a computer printout of DCI-CCH.
- ☒ In finding a prior record level point under G.S. 15A-1340.14(b)(7), the Court has relied on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.

[illegible]

- ☐ 16. (Use if sentencing points are selected below) Have you admitted the existence of the following sentencing points not related to prior convictions: ☒ offense committed while on supervised or unsupervised probation, parole, or post-release supervision ☐ offense committed while serving a sentence of imprisonment ☐ offense committed while on escape from a correctional institution, have you agreed that there is evidence to support these points beyond a reasonable doubt, have you agreed that the Court may accept your admission to these points, and do you ☐ understand that you are waiving any notice requirement that the State may have with regard to these sentencing points ☒ agree that the State has provided you with the appropriate notice about these sentencing points?
- ☐ 17. (Use if No. 15 or 16 selected above) Do you understand that at a jury trial you have the right to have a jury determine the existence of any aggravating factors and any additional sentencing points not related to prior convictions that may apply to your case beyond a reasonable doubt, and that by your plea(s) you give up this constitutional right to a jury determination?

[illegible]

Prior record “bonus points”

- Same elements (+1)
 - All elements of the present offense included in a prior offense
 - Defendant may not stipulate to this question of law



5+	III	LEVEL	18+	VI
<input type="checkbox"/> The Court has determined the number of prior convictions to be _____ and the level to be as shown above.		<input type="checkbox"/> The Court finds the prior convictions, prior record points and the prior record level of the defendant to be as shown herein.		
<input type="checkbox"/> In making this determination, the Court has relied upon the State's evidence of the defendant's prior convictions from a computer printout of DCI-CH.		<input type="checkbox"/> In making this determination, the Court has relied upon the State's evidence of the defendant's prior convictions from a computer printout of DCI-CH.		
<input checked="" type="checkbox"/> The Court finds that all of the elements of the present offense are included in a prior offense.		<input type="checkbox"/> In finding a prior record level point under G.S. 15A-1340.14(b)(7), the Court has relied on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.		
<input type="checkbox"/> If an out-of-state conviction listed in Section V on the reverse, the Court finds by a preponderance of the evidence that the offense is substantially similar to a North Carolina offense and that the North Carolina classification assigned to this offense in Section V is correct.		<input type="checkbox"/> The Court has stipulated in open court to the prior convictions, points and record level.		
Date	Presiding Judge (Type Or Print)		Signature Of Presiding Judge	

The Court finds that all of the elements of the present offense are included in a prior offense.

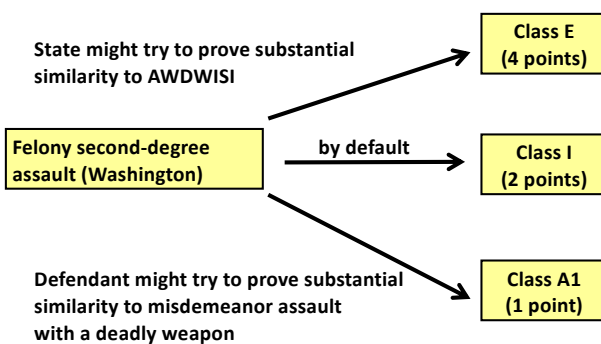
88

Out-of-State Prior Convictions

- By default:
 - Prior out-of-state felonies: Class I (2 points)
 - Prior out-of-state misdemeanors: Class 3 (0 points)
- With “substantial similarity” determination:
 - Count like the similar North Carolina offense
 - Proponent must prove by preponderance of evidence
 - Court must make findings; stipulations ineffective

89

Crimes from other jurisdictions



90

Crimes from other jurisdictions

- No stipulations to substantial similarity
 - Similarity is a question of law
 - Must be determined by trial judge

Crimes from other jurisdictions

5+	III	LEVEL	18+	VI
<input type="checkbox"/> The Court has determined the number of prior convictions to be _____ and the level to be as shown above.	<input type="checkbox"/> In making this determination, the Court has relied upon the State's evidence of the defendant's prior convictions from a computer printout of DCI-CCH.	<input type="checkbox"/> The Court finds that all of the elements of the present offense are included in a prior offense.	<input type="checkbox"/> For each out-of-state conviction listed in Section V on the reverse, the Court finds by a preponderance of the evidence that the offense is substantially similar to a North Carolina offense and that the North Carolina classification assigned to this offense in Section V is correct.	<input type="checkbox"/> The Court finds that _____ and the defendant have stipulated in open court to the prior convictions, points and record level.
Date _____		Signature Of Presiding Judge _____		

For each out-of-state conviction...the court finds by a preponderance of the evidence that the offense is substantially similar to a North Carolina offense and that ...classification assigned to this offense in Section V is correct.

Multiple Convictions

Multiple convictions

- Concurrent sentences
 - If judgments are silent, sentences run concurrently

94

Multiple convictions

- Consecutive sentences
 - One sentence begins at the expiration of another

95

Multiple convictions

- Consolidated sentences
 - All convictions sentenced together may be consolidated into one sentence for the most serious offense

96

Multiple convictions

- Probationary sentences
 - Probation *periods* must run concurrently with one another
 - A probationary sentence may run consecutively to an Active sentence (“contingent”)

- 97

Exercise 10

- Felony breaking or entering (Class H)
- Felony larceny (Class H)
- Prior Record Level I

- 98

[illegible]

More exercises

- First-degree murder, PRL III (Class A)

Felony Offenses Committed on or after October 1, 2013										
MINIMUM SENTENCES AND DISPOSITIONAL OPTIONS										
OFFENSE CLASS	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
A	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
B1	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
B2	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
C	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
D	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
E	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
F	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
G	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
H	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
I	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
J	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
K	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
L	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
M	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
N	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
O	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
P	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
Q	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
R	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
S	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
T	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
U	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
V	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
W	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
X	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
Y	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60
Z	10-15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60

More exercises

- Felony breaking or entering (Class H), PRL II, mitigated, 5 months jail credit
- Active

I/A
8-10
6-8
4-6
ASR

More exercises

- Possession of meth (Class I), PRL II, D asks for Active

C/I
6–8
4–6
3–4

More exercises

- Possession of firearm by felon (Class G), PRL IV
- Split sentence

I/A
19–24
15–19
ASR 11–15

More exercises

- Obtaining property by false pretenses (Class H), habitual felon, aggravated (victim very old), PRL III
- Lots of restitution

I/A
10–12
8–10
ASR 6–8

More exercises

- First-degree forcible rape, PRL II (Class B1)

A
240–300
192–240
144–192

More exercises

- Statutory sexual offense with a person who is 15 or younger by a defendant more than 4 but less than 6 years older than the victim (Class C), PRL I

A	EM
73–92	
58–73	
44–58	

Extraordinary mitigation

- Allows an Intermediate sentence in certain “A”-only cells of the sentencing grid based on the presence of extraordinary factor(s)

EM

Grid cells in which EM might be possible are flagged with this symbol.

OFFENSE CLASS	PRIOR 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. Death or Life with Parole Death or Life without Parole	Defendant under 18 at Time of Offense: Life with or without Parole					
B1 Max. Life with Parole	A	A	A	A	A	A
	240-260 192-240 144-192	276-348 221-276 162-221	337-397 254-317 192-254	361-456 292-365 221-292	Life with Parole 336-420 221-336	Life with Parole 384-483 292-384
B2 Max. 400 (10)	A	A	A	A	A	A
	121-168 125-157 94-125	161-221 144-180 109-144	207-258 165-207 124-165	238-297 190-238 141-190	275-342 229-279 164-219	304-381 251-314 189-251
C Max. 221 (20)	A	A	A	A	A	A
	73-101 58-73 44-58	85-104 67-83 50-67	96-120 77-96 58-77	103-138 88-110 66-88	127-169 101-127 76-101	146-182 117-146 87-117
D Max. 300 (20)	A	A	A	A	A	A
	44-62 31-44 18-31	71-92 59-71 43-59	84-105 67-84 51-67	97-121 78-97 58-78	111-139 89-111 67-89	128-163 103-128 77-103
E Max. 18 (10)	A	A	A	A	A	A
	20-30 20-25 17-20	29-38 23-29 17-23	33-48 26-33 20-26	38-48 30-38 23-30	44-63 35-44 26-35	50-63 40-50 30-40
F Max. 19	1/A	1/A	1/A	A	A	A
	9-20 13-16 10-13	9-23 15-19 10-15	21-27 17-21 13-17	25-31 20-25 15-20	28-38 23-28 17-23	32-46 26-33 20-26
G Max. 17	1/A	1/A	1/A	A	A	A
	12-18 10-12 8-10	14-18 12-14 9-12	17-21 13-17 10-13	19-24 15-19 11-15	22-27 17-22 13-17	25-31 20-25 15-20
H Max. 19	C/A	1/A	1/A	1/A	1/A	A
	4-8 5-4 4-6	8-9 6-4 4-6	10-12 8-10 6-8	11-14 9-11 7-9	15-18 12-15 9-12	19-25 16-20 12-16
I Max. 15	4-8 4-4 3-4	6-8 4-4 3-4	8-10 6-8 4-6	10-12 8-10 6-8	15-18 12-15 9-12	19-25 16-20 12-16

Extraordinary mitigation

- Permissible when court finds:
 - Extraordinary mitigating factors of a kind significantly greater than in the normal case;
 - Those factors substantially outweigh any factors in aggravation; and
 - It would be a manifest injustice to impose an active punishment in the case

Money

Additional Issues: Money

- Fines
 - Amount in court discretion for felonies
- Costs
 - Apply by default unless waived for “just cause”
 - 15-day written notice to affected parties
- Other fees
 - Attorney fees
 - Probation supervision fees (\$40/month)
 - Jail fees (\$10/day pretrial; \$40/day for splits)
 - EHA fee (\$90 + \$4.48/day)
 - Community Service fee (\$250)

Restitution (p. 19)

- Compensation to victims
 - Limited to victims of the crime(s) of conviction
- Amount must be supported by evidence or stipulation
- Court must consider defendant’s ability to pay