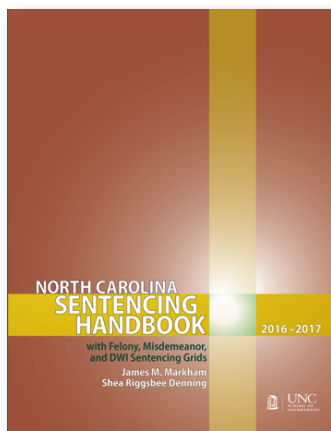


Structured Sentencing

- Applies to most North Carolina crimes
- Exceptions:
 - First-degree murder
 - Drug trafficking (p. 37)
 - Impaired driving
 - Health control measures



Purposes of Sentencing (p. 15)

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.

Felony Sentencing

[illegible]

felony offense: Committed on or after October 1, 2013

MINIMUM SENTENCE AND DISPOSITIONAL OFFENSE

OFFENSE CLASS	PRIOR RECORD LEVEL			
	1	2	3	4
1.0	First-degree murder			
1.1	Rape/sexual offense			
2.0	Second-degree murder			
3.0	Habitual felon			
4.0	Armed robbery			
5.0	AWD/WSI			
6.0	Indecent liberties with children			
7.0	Possession of firearm by felon			
8.0	Breaking or entering			
9.0	Cocaine possession			

1.0 = Life Imprisonment
1.1 = Life Imprisonment
2.0 = Life Imprisonment
3.0 = 10-20 Years Imprisonment
4.0 = 10-20 Years Imprisonment
5.0 = 10-20 Years Imprisonment
6.0 = 10-20 Years Imprisonment
7.0 = 10-20 Years Imprisonment
8.0 = 10-20 Years Imprisonment
9.0 = 10-20 Years Imprisonment

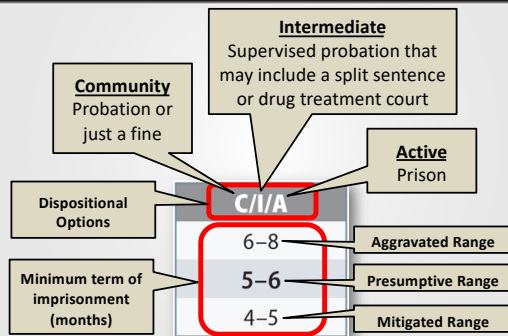
Fidelity Officers Controlled on or after October 1, 2013										
REVENUE (OFFICERS AND SUPERVISORS: APPROX.)										
OFFICER RANK		FROM REVENUE LEVEL					TOTAL REVENUE			
		I	II	III	IV	V				
I		0-17.5	17.5-25	25-37.5	37.5-50	50-75	75	100	125	150
A	Assistant Vice President	100,000	125,000	150,000	175,000	200,000	225,000	250,000	275,000	300,000
		100,000	125,000	150,000	175,000	200,000	225,000	250,000	275,000	300,000
B1	Senior Vice President	125,000	150,000	175,000	200,000	225,000	250,000	275,000	300,000	325,000
		125,000	150,000	175,000	200,000	225,000	250,000	275,000	300,000	325,000
B2	Vice President	150,000	175,000	200,000	225,000	250,000	275,000	300,000	325,000	350,000
		150,000	175,000	200,000	225,000	250,000	275,000	300,000	325,000	350,000
C	Senior Vice President	175,000	200,000	225,000	250,000	275,000	300,000	325,000	350,000	375,000
		175,000	200,000	225,000	250,000	275,000	300,000	325,000	350,000	375,000
D	Vice President	200,000	225,000	250,000	275,000	300,000	325,000	350,000	375,000	400,000
		200,000	225,000	250,000	275,000	300,000	325,000	350,000	375,000	400,000
E	Senior Vice President	225,000	250,000	275,000	300,000	325,000	350,000	375,000	400,000	425,000
		225,000	250,000	275,000	300,000	325,000	350,000	375,000	400,000	425,000
F	Vice President	250,000	275,000	300,000	325,000	350,000	375,000	400,000	425,000	450,000
		250,000	275,000	300,000	325,000	350,000	375,000	400,000	425,000	450,000
G	Senior Vice President	275,000	300,000	325,000	350,000	375,000	400,000	425,000	450,000	475,000
		275,000	300,000	325,000	350,000	375,000	400,000	425,000	450,000	475,000
H	Vice President	300,000	325,000	350,000	375,000	400,000	425,000	450,000	475,000	500,000
		300,000	325,000	350,000	375,000	400,000	425,000	450,000	475,000	500,000
I	Senior Vice President	325,000	350,000	375,000	400,000	425,000	450,000	475,000	500,000	525,000
		325,000	350,000	375,000	400,000	425,000	450,000	475,000	500,000	525,000
J	Vice President	350,000	375,000	400,000	425,000	450,000	475,000	500,000	525,000	550,000
		350,000	375,000	400,000	425,000	450,000	475,000	500,000	525,000	550,000
K	Senior Vice President	375,000	400,000	425,000	450,000	475,000	500,000	525,000	550,000	575,000
		375,000	400,000	425,000	450,000	475,000	500,000	525,000	550,000	575,000
L	Vice President	400,000	425,000	450,000	475,000	500,000	525,000	550,000	575,000	600,000
		400,000	425,000	450,000	475,000	500,000	525,000	550,000	575,000	600,000
M	Senior Vice President	425,000	450,000	475,000	500,000	525,000	550,000	575,000	600,000	625,000
		425,000	450,000	475,000	500,000	525,000	550,000	575,000	600,000	625,000
N	Vice President	450,000	475,000	500,000	525,000	550,000	575,000	600,000	625,000	650,000
		450,000	475,000	500,000	525,000	550,000	575,000	600,000	625,000	650,000
O	Senior Vice President	475,000	500,000	525,000	550,000	575,000	600,000	625,000	650,000	675,000
		475,000	500,000	525,000	550,000	575,000	600,000	625,000	650,000	675,000
P	Vice President	500,000	525,000	550,000	575,000	600,000	625,000	650,000	675,000	700,000
		500,000	525,000	550,000	575,000	600,000	625,000	650,000	675,000	700,000
Q	Senior Vice President	525,000	550,000	575,000	600,000	625,000	650,000	675,000	700,000	725,000
		525,000	550,000	575,000	600,000	625,000	650,000	675,000	700,000	725,000
R	Vice President	550,000	575,000	600,000	625,000	650,000	675,000	700,000	725,000	750,000
		550,000	575,000	600,000	625,000	650,000	675,000	700,000	725,000	750,000
S	Senior Vice President	575,000	600,000	625,000	650,000	675,000	700,000	725,000	750,000	775,000
		575,000	600,000	625,000	650,000	675,000	700,000	725,000	750,000	775,000
T	Vice President	600,000	625,000	650,000	675,000	700,000	725,000	750,000	775,000	800,000
		600,000	625,000	650,000	675,000	700,000	725,000	750,000	775,000	800,000
U	Senior Vice President	625,000	650,000	675,000	700,000	725,000	750,000	775,000	800,000	825,000
		625,000	650,000	675,000	700,000	725,000	750,000	775,000	800,000	825,000
V	Vice President	650,000	675,000	700,000	725,000	750,000	775,000	800,000	825,000	850,000
		650,000	675,000	700,000	725,000	750,000	775,000	800,000	825,000	850,000
W	Senior Vice President	675,000	700,000	725,000	750,000	775,000	800,000	825,000	850,000	875,000
		675,000	700,000	725,000	750,000	775,000	800,000	825,000	850,000	875,000
X	Vice President	700,000	725,000	750,000	775,000	800,000	825,000	850,000	875,000	900,000
		700,000	725,000	750,000	775,000	800,000	825,000	850,000	875,000	900,000
Y	Senior Vice President	725,000	750,000	775,000	800,000	825,000	850,000	875,000	900,000	925,000
		725,000	750,000	775,000	800,000	825,000	850,000	875,000	900,000	925,000
Z	Vice President	750,000	775,000	800,000	825,000	850,000	875,000	900,000	925,000	950,000
		750,000	775,000	800,000	825,000	850,000	875,000	900,000	925,000	950,000
AA	Senior Vice President	775,000	800,000	825,000	850,000	875,000	900,000	925,000	950,000	975,000
		775,000	800,000	825,000	850,000	875,000	900,000	925,000	950,000	975,000
AB	Vice President	800,000	825,000	850,000	875,000	900,000	925,000	950,000	975,000	1,000,000
		800,000	825,000	850,000	875,000	900,000	925,000	950,000	975,000	1,000,000
AC	Senior Vice President	825,000	850,000	875,000	900,000	925,000	950,000	975,000	1,000,000	1,025,000
		825,000	850,000	875,000	900,000	925,000	950,000	975,000	1,000,000	1,025,000
AD	Vice President	850,000	875,000	900,000	925,000	950,000	975,000	1,000,000	1,025,000	1,050,000
		850,000	875,000	900,000	925,000	950,000	975,000	1,000,000	1,025,000	1,050,000
AE	Senior Vice President	875,000	900,000	925,000	950,000	975,000	1,000,000	1,025,000	1,050,000	1,075,000
		875,000	900,000	925,000	950,000	975,000	1,000,000	1,025,000	1,050,000	1,075,000
AF	Vice President	900,000	925,000	950,000	975,000	1,000,000	1,025,000	1,050,000	1,075,000	1,100,000
		900,000	925,000	950,000	975,000	1,000,000	1,025,000	1,050,000	1,075,000	1,100,000
AG	Senior Vice President	925,000	950,000	975,000	1,000,000	1,025,000	1,050,000	1,075,000	1,100,000	1,125,000
		925,000	950,000	975,000	1,000,000	1,025,000	1,050,000	1,075,000	1,100,000	1,125,000
AH	Vice President	950,000	975,000	1,000,000	1,025,000	1,050,000	1,075,000	1,100,000	1,125,000	1,150,000
		950,000	975,000	1,000,000	1,025,000	1,050,000	1,075,000	1,100,000	1,125,000	1,150,000
AI	Senior Vice President	975,000	1,000,000	1,025,000	1,050,000	1,075,000	1,100,000	1,125,000	1,150,000	1,175,000
		975,000	1,000,000	1,025,000	1,050,000	1,075,000	1,100,000	1,125,000	1,150,000	1,175,000
AJ	Vice President	1,000,000	1,025,000	1,050,000	1,075,000	1,100,000	1,125,000	1,150,000	1,175,000	1,200,000
		1,000,000	1,025,000	1,050,000	1,075,000	1,100,000	1,125,000	1,150,000	1,175,000	1,200,000
AK	Senior Vice President	1,025,000	1,050,000	1,075,000	1,100,000	1,125,000	1,150,000	1,175,000	1,200,000	1,225,000
		1,025,000	1,050,000	1,075,000	1,100,000	1,125,000	1,150,000	1,175,000	1,200,000	1,225,000
AL	Vice President	1,050,000	1,075,000	1,100,000	1,125,000	1,150,000	1,175,000	1,200,000	1,225,000	1,250,000
		1,050,000	1,075,000	1,100,000	1,125,000	1,150,000	1,175,000	1,200,000	1,225,000	1,250,000
AM	Senior Vice President	1,075,000	1,100,000	1,125,000	1,150,000	1,175,000	1,200,000	1,225,000	1,250,000	1,275,000
		1,075,000	1,100,000	1,125,000	1,150,000	1,175,000	1,200,000	1,225,000	1,250,000	1,275,000
AN	Vice President	1,100,000	1,125,000	1,150,000	1,175,000	1,200,000	1,225,000	1,250,000	1,275,000	1,300,000
		1,100,000	1,125,000	1,150,000	1,175,000	1,200,000	1,225,000	1,250,000	1,275,000	1,300,000
AO	Senior Vice President	1,125,000	1,150,000	1,175,000	1,200,000	1,225,000	1,250,000	1,275,000	1,300,000	1,325,000
		1,125,000	1,150,000	1,175,000	1,200,000	1,225,000	1,250,000	1,275,000	1,300,000	1,325,000
AP	Vice President	1,150,000	1,175,000	1,200,000	1,225,000	1,250,000	1,275,000	1,300,000	1,325,000	1,350,000
		1,150,000	1,175,000	1,200,000	1,225,000	1,250,000	1,275,000	1,300,000	1,325,000	1,350,000
AQ	Senior Vice President	1,175,000	1,200,000	1,225,000	1,250,000	1,275,000	1,300,000	1,325,000	1,350,000	1,375,000
		1,175,000	1,200,000	1,225,000	1,250,000	1,275,000	1,300,000	1,325,000	1,350,000	1,375,000
AR	Vice President	1,200,000	1,225,000	1,250,000	1,275,000	1,300,000	1,325,000	1,350,000	1,375,000	1,400,000
		1,200,000	1,225,000	1,250,000	1,275,000	1,300,000	1,325,000	1,350,000	1,375,000	1,400,000
AS	Senior Vice President	1,225,000	1,250,000	1,275,000	1,300,000	1,325,000	1,350,000	1,375,000	1,400,000	1,425,000
		1,225,000	1,250,000	1,275,000	1,300,000	1,325,000	1,350,000	1,375,000	1,400,000	1,425,000
AT	Vice President	1,250,000	1,275,000	1,300,000	1,325,000	1,350,000	1,375,000	1,400,000	1,425,000	1,450,000
		1,250,000	1,275,000	1,300,000	1,325,000	1,350,000	1,375,000	1,400,000	1,425,000	1,450,000
AU	Senior Vice President	1,275,000	1,300,000	1,325,000	1,350,000	1,375,000	1,400,000	1,4		

Grid Cell

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

OFFENSE CLASS	PRISON RECORD LEVEL				DISPOSITION
	I 0-1 P.Y.	II 2-3 P.Y.	III 4-5 P.Y.	IV 16-17 P.Y.	
A Felony Murder	20-25	25-30	30-35	35-40	Life Imprisonment
B1 Murder	20-25	25-30	30-35	35-40	Life Imprisonment
B2 Murder	20-25	25-30	30-35	35-40	Life Imprisonment
C Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
D Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
E Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
F Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
G Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
H Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
I Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
J Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
K Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
L Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
M Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
N Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
O Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
P Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
Q Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
R Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
S Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
T Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
U Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
V Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
W Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
X Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
Y Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
Z Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment

Grid Cell



Terms of Imprisonment

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

OFFENSE CLASS	PRISON RECORD LEVEL				DISPOSITION
	I 0-1 P.Y.	II 2-3 P.Y.	III 4-5 P.Y.	IV 16-17 P.Y.	
A Felony Murder	20-25	25-30	30-35	35-40	Life Imprisonment
B1 Murder	20-25	25-30	30-35	35-40	Life Imprisonment
B2 Murder	20-25	25-30	30-35	35-40	Life Imprisonment
C Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
D Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
E Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
F Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
G Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
H Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
I Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
J Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
K Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
L Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
M Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
N Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
O Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
P Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
Q Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
R Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
S Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
T Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
U Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
V Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
W Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
X Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
Y Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment
Z Felony Assault	10-15	15-20	20-25	25-30	Life Imprisonment

Dispositional Options

OFFENSE CLASS	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts
A New Offense Felony	10-15	15-20	20-25	25-30	30-35	35-40
B1 New Offense Misdemeanor	10-15	15-20	20-25	25-30	30-35	35-40
B2 New Offense Misdemeanor	10-15	15-20	20-25	25-30	30-35	35-40
C New Offense Misdemeanor	10-15	15-20	20-25	25-30	30-35	35-40
D New Offense Misdemeanor	10-15	15-20	20-25	25-30	30-35	35-40
E New Offense Misdemeanor	10-15	15-20	20-25	25-30	30-35	35-40
F New Offense Misdemeanor	10-15	15-20	20-25	25-30	30-35	35-40
G New Offense Misdemeanor	10-15	15-20	20-25	25-30	30-35	35-40
H New Offense Misdemeanor	10-15	15-20	20-25	25-30	30-35	35-40
I New Offense Misdemeanor	10-15	15-20	20-25	25-30	30-35	35-40

Judge's discretion (points to cell A, I)

Mandatory Non-Active (points to cell A, I)

Mandatory Active (points to cell A, VI)

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Basic steps for felony sentencing

- Step 1: Determine the Applicable Law
- Step 2: Determine the Offense Class
- Step 3: Calculate the Prior Record Level
- Step 4: Consider Aggravating and Mitigating Factors
- Step 5: Select a Sentence of Imprisonment
- Step 6: Choose a Sentence Disposition
- Step 7: Review Additional Issues, as Appropriate

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Exercise 1

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Felony Sentencing: Min-Max

Permissible Minimum Sentences Corresponding Maximums

Class B1-E (sex offender max in parentheses)
120% of Min. + 12
(120% of Min. + 60)

Class F-I
120% of Min. + 9

The image shows a detailed table of sentencing guidelines. The left side lists offense classes (A through I) with their respective minimum and maximum sentences. The right side provides corresponding maximums for each class. Two callouts are present: one for Class B1-E stating '120% of Min. + 12 (120% of Min. + 60)' and another for Class F-I stating '120% of Min. + 9'.

Grid Cell

C/I/A

6-8

~~5-6~~

4-5

The image shows a grid cell with the heading 'C/I/A'. Below it are three rows of sentencing ranges: '6-8', '5-6' (which is circled in red), and '4-5'.

Felony Sentencing



Felony Offenses Committed on or after October 1, 2011
MINIMUM SENTENCES AND DISPOSITIONAL OPTIONS

“6-17 months, Active”



The image shows a detailed table of sentencing guidelines. A callout bubble points to a specific cell in the table, stating '6-17 months, Active'. The table lists offense classes and their corresponding minimum and maximum sentences.

Place of Confinement

- Felony: N.C. Division of Adult Correction (Prison)






What does it mean?

Credits

- Jail credit
 - Credit for time the defendant has already served
- Sentence reduction credits
 - Time the defendant may work off his or her sentence while incarcerated
 - Structured Sentencing: Earned Time
 - Impaired Driving: Good Time

Exercise 1.b

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Probationary Sentences

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Dispositional Options

Community
Probation or
just a fine

Intermediate
Supervised probation that
may include a split sentence
or drug treatment court

Active
Prison

C/I/A

6-8
5-6
4-5

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**First, impose a term of imprisonment
and SUSPEND it**

Probationary Sentences

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

Probationary Sentences

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

Probationary Sentences

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

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Period of probation

- Default ranges for felonies
 - Community: Between 12 and 30 months
 - Intermediate: Between 18 and 36 months
- May be longer or shorter with findings

Impairment required for special probation set forth on AOC-CR-603A, Page Two.

SUSPENSION OF SENTENCE

Subject to the conditions set out below, the execution of this sentence is suspended and the defendant is placed on ☐ supervised ☐ unsupervised probation for _____ months.

1. The Court finds that a ☒ longer ☐ 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 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 ☐ when the defendant is released from incarceration ☐ at the expiration of the sentence. In the case below:

File No. _____ Office _____ County _____ Court _____ Date _____

4. The defendant shall comply with the conditions set forth in file number _____

- Maximum length (with findings) is 60 months

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Probationary Sentences

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

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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

Conditions of probation

The diagram illustrates the hierarchy and application of probation conditions. It shows several forms from the UNC system, categorized into five groups with colored callouts: Regular (orange), Special (blue), Community and Intermediate (green), Intermediate-only Conditions (purple), and Default Intermediate Conditions (red). The forms include sections for 'REGULAR CONDITIONS OF PROBATION', 'SPECIAL CONDITIONS OF PROBATION', 'COMMUNITY AND INTERMEDIATE CONDITIONS', 'INTERMEDIATE-ONLY CONDITIONS', and 'INTERMEDIATE CONDITIONS OF PROBATION'.

Probationary Sentences

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

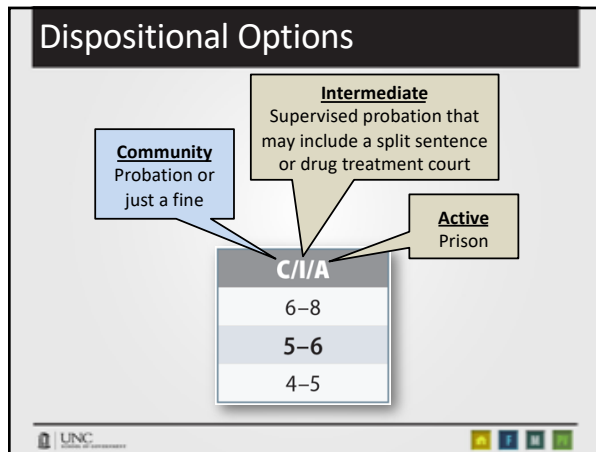
Delegated authority

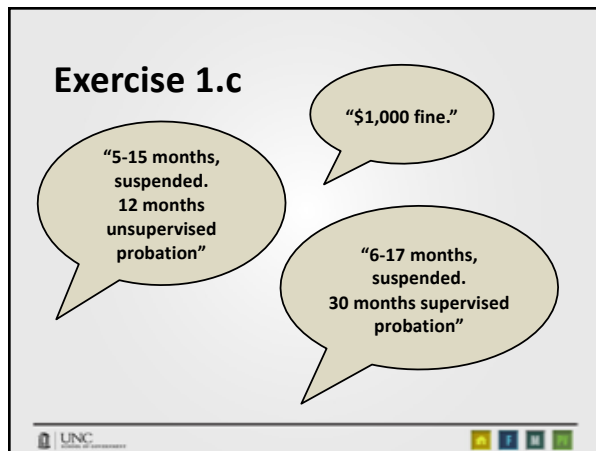
- Allows probation officer to impose certain conditions without prior court approval, including:
 - Community service
 - House arrest or curfew
 - 2-3 day jail confinement (“quick dip”)
- Applies unless judge says otherwise

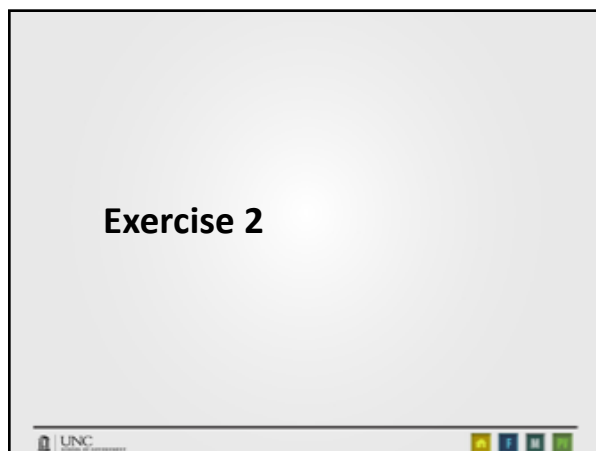
Exercise 1.b

“6-17 months, suspended.
36 months of supervised
probation”

Exercise 1.c









I/A	
	13-16
	10-13
ASR	8-10

Exercise 3.a

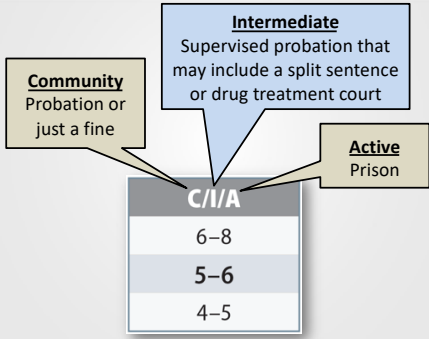
I/A	
	14-18
	12-14
ASR	9-12

"12-24 months, suspended. 36 months supervised probation."



Exercise 3.b

Dispositional Options





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

Special probation (split sentence)

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

I/A	14-18
	12-14
ASR	9-12

"14-26 months, suspended. 60 months supervised probation. 6.5 months of special probation in the custody of DAC."

Exercise 4

[illegible]

STATE OF NORTH CAROLINA		County	
STATE VERIFICATION I am the Natural Child of [parent] I am the [] Natural Child of [parent]		WORKSHEET RECORD LEVEL FOR FELDNY SENTENCING AND PRISON CONVICTION LEVEL FOR MIDDLEMAN SENTENCING AND PRISON CONVICTION LEVEL (For Felony Convictions and Prison Sentences)	
DATE VERIFIED State of North Carolina		DATE _____	
NAME _____		DOB _____	
SEX _____		DOB _____	
ADDRESS _____ _____ _____		PRISON _____ _____ _____	
PRISON _____ _____ _____		PRISON _____ _____ _____	
PRISON _____ _____ _____		PRISON _____ _____ _____	
PRISON _____ _____ _____		PRISON _____ _____ _____	
PRISON _____ _____ _____		PRISON _____ _____ _____	
PRISON _____ _____ _____		PRISON _____ _____ _____	
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PRISON _____ _____ _____		PRISON _____ _____ _____	
PRISON _____ _____ _____		PRISON _____ _____ _____	
PRISON _____ _____ _____		PRISON _____ _____ _____	
PRISON _____ _____ _____		PRISON _____ _____ _____	
PRISON _____ _____ _____		PRISON _____ _____ _____	
PRISON _____ _____ _____		PRISON _____ _____ _____	

Prior record level (p. 2)

COUNT

- All felonies
- Class 1 and Class A1 non-traffic misdemeanors
- DWI, commercial DWI, and death by vehicle
- Prayer for Judgment (PJC)
- Crimes from other jurisdictions

DON'T COUNT

- Class 2 & 3 misdemeanors
- Traffic misdemeanors (other than DWI, commercial DWI, and death by vehicle)
- Infractions
- Contempt adjudications
- Convictions used to habitualize
- Juvenile adjudications

- Count only the most serious conviction from a single calendar week of superior court, or session of district court



Prior record "bonus points"

- Under supervision (+1)
 - Committed while on probation, parole, post-release supervision, incarcerated, or on escape
- Same elements (+1)
 - All elements of the present offense included in a prior offense





Crimes from other jurisdictions

- By default:
 - Prior out-of-state felonies: Class 1 (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



Exercise 4.a






Prior record level exercise



A defendant has the following prior record:

✓	11/1/98	DWI
✗	1/12/01	DWLR
✓	8/4/03	PJC for communicating threats (Class 1)
✓	4/25/08	2d deg burglary (Class G)
✗	4/25/08	Poss. stolen goods (Class H)
✗	10/22/10	Criminal contempt (30 days)
✓	2/13/11	First-degree rape (South Carolina)
+1	Current crime committed while on parole	

9 points → Level III

Exercise 4.b

Crimes from other jurisdictions

NOTE: If state conviction(s) are 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...."

No. Of Prior Convictions
0
1 - 4
5+

☐ The Court has determined that the defendant's prior convictions to be as shown above.

☐ In making this determination, the Court has relied upon the State's evidence of the defendant's prior convictions from a computer printout of DOJ-CCH.

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

☐ 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.

☐ The Court finds that the State and the defendant have stipulated in open court to the prior convictions, points and record level.

Date _____ Name Of Presiding Judge (Type Or Print) _____ Signature Of Presiding Judge _____

Prior record level exercise

A defendant has the following prior record:

- ✔ 11/1/98 DWI
- ✗ 1/12/01 DWLR
- ✗ 8/4/03 PJC for communicating threats (Class 1)
- ✔ 4/25/08 2d deg burglary (Class G)
- ✗ 4/25/08 Poss. stolen goods (Class H)
- ✗ 10/22/10 Criminal contempt (30 days)
- ✔ 2/13/11 First-degree rape (South Carolina)
- +1 Current crime committed while on parole

16 points → Level V

Exercise 4.c

SEX OFFENDER CONDITIONS (G.S. 15A-1343(b2))

A defendant who has been convicted of a reportable sex crime or an offense that involves the physical, mental, or sexual abuse of a minor must be made subject to the following conditions. These defendants may not be placed on unsupervised probation.

1. Register as required by G.S. 14-208.7 if the offense is a reportable conviction as defined by G.S. 14-208.6(4).
2. Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the court.
3. Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.
4. Not reside in a household with any minor child if the offense is one in which there is evidence of sexual abuse of a minor.
5. Not reside in a household with any minor child if the offense is one in which there is evidence of physical or mental abuse of a minor, unless the court expressly finds that it is unlikely that the defendant's harmful or abusive conduct will recur and that it would be in the minor child's best interest to allow the probationer to reside in the same household with a minor child.
6. Satisfy any other conditions determined by the court to be reasonably related to his or her rehabilitation.
7. Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes, if the defendant is described by G.S. 14-208.40(a)(1).
8. Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes, if the defendant is described by G.S. 14-208.40(a)(2) and DAC, based on its risk assessment program, recommends that the defendant submit to the highest possible level of supervision and monitoring.
9. Submit at reasonable times to warrantless searches by a probation officer of the probationer's person and of the probationer's vehicle and premises while the probationer is present, for purposes specified by the court and reasonably related to the probation supervision, but the probationer may not be required to submit to any other search that would otherwise be unlawful. For purposes of this subdivision, warrantless searches of the probationer's computer or other electronic mechanism which may contain electronic data shall be considered reasonably related to the probation supervision. Whenever the warrantless search consists of testing for the presence of illegal drugs, the probationer may also be required to reimburse DAC for the actual cost of drug screening and drug testing, if the results are positive.

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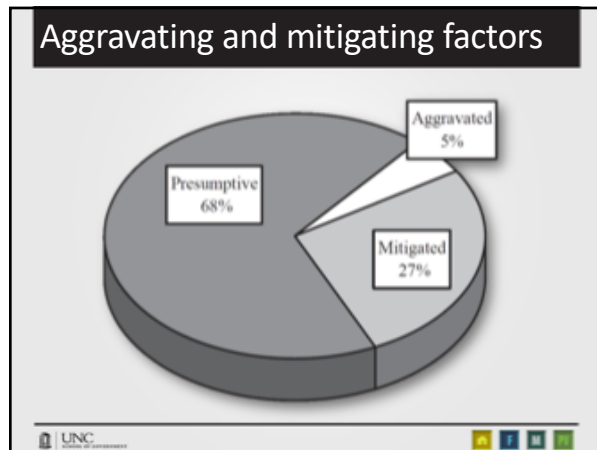
Exercise 4.d

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Aggravating and mitigating factors

A	
28-36	Aggravated
23-28	PRESUMPTIVE
ASR 17-23	Mitigated

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University of North Carolina



- ### Aggravating factors: Procedure
- State must provide notice of intent to prove
 - Statutory aggravators need not be pled
 - Non-statutory (ad hoc) aggravators must be pled
 - State must prove aggravators to the jury beyond a reasonable doubt, unless they are admitted to by the defendant
 - Prohibited aggravating factors:
 - Evidence necessary to prove an element
 - Same item of evidence may not be used to prove more than one aggravating factor
 - Exercise of right to jury trial
- UNC
University of North Carolina

- ### Mitigating factors: Procedure
- Defendant must be given opportunity to prove
 - Defendant must prove by preponderance
 - Findings are by the court (no jury findings required)
- UNC
University of North Carolina

Aggravating factors

STATE OF NORTH CAROLINA File No. _____

County _____ In The General Court Of Justice
☐ District ☐ Superior Court Division

STATE VERSUS

Name Of Defendant _____

Offense _____

**FELONY JUDGMENT
FINDINGS OF AGGRAVATING
AND MITIGATING FACTORS
(STRUCTURED SENTENCING)** G.S. 15A-1340

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

☐ 1. The Defendant:
☐ a. induced others to participate in the commission of the offense.
☐ b. occupied a position of leadership or dominance of other participants in the commission of the offense.

☐ 2. The defendant joined with more than one other person in committing the offense and was not charged with committing a conspiracy.

☐ 2a. The offense was committed for the benefit of, or at the direction of, any criminal street gang, 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.

☐ 3. The offense was committed for the purpose of:
☐ a. avoiding or preventing a lawful arrest. ☐ b. effecting an escape from custody.

☐ 4. The defendant was: ☐ a. hired to commit the offense. ☐ b. paid to commit the offense.

☐ 5. The offense was committed to:
☐ a. disrupt the lawful exercise of a governmental function or the enforcement of laws.
☐ b. hinder the lawful exercise of a governmental function or the enforcement of laws.

☐ 6. The offense was committed against or proximately caused serious injury to a present or former law enforcement officer, employee of the Department of Correction, 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.

Mitigating factors

MITIGATING FACTORS

☐ 1. The defendant committed the offense under:
☐ a. duress which was insufficient to constitute a defense but significantly reduced the defendant's culpability.
☐ b. coercion which was insufficient to constitute a defense but significantly reduced the defendant's culpability.
☐ c. threat which was insufficient to constitute a defense but significantly reduced the defendant's culpability.
☐ d. compulsion which was insufficient to constitute a defense but significantly reduced the defendant's culpability.

☐ 2. The defendant:
☐ a. was a passive participant in the commission of the offense.
☐ b. played a minor role in the commission of the offense.

☐ 3. The defendant was suffering from a:
☐ a. mental condition that was insufficient to constitute a defense but significantly reduced the defendant's culpability for the offense.
☐ b. physical condition that was insufficient to constitute a defense but significantly reduced the defendant's culpability for the offense.

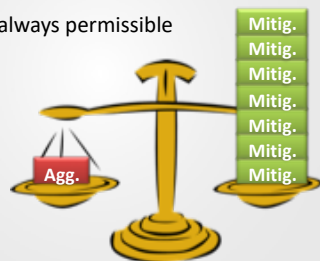
☐ 4. The defendant's:
☐ a. age, or immaturity, at the time of the commission of the offense significantly reduced the defendant's culpability for the offense.
☐ b. limited mental capacity at the time of the commission of the offense significantly reduced the defendant's culpability for the offense.

☐ 5. The defendant has made:
☐ a. substantial restitution to the victim. ☐ b. full restitution to the victim.

☐ 6. The victim was more than 16 years of age and:
☐ a. was a voluntary participant in the defendant's conduct. ☐ b. consented to the defendant's conduct.

Weighing factors

- A matter of judicial discretion
- Not a mathematical balance
- Presumptive is always permissible



Aggravating and mitigating factors

DETERMINATION

1. The Court finds that:
☐ the State provided the defendant with appropriate notice of the aggravating factor(s) in this case.
☐ the defendant waived any notice requirements as to the aggravating factor(s) in this case.

2. The Court finds that the defendant has not presented the statement required by G.S. 15A-924(a)(7), if necessary.

3. The Court finds that the defendant has presented the statement required by G.S. 15A-924(a)(7), if necessary, and based on the admission(s) and findings of aggravation and that an aggravated sentence is justified.
☐ The Court finds that the defendant has presented the statement required by G.S. 15A-924(a)(7), if necessary, and based on the admission(s) and findings of mitigation and that a mitigated sentence is justified.
☐ The Court finds that the sentence imposed is in the presumptive range.

28-36
 23-28
ASR 17-23

Aggravated
PRESUMPTIVE
 Mitigated

**"36-53 months,
Active, in the
custody of DAC."**

**"17-30 months,
Active, in the
custody of DAC."**

Exercise 5.a

Felony Sentencing: Min-Max

Permissible Minimum Sentences

OFFENSE CLASS	1 (1-10)	2 (11-20)	3 (21-30)	4 (31-40)	5 (41-50)	6 (51-60)	7 (61-70)	8 (71-80)	9 (81-90)	10 (91-100)
A	1-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100
B1	1-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100
B2	1-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100
C	1-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100
D	1-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100
E	1-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100
F	1-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100
G	1-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100
H	1-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100
I	1-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100

Corresponding Maximums

OFFENSE CLASS	1 (1-10)	2 (11-20)	3 (21-30)	4 (31-40)	5 (41-50)	6 (51-60)	7 (61-70)	8 (71-80)	9 (81-90)	10 (91-100)
A	1-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100
B1-E	1-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100
F-I	1-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100

**Class B1-E
(sex offender max in
parentheses)
120% of Min. + 12
(120% of Min. + 60)**

**Class F-I
120% of Min. + 9**

A	EM
73-92	
58-73	
44-58	

58-82 (130)
 59-83 (131)
 60-84 (132)
 61-86 (134)
 62-87 (135)
 63-88 (136)
 64-89 (137)
 65-90 (138)
 66-92 (140)
 67-93 (141)
 68-94 (142)
 69-95 (143)
 70-96 (144)
 71-98 (146)
 72-99 (147)
 73-100 (148)

**"58-130 months,
Active, in the
custody of DAC."**

**"73-148 months,
Active, in the
custody of DAC."**

Extraordinary mitigation (p. 4)

OFFENSE CLASS	I 0-1 Pt	II 2-5 Pts
A Max. Death or Life with Parole	Defendant unc.	
B1 Max. Life with Parole	240-300 192-240 144-192	276-345 221-276 166-221
B2 Max. 484 (320)	107-156 125-157 94-125	180-225 144-180 108-144
C Max. 211 (276)	73-92 58-73 44-58	83-104 67-83 50-67
D Max. 204 (252)	64-89 51-64 38-51	73-92 59-73 44-59

- Allows intermediate punishment in certain "A"-only grid cells

Advanced Supervised Release (p. 5)

I/A
25-31
20-25
ASR 15-20

Advanced Supervised Release (p. 5)

YouTube video player showing a whiteboard titled "Advanced Supervised Release". The whiteboard contains handwritten notes: "Regular" with a date "6-17", "ASR Date" with a date "8-17", and "4 mos." and "4 mos." written vertically. There are also some numbers and a small table at the top.

Sentencing Whiteboard (YouTube)

YouTube video player showing a grid of whiteboard thumbnails. The thumbnails are titled: "How Aggravated Level One DWI Sentences Are Served", "How Active Sentences for DWI Are Served", "A Typical Felony Probation Case", "Extending Probation", "Advanced Supervised Release", "How Consecutive Felonies Are Served", "How Class B1-E Felonies Are Served", and "How Class F-I Felonies Are Served". Each thumbnail shows a different sentencing scenario with handwritten notes and diagrams.

Exercise 5.b

Page 12

Sex Crimes

See [§28-101](#), Crimes Requiring Sex Offender Registration.

SATELLITE-BASED MONITORING DETERMINATION HEARING



When sentencing a crime that requires sex offender registration, the court must conduct the hearing required by G.S. 14-208.40A, at which it will make findings related to registration and determine whether the defendant is required to enroll in satellite-based monitoring (SBM). (Use form AOC-CR-615.)

NOTICE OF DUTY TO REGISTER



When sentencing a sex offender to probation, the court must give the defendant notice of his or her duty to register. G.S. 14-208.8(b). (Use form AOC-CR-261.)

NO-CONTACT ORDER

At sentencing, the district attorney may ask the court to enter a permanent no-contact order prohibiting the defendant from having any contact with the victim of the offense. A violation of a no-contact order is a Class A1 misdemeanor. G.S. 15A-1340.50. (Use form AOC-CR-620.)





Exercise 6



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

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



Sentencing multiple convictions

- Consolidated sentences
 - All convictions sentenced together may be consolidated into one sentence for the most serious offense
- Concurrent sentences
 - If judgments are silent, sentences run concurrently
- Consecutive sentences
 - One sentence begins at the expiration of another
- Probationary sentences
 - Probation *periods* must run concurrently
 - An active sentence may be followed by probation

The screenshot shows a "STATE OF NORTH CAROLINA" sentencing form. It includes fields for "Name of Defendant", "Sex", "Date of Birth", "Race", "Attorney For State", "Def. Found", "Def. Not Found", "Def. Plea", "Offense Description", "Priors", and "Sentence". Callouts point to specific sentencing options:

- Concurrent:** "6-17 months, Active."
- Consecutive:** "6-17 months, Active, to begin at the expiration of..."
- Contingent:** "6-17 months, Suspended, 24 months supervised probation to begin when the defendant is released from incarceration..."

Below the callouts, there are checkboxes for "6-8", "5-6", and "4-5".

Additional issues

- Fines
 - Amount in court's discretion (no statutory limit for felonies)
- Costs
 - Apply by default in every case
 - Waived only with written finding of just cause
 - 15-day written notice before waiving
- Fees
 - Attorney fees (IDS rules; \$60 appointment fee)
 - Probation supervision (\$40/month)
 - Jail fees (\$10/day pretrial; \$40/day probationary)
 - EHA fee (\$90 + \$4.48/day)
 - Community service fee (\$250 per sentencing transaction)

Restitution

- Must be *considered* in every case
- Mandatory in Crime Victims' Rights Act cases
- Restitution may not be ordered for pain and suffering or as punitive damages
- There must be evidence of (or stipulation to) the restitution amount

Deferrals (p. 14)

- Deferred prosecution
- Prayer for judgment continued (PJC)
- Conditional discharge
 - G.S. 90-96
 - G.S. 15A-1341(a4)

Information for sentencing (p. 15)

- Presentence investigation
- Presentence commitment for study





Misdemeanor Offenses Committed **on or after December 1, 2013**

OFFENSE CLASS	PRIOR CONVICTION LEVEL			
	I No Prior Convictions	II One to Four Prior Convictions	III 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 Fine Only* 1-10 days	One to Three Prior Convictions C Fine Only* 1-15 days	Four Prior Convictions C/I 1-15 days	C/I/A 1-20 days

*Unless otherwise provided for a specific offense, the judgment for a person convicted of a Class 3 misdemeanor who has no more than three prior convictions shall consist only of a fine.
A—Active Punishment I—Intermediate Punishment C—Community Punishment

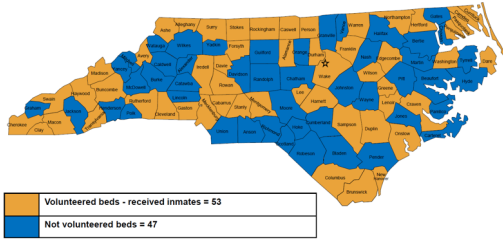
Place of Confinement

■ Place of confinement

- 90 days or less: Local jail
- 91+ days: Statewide Misdemeanant Confinement Program
- Any DWI: SMCP

Active punishment

Counties that have Volunteered Beds to the Statewide Misdemeanant Confinement Program (SMCP)



Limit on Consecutive Sentences

■ Consecutive sentences

- Permissible, but limited for misdemeanors
- Maximum total imprisonment is twice the maximum authorized sentence for the most serious offense
- If all convictions are Class 3, they must be concurrent