

Uniform Sentencing Order Committee

Tuesday, June 9, 2009

Present: Circuit Judge Virginia Vinson, Chair; Circuit Judge Scott Donaldson; District Attorney Ellen Brooks; Kathy Holt, ADOC; Circuit Clerk Corinne Hurst and Leigh McKee; Bob Williams, Shelby County Public Defender's Office; Rosa Davis, Chief Assistant Attorney General; Melisa Morrison, Analyst, ASC; Kathy Eads representing District Attorney Brandon Falls, Jefferson County; Nathan Wilson, AOC; Lynda Flynt, Director, ASC

Absent were: District Attorney Nick Abbett, Brandon Falls (but represented by Kathy Eads), Anne Adams ADOC, Vaughn Branch or TASC representative, District Attorney Greg Gambriel, Kathy Holt, Joel Sogol, Assistant District Attorney Robert Foster Johnston, Jr., DeKalb County; Judge Ben McLauchlin, Jeff Williams, ADOC; Circuit Judge David Rains; Circuit Clerk Melissa Rittenour.

Time: 10:00 a.m. CST

Chairman Vinson called the meeting to order at 10:00 CST. Referring to the Felony Sentencing Order posted on the website, Lynda Flynt requested all members to log on to <http://sc.alacourt.org>, and advised them that the form would be modified based on recommendations made during the conference call and they would be told to refresh their screen to see the revised form. It was noted that the Sentencing Order was two pages long, although it appeared to be one page on the computer screen.

The following revisions to the Sentencing Order were approved by the Committee:

1. Caption – Delete reference to “Draft A: 09-22-08) under “Case Number” and Show Revision date of 6/09 after UJS Form # on left of caption.
2. Caption - Enlarge Type referencing Case Action Summary” and capitalize the “A” in “action”.
3. Caption – Delete reference to “Shelby County”
4. 1st paragraph; Page 1 – make line for defense counsel’s name longer.
5. Make longer line for term of sentence.
6. Delete periods after blocks for “Department of Corrections, Community Corrections and County Jail.
7. In the portion of the form relating to compliance with the sentencing standards, delete the word “of” after Non-Prison Sentence

- 8.. Indent or set off by highlighting information regarding court costs, fines and other court-ordered monies.
9. Delete block reference court costs and amount and reword the first sentence to simply order payment of court costs without designating amounts.
10. Reformat provisions on court costs and court-ordered monies to provide more space on the front page; two columns if possible and use abbreviations.
11. Provision for Fair Trial Tax Fund Assessment – Reformat to allow blank to e filled in later by the court clerk.
12. Next to last paragraph under court cost and fine portion, delete last sentence of paragraph relating to surrendering driver’s license to court clerk for drug offenses.
13. Delete reference to the amount of restitution ordered.
14. Move line referencing remission of court costs and fines after section where these are imposed.
15. Page 2 – move all information above “type of Disposition,” including Application for Probation portion and judge’s signature line, to the bottom of page 1.
16. Corrected type under “Application for Probation” misspelling the word “Imposition”

Recommendations NOT Approved

- Revise form to include misdemeanor convictions and sentences.
- Have separate Order for Fines and Costs.
- Caption – Delete reference to “continuation” following “Case Action Summary.”
- Eliminate bolds and all caps for words throughout form.
- Add blank for name of assistant district attorney.
- Omit reference to use and compliance with Sentencing Standards.
- Delete all references to enhanced sentences.
- Add space for reason for departure with the sentencing standards.
- Delete provision specifying that the judge has considered the sentence recommendation under the standards.
- Delete provision on compliance with the standards (added to determine if worksheet case and if so, whether compliant).
- Move “Disposition Type” to page 1 directly after term of sentence information. And before “jail credit”.
- Reference court costs “as determined by the court clerk.”
- Add blank for amount of court costs.

- List each and every cost and fee that is assessed.
- Delete judge's signature line on page two after application for probation.
- Include code section referencing offense of conviction. (opposed by judges)
- Include provision advising to whom the defendant convicted of a drug offense is to surrender his driver's licens.

The next conference call for the committee was set for July 10th at 10:00 a.m. CST. The members were told that they would be sent copies of the latest revised forms, which they should review before the next meeting.

Bob Williams asked if the form could be shown as it will actually appear, with page endings the same. Lynda said she would check with AOC's IT people and make this request.

There being no further business, the program committee adjourned at 11:31 a.m. CST