ALABAMA SENTENCING COMMISSION

Initial Sentencing Standards

Instructions and Worksheets

Approved by Sentencing Commission Members
September 30, 2005

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GENERAL INSTRUCTIONS FOR COMPLETING SENTENCING WORKSHEETS

1. Worksheets should be completed and considered when the "most serious conviction offense" at a sentencing event, is one of the following:

Personal Worksheets	Property Worksheets	Drug Worksheets
Assault I § 13A-6-20	Burglary I § 13A-7-5	Felony DUI § 32-5a-191(h)
Assault II § 13A-6-21	Burglary II § 13A-7-6	Possession of Marihuana I § 13A-12-213
Manslaughter § 13A-6-3	Burglary III § 13A-7-7	Unlawful Possession of a Controlled Substance § 13A-12-212
Murder § 13A-6-2	Forgery II § 13A-9-2	Sale/Distribution of Marihuana (other than to a minor) § 13A-12-211
Rape I § 13A-6-61	Possession Forged Instrument II § 13A-9-6	Sale/Distribution of Schedule I-V (other than to a minor) § 13A-12-211
Rape II § 13A-6-62	Theft of Property I § 13A-8-3	
Robbery I § 13A-8-41	Theft of Property II § 13A-8-4	
Robbery II § 13A-8-42	Receiving Stolen Property I § 13A-8-17	
Robbery III § 13A-8-43	Receiving Stolen Property II § 13A-8-18	
Sodomy I § 13A-6-63	Unauthorized Use/B&E Vehicle § 13A-8-11(a)(4) & (b)	
Sodomy II § 13A-6-64	Unlawful Possession/Use Credit/Debit Card § 13A-9-14	

A "sentencing event" includes all convictions disposed of at one time.

2. To determine the "most serious conviction offense" for the purpose of scoring worksheets, the preparer should select the offense with the highest number of points listed in the first section of the corresponding sentence length worksheet.

3. Both worksheets must be completed even if the recommended disposition is "non-prison."

4. If a defendant is being sentenced for more than one crime type at the same sentencing event – e.g. both drug and property offenses – more than one set of worksheets may be completed to

determine which offense would most likely result in a recommended prison sentence and/or longest sentence length.

Example:

- If a defendant is being sentenced for Assault II (72 points) and Burglary II (70 points) at the same sentencing event, the worksheet preparer should first complete the Personal Sentencing Worksheets to determine the recommended sentencing outcome. This is because Assault II has the highest point value in the first section of the "personal" sentence length worksheet. Then, the preparer could elect to score Burglary II as the primary offense on the Worksheets to determine which sentencing outcome would be most appropriate in this particular case.

5. If a "worksheet" offense and a "non-worksheet" offense being sentenced at the same sentencing event have the same statutory maximum penalty, then the user should select the "worksheet" offense as the primary offense and the "non-worksheet" offense should be scored as an additional offense.

   Example:

   - The maximum statutory penalty for Criminal Mischief I (with no prior felony convictions) is 10 years and the maximum statutory penalty for Assault II (with no prior felony convictions) is 10 years. If both are being sentenced at the same event, the worksheet preparer should score the personal worksheets for Assault II. This is because Assault II is covered by the worksheets and Criminal Mischief I is not.

   - In the above scenario, if worksheet offense was a drug or property offense, the non-worksheet offense(s) should be scored under the "Number of Additional Felony Convictions (Including Counts)" section of the Sentence Length Worksheets.

6. If the "non-worksheet" offense has a higher maximum statutory penalty than a "worksheet" offense being sentenced at the same event, then the entire sentencing event is not covered by the worksheets.

   Example:

   - The maximum statutory penalty for Attempted Arson I (with no prior felony convictions) is 20 years and the maximum statutory penalty for Assault II (with no prior felony convictions) is 10 years. If both are being sentenced at the same event, no worksheets should be prepared. This is because the statutory maximum penalty for Attempted Arson is greater than that for Assault II.

7. Once a sentence has been selected from the recommended sentence range, it is up to the sentencing judge to decide how it shall be imposed.

   For instance, if a defendant is being sentenced for three felonies and the recommended time imposed is 30 years, then the judge has several options. He or she could:

   1. order the defendant to serve a 360 month sentence for each offense to be served concurrently;
   2. order the defendant to serve three 120 month sentences consecutively; or
   3. order the defendant to serve one 240 month sentence and two 60 month sentences consecutively, etc.

8. Prior records are to be scored based on convictions, juvenile delinquency and/or youthful offender adjudications occurring before the arrest date(s) of the offense(s) being sentenced. If an ambiguous entry on a prior record document cannot be resolved, the scorer should treat

the information in a way that gives the benefit of the doubt to the offender. If any prior record disposition information is missing, the scorer should assume that no conviction occurred. In the event of a dispute, the burden of proving the prior conviction is on the prosecutor. For the purposes of proving in-state prior convictions, any official court document – whether automated or hard copy – shall be sufficient for meeting the burden of proof requirement. When meeting the burden of proof for out-of-state convictions, certified copies of official court records shall be sufficient evidence. Out of state records need not be exemplified.

9. When completing the worksheets, matters disposed of by pleas of *nolo contendere* or "no contest" should be counted as prior convictions. In addition, any incarceration resulting from a plea of *nolo contendere* or "no contest" should be counted in the appropriate places on the worksheets.

10. In the event a defendant has received a pardon for innocence, the conviction for which he or she received the pardon should be excluded when scoring prior convictions. All other pardons – e.g. those to restore voting rights – should not be construed to affect a defendant's criminal history.

11. Worksheets are designed to be used only when the offense being sentenced is on a worksheet. They are not intended to provide guidance when sentencing similar crimes. This is because the factors included on the worksheets have been statistically derived specifically for the listed offenses and may or may not be statistically significant in predicting sentencing outcomes for others.

12. When scoring prior misdemeanor or violation convictions, all criminal convictions should be counted. Traffic convictions do not count except: Driving Under the Influence, Boating Under the Influence, Leaving the Scene of an Accident, Attempting to Elude Law Enforcement, Driving without a License and Driving While License is Suspended or Revoked.

13. Sentence lengths recommended on the worksheets are intended to give guidance in imposing prison sentences. They are not intended to suggest terms of probation. Compliance with the standards occurs when the sentence conforms with the recommended disposition (prison v. non-prison) and prison duration (months) indicated on the sentencing standards tables is imposed. Judges may however, sentence offenders sentenced to probation for the duration listed on the tables or any other lawful term and still be considered in compliance.

14. Worksheets do not have to be filled out for offenders who are assigned to drug court or pre-trial diversion until a sentence is imposed. Some jurisdictions imposed sentence as soon as a person enters drug court. In these cases, the worksheets should be completed at this time. If sentencing does not occur until later – e.g. when the person "flunks out" of the program – then the worksheets do not need to be completed until the time of sentencing. In short, for drug court and other diversionary programs, the worksheets need not be filled out until the time of sentencing.

15. All previous convictions of misdemeanor Driving Under the Influence (DUI) should be counted as priors, including when the worksheets are being completed for Felony DUI cases.

16. The court's obligation to advise the defendant as to the statutory range of punishment prior to accepting a guilty plea is not affected by the standards.

17. The recommended sentence ranges, in months, presented in the sentencing standards are expected to be applied in 75 percent of all cases being sentenced. They do not apply to mandatory life without parole sentences pursuant to the Habitual Felony Offender Act, Section 13A-5-9, Code of Alabama where a defendant who has been previously convicted of three felonies - one of which is a Class A felony. It is expected that 25 percent of all cases will fall outside of the suggested range.

18. The minimum sentence imposed under the sentencing standards must not be less than the statutory sentences specified in Paragraphs 1-3, Section 13A-5-6, Code of Alabama 1975. (Provided, however, the minimum sentence may still be "split" pursuant to Section 15-18-8, Code of Alabama 1975.)

    1. For a Class A felony, the minimum sentence imposed must be at least 120 months.
    2. For a Class B felony, the minimum sentence imposed must be at least 24 months.
    3. For a Class C felony, the minimum sentence imposed must be at least 12 months and 1 day.

    A recommended sentence of 13 months includes any portion of the 13th month, i.e. 12 months and 1 day.

19. Pursuant to § 12-25-35, Code of Alabama, 1975, worksheets should be completed and the sentencing standards recommendations shall be considered for all offenders to whom they are applicable.

20. The Sentencing Commission requests that in any case in which a sentence is imposed that is a departure from the voluntary standards, the court provide a brief reason for the departure. Such statements may be included on forms (electronic or hard copy) provided by the Sentencing Commission and used solely by the Sentencing Commission in evaluating the effectiveness of these standards. See §12-25-35 (c) and (e).

    Examples:

    More severe
    - Worksheets do not express the severity of criminality of the offender's history.
    - No alternatives to prison available.
    - Offender needs long-term substance abuse treatment available only through the Department of Corrections.
    - Injury to victim deserves greater punishment.

    Less severe
    - The worksheets exaggerate the severity of the offender's prior history.
    - Prior history not relevant to this proceeding because the prior history is too remote.
    - The recommended sentence punishes too harshly or too leniently.
    - Offender shows sufficient progress toward rehabilitation to allow alternative to prison.

21. If a score falls between two scores listed on the sentence length ranges, select the lower of the two scores to determine the recommended sentence range.

INSTRUCTIONS FOR COMPLETING DRUG OFFENSE WORKSHEETS

Worksheet # 1 - DRUG PRISON IN/OUT WORKSHEET

1. **Most Serious Conviction Offense** - The scorer should select only the most serious offense being sentenced at the current sentencing event. (See General Instructions.)

2. **Number of Prior Adult Felony Convictions** - Count all prior felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

3. **Number of Prior Adult Convictions for Misdemeanors or Violations** - Count all prior criminal convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Traffic convictions do not count except: Driving Under the Influence, Boating Under the Influence, Leaving the Scene of an Accident, Attempting to Elude Law Enforcement, Driving without a License and Driving While License is Suspended or Revoked.

4. **Prior Incarceration of One Year or More** - Count prior prison, jail or Department of Corrections/community corrections sentences where the non-suspended time imposed was one year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

   Notes: This should be counted each time a person enters (or re-enters) the prison system, whether or not the person actually serves at least a year. As long as the "non-suspended" portion of the sentence was one year or longer at the time of admission, this should be counted.

   This factor is not cumulative. For instance, if a defendant was sentenced to serve two separate non-suspended six month sentences, they should not be counted here. Only count those sentences where the non-suspended time imposed at one sentencing event was at least one year.

5. **Prior Probation or Parole Revocation -** Count prior probation or parole revocations that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Only felony probation revocations should be scored.

   Note: If the current sentencing event is part of a probation revocation proceeding, this factor should not be scored unless the offender has a prior revocation.

6. **Number of Prior Delinquency and Youthful Offender Adjudications (Violation/Misd/Felony) -** Count all prior juvenile delinquency and youthful offender adjudications that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

7. **Possession/Use of a Deadly Weapon or Dangerous Instrument -** Count this factor if there was a connection other than the mere possession of a weapon between the presence of a deadly weapon (or dangerous instrument) and the commission of any of the offense(s) being sentenced at the current sentencing event. This factor should not be counted if the deadly weapon or dangerous instrument is merely "loot" or proceeds of a sale. For the purposes of completing the worksheets, a deadly weapon or dangerous instrument shall be defined pursuant to Sections 13A-1-2 and 13A-11-72.

Most Serious Offense at Conviction Ranking

Sale Distribution of Schedule I-V (other than to minor) – 113
§ 13A-12-211

Sale/Distribution of Marihuana (other than to minor) – 84
§ 13A-12-211

Unlawful Possession of a Controlled Substance – 71
§ 13A-12-212

Felony DUI – 42
§ 32-5a-191(h)

Possession of Marihuana I – 42
§ 13A-12-213

Worksheet # 2 - DRUG PRISON SENTENCE LENGTH WORKSHEET

1. **Most Serious Conviction Offense -** The scorer should select only the most serious offense being sentenced at the current sentencing event. (See General Instructions.)

2. **Number of Additional Felony Convictions (Including Counts) -** The scorer should total all offenses being sentenced other than the most serious offense being sentenced at the present time. In the event of a multi-count indictment, all counts in which the defendant was found guilty or entered a guilty plea should be counted the same as separate convictions.

3. **Number of Prior Adult Felony Convictions -** Count all prior felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

4. **Number of Prior Adult Class C Felony Convictions -** Count only the number of prior Class C felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

   Note: These offenses should have been scored in # 3 also. These are counted again, because they are statistically significant independent of the total number of adult prior felony convictions.

5. **Prior Incarceration of One Year or More** - Count prior prison, jail or Department of Corrections/community corrections sentences where the non-suspended time imposed was one year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

   Notes: This should be counted each time a person enters (or re-enters) the prison system, whether or not the person actually *serves* at least a year. As long as the "non-suspended" portion of the sentence was one year or longer at the time of admission, this should be counted.

   This factor is not cumulative. For instance, if a defendant was sentenced to serve two separate non-suspended six month sentences, they should not be counted here. Only count those sentences where the non-suspended time imposed at one sentencing event was at least one year.

Please Print

Drug Prison In/Out Worksheet

Rev. 9/30/05

Defendant _____ **Case No.** _____
Judge _____ **Asst. DA** _____
Probation Officer _____ **Defense Attorney** _____
Worksheet Preparer, Title _____

Most Serious Conviction Offense

Possession of Marihuana or Controlled Substance	1
Felony DUI	4
Sale/Distribution of Marihuana (other than to minor)	6
Sale/Distribution of Schedule I-V (other than to minor)	6

Score ☐

Number of Prior Adult Felony Convictions

None	0
1	2
2	3
3	5
4	6
5 or more	7

Score ☐

Number of Prior Adult Convictions for Misdemeanors or Violations

0-1	0
2-5	1
6-9	2
10 or more	3

Score ☐

Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes	3

Score ☐

Prior Probation or Parole Revocation

If Yes	1

Score ☐

Number of Prior Juvenile Delinquency or YO Adjudications (Violation/Misd/Felony)

0	0
1-2	1
3-4	2
5 or more	3

Score ☐

Possession/Use of a Deadly Weapon or Dangerous Instrument

If Yes	2

Score ☐

Recommendation

Total Score ☐

1-7 points: Non-Prison

Probation ____
Community Corrections Probation ____
County Jail / Work Release ____
Other Alternative ____

8 or more points: Prison

Department of Corrections ____
DOC at Community Corrections ____
DOC Split Sentence ____

Reason Recommendation Not Accepted _____

_____

It is anticipated the standards will be applied only 75 percent of the time, and that upward or downward departures are authorized and expected to occur.

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Drug Prison Sentence Length Worksheet

Rev. 12/3/04

Defendant _____ **Case No.** _____

Most Serious Conviction Offense

Felony DUI/ Possession of Marihuana	42
Unlawful Possession of a Controlled Substance	71
Sale/Distribution of Marihuana (other than to minor)	84
Sale/Distribution of Schedule I-V (other than to minor)	113

Score ☐

Number of Additional Felony Convictions (Including Counts)

None	0
1	15
2	29
3	44
4 or more	58

Score ☐

Number of Prior Adult Felony Convictions

None	0
1	10
2	20
3	30
4	40
5 or more	50

Score ☐

Number of Prior Adult Felony Class C Convictions

None	0
1	7
2	14
3	21
4	28
5	35
6	43
7 or more	50

Score ☐

Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes	14

Score ☐

See Prison Sentence Length Recommendation Table

Total Score ☐

Recommended Sentence Range _____ **to** _____ **(straight)** _____ **to** _____ **(split)**

Actual Sentence Imposed _____

Reason did not accept sentence length recommendation _____

_____

It is anticipated the standards will be applied only 75 percent of the time, and that upward or downward departures are authorized and expected to occur.

Drug Prison Sentence Length Ranges for Worksheet

Time in Months

	Total Sentence			Time to Serve On Split		
Score	**Low**	**Mid**	**High**	**Low**	**Mid**	**High**
42	13	23	32	6	9	12
49	13	23	32	6	10	14
52	13	23	32	6	10	14
56	13	23	32	6	10	14
57	13	23	32	6	10	14
59	13	23	32	6	10	14
62	13	23	32	6	10	14
64	13	23	32	6	10	14
66	13	23	32	6	12	18
67	13	23	32	6	12	18
69	13	23	32	6	12	18
70	13	23	32	6	12	18
71	13	23	32	6	12	18
72	13	23	32	6	12	18
73	13	23	32	6	12	18
74	13	23	32	6	12	18
76	13	39	65	6	12	18
77	13	39	65	6	12	18
78	13	39	65	6	17	27
79	13	39	65	6	17	27
80	13	39	65	8	18	27
81	13	39	65	8	18	27
82	13	39	65	8	18	27
83	13	39	65	8	18	27
84	13	39	65	8	18	27
86	13	39	65	8	18	27
87	13	39	65	8	18	27
88	13	39	65	8	18	27
89	13	39	65	8	18	27
90	13	39	65	8	18	27
91	13	39	65	8	18	27
92	13	39	65	8	18	27
93	13	39	65	8	18	27
94	13	39	65	8	18	27
95	13	39	65	8	18	27
96	13	39	65	8	18	27
97	13	39	65	8	18	27
98	13	39	65	8	18	27
99	13	39	65	8	18	27
100	13	39	65	8	18	27
101	13	39	65	8	18	27
102	13	39	65	8	18	27
103	13	39	65	8	18	27
104	13	55	97	8	18	27
105	15	56	97	8	18	27
106	15	56	97	8	18	27
107	15	56	97	8	18	27
108	15	56	97	8	18	27
109	15	56	97	8	18	27

	Total Sentence			Time to Serve On Split		
Score	**Low**	**Mid**	**High**	**Low**	**Mid**	**High**
110	15	56	97	8	18	27
111	15	56	97	8	18	27
112	15	56	97	8	18	27
113	15	56	97	8	18	27
115	15	56	97	8	18	27
116	15	56	97	8	18	27
117	15	56	97	8	18	27
118	15	56	97	8	18	27
119	15	56	97	8	18	27
120	15	56	97	8	18	27
121	15	56	97	8	18	27
122	15	56	97	8	18	27
123	15	56	97	8	18	27
124	15	56	97	8	18	27
125	15	56	97	8	18	27
126	18	58	97	8	18	27
127	18	58	97	8	18	27
128	18	58	97	8	18	27
130	18	58	97	8	18	27
132	18	58	97	8	18	27
133	18	58	97	8	18	27
134	18	58	97	8	18	27
135	18	58	97	8	18	27
136	18	58	97	8	18	27
137	18	58	97	8	18	27
138	18	58	97	8	18	27
139	18	58	97	8	18	27
140	18	58	97	8	18	27
141	21	62	104	8	18	27
142	21	62	104	8	18	27
143	21	62	104	8	18	27
144	21	62	104	8	18	27
145	21	62	104	8	18	27
146	21	62	104	8	18	27
147	21	62	104	8	18	27
148	24	64	104	8	18	27
149	24	64	104	8	18	27
150	24	64	104	8	18	27
152	24	64	104	8	18	27
154	30	67	104	12	20	27
155	30	67	104	12	20	27
156	30	67	104	12	20	27
157	30	67	104	12	20	27
158	30	67	104	12	20	27
159	30	67	104	12	20	27
160	30	67	104	12	20	27
161	30	67	104	12	20	27
162	30	67	104	12	20	27
163	30	67	104	12	20	27
164	30	67	104	12	20	27
165	30	67	104	12	20	27
166	30	67	104	12	20	27
167	30	67	104	12	20	27

	Total Sentence			Time to Serve On Split		
Score	**Low**	**Mid**	**High**	**Low**	**Mid**	**High**
168	30	67	104	12	20	27
169	30	67	104	12	20	27
170	30	67	104	12	20	27
171	30	67	104	12	20	27
172	36	70	104	12	20	27
173	36	70	104	12	20	27
174	36	70	104	12	20	27
176	36	70	104	12	20	27
177	36	70	104	12	24	36
178	36	70	104	12	24	36
181	45	87	130	16	26	36
182	45	87	130	16	26	36
183	45	87	130	16	26	36
184	45	87	130	16	26	36
185	45	87	130	16	26	36
188	45	87	130	24	30	36
189	45	87	130	24	30	36
191	45	87	130	24	30	36
192	45	87	130	24	30	36
195	45	87	130	24	30	36
196	45	87	130	24	30	36
198	45	87	130	24	30	36
199	45	87	130	24	30	36
200	45	87	130	24	30	36
203	45	87	130	24	30	36
205	45	87	130	24	30	36
206	45	87	130	24	30	36
212	45	87	130	24	30	36
213	45	87	130	24	30	36
214	45	87	130	24	30	36
220	45	87	130	24	30	36
222	45	87	130	24	30	36
227	45	87	130	24	30	36
232	45	87	130	24	30	36
235	45	87	130	24	30	36
242	45	87	130	24	30	36

INSTRUCTIONS FOR COMPLETING PROPERTY OFFENSE WORKSHEETS

Worksheet # 1 - PROPERTY PRISON IN/OUT WORKSHEET

1. **Most Serious Conviction Offense -** The scorer should select only the most serious offense being sentenced at the current sentencing event. (See General Instructions.)

2. **Number of Prior Adult Felony Convictions -** Count all prior felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

3. **Number of Prior Adult Felony Convictions for the Same Felony -** Count all prior felony convictions for the same offense that occurred prior to the arrest date of the most serious offense being sentenced at the current sentencing event. Only count those offenses where the crime and the degree are identical to the current offense. For instance, if the current most serious offense is Burglary I, then a prior Burglary II or III conviction would not be scored.

4. **Number of Prior Adult Convictions for Misdemeanors or Violations** - Count all prior criminal convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Traffic convictions do not count except: Driving Under the Influence, Boating Under the Influence, Leaving the Scene of an Accident, Attempting to Elude Law Enforcement, Driving without a License and Driving While License is Suspended or Revoked.

5. **Prior Incarceration of One Year or More** - Count prior prison, jail or Department of Corrections/community corrections sentences where the non-suspended time imposed was one year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

   Notes: This should be counted each time a person enters (or re-enters) the prison system, whether or not the person actually *serves* at least a year. As long as the "non-suspended" portion of the sentence was one year or longer at the time of admission, this should be counted.

   This factor is not cumulative. For instance, if a defendant was sentenced to serve two separate non-suspended six month sentences, they should not be counted here. Only count those sentences where the non-suspended time imposed at one sentencing event was at least one year.

6. **Prior Incarceration with Sentence Imposed of Less Than One Year -** Count prior prison, jail sentences or Department of Corrections/community corrections sentences where the non-suspended time imposed was less than one year. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

   Note: If a defendant received a non-suspended sentence of less than one year to be served concurrently with a sentence of more than one year, it should not be counted here. This factor should only be scored in cases where the defendant received a non-suspended sentence of less than one year separate and apart from any longer period of incarceration imposed.

7. **Prior Probation or Parole Revocation -** Count prior probation or parole revocations that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Only felony probation revocations should be scored.

   Note: If the current sentencing event is part of a probation revocation proceeding, this factor should not be scored unless the offender has a prior revocation.

8. **Number of Prior Delinquency and Youthful Offender Adjudications (Violation/Misd/Felony) -** Count all prior juvenile delinquency and Youthful Offender adjudications that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

9. **Possession/Use of a Deadly Weapon or Dangerous Instrument -** Count this factor if there was a connection other than the mere possession of a weapon between the presence of a deadly weapon (or dangerous instrument) and the commission of any of the offense(s) being sentenced at the current sentencing event. This factor should not be counted if the deadly weapon or dangerous instrument is merely "loot" or proceeds of a sale. For the purposes of completing the worksheets, a deadly weapon or dangerous instrument shall be defined pursuant to Sections 13A-1-2 and13A-11-72.

10. **Victim Injury –** Count this factor if a victim suffered physical injury or serious physical injury during the commission or flight from the offense. For the purposes of completing the worksheet, physical injury shall be defined pursuant to Section 13A-1-2 (12), Code of Alabama 1975 and serious physical injury shall be defined pursuant to Section 13A-1-2 (14), Code of Alabama 1975.

Most Serious Offense at Conviction Ranking

Burglary I – 275 points
§13A-7-5

Burglary II – 70 points
§13A-7-6

Theft of Property I – 58 points
§13A-8-3

Receiving Stolen Property I – 58 points
§13A-8-17

Theft of Property II – 46 points
§13A-8-4

Receiving Stolen Property II – 46 points
§13A-8-18

Burglary III – 45 points
§13A-7-7

Forgery II – 44 points
§13A-9-2

Possession of a Forged Instrument II – 42 points
§13A-9-6

Possession/Use Credit/Debit Card – 39 points
§13A-9-14

Unauthorized Use[1]/B&E Vehicle – 32 points
§13A-8-11 (a)(4) & (b)

[1] Only includes felony Unauthorized Use of a Motor Vehicle, Section 13A-8-11, Code of Alabama 1975.

Worksheet # 2 - PROPERTY PRISON SENTENCE LENGTH WORKSHEET

1. **Most Serious Conviction Offense -** The scorer should select only the most serious offense being sentenced at the current sentencing event. (See General Instructions.)

2. **Number of Additional Felony Convictions (Including Counts) -** The scorer should total all offenses being sentenced other than the most serious offense being sentenced at the present time. In the event of a multi-count indictment, all counts in which the defendant was found guilty or entered a guilty plea should be counted the same as separate convictions. This does not include prior convictions - they are counted elsewhere.

3. **Number of Prior Adult Felony Convictions -** Count all prior felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

4. **Number of Prior Adult Felony Property Convictions -** Count only the number of prior felony property convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

   Note: These offenses should have been scored in # 3 also. These are counted again, because they are statistically significant independent of the total number of adult prior felony convictions.

5. **Prior Incarceration of One Year or More** - Count prior prison, jail sentences or Department of Corrections/community corrections sentences where the non-suspended time imposed was one year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

   Notes: This should be counted each time a person enters the prison system, whether or not the person actually serves at least a year. As long as the "non-suspended" portion of the sentence was one year or longer at the time of admission, this should be counted.

   This factor is not cumulative. For instance, if a defendant was sentenced to serve two separate non-suspended six month sentences, they should not be counted here. Only count those sentences where the non-suspended time imposed at one sentencing event was at least one year.

6. **Prior Probation or Parole Revocation -** Count prior probation or parole revocations that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Only felony probation revocations should be scored.

   Note: If the current sentencing event is part of a probation revocation proceeding, this factor should not be scored unless the offender has a prior revocation.

7. **Possession/Use of a Deadly Weapon or a Dangerous Instrument and/or Victim Injury –** Count this if the offender used or brandished a deadly weapon or dangerous instrument. This factor should not be counted if the deadly weapon or dangerous instrument is merely "loot" or proceeds of a sale. There should be a connection other than the mere possession of the deadly weapon or dangerous instrument for this factor to be scored. For the purposes of completing the worksheets, a deadly weapon or dangerous instrument shall be defined pursuant to Sections 13A-1-2 and13A-11-72.

   Count this factor if a victim suffered physical injury or serious physical injury during the commission or flight from the offense. For the purposes of completing the worksheet

physical injury shall be defined pursuant to Section 13A-1-2 (12), Code of Alabama 1975 and serious physical injury shall be-defined pursuant to Section 13A-1-2 (14), Code of Alabama 1975.

Additionally, this factor should be counted if the defendant enters a dwelling with a deadly weapon whether or not it was used or brandished during the commission of the offense.

8. **Acquired a Firearm During Offense –** Count this if a firearm was acquired during the commission of the offense(s) being scored at the current sentencing event.

Please Print

Property Prison In/Out Worksheet

Rev. 12/3/04

Defendant _____ **Case No.** _____

Judge _____ **Asst. DA** _____

Probation Officer _____ **Defense Attorney** _____

Worksheet Preparer, Title _____

Most Serious Conviction Offense

Possession/Use Credit/Debit Card	8
Possession Forged Instrument II, Forgery II, Theft of Prop. II, Receive Stolen Prop. II	9
Theft of Prop. I, Receive Stolen Prop. I, Unauthorized Use/B&E Vehicle	10
Burglary III	11
Burglary II	13
Burglary I	14

Score ☐

Number of Prior Adult Felony Convictions

None	0
1-2	1
3-4	2
5 or more	3

Score ☐

Number of Prior Adult Convictions for Same Felony

None	0
1	1
2	2
3-4	3
5 or more	4

Score ☐

Number of Prior Adult Convictions for Misdemeanors or Violations

0-1	0
2-5	1
6-9	2
10 or more	3

Score ☐

Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes 6

Score ☐

Prior Incarceration with Sentence Imposed of Less Than 1 Year

If Yes 3

Score ☐

Prior Probation or Parole Revocation

If Yes 2

Score ☐

Number of Prior Juvenile Delinquency or YO Adjudications (Violation/Misd/Felony)

None	0
1	1
2-3	2
4	3
5 or more	4

Score ☐

Possession/Use of a Deadly Weapon or Dangerous Instrument

If Yes 1

Score ☐

Injury to Victim

If Yes 2

Score ☐

Recommendation

Total Score ☐

8-14 points: Non-Prison

Probation ____ Community Corrections Probation ____

County Jail / Work Release ____ Other Alternative ____

Reason Recommendation Not Accepted

15 or more points: Prison

Department of Corrections ____

DOC at Community Corrections ____

DOC Split Sentence ____

_____

It is anticipated the standards will be applied only 75 percent of the time, and that upward or downward departures are authorized and expected to occur.

Please Print

Property Prison Sentence Length Worksheet

Rev. 12/3/04

Defendant _____ **Case No.** _____

Most Serious Conviction Offense

Unauthorized Use/B&E Vehicle	32	Theft of Prop. II, Receive Stolen Prop. II	46
Possession/Use Credit/Debit Card	39	Theft of Prop. I, Receive Stolen Prop. I	58
Possession Forged Instrument I	42	Burglary II	70
Forgery II	44	Burglary I	275
Burglary III	45		

Score ☐

Number of Additional Felony Convictions (Including Counts)

None	0
1	5
2	10
3 or more	15

Score ☐

Number of Prior Adult Felony Convictions

None	0	6	72
1	12	7	84
2	24	8	97
3	36	9	109
4	48	10 or more	121
5	60		

Score ☐

Number of Prior Adult Felony Property Convictions

None	0
1	7
2	14
3	21
4	27
5 or more	34

Score ☐

Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes	15

Score ☐

Prior Probation or Parole Revocation

If Yes	7

Score ☐

Possession/Use of a Deadly Weapon/Dangerous Instrument or Injury to Victim

If Yes	37

Score ☐

Acquired a Firearm During Offense

If Yes	12

Score ☐

See Prison Sentence Length Recommendation Table

Total Score ☐

Recommended Sentence Range _____ **to** _____ **(straight)** _____ **to** _____ **(split)**

Actual Sentence Imposed _____

Reason did not accept sentence length recommendation _____

_____

It is anticipated the standards will be applied only 75 percent of the time, and that upward or downward departures are authorized and expected to occur.

Property Prison Sentence Length Ranges for Worksheet

Time in Months

	Total Sentence			Time to Serve On Split		
Score	**Low**	**Mid**	**High**	**Low**	**Mid**	**High**
32	13	18	23	6	9	12
37	13	22	31	6	9	12
39	13	22	31	6	9	12
42	13	22	31	6	9	12
44	13	22	31	6	9	12
45	13	22	31	6	9	12
46	13	22	31	6	9	12
47	13	22	31	6	9	12
49	14	23	31	6	9	12
51	14	23	31	6	9	12
52	14	27	38	6	9	12
53	14	27	38	6	9	12
54	14	27	38	6	9	12
55	14	27	38	6	9	12
56	14	31	46	6	9	12
57	14	31	46	6	9	12
58	14	31	46	6	9	12
59	14	31	46	6	9	12
60	14	31	46	6	9	12
61	16	31	46	6	9	12
62	16	31	46	6	9	12
63	16	31	46	6	9	12
64	16	31	46	6	9	12
65	16	31	46	6	9	12
66	16	31	46	6	9	12
67	16	31	46	6	9	12
68	16	31	46	6	9	12
69	16	31	46	6	9	12
70	16	31	46	6	9	12
71	19	32	46	6	9	12
72	19	32	46	6	9	12
73	19	32	46	6	9	12
74	19	32	46	6	9	12
75	19	32	46	6	9	12
76	19	36	54	6	9	12
77	19	36	54	6	9	12
78	22	42	61	6	9	12
79	22	42	61	6	9	12
80	22	42	61	6	9	12
81	22	42	61	6	9	12
82	22	42	61	6	9	12
83	22	42	61	6	9	12
84	22	42	61	6	9	12
85	22	42	61	6	9	12
86	22	42	61	6	9	12
87	22	42	61	6	9	12
88	22	42	61	6	9	12

	Total Sentence			Time to Serve On Split		
Score	**Low**	**Mid**	**High**	**Low**	**Mid**	**High**
89	22	42	61	6	12	19
90	22	45	69	6	12	19
91	22	45	69	6	12	19
92	22	45	69	6	12	19
93	22	45	69	6	12	19
94	22	45	69	6	12	19
95	22	45	69	6	12	19
96	22	45	69	6	12	19
97	22	45	69	6	12	19
98	22	45	69	6	12	19
99	22	49	77	6	12	19
100	22	49	77	6	12	19
101	22	68	115	6	12	19
102	22	68	115	6	12	19
103	22	68	115	6	12	19
104	22	68	115	6	12	19
105	22	68	115	6	12	19
106	24	70	115	6	12	19
107	27	71	115	6	12	19
108	27	71	115	6	12	19
109	27	71	115	6	12	19
110	27	71	115	6	12	19
111	27	71	115	6	12	19
112	27	71	115	6	12	19
113	27	71	115	6	12	19
114	27	71	115	6	12	19
115	27	71	115	6	12	19
116	27	71	115	6	12	19
117	27	71	115	6	12	19
118	32	74	115	6	12	19
119	54	85	115	6	12	19
120	54	85	115	6	12	19
121	54	85	115	6	12	19
122	54	85	115	6	12	19
123	54	85	115	6	12	19
124	54	85	115	6	12	19
125	54	85	115	6	12	19
126	54	85	115	6	12	19
127	54	85	115	6	12	19
128	54	85	115	6	12	19
129	54	85	115	6	12	19
130	54	85	115	6	12	19
131	54	85	115	6	12	19
132	54	85	115	6	12	19
133	54	85	115	6	12	19
134	54	85	115	6	12	19
135	54	85	115	6	12	19
136	54	85	115	6	12	19
137	54	85	115	6	12	19
138	54	85	115	6	12	19

	Total Sentence			Time to Serve On Split		
Score	**Low**	**Mid**	**High**	**Low**	**Mid**	**High**
139	54	85	115	6	12	19
140	54	85	115	6	12	19
141	54	85	115	6	12	19
142	54	85	115	6	12	19
143	54	85	115	6	12	19
144	76	95	115	6	12	19
145	76	95	115	6	12	19
146	76	95	115	6	12	19
147	76	95	115	6	12	19
148	76	95	115	6	12	19
149	76	95	115	6	12	19
150	76	95	115	6	12	19
151	76	95	115	12	15	19
152	76	95	115	12	15	19
153	76	95	115	12	15	19
154	76	95	115	12	15	19
155	76	95	115	12	15	19
156	76	95	115	12	15	19
157	76	95	115	12	15	19
158	76	95	115	12	15	19
159	76	95	115	12	15	19
160	76	95	115	12	15	19
161	76	95	115	12	15	19
162	76	95	115	12	15	19
163	76	95	115	12	15	19
164	76	95	115	12	15	19
165	76	95	115	12	15	19
166	76	95	115	12	15	19
167	76	95	115	12	15	19
168	81	102	123	12	15	19
169	81	102	123	12	15	19
170	81	102	123	12	18	25
171	81	102	123	12	18	25
172	81	102	123	12	18	25
173	81	102	123	12	18	25
174	81	102	123	12	18	25
175	81	102	123	12	18	25
176	81	102	123	12	18	25
177	81	102	123	12	18	25
178	81	102	123	12	18	25
179	81	102	123	12	18	25
180	81	102	123	12	18	25
181	81	102	123	12	18	25
182	81	102	123	12	18	25
183	81	102	123	12	18	25
184	81	102	123	12	18	25
185	81	102	123	12	18	25
186	81	102	123	12	18	25
187	81	102	123	12	18	25
188	81	102	123	12	18	25

	Total Sentence			Time to Serve On Split		
Score	**Low**	**Mid**	**High**	**Low**	**Mid**	**High**
189	81	102	123	12	18	25
190	81	102	123	12	18	25
191	81	102	123	12	18	25
192	81	117	154	12	18	25
195	81	117	154	12	18	25
197	81	117	154	12	18	25
198	81	117	154	12	18	25
199	81	117	154	12	18	25
201	81	117	154	12	18	25
202	81	117	154	12	18	25
204	81	117	154	12	18	25
205	81	117	154	12	18	25
206	81	117	154	12	22	31
207	81	117	154	12	22	31
208	81	117	154	12	22	31
209	81	117	154	12	22	31
210	81	117	154	12	22	31
211	81	117	154	12	22	31
213	81	117	154	12	22	31
214	81	117	154	12	22	31
215	81	117	154	18	25	31
216	81	117	154	18	25	31
217	81	117	154	18	25	31
219	81	117	154	18	25	31
220	81	117	154	18	25	31
222	81	117	154	18	25	31
223	81	117	154	18	25	31
225	81	117	154	18	25	31
228	81	117	154	18	25	31
232	81	117	154	18	25	31
233	81	117	154	18	25	31
235	81	117	154	18	25	31
245	81	117	154	18	25	31
246	81	117	154	18	25	31
250	81	117	154	18	25	31
260	81	117	154	18	25	31
274	81	117	154	18	25	31
275	120	135	156	24	30	36
280	120	135	156	24	30	36
282	120	135	156	24	30	36
285	120	135	156	24	30	36
287	120	135	156	24	30	36
290	120	135	156	24	30	36
292	120	135	156	24	30	36
294	120	135	156	24	30	36
299	120	135	156	24	30	36
302	120	135	156	24	30	36
304	120	135	156	24	30	36
306	120	135	156	24	30	36
308	120	135	156	24	30	36

	Total Sentence			Time to Serve On Split		
Score	**Low**	**Mid**	**High**	**Low**	**Mid**	**High**
309	120	135	156	24	30	36
311	120	135	156	24	30	36
312	120	135	156	24	30	36
313	120	135	156	24	30	36
314	120	135	156	24	30	36
317	120	135	156	24	30	36
318	120	150	180	24	30	36
320	120	150	180	24	30	36
321	120	150	180	24	30	36
323	120	150	180	24	30	36
324	120	150	180	24	30	36
326	120	150	180	24	30	36
329	120	150	180	24	30	36
331	120	150	180	24	30	36
333	120	150	180	24	30	36
335	120	150	180	24	30	36
336	120	150	180	24	30	36
338	120	150	180	24	30	36
339	120	150	180	24	30	36
341	120	150	180	24	30	36
342	120	150	180	24	30	36
343	120	150	180	24	30	36
345	120	150	180	24	30	36
347	120	150	180	24	30	36
350	120	150	180	24	30	36
351	120	150	180	24	30	36
353	144	192	240	36	48	60
356	144	192	240	36	48	60
358	144	192	240	36	48	60
359	144	192	240	36	48	60
362	144	192	240	36	48	60
363	144	192	240	36	48	60
364	144	192	240	36	48	60
369	144	192	240	36	48	60
370	144	192	240	36	48	60
375	144	192	240	36	48	60
380	144	192	240	36	48	60
382	144	192	240	36	48	60
385	144	192	240	36	48	60
396	144	192	240	36	48	60
404	144	192	240	36	48	60
418	144	192	240	36	48	60

INSTRUCTIONS FOR COMPLETING PERSONAL OFFENSE WORKSHEETS

Worksheet # 1 – PERSONAL PRISON IN/OUT WORKSHEET

1. **Most Serious Conviction Offense -** The scorer should select only the most serious offense being sentenced at the current sentencing event. (See General Instructions.)

2. **Number of Prior Adult Felony Convictions -** Count all prior felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

3. **Prior Incarceration of One Year or More** - Count prior prison, jail or Department of Corrections/community corrections sentences where the non-suspended time imposed was one year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

   Notes: This should be counted each time a person enters the prison system, whether or not the person actually *serves* at least a year. As long as the "non-suspended" portion of the sentence was one year or longer at the time of admission, this should be counted.

   This factor is not cumulative. For instance, if a defendant was sentenced to serve two separate non-suspended six month sentences, they should not be counted here. Only count those sentences where the non-suspended time imposed at one sentencing event was at least one year.

4. **Number of Prior Delinquency and Youthful Offender Adjudications (Violation/Misd/Felony) -** Count all prior juvenile delinquency and Youthful Offender adjudications that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

5. **Possession/Use of a Deadly Weapon or a Dangerous Instrument–** Count this if the offender used or brandished a deadly weapon or dangerous instrument. This factor should not be counted if the deadly weapon or dangerous instrument is merely "loot" or proceeds of a sale. There should be a connection other than the mere possession of the deadly weapon or dangerous instrument for this factor to be scored. For the purposes of completing the worksheets, a deadly weapon or dangerous instrument shall be defined pursuant to Sections 13A-1-2 and13A-11-72, Code of Alabama 1975.

   Additionally, this factor should be counted if the defendant enters a dwelling with a deadly weapon whether or not it was used or brandished during the commission of the offense.

Most Serious Offense at Conviction Ranking

Murder – 728 points
§13A-6-2

Rape I – 386 points
§13A-6-61

Robbery I – 374 points
§13A-8-41

Manslaughter – 238 points
§13A-6-3

Sodomy I – 235 points
§13A-6-63

Robbery II – 173 points
§13A-8-42

Assault I – 148 points
§13A-6-20

Rape II – 129 points
§13A-6-62

Robbery III – 89 points
§13A-8-43

Sodomy II – 81 points
§13A-6-64

Assault II – 72 points
§13A-6-21

Worksheet # 2 - PERSONAL PRISON SENTENCE LENGTH WORKSHEET

1. **Most Serious Conviction Offense -** The scorer should select only the most serious offense being sentenced at the current sentencing event. (See General Instructions.)

2. **Number of Additional Felony Convictions (Including Counts) -** The scorer should total all offenses being sentenced other than the most serious offense being sentenced at the present time. In the event of a multi-count indictment, all counts in which the defendant was found guilty or entered a guilty plea should be counted the same as separate convictions.

3. **Prior Incarceration of One Year or More** - Count prior prison, jail or Department of Corrections/community corrections sentences where the non-suspended time imposed was one year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

   Notes: This should be counted each time a person enters the prison system, whether or not the person actually *serves* at least a year. As long as the "non-suspended" portion of the sentence was one year or longer at the time of admission, this should be counted.

   This factor is not cumulative. For instance, if a defendant was sentenced to serve two separate non-suspended six month sentences, they should not be counted here. Only count those sentences where the non-suspended time imposed at one sentencing event was at least one year.

4. **Prior Incarceration with Sentence Imposed of Less Than One Year -** Count prior prison, jail or Department of Corrections/community corrections sentences where the non-suspended time imposed was less than one year. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

   Note: If a defendant received a non-suspended sentence of less than one year to be served concurrently with a sentence of more than one year, it should not be counted here. This factor should only be scored in cases where the defendant received a non-suspended sentence of less than one year separate and apart from any longer period of incarceration imposed.

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Rev. 9/30/05

Personal Prison In/Out Worksheet

Defendant _____ **Case No.** _____
Judge _____ **Asst. DA** _____
Probation Officer _____ **Defense Attorney** _____
Worksheet Preparer _____

Most Serious Conviction Offense

Assault II	1	Rape II, Sodomy II, Robbery II	5
Robbery III	3	Rape I, Sodomy I, Manslaughter, Robbery I	8
Assault I	4	Murder	10

Score ☐

Number of Prior Adult Felony Convictions

None	0
1	2
2	3
3	5
4	6
5 or more	8

Score ☐

Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes	1

Score ☐

Number of Prior Juvenile Delinquency or YO Adjudications (Violation/Misd/Felony)

None	0
1-2	1
3-4	2
5 or more	3

Score ☐

Possession/Use of Deadly Weapon or Dangerous Instrument

If Yes	4

Score ☐

Recommendation

Total Score ☐

1-7 points: Non-Prison
Community Corrections Probation ____
County Jail / Work Release ____
Other Alternative ____

8 or more points: Prison
Department of Corrections ____
DOC at Community Corrections ____
DOC Split Sentence ____

Reason Recommendation Not Accepted _____

_____

It is anticipated the standards will be applied only 75 percent of the time, and that upward or downward departures are authorized and expected to occur.

Please Print

Personal Prison Sentence Length Worksheet

Rev. 12/3/04

Defendant _____ **Case No.** _____

Most Serious Conviction Offense

Assault II	72	Sodomy I	235
Sodomy II	81	Manslaughter	238
Robbery III	89	Robbery I	374
Rape II	129	Rape I	386
Assault I	148	Murder	728
Robbery II	173		

Score ☐

Number of Prior Adult Felony Convictions

None	0
1	19
2	37
3	56
4	75
5	93
6	112
7	130
8	149
9	168
10 or more	186

Score ☐

Number of Prior Incarcerations with Sentence Imposed of 1 Year or More

None	0
1	51
2	101
3	152
4	202
5 or more	253

Score ☐

Prior Incarceration with Sentence Imposed of Less Than 1 Year

If Yes	33

Score ☐

See Prison Sentence Length Recommendation Table

Total Score ☐

Recommended Sentence Range _____ **to** _____ **(straight)** _____ **to** _____ **(split)**

Actual Sentence Imposed _____

Reason would not accept sent. recommendation _____

_____

It is anticipated the standards will be applied only 75 percent of the time, and that upward or downward departures are authorized and expected to occur.

Personal Prison Sentence Length Ranges for Worksheet

Time in Months

	Total Sentence			Time to Serve On Split		
Score	**Low**	**Mid**	**High**	**Low**	**Mid**	**High**
72	13	37	60	6	15	24
81	13	37	60	6	15	24
89	13	37	60	6	15	24
91	13	37	60	6	15	24
100	13	37	60	3	14	24
105	13	47	80	6	15	24
108	13	47	80	6	15	24
109	13	47	80	6	15	24
122	13	47	80	6	15	24
123	13	47	80	6	15	24
124	13	47	80	6	15	24
126	13	47	80	6	15	24
128	13	47	80	6	15	24
129	39	71	102	6	15	24
132	47	74	102	12	18	24
133	47	74	102	12	18	24
137	47	74	102	12	18	24
141	55	78	102	12	18	24
142	55	99	143	12	24	36
145	55	99	143	12	24	36
147	55	99	143	12	24	36
148	55	99	143	12	24	36
156	55	99	143	12	24	36
159	62	103	143	12	24	36
160	62	103	143	12	24	36
162	62	103	143	12	24	36
164	62	103	143	12	24	36
166	62	108	153	12	24	36
167	78	116	153	12	24	36
169	78	116	153	12	24	36
170	78	116	153	12	24	36
173	78	116	153	12	24	36
175	78	116	153	12	24	36
177	78	116	153	12	24	36
178	78	116	153	12	24	36
179	78	116	153	12	24	36
180	78	116	153	12	24	36
181	78	116	153	12	24	36
182	78	116	153	12	24	36
184	78	116	153	12	24	36
185	78	116	153	12	24	36
192	78	126	173	12	24	36
193	78	126	173	12	24	36
196	78	126	173	12	24	36
197	78	126	173	12	24	36
198	78	126	173	12	24	36
199	78	126	173	12	24	36
200	78	126	173	12	24	36
201	78	126	173	12	24	36

	Total Sentence			Time to Serve On Split		
Score	**Low**	**Mid**	**High**	**Low**	**Mid**	**High**
204	78	126	173	12	24	36
206	78	126	173	12	24	36
209	78	126	173	12	24	36
210	78	126	173	12	24	36
215	78	126	173	12	24	36
217	78	126	173	12	24	36
218	78	126	173	12	24	36
219	78	126	173	12	24	36
223	78	126	173	12	24	36
224	78	126	173	12	24	36
225	78	126	173	12	24	36
227	78	126	173	12	24	36
229	78	126	173	12	24	36
230	78	126	173	12	24	36
231	78	126	173	12	24	36
232	78	126	173	18	29	40
233	78	126	173	18	29	40
235	78	126	173	18	29	40
236	78	126	173	18	33	48
237	78	126	173	18	33	48
238	78	126	173	18	33	48
243	78	126	173	18	33	48
248	78	141	204	18	33	48
249	78	141	204	18	33	48
251	78	141	204	18	33	48
252	78	141	204	18	33	48
253	78	141	204	18	33	48
254	86	145	204	18	33	48
255	86	145	204	18	33	48
256	86	145	204	18	33	48
257	86	145	204	18	33	48
260	86	145	204	18	33	48
261	86	145	204	18	33	48
262	86	145	204	18	33	48
265	86	145	204	18	33	48
266	86	145	204	18	33	48
267	86	145	204	18	33	48
268	86	145	204	18	33	48
269	86	145	204	18	33	48
271	86	145	204	18	33	48
272	86	145	204	18	33	48
274	86	145	204	18	33	48
275	86	145	204	18	33	48
276	86	145	204	18	33	48
280	86	145	204	18	33	48
281	86	145	204	18	33	48
283	101	153	204	18	33	48
286	101	153	204	18	33	48
287	101	153	204	18	33	48
288	101	153	204	18	33	48
289	101	153	204	18	33	48
290	101	153	204	18	33	48
291	101	153	204	18	33	48

	Total Sentence			Time to Serve On Split		
Score	**Low**	**Mid**	**High**	**Low**	**Mid**	**High**
292	101	153	204	18	33	48
294	101	153	204	18	33	48
299	101	153	204	18	33	48
300	101	153	204	18	33	48
305	101	153	204	18	33	48
307	101	153	204	18	33	48
308	101	153	204	18	33	48
311	101	153	204	22	41	60
313	101	153	204	22	41	60
316	101	153	204	22	41	60
317	101	153	204	22	41	60
319	101	153	204	22	41	60
322	101	153	204	22	41	60
323	101	153	204	22	41	60
324	101	153	204	22	41	60
326	117	161	204	22	41	60
330	117	161	204	22	41	60
331	117	161	204	22	41	60
332	117	161	204	22	41	60
334	117	161	204	22	41	60
335	117	161	204	22	41	60
336	117	161	204	22	41	60
337	117	161	204	22	41	60
338	117	161	204	22	41	60
339	117	161	204	24	42	60
342	117	161	204	24	42	60
344	117	161	204	24	42	60
345	117	161	204	24	42	60
349	117	161	204	24	42	60
350	117	161	204	24	42	60
355	117	161	204	24	42	60
356	117	161	204	24	42	60
358	117	161	204	24	42	60
359	117	161	204	24	42	60
362	117	161	204	24	42	60
363	117	161	204	24	42	60
364	117	161	204	24	42	60
366	117	161	204	24	42	60
367	117	161	204	24	42	60
371	117	186	255	24	42	60
373	117	186	255	24	42	60
374	117	186	255	24	42	60
375	117	186	255	24	42	60
376	117	186	255	24	42	60
378	117	186	255	24	42	60
379	117	186	255	24	42	60
381	117	186	255	24	42	60
386	117	186	255	24	42	60
387	117	186	255	24	42	60
389	117	186	255	24	42	60
393	117	186	255	24	42	60
400	117	186	255	24	42	60
403	117	186	255	24	42	60

	Total Sentence			Time to Serve On Split		
Score	**Low**	**Mid**	**High**	**Low**	**Mid**	**High**
404	117	186	255	24	42	60
405	117	186	255	24	42	60
406	117	186	255	24	42	60
407	117	186	255	24	42	60
409	117	186	255	24	42	60
411	117	186	255	24	42	60
412	117	186	255	24	42	60
414	117	186	255	24	42	60
418	117	186	255	24	42	60
419	117	186	255	24	42	60
423	117	186	255	24	42	60
425	117	186	255	24	42	60
426	117	186	255	24	42	60
427	117	186	255	24	42	60
428	117	186	255	24	42	60
430	117	186	255	24	42	60
431	117	186	255	24	42	60
436	117	186	255	24	42	60
437	117	186	255	24	42	60
438	156	231	306	24	42	60
439	156	231	306	24	42	60
442	156	231	306	24	42	60
444	156	231	306	24	42	60
449	156	231	306	24	42	60
450	156	231	306	24	42	60
451	156	231	306	36	48	60
455	156	231	306	36	48	60
456	156	231	306	36	48	60
457	156	231	306	36	48	60
458	156	231	306	36	48	60
460	156	231	306	36	48	60
461	156	282	408	36	48	60
462	156	282	408	36	48	60
463	156	282	408	36	48	60
465	156	282	408	36	48	60
467	156	282	408	36	48	60
470	156	282	408	36	48	60
474	156	282	408	36	48	60
475	156	282	408	36	48	60
476	156	282	408	36	48	60
477	156	282	408	36	48	60
483	156	282	408	36	48	60
487	156	282	408	36	48	60
491	156	282	408	36	48	60
493	156	282	408	36	48	60
494	156	282	408	36	48	60
495	156	282	408	36	48	60
498	156	282	408	36	48	60
500	156	282	408	36	48	60
501	156	282	408	36	48	60
505	156	282	408	36	48	60
506	156	588	1020	36	48	60
507	156	588	1020	36	48	60

	Total Sentence			Time to Serve On Split		
Score	**Low**	**Mid**	**High**	**Low**	**Mid**	**High**
510	156	588	1020	36	48	60
512	156	588	1020	36	48	60
513	156	588	1020	36	48	60
520	156	588	1020	36	48	60
524	156	588	1020	36	48	60
526	156	588	1020	36	48	60
528	156	588	1020	36	48	60
529	156	588	1020	36	48	60
530	156	588	1020	36	48	60
531	156	588	1020	36	48	60
533	156	588	1020	36	48	60
540	156	588	1020			
543	156	588	1020			
544	156	588	1020			
545	156	588	1020			
548	156	588	1020			
550	156	588	1020			
551	156	588	1020			
552	156	588	1020			
553	156	588	1020			
556	156	588	1020			
558	156	588	1020			
562	156	588	1020			
564	156	588	1020			
582	156	588	1020			
590	156	588	1020			
594	156	588	1020			
595	156	588	1020			
601	156	588	1020			
602	156	588	1020			
607	156	588	1020			
619	156	588	1020			
620	156	588	1020			
627	156	588	1020			
632	156	588	1020			
652	156	588	1020			
665	156	588	1020			
676	156	588	1020			
677	156	588	1020			
684	156	588	1020			
688	156	588	1020			
695	156	588	1020			
701	156	588	1020			
706	156	588	1020			
709	156	588	1020			
710	156	588	1020			
728	156	588	1020			
732	156	588	1020			
735	234	627	1020			
747	234	627	1020			
757	234	627	1020			
761	234	627	1020			
765	234	627	1020			

	Total Sentence			Time to Serve On Split		
Score	**Low**	**Mid**	**High**	**Low**	**Mid**	**High**
780	234	627	1020			
784	234	627	1020			
790	234	627	1020			
798	234	627	1020			
803	234	627	1020			
812	234	627	1020			
816	234	627	1020			
817	234	627	1020			
831	234	627	1020			
835	234	627	1020			
836	234	627	1020			
840	234	627	1020			
848	234	627	1020			
849	234	627	1020			
854	234	627	1020			
868	234	627	1020			
872	234	627	1020			
885	234	627	1020			
904	234	627	1020			
905	234	627	1020			
918	234	627	1020			
936	234	627	1020			
950	234	627	1020			
955	234	627	1020			
986	234	627	1020			
1010	234	627	1020			
1111	234	627	1020			
1126	234	627	1020			
1130	234	627	1020			

Sentencing Standards and Worksheets
Frequently Asked Questions

1. **What are the sentencing worksheets?**

   There are three sets of worksheets – one for each major type of offense – property, drugs and personal. For each offense type, there is an In/Out Worksheet and a Sentence Length Worksheet. Each sheet has a set of statistically relevant sentencing factors specific to each offense type. Examples of factors include: most serious current offense, other offenses being sentenced at the current sentencing event, previous convictions, previous incarcerations, juvenile/youthful offender adjudications, etc. The worksheets will result in a score that is calculated based on the information provided for each factor.

2. **What is the difference in the In/Out Worksheet and the Sentence Length Worksheet?**

   The In/Out Worksheet produces a score that recommends either a prison, probation or community corrections sentence. The Sentence Length Worksheet score tells the judge what sentence range (in months) is recommended based on the defendant's characteristics?

3. **When should they be completed?**

   Worksheets should be completed when the most serious felony offense being sentenced is any of those listed below. (Standards do not apply to misdemeanors.)

Personal Worksheets	**Property Worksheets**	**Drug Worksheets**
Assault I	Burglary I	Felony DUI
Assault II	Burglary II	Possession of Marihuana I
Manslaughter	Burglary III	Possession of Schedule I-V
Murder	Forgery II	Sale/Distribution of Marihuana (other than to a minor)
Rape I	Possession Forged Instrument II	Sale/Distribution of Schedule I-V (other than to a minor)
Rape II	Theft of Property I	
Robbery I	Theft of Property II	
Robbery II	Receiving Stolen Property I	
Robbery III	Receiving Stolen Property II	
Sodomy I	Unauthorized Use/B&E Vehicle	
Sodomy II	Unlawful Possession/Use Credit/Debit Card	

4. **Who completes the worksheets?**

   They may be completed by the district attorney, defense attorney, probation officer, court referral officer and/or community corrections personnel. The sentencing judge can designate who is responsible. It is envisioned that the DA and defense attorney will both prepare sheets and settle on a score prior to sentencing. If the two sides disagree, then the judge decides which is accurate.

5. **What if one offense being sentenced is covered by the worksheets and another is not?**

   If the non-worksheet offense is more serious than the worksheet offense, then the worksheets and standards simply do not apply. For example, if a defendant is being sentenced for Arson I (Non-worksheet, Class A felony) and Theft of Property II (Worksheet, Class C felony), then this case would not be covered. If the most serious offense is included on the worksheets, then they should be scored and the less serious, non-worksheet offense would be counted as an additional offense.

6. **What are the standards?**

   These are the suggested punishment ranges for prison sentences expressed in months. (The range is selected based on the Sentence Length Worksheet score.)

7. **How were the ranges selected?**

   The ranges were established by examining historical sentencing data and making certain minor adjustments to reflect current sentencing policies. To set the range, statisticians working for the ASC first calculated the middle 50 percent of all sentences imposed for each potential score from the Sentence Length Worksheet. Then, based on results from the Sentencing Commission's simulation model, slight adjustments were made to reflect current sentencing priorities. *Specifically, under the standards, drug and property offenders are slightly less likely to go to prison than under historic sentencing practices. Offenders convicted of personal crimes on the other hand are slightly more likely to receive a prison sentence. Similarly, drug and property offenders are likely to receive a slightly shorter sentence, while the sentence recommendation for violent offenders is likely to be a bit longer.*

8. **Does a judge have to sentence within the range suggested in the standards?**

   No. It is fully expected and intended the standards will only apply 75 percent of the time. Downward and upward departures are left up to the judge's discretion based on the facts presented in each individual case.

9. **What if a judge sentences outside of the standards?**

   He or she is requested to write a brief explanation as to why the standards are not followed. This statement is provided solely to assist the ASC in making future modifications to the standards based on courtroom feedback.

10. Are the sentences imposed under the standards subject to appellate review?
No.

11. Is this system the same as "truth-in-sentencing?"

No. Sentences imposed under the standards still allow offenders to receive good time and parole consideration. Truth in sentencing (where the time imposed matches the time to be served) is not scheduled to go into effect until 2006. By this time, a new set of standards will have been developed so the ranges recommended correspond with the amount of time actually served.

12. Are these like the federal guidelines?

Definitely Not!!! They are not even similar to mandatory of presumptive state guidelines like North Carolina, Minnesota or Kansas have. They were patterned after Virginia's guidelines and are voluntary and not subject to appellate review.

13. If they are voluntary and not subject to appellate review then why do you think judges will follow them?

There are several advantages, one of which is the fact that these standards reflect the sentencing practices generally used by judges around the state, throwing out the extremes. These standards will provide judges with the information needed to make informed sentencing decisions. Another incentive to use the standards is that the HFOA and mandatory enhancements that otherwise would apply are not applicable to sentences imposed pursuant to the standards. Additionally, the standards should also encourage plea agreements.

14. Are the standards retroactive?

No. The initial standards only apply to offenses sentenced after they become effective.

15. Why are there two sets of standards?

The initial standards were created with ranges that account for good time and parole consideration. The "time served" standards that will go into effect in 2006, will have recommended sentence ranges that appear much lower than those presented in the initial standards. This is because under the time served standards offenders will be required to serve their sentences day-for-day with no reductions.

Additionally, it is important to field test the standards and prison population simulation model prior to moving to truth in sentencing. This way, if unanticipated prison overcrowding occurs, the population can be managed through the current release mechanisms.

16. How do you decide if an offender is sentenced under the standards or the Habitual Felony Offender Act?

This is a matter of judicial discretion. Additionally, the DA may make a recommendation as to which should be applied.

17. What if the recommended range is above/below the statutory minimum?

The judge should not sentence an offender to a term that is below the "base" term for the felony class. The "base" terms are as follows:

- *Class A felonies –* ***10 years*** *to life;*
- *Class B felony –* ***2 years*** *to 20 years; and*
- *Class C felonies –* ***1 year and 1 day*** *to 10 years.*

18. When calculating prior incarcerations, should sentences resulting from nolo contendere pleas be included?

Yes. These are included in the data as an incarceration if the plea results in an unsuspended period of incarceration.

19. What if an offender had several convictions in her early twenties, but for the past 15 to 20 years has committed no crimes? What happens under the standards?

The prior offenses should still be counted just as they are under the existing Habitual Felony Offender Act. However, the judge may take the lack of criminal activity for such a long time into consideration when sentencing and use this as the basis for departing from the standards.

20. Will the Habitual Felony Offender Act disappear once the standards are fully implemented?

This could happen, because prior felony convictions will already be taken into account when determining the recommended sentence ranges. However, this is unlikely to occur until the time served (truth in sentencing) standards go into effect.

21. If the Habitual Felony Offender Act is eliminated, will the changes be applied retroactively?

Not without additional legislation. The Habitual Felony Offender Act will still apply to sentences outside the standards.

22. What if the DA and the defense attorney disagree over whether or not the victim was injured? What about other factual disputes? How do you eliminate the possibility of this sentence being appealed? Does this represent a problem under Apprendi v. New Jersey and/or Blakely v. Washington?

As long as the sentence imposed is within the statutory range of punishment, there is no legal problem with the sentence since sentencing under the standards is voluntary. To avoid disputes, however, it is recommended that any sentencing factors that affect the recommended sentence length under the standards – e.g. victim injury, prior convictions, previous incarcerations, etc. – be stipulated to in the plea bargain. In a jury trial, factors other than prior convictions may have to be determined by the jury.

23. What happens if a judge does not consider the standards at all?

Although the failure to consider the standards is not appealable, judges are required to consider the standards pursuant to Section 12-25-35, Code of Alabama 1975. It is expected that judges will respect and comply with state law relative to consideration of the standards. The fact that no right of appeal is granted does not affect the judge's responsibility.

24. What if a defendant's score is not on the worksheet?

If a score falls between two scores listed on the sheet, then select the lower of the two scores to determine the recommended sentencing range. The "breaks" in the scores simply mean there was no one in the five year cohort of sentenced offenders who received this exact score.

25. The drug worksheet sentence length scores end at 242. What happens if a defendant's score is greater than 242?

The judge may wish to depart upward from the standards. The scores listed on the sentence length tables reflect actual scores based on a five year cohort of offenders, and the maximum score on each table represents the highest score calculated for this set of cases.

26. Where were sentencing disparities found? Was there disparity between urban versus rural circuits?

Disparity was found across the board. Urban jurisdictions differed from other urban jurisdictions, and rural jurisdictions differed from other rural jurisdictions. There was even disparity within individual circuits depending on the sentencing judge. This high degree of disparity was one of the primary reasons for developing the standards.

27. What is the reason for piloting the standards?

There are several reasons. First, the ASC wants to determine how well the worksheets and instructions work in the real world to make any necessary changes before statewide implementation begins. Next, the ASC wants to collect data to determine how often the standards are being applied and why departures are occurring. These types of information will be used to "fine-tune" the worksheets, standards and instructions to make sure they are workable prior to full implementation.

28. What if mistakes are made in completing the worksheets? Will this lead to an increase in lawsuits for ineffective assistance of counsel?

This is not anticipated.

29. When scoring the youthful offender (YO) factor, do you look at the underlying offense?

No. For YO cases you just count the total number of adjudications. For juvenile cases, however, you do need to look at the underlying offense to see if it would have been a criminal offense had the person been an adult.