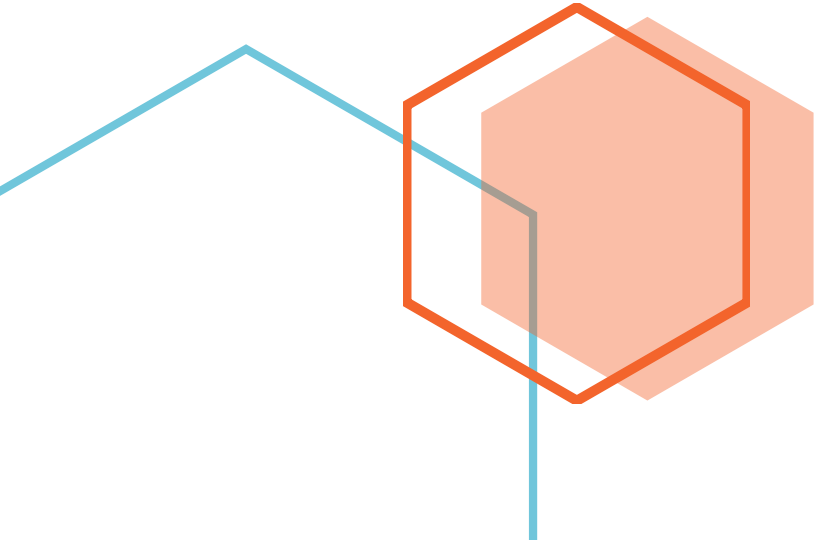




2019 Annual Report

Alabama Sentencing Commission



ALABAMA SENTENCING COMMISSION

2019 Report

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Acknowledgements

The Alabama Sentencing Commission takes this opportunity to extend its sincere appreciation to the various criminal justice agencies, departments and state and local officials for the invaluable assistance and support they have provided to the Commission. The successes achieved by the Sentencing Commission have been accomplished only because of their consistent dedication, service, and encouragement, which is indicative of the extraordinary collaboration between Alabama's Executive, Legislative and Judicial branches for the improvement of Alabama's Criminal Justice System. The commitment to inter-branch efforts has allowed the Commission to focus on its number one priority – public safety.

The Commission and staff are grateful for the assistance that has been provided by these individuals in their commitment to improve public safety in Alabama. Special recognition is extended to the following individuals and organizations for lending their knowledge, expertise and support to the Alabama Sentencing Commission.

Governor Kay Ivey

Chief Justice Tom Parker

Lieutenant Governor Will Ainsworth

Del Marsh, President Pro Tempore, Alabama Senate

Senator Cam Ward, Chair, Senate Judiciary Committee

The Alabama Senate

Mac McCutcheon, Speaker of the House, Alabama House of Representatives

Representative Jim Hill, Chair, House Judiciary Committee

Mike Jones, Chair, House Rules Committee

The Alabama House of Representatives

Joseph A. Colquitt, Chairman of the Sentencing Commission

Rich Hobson, Administrative Director of Courts

Administrative Office of Courts and staff

Court of Criminal Appeals

Alabama Circuit and District Judges' Associations

Attorney General Steve Marshall

The Alabama Department of Corrections and staff

The Alabama Board of Pardons and Paroles and staff

The Alabama District Attorneys Association/Office of Prosecution Services

Victim Advocates; VOCAL, MADD, Angel House, Coalition Against Domestic Violence

The National Association of Sentencing Commissions

Alabama Association of Community Corrections

Alabama Lawyer's Association

The Criminal Defense Lawyers Association

The Association of County Commissioners

The Alabama Sheriff's Association

The Alabama Association of Chiefs of Police

Dr. Tammy Meredith and Dr. John Speir, Applied Research Service, Inc.

**Alabama Sentencing
Commission Members**

Appointed by the Chief Justice of the Supreme Court

Retired Circuit Judge Joseph A. Colquitt, Chair
Beasley Professor of Law, University of Alabama School of Law

Governor's Appointments

Dave White
Governor's Office

Steve Searcy
Victims' Advocate

Barbara Houts
Victims' Advocate

Chris Green, Chairman
Blount County Commission

Attorney General Appointment

Michael Dean
Assistant Attorney General

President of the Alabama District Attorneys' Association Appointments

Eleanor I. Brooks, Supernumerary District Attorney, 15th Judicial Circuit
Walt Merrell, District Attorney, 22nd Judicial Circuit
Tom Anderson, District Attorney, 12th Judicial Circuit

**President of the Alabama Association of Circuit Court
Judges' Appointments**

P.B. McLauchlin, Retired Circuit Judge, 33rd Judicial Circuit
Terri Bozeman-Lovell, Circuit Judge, 2nd Judicial Circuit

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Judges' Appointment**

Claude E. Hundley, District Judge, Madison County

Chair of the House Judiciary Committee

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Chair of the Senate Judiciary Committee

Senator Cam Ward, Senate District 14

Alabama Department of Corrections

Jefferson Dunn, Commissioner

Alabama Board of Pardons and Paroles' Appointment

Eddie Cook, Executive Director

Appointment by the Chief Justice of the Supreme Court

Lou Harris, President, Institute for Criminal Justice Education

President of the Alabama Lawyers Association Appointment

Angeline Sperling, Esquire, Montgomery, AL

**President of the Alabama Criminal Defense Lawyers
Association Appointment**

Joel Sogol, Esquire, Tuscaloosa, AL

Sheriff's Association Appointment

Scott Lolley, Sheriff, Choctaw County

Association of Chiefs of Police Appointment

Ted Cook, Police Chief, Mountain Brook, AL

Executive Committee

Retired Circuit Judge Joseph A. Colquitt
Beasley Professor of Law, University of Alabama School of Law

Eleanor I. Brooks
Supernumerary District Attorney, 15th Judicial Circuit

Retired Circuit Judge P.B. McLauchlin
33rd Judicial Circuit

Joel Sogol
Esquire, Tuscaloosa, AL

Advisory Council

Circuit Judge John W. Cole
10th Judicial Circuit

Deborah Daniels
Alabama Department of Corrections Appointee

Terry Davis
Chief of Police, Boaz, AL

Doris Dease
Victim Advocate

Denis Devane
Shepherd's Fold

Bill Franklin
Sheriff, Elmore County Sheriff's Office

Nelson Gregory
Chief of Police, Geraldine, AL

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Alabama Department of Youth Services

Shelly Linderman
Project Director, Victims of Crime and Leniency (VOCAL)

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Alabama Supreme Court

Chaplin Adolph South
Tuscaloosa, AL

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Deputy Commissioner, Alabama Department of Corrections

Commission Staff

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Melisa Morrison, Research Analyst

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Executive Director, Alabama Sentencing Commission

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Alabama Board of Pardons and Paroles

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Supernumerary District Attorney, 15th Judicial Circuit

Circuit Judge John W. Cole
10th Judicial Circuit

Michael Dean
Assistant Attorney General, Office of the Attorney General

Jefferson Dunn
Commissioner, Alabama Department of Corrections

Circuit Judge John England
6th Judicial Circuit

Michael Hanle
Esquire, Birmingham, AL

Ralph Hendrix
UAB Treatment Alternatives to Street Crime (TASC)

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Circuit Judge Tim Jolley
27th Judicial Circuit

Mike Jones
Chair, House Judiciary Committee

Circuit Judge David Kimberly
16th Judicial Circuit

Jill Lee
District Attorney, 18th Judicial Circuit

Shelly Linderman
Project Director, Victims of Crime and Leniency (VOCAL)

Alyia McKee
Public Defender, Montgomery County

Retired Circuit Judge P. B. McLaughlin
33rd Judicial Circuit

Richard Minor
District Attorney, 30th Judicial Circuit

Circuit Judge Teresa Pulliam
10th Judicial Circuit

Circuit Judge Robert Smith
13th Judicial Circuit

Joel Sogol
Esquire, Tuscaloosa, AL

Joe VanHeest
Public Defender, Tuscaloosa County

Circuit Judge Jacob Walker
37th Judicial Circuit

Bob Williams
Public Defender, Shelby County

Jeff Williams
Deputy Commissioner, Alabama Department of Corrections

Jody Willoughby
District Attorney, 16th Judicial Circuit

Mission Statement

The Alabama Sentencing Commission shall work to establish and maintain an effective, fair, and efficient sentencing system for Alabama that enhances public safety, provides truth-in-sentencing, avoids unwarranted disparity, retains meaningful judicial discretion, recognizes the most efficient and effective use of correctional resources, and provides a meaningful array of sentencing options.

ALABAMA SENTENCING COMMISSION



Joseph A. Colquitt, Chairman
Beasley Professor of Law

Tom Anderson
District Attorney, 12th Judicial Circuit

Terri Bozeman-Lovell
Circuit Judge, 2nd Judicial Circuit

Ellen Brooks
Supernumerary District Attorney,
15th Judicial Circuit

Eddie Cook
Director, Board of Pardons and Paroles

Ted Cook
Police Chief, Mountain Brook, AL

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Assistant Attorney General

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Commissioner, Department of Corrections

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Blount County Commission

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Criminal Defense Lawyers' Association

Angeline Sperling
Alabama Lawyers' Association

Cam Ward
Senate Judiciary Committee

Dave White
Governor's Office

January 18, 2019

Honorable Kay Ivey, Governor of Alabama
Honorable Tom Parker, Chief Justice, Alabama Supreme Court
Honorable Steve Marshall, Attorney General, State of Alabama
The Honorable Members of the Alabama Senate
The Honorable Members of the Alabama House of Representatives
The Citizens of Alabama

I respectfully submit for your review the 2019 Report of the Alabama Sentencing Commission. The Commission members and staff greatly appreciate the support and encouragement the State's leaders provide. Alabama's criminal justice system has seen great changes in the past decade and the Commission is thankful to continue its involvement as the State considers further changes to better protect public safety.

The passage of omnibus criminal justice legislation in 2015 included the creation of a new classification of felony, restrictions on the use of custodial sanctions for the new classification of felony, and new parameters on the length of split sentences for certain felony offenses. This sweeping legislation required the Commission to make modifications to the Sentencing Standards General Instructions to incorporate the new statutory provisions. After a few years of use, practitioners across the State provided feedback and the Commission is now proposing new worksheets and sentence length tables to aid in the use of the non-violent Sentencing Standards based on the helpful information provided by judges, prosecutors and defense counsel.

Data and information continue to be the central elements guiding the work of the Commission. This report contains information on the work of the courts including felony conviction figures. The Alabama Department of Corrections continues to see a shift in its population transitioning to one that is increasingly comprised of offenders with violent offenses. Recent changes in the law requiring more offenders to exit prison with some form of community supervision are now starting to be witnessed in the data section as well.

The Commission is preparing for a busy year ahead. Truth-in-Sentencing will be evaluated and the Commission will provide a report to the Legislature in the 2020 Regular Session. Alabama continues to receive national attention for the progress and innovations made in its criminal justice system and, with your continued support the State can continue to improve and better protect Alabamians.

Sincerely,

Joseph A. Colquitt, Chair
Alabama Sentencing Commission

EXECUTIVE SUMMARY

Sentencing Standards Modifications

With recent changes to criminal law in Alabama, including the creation of Class D felonies and amendments to the split sentencing statutes, the Sentencing Standards can be improved to help practitioners. The proposed modifications to the Sentencing Standards would make the worksheets and sentence length tables for non-violent drug and property offenses easier to use and align sentence lengths found in the sentence length tables to recent changes made in criminal law, and do not make changes to the scoring factors on the sentencing worksheets.

Proposed changes to the Standards include separate Class D Felony Drug and Class D Felony Property Worksheets to clarify the restrictions on Class D felony offenses, and changes to the Drug and Property Prison Sentence Length tables to reflect recent changes in permissible lengths of sentences for Class D felonies and split sentences for Class C and Class D felony offenders. No worksheet scoring factors have been changed. The changes to the worksheets are limited to new Class D Felony Worksheets with language reinforcing the restrictions of Class D felony options, and subsequently removing the Class D offenses from the other drug and property worksheets. No changes are recommended to the Personal Worksheets or Sentence Length tables.

Sentencing Standards and Criminal Justice Information

The combined influence of Presumptive Sentencing for non-violent offenses and Justice Reinvestment Initiative legislation (the “Prison Reform” legislation passed in 2015) have continued to decrease the number of non-violent offenders held in Alabama’s prisons. Increasingly Alabama’s prisons are housing offenders convicted of violent offenses while more non-violent offenders are diverted to community alternatives.

The number of felony convictions has remained stable in recent years but the number of Unlawful Possession of Controlled Substance convictions grew significantly in fiscal year 2017 rising 18 percent from the previous year.

The use and implementation of the Sentencing Standards is not being measured accurately by Alabama Sentencing Commission staff and needs to improve. Based on conversations and experience with key stakeholders, the information purported to reflect usage of the Sentencing Standards is not complete and vastly under reports usage of the Standards in numerous jurisdictions. One area Commission staff will study and need to revise is the measurement and reporting of Sentencing Standards statewide.

Chapter 1: Modifications to the Sentencing Standards

Act 2015-185 (“Prison Reform” legislation) made extensive changes to criminal law including the creation of a Class D felony offense classification, restricting the use of prison and jail for Class D felony offenses, and amending the lengths of permissible split sentences for Class C and Class D felony offenses. The Alabama Sentencing Commission responded to the omnibus legislation by making the necessary modifications to the Standards by amending the Standards’ Instructions to reflect the provisions of the Act (submitted in the Commission’s 2016 Annual Report).

“Prison Reform” Legislation Made Extensive Changes

The restrictions on the use of jail and prison for Class D felonies and the amendments to the permissible lengths of split sentences for Class C and Class D felony offenders were incorporated into the Instructions but often led to confusion for practitioners implementing the new policies because the Sentencing Worksheets and Sentence Length tables were not amended at the same time. In an effort to help practitioners, the Alabama Sentencing Commission is proposing modifications to the Standards that will make them easier to use. The modifications do not change any scoring factors on the worksheets. New Class D Worksheets have been created for covered drug and property offenses that reinforce the restrictions on the use of jail and prison, and new sentence length tables now reflect statutory maximums for Class D felonies and also reflect statutory maximums for Class C and Class D felony split sentences.

No Worksheet Scoring Changes

The modifications include the creation of two new sets of worksheets (one for Class D drug offenses, and one for Class D property offenses) that visually emphasize the jail and prison restrictions, and the creation of three sentence Length tables for both drug and property offenses to aid in the use of sentence selection for specific classification of felonies. The creation of new sentence length tables was required to allow for sentence ranges that accurately reflect the applicable statutory maximums based on felony offense classification.

Class D Worksheets and New Sentence Length Tables

Pursuant to ALA. CODE § 12-25-34(d), the Alabama Sentencing Commission presents the attached modifications to the Sentencing Standards. The Standards, as modified, are attached to this report as Appendix A.

Sentencing Standards Modifications Submitted

Chapter 2: Sentencing Standards Compliance and Criminal Justice Data

Judicial Compliance Model

The Commission identified a 4-Stage model used to gauge judicial compliance with the Initial Voluntary Sentencing Standards. The first stage in the process (Use Compliance) consisted of contacting local practitioners and determining how implementation of the Standards was proceeding. The second stage (Submission Compliance) entailed comparing the number of submitted *valid* worksheets to the number of applicable worksheet sentencing events. The third and fourth stages, In/Out and Sentence Length Compliance, measured compliance with the dispositional and sentence length recommendations found on the Standards worksheets.

Numerous jurisdictions that are completing and utilizing Sentencing Standards worksheets are not being properly acknowledged in Figure 1. Simply put, the numbers in Figure 1 under report the number of Sentencing Standards worksheets that are completed and considered by the court in applicable cases. Commission staff will need to craft a solution to better receive and document worksheets that are prepared and considered but not currently reflected in Figure 1. Many jurisdictions that may appear to not submit worksheets faithfully complete and utilize the Sentencing Standards, but this work is not given proper credit in the current state of Figure 1 – this will need to change.

Figure 1 displays the fiscal year 2017 number of total received worksheets and the number of valid received worksheets by county and for the entire State. The Commission’s previous Annual Reports have identified numerous obstacles that must be overcome to correctly identify the number of submitted and the number of valid worksheets. Figure 1 does not supply an adequate and full representation of the usage or submission rates across the State. This issue will be a point of emphasis for Commission staff in the upcoming year.

¹ For more detailed information about the 4-Stage model and what constitutes a valid worksheet, please see the Commission’s 2009, 2010, 2011, 2012, and 2013 Annual Reports.

Figure 1.

**Sentencing Standards Worksheets Received
October 1, 2016-September 30, 2017**

	Worksheet Sentencing Events	Total Received Worksheets for Sentencing Events	Valid Received Worksheets for Sentencing Events	% of Worksheets Sentencing Events with Valid Received Worksheets
Autauga	114	101	50	43.9%
Baldwin	474	560	140	29.5%
Barbour	45	0	0	0.0%
Bibb	18	0	0	0.0%
Blount	90	45	26	28.9%
Bullock	15	0	0	0.0%
Butler	124	100	49	39.5%
Calhoun	531	166	89	16.8%
Chambers	126	10	3	2.4%
Cherokee	146	0	0	0.0%
Chilton	129	202	84	65.1%
Choctaw	21	27	11	52.4%
Clarke	71	79	28	39.4%
Clay	35	0	0	0.0%
Cleburne	77	60	21	27.3%
Coffee	169	144	34	20.1%
Colbert	183	89	30	16.4%
Conecuh	26	32	16	61.5%
Coosa	33	0	0	0.0%
Covington	238	0	0	0.0%
Crenshaw	14	21	6	42.9%
Cullman	312	1	1	0.3%
Dale	157	213	84	53.5%
Dallas	84	0	0	0.0%
Dekalb	187	0	0	0.0%
Elmore	205	248	137	66.8%
Escambia	168	0	0	0.0%
Etowah	388	481	193	49.7%
Fayette	64	0	0	0.0%
Franklin	84	0	0	0.0%
Geneva	110	122	54	49.1%
Greene	15	7	4	26.7%
Hale	16	18	7	43.8%
Henry	57	0	0	0.0%

Figure 1. (Continued)

**Sentencing Standards Worksheets Received
October 1, 2016-September 30, 2017**

	Worksheet Sentencing Events	Total Received Worksheets for Sentencing Events	Valid Received Worksheets for Sentencing Events	% of Worksheets Sentencing Events with Valid Received Worksheets
Houston	607	0	0	0.0%
Jackson	149	199	56	37.6%
Jefferson	1,635	1,131	257	15.7%
Lamar	75	0	0	0.0%
Lauderdale	197	0	0	0.0%
Lawrence	153	185	71	46.4%
Lee	363	199	123	33.9%
Limestone	211	387	121	57.3%
Lowndes	10	10	5	50.0%
Macon	36	42	12	33.3%
Madison	978	580	207	21.2%
Marengo	46	40	19	41.3%
Marion	121	128	59	48.8%
Marshall	313	1	1	0.3%
Mobile	1,007	1,028	423	42.0%
Monroe	52	61	22	42.3%
Montgomery	472	65	34	7.2%
Morgan	540	591	322	59.6%
Perry	6	0	0	0.0%
Pickens	63	0	0	0.0%
Pike	87	48	23	26.4%
Randolph	93	105	40	43.0%
Russell	248	0	0	0.0%
Shelby	647	698	362	56.0%
St. Clair	367	292	12	3.3%
Sumter	12	11	3	25.0%
Talladega	221	41	29	13.1%
Tallapoosa	209	94	34	16.3%
Tuscaloosa	511	192	51	10.0%
Walker	267	1	0	0.0%
Washington	29	39	13	44.8%
Wilcox	17	1	0	0.0%
Winston	113	119	56	49.6%
Total	14,381	9,014	3,422	23.8%

IN/OUT COMPLIANCE

Figure 2 is a flowchart displaying the “In/Out” worksheet recommendations and “In/Out” dispositions for the worksheets for which judicial compliance is reported statewide. This flowchart is organized as follows:

Valid Worksheets

- o **Box A** - Displays the number of completed and valid worksheets received by the Sentencing Commission used to determine judicial compliance;

Recommended Dispositions

- o **Box B** - Displays the number of “In” recommendations from the completed worksheets and the percentage of submitted worksheets with a resulting “In” recommendation;

- o **Box C** - Displays the number of “Out” recommendations from the completed worksheets and the percentage of submitted worksheets with a resulting “Out” recommendation;

Imposed Dispositions

- o **Box D** - Displays the number of “In” recommendations that received an “Out” Disposition. The percentage displayed is the percentage of “In” recommendations that received an “Out” disposition;

- o **Box E** - Displays the number of “In” recommendations that received an “In” Disposition. The percentage displayed is the percentage of “In” recommendations that received an “In” disposition;

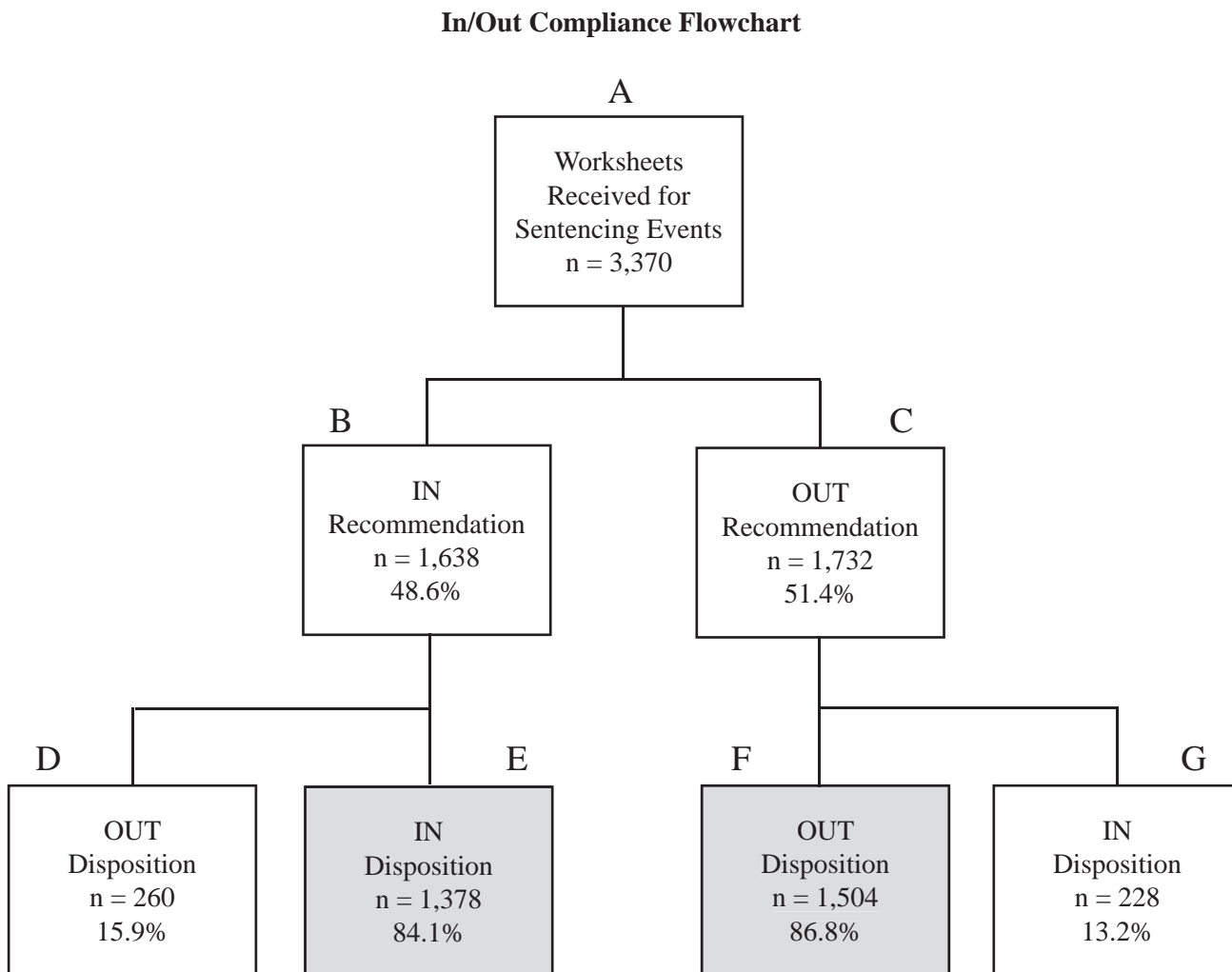
- o **Box F** - Displays the number of “Out” recommendations that received an “Out” Disposition. The percentage displayed is the percentage of “Out” recommendations that received an “Out” disposition;

- o **Box G** - Displays the number of “Out” recommendations that received an “In” Disposition. The percentage displayed is the percentage of “Out” recommendations that received an “In” disposition.

Box A shows the starting number of valid worksheets used to report judicial compliance – 3,370 worksheets. The “In/Out” recommendations reflect the Prison vs. Non-Prison recommendation based on the total score of the “In/Out” worksheet. An “Out” disposition was recommended in 51 percent of the received worksheets and an “In” disposition was recommended in 49 percent of the received worksheets. For those worksheets with an “In” recommendation, an “In” disposition was imposed 84 percent of the time (Box E). For those worksheets with an “Out” recommendation, an “Out” disposition was imposed 87 percent of the time (Box F).

The shaded boxes (Boxes E and F) indicate sentencing events that were “In/Out” compliant - that is a “prison” sentence was imposed for an “In” recommendation, or a “non-prison” sentence was imposed for an “Out” recommendation. Figure 3 provides examples of combinations of worksheet recommendations and case dispositions to show where sentencing events are categorized on the In/Out flowchart.

Figure 2.



² For the purpose of determining compliance only, an imposed community corrections sentence was categorized as In/Out compliant regardless of the worksheet In/Out recommendation (see Figure 3 for examples).

Figure 3.

In/Out Compliance Examples			
Worksheet Recommendation	Imposed Sentence	Box Destination	IN/OUT Compliant
IN	Probation	Box D	No
IN	Community Corrections	Box E	Yes
IN	Jail	Box D	No
IN	Prison	Box E	Yes
OUT	Probation	Box F	Yes
OUT	Community Corrections	Box F	Yes
OUT	Jail	Box F	Yes
OUT	Prison	Box G	No

Offense Category Compliance Flowcharts

Figure 4.

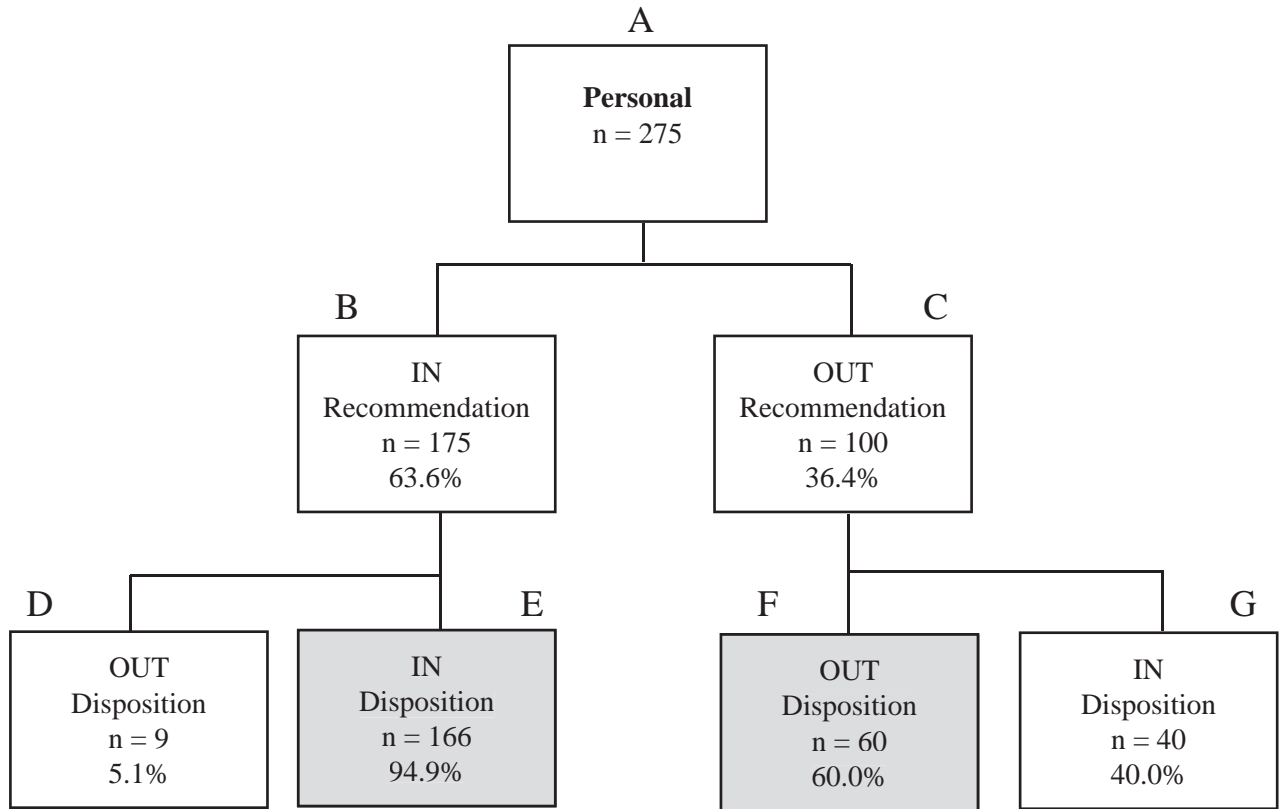
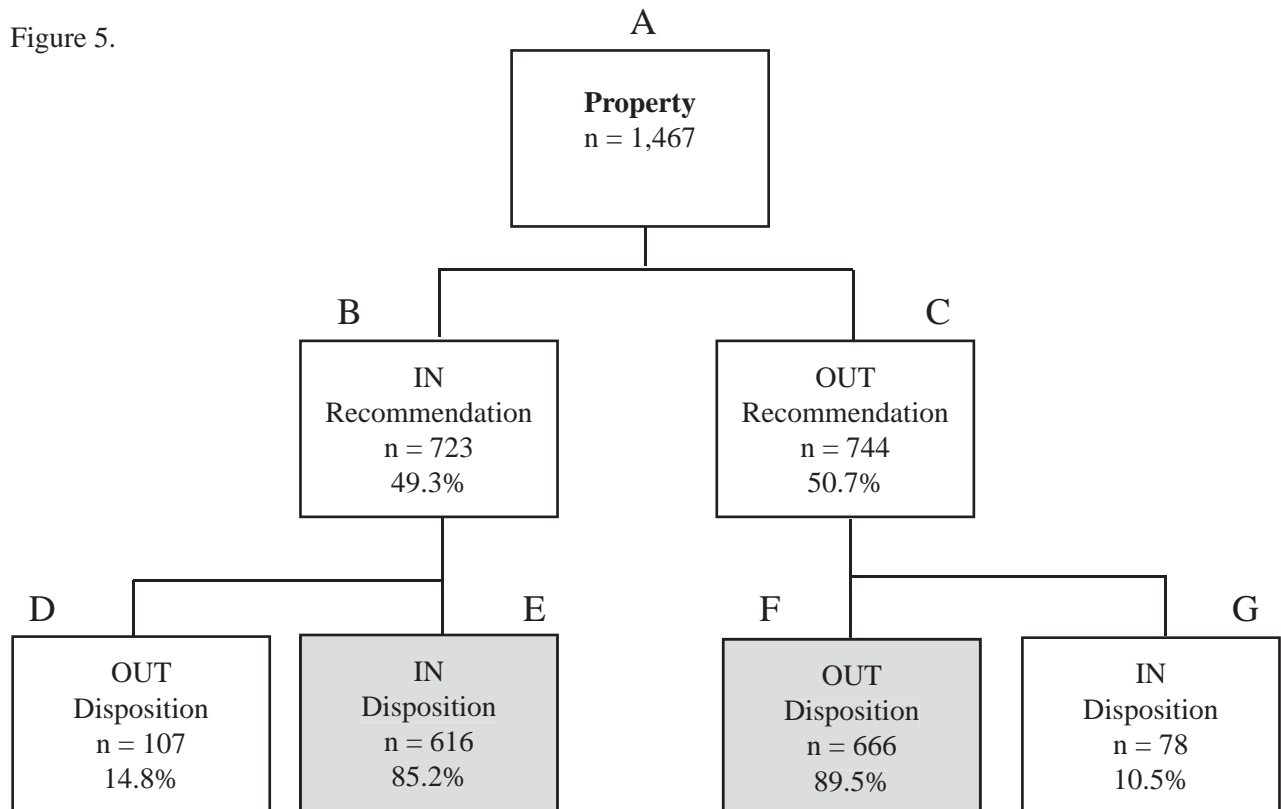


Figure 5.



Offense Category Compliance Flowcharts (Continued)

Figure 6.

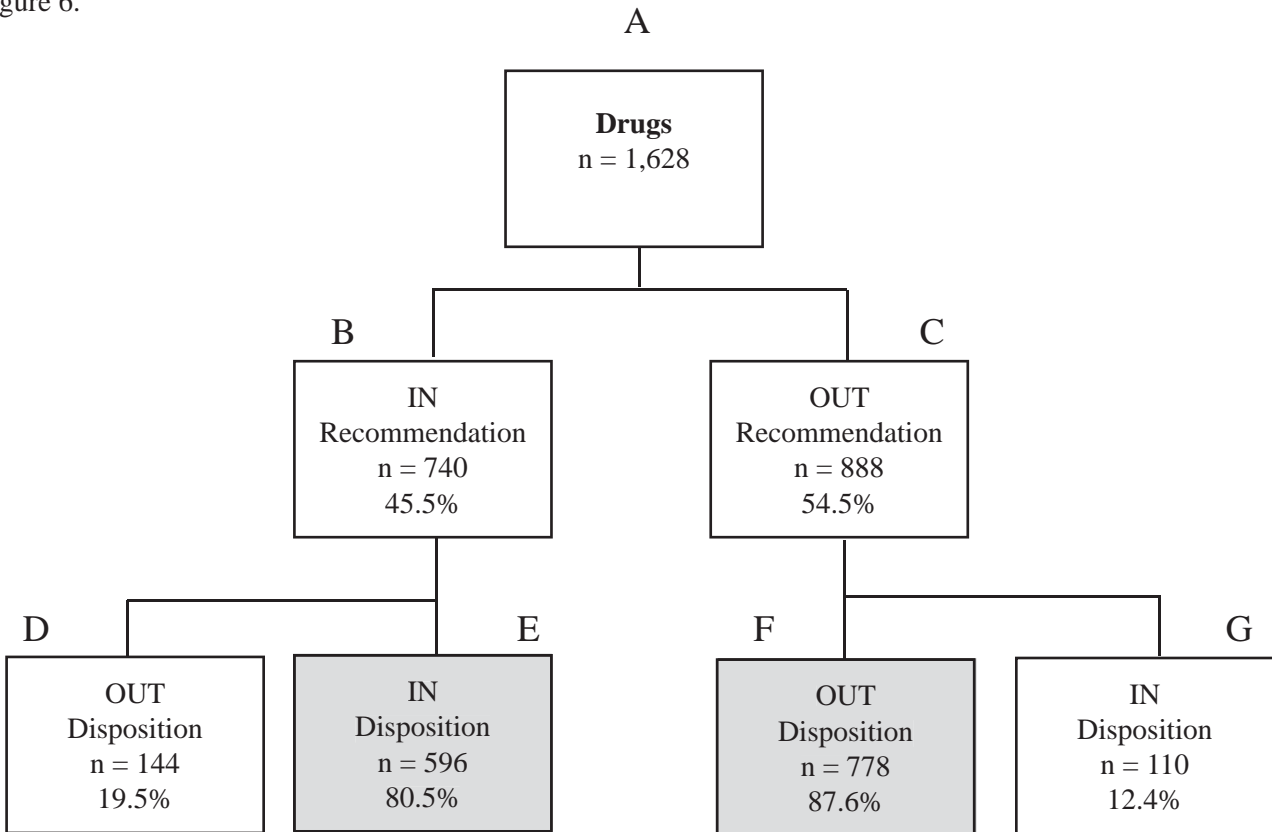


Figure 4 reports the In/Out compliance for the personal worksheet category, Figure 5 reports the In/Out compliance for the property worksheet category, and Figure 6 reports the In/Out compliance for the drug worksheet category.

The Personal worksheet has the highest compliance with “In” recommendations at 95 percent of offenders receiving a prison sentence for a corresponding “In” recommendation. The Property worksheet had 85 percent compliance with “In” recommendations while the Drugs worksheet had 81 percent compliance with “In” recommendations. The Personal worksheet, while having the highest compliance with “In” recommendations, had the lowest compliance with “Out” recommendations at 60 percent. The Property and Drugs worksheets had 90 and 88 percent compliance with “Out” recommendations, respectively.

Race & Gender Compliance Charts

Figures 7 and 8 provide statewide compliance with the Sentencing Standards by race and gender, respectively. Compliance data with the Standards show similar compliance rates for Black and White offenders. The “Other” category consists of a small number (n=37) of offenders representing numerous racial groups. While no large disparity is found in the compliance figures controlling for race, the overall compliance percentage for females is higher than for males.

Figure 7.

Race			
	Overall	In/Out	
Black	78.5%	86.3%	n=1,343
White	78.6%	84.8%	n=1,990
Other	83.8%	94.6%	n=37

Figure 8.

Gender			
	Overall	In/Out	
Female	84.7%	87.5%	n=808
Male	76.7%	84.9%	n=2,562

SENTENCE LENGTH COMPLIANCE

Sentence Length compliance is measured by comparing the term(s) of confinement to the recommended term(s) of confinement found on the Sentence Length sentencing worksheet. For an imposed direct/straight prison sentence, the length of imposed confinement is compared to the “straight” recommended sentence range found on the Sentence Length worksheet. For an imposed split sentence, the split portion and the total sentence lengths are compared to the split and straight Sentence Length recommended sentence ranges found on the Sentence Length worksheet. For a direct/straight sentence to be Sentence Length compliant, the imposed confinement must fall within the “straight” Sentence Length range found on the worksheet. For a split sentence to be Sentence Length compliant, the split portion of the sentence and the total length portion of the sentence must both be within the “straight” and “split” ranges found on the worksheet.

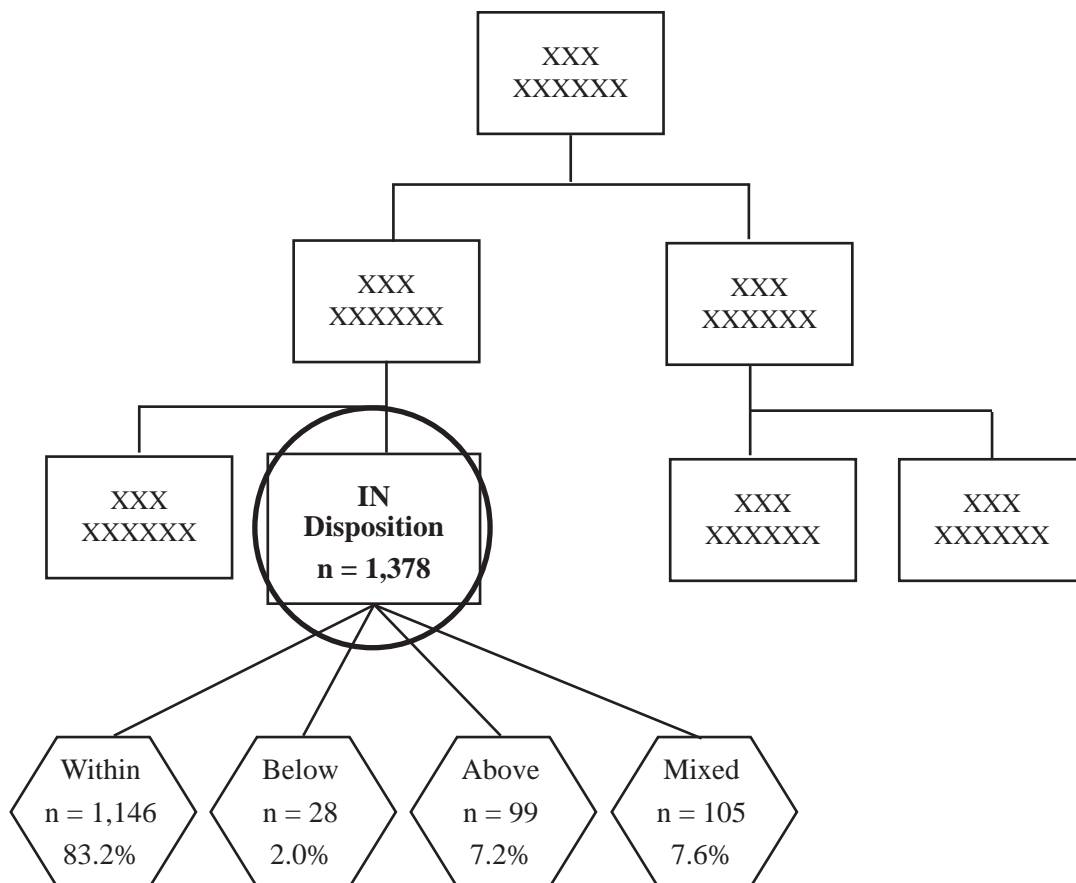
Sentence Length compliance is only reported for those sentencing events where the worksheet recommendation was “In” and the sentencing event also had a corresponding “In” disposition (those events located in Box E of the In/Out flowchart). 1,378 worksheet sentencing events received an “In” recommendation and an “In” sentence and are used to report sentence length compliance (those in Box E).

The diagram (Figure 9) on the following page displays statewide Sentence Length compliance using four categories - Within, Below, Above, and Mixed. The “Mixed” category is applicable only to split sentences when the different portions of the sentence (incarceration and total portions) are not consistent with each other. Instances when the incarceration portion is above the recommended range and the total portion is below the recommended range, or the incarceration portion is within the recommended range and the total range is above the recommended range are examples of split sentences that would fall in the “Mixed” category. If both the split and total portions are within, above, or below the worksheet sentence length recommendations, they would be categorized as such, if they are not, they are categorized as “Mixed”. 83 percent of eligible sentencing events were sentence length compliant, 7 percent of the sentencing events received sentences above the worksheet recommendations, 2 percent received sentences below the worksheet recommendations, and 8 percent fell in the Mixed category. The overwhelming majority of events in the “Mixed” category consisted of sentences when the incarceration portion of the split sentence fell within the recommendations, but the total sentence exceeded the recommendations.

The three pie charts, Figures 10, 11, and 12, display sentence length compliance for each worksheet offense category - Personal, Property, and Drugs, respectively. The three different worksheet offense categories all have markedly different sentence length compliance patterns. Personal worksheet sentence length recommendations were followed in 75 percent of events, property worksheet sentence length recommendations were followed in 81 percent of events, and drug worksheet sentence length recommendations were followed in 88 percent of events.

Departures from the worksheet sentence length recommendations varied by worksheet offense category as well. 13 percent of all sentences imposed for personal offenses were above worksheet recommendations while 9 percent of property sentences were above, and only 4 percent of drug offense sentences exceeded the worksheet sentence length recommendations.

Figure 9.



Sentence Length Compliance

Figure 10.

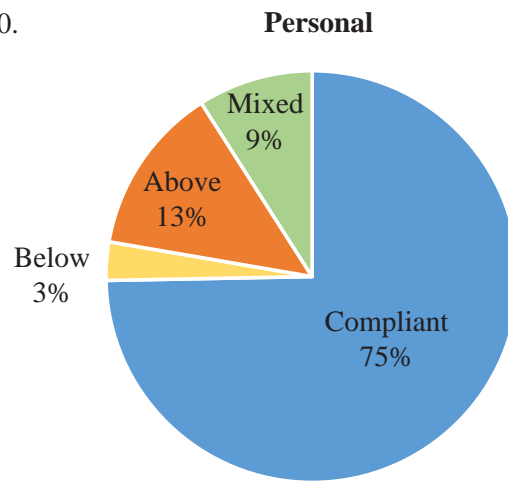


Figure 11.

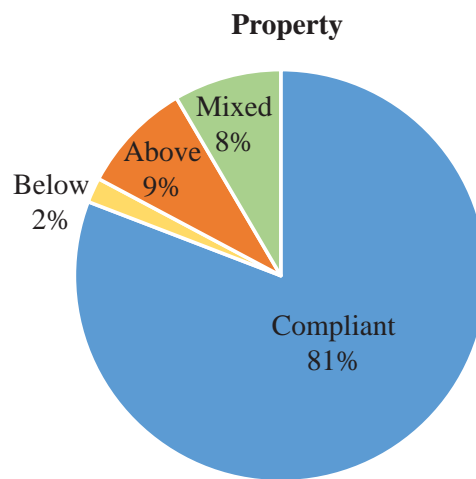
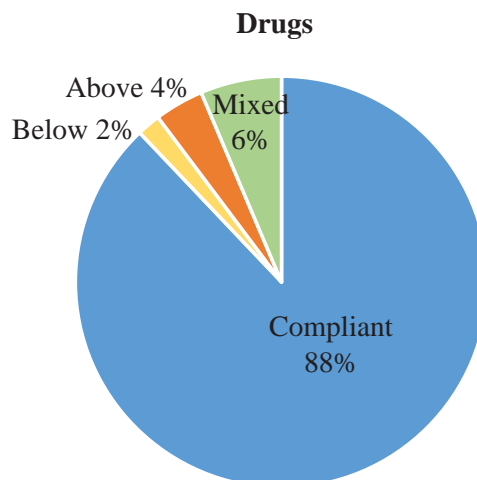


Figure 12.



OVERALL COMPLIANCE

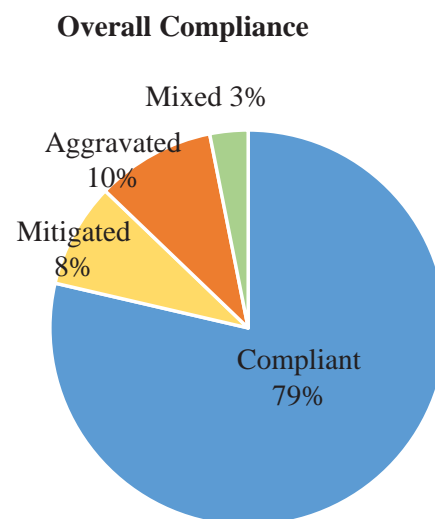
Overall compliance with the sentencing standards worksheet recommendations is achieved by conforming to the “In/Out” recommendation and the “Sentence Length” recommendation (when applicable). For the determination of compliance, voluntary sentencing event sentence length recommendations are only applicable when the worksheets recommend “In” and an “In” sentence is imposed – those events located in Box E of the In/Out flowchart (Figure 4, and those burglary offenses located within Figure 5 as well).

Consider the following examples for clarification:

- If the personal or burglary worksheet recommendation (voluntary) is “Out”, the sentence length recommendation is not applicable for compliance purposes. If in this example, an “Out” sentence was imposed, this event would be overall compliant. If however an “In” sentence was imposed, this event would be overall non-compliant. If the drug or non-burglary property worksheet recommendation (presumptive) is “Out” the sentence length recommendation is applicable for sentence length compliance;
- If the worksheet recommendation is “In” for either a voluntary or presumptive sentencing event, and an “Out” sentence is imposed, this event would be overall non-compliant. If in this example, an “In” sentence was imposed and the sentence was not within the sentence length recommendation(s), this event would also be overall non-compliant. If using this same scenario, an “In” sentence was imposed and the sentence was within the sentence length recommendation(s), this event would be classified as overall compliant.

Overall compliance statewide is displayed in graphical format in the pie chart below (Figure 13). All valid received worksheets are categorized into one of the categories in the pie chart. Overall compliance was realized in 79 percent of sentencing events. Approximately 10 percent of the events were categorized as “Aggravated”, meaning either an “In” sentence was imposed on an “Out” recommendation or the sentence imposed exceeded the worksheet recommendations for “In” recommendations. The “Mitigated” category was smaller than the “Aggravated” category – only 8 percent of events were “Mitigated”. This category is comprised of “Out” sentences imposed on “In” recommendations and sentences that were imposed that fell below the worksheet recommendations for “In” recommendations. The Mixed category (exclusive to splits) contained 3 percent of all worksheet sentencing events – the majority of these events were instances when the incarceration portion of the sentence complied with the recommendation but the total sentence exceeded the sentence length recommendation.

Figure 13.



Who is in our Prisons - Top 25

Figure 14.

In-House Population on October 31, 2018

Capital Murder and Murder Offenders Comprise One-Fifth of the Entire Prison Population

Murder	1	3,224
Robbery 1st	2	2,742
Rape 1st	3	1,246
Capital Murder	4	976
Distribution of Controlled Substance	5	745
Burglary 3rd	6	699
Manslaughter	7	688
Theft of Property 1st	8	659
Burglary 1st	9	656
Possession of Controlled Substance	10	609
Sodomy 1st	11	571
Trafficking Drugs	12	458
Attempted Murder	13	385
Robbery 3rd	14	383
Assault 1st	15	373
Sexual Abuse of Child < 12 years	16	360
Manufacturing Controlled Substance 1st	17	341
Assault 2nd	18	311
Kidnapping 1st	19	294
Robbery 2nd	20	278
Community Notification Act Violations	21	277
Burglary 2nd	22	270
Rape 2nd	23	267
Sexual Abuse 1st	24	263
Manufacturing Controlled Substance 2nd	25	242

Top 25 Offenses	17,317
Other Offenses	2,868
Total In-House Population	20,185

Figure 15.

In-House Population Offense Category

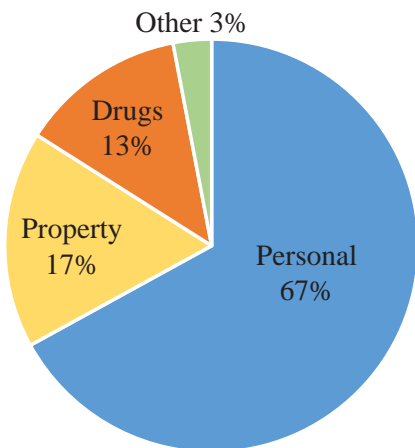
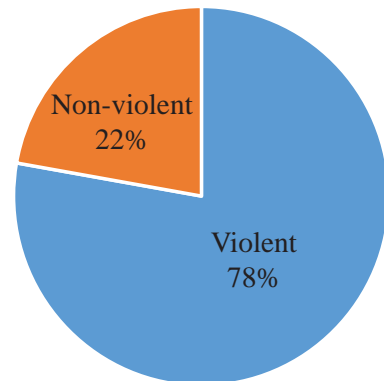


Figure 16.

In-House Population (Violent as defined in § 12-25-32)

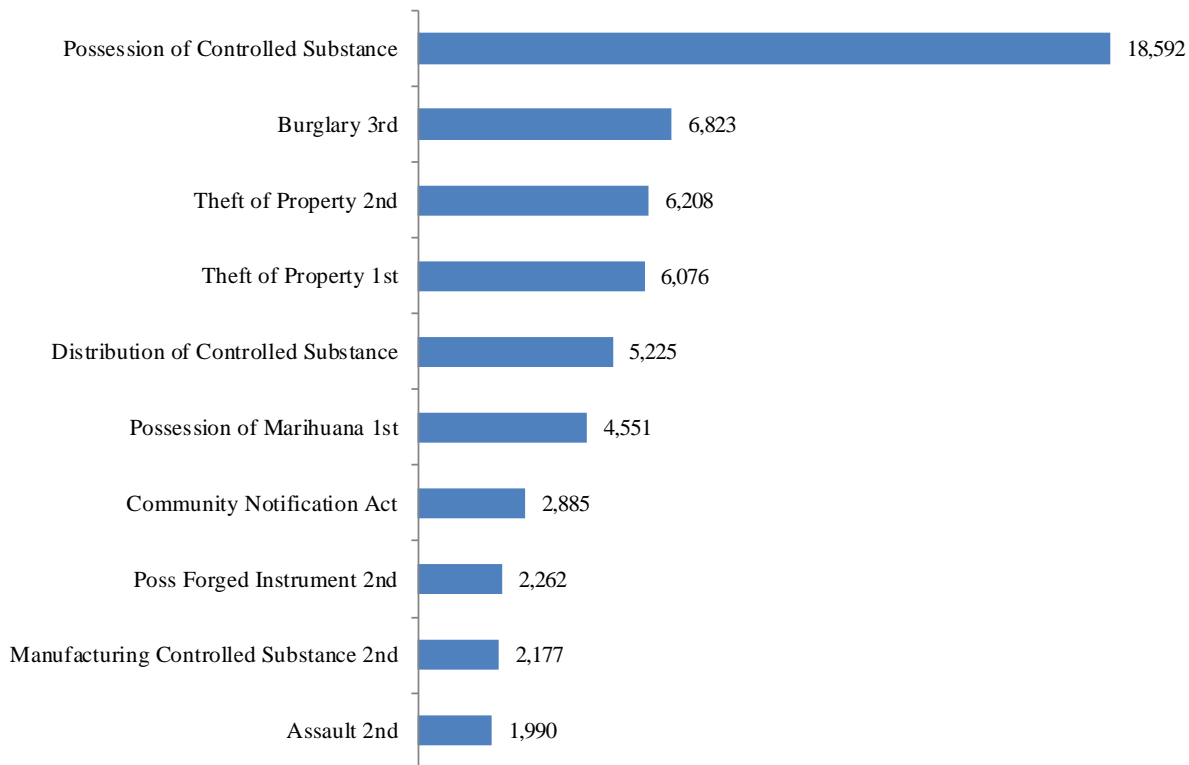


Most Frequent Felony Offense at Conviction

Unlawful Possession of Controlled Substance convictions far surpass any other offense convictions over the past five years.

Figure 17.

Most Frequent Felony Offense at Conviction - Top 10 October 1, 2012 - September 30, 2017



**Unlawful Possession of
Controlled Substance
Offenses Comprise Over
30% of Convictions**

Most Frequent Felony Offense at Conviction - Top 25

The total number of offenders convicted of a felony offense has remained stable in the past three years. Unlawful Possession of Controlled Substance offenses increased by 18 percent in FY 2017. Almost one-third of felony convictions in FY 2017 were Unlawful Possession of Controlled Substance or Unlawful Possession of Marihuana offenses.

Figure 18.

**Most Frequent Felony Offense at Conviction
October 1, 2014 - September 30, 2017**

		FY15	FY16	FY17
Possession of Controlled Substance	1	3,556	1 3,786	1 4,466
Theft of Property 1st	4	1,162	4 1,144	2 1,190
Burglary 3rd	2	1,386	2 1,223	3 1,119
Distribution of Controlled Substance	5	1,092	5 941	4 960
Possession Marihuana 1st	6	901	6 903	5 893
Theft of Property 2nd	3	1,320	3 1,152	6 856
Community Notification Act*	7	576	7 592	7 573
Receiving Stolen Property 1st	13	342	11 375	8 450
Breaking/Entering a Vehicle	12	353	10 386	9 421
Theft of Property 3rd				10 399
Assault 2nd	11	396	9 390	11 340
Fraud/Illegal Use Debit/Credit Card	14	340	16 275	12 316
Robbery 1st	10	431	13 329	13 308
Obstruct Justice-False Identity	16	265	15 286	14 284
Poss of Controlled Sub with Intent to Distribute			21 161	15 280
Manufacturing Controlled Substance 2nd	9	433	12 351	16 255
Robbery 3rd	17	246	17 245	17 254
Poss Forged Instrument 2nd	8	477	8 428	18 248
Receiving Stolen Property 2nd	15	329	14 300	19 200
Trafficking Drugs	21	157	T18 165	20 183
Poss Forged Instrument 3rd				21 159
Escape 3rd	25	112		22 154
Burglary 2nd	19	166	T18 165	23 138
Manufacturing Controlled Substance 1st	18	220	20 162	24 135
Assault 1st	22	131	25 123	25 131
Robbery 2nd	20	164	22 145	
Murder	23	121	T23 126	
Promote Prison Contraban 2nd			T23 126	
Manslaughter	24	118		
Top 25 Offenses		14,794	14,279	14,712
Other Offenses		2,981	3,142	3,121
Total Most Serious Felony Offense Convictions		17,775	17,421	17,833

*This is the fourth year violations of the Community Notification Act have been combined.

Type of Most Frequent Felony Offense at Conviction

Drug convictions are the largest category of felony convictions in fiscal year 2017.

Figure 19.

Most Frequent Felony Offense at Conviction Offense Category October 1, 2014 - September 30, 2017

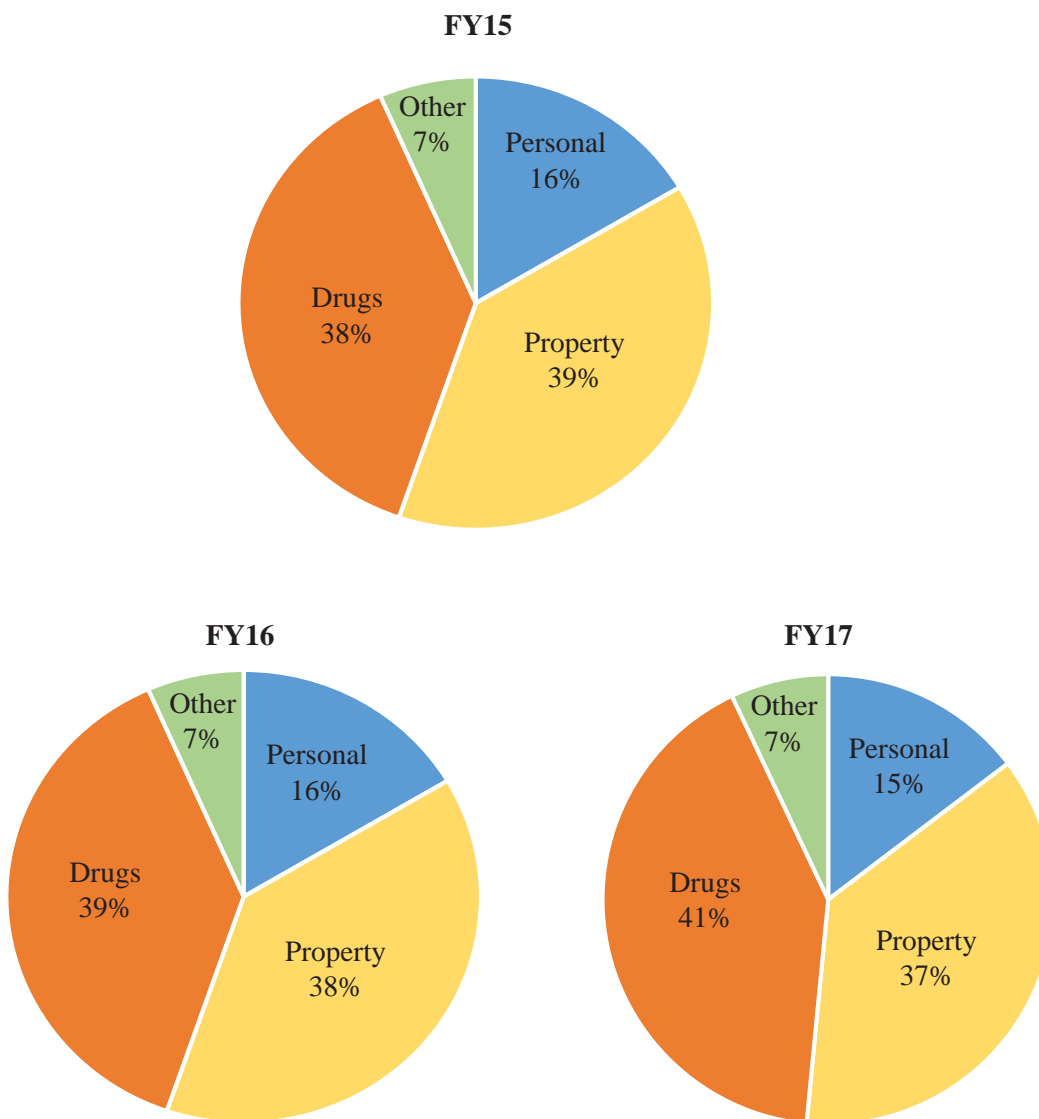


Figure 20. **Class D Felony Offense at Conviction
October 1, 2015 - September 30, 2017**

	FY16	FY17
Possession of Controlled Substance	2,360	3,478
Theft of Property 3rd	60	392
Poss Forged Instrument 3rd	22	159
Receiving Stolen Property 3rd	16	95
Fraud/Illegal Use Debit/Credit Card	10	77
Possession Marihuana 1st	13	67
Forgery 3rd	7	27
Theft of Lost Property 3rd	0	4
Theft of Services 3rd	1	3
Attempt - Possession of Controlled Substance	1	2
Total Class D Felonies	2,490	4,304

Figure 21. **Most Frequent Felony Offense at Conviction
Drug Offenses
October 1, 2014 - September 30, 2017**

	FY15	FY16	FY17
Possession of Controlled Substance	1 3,556	1 3,786	1 4,466
Distribution of Controlled Substance	2 1,092	2 941	2 960
Possession Marihuana 1st	3 901	3 903	3 893
Poss of Controlled Sub with Intent to Distribute		7 161	4 280
Manufacturing Controlled Substance 2nd	4 433	4 351	5 255
Trafficking Drugs	6 157	5 165	6 183
Manufacturing Controlled Substance 1st	5 220	6 162	7 135
Attempt - Possession of Controlled Substance	8 83		8 48
Drug Paraphenalia Manufacture		8 69	
Precursor Chemical - Sale/Poss	7 86		
Top Drug Offenses	6,528	6,538	7,220
Other Drug Offenses	252	236	170
Total Drug Offenses	6,780	6,774	7,390

Figure 22. **Most Frequent Drug Trafficking Convictions
Drug Type
October 1, 2014 - September 30, 2017**

	FY15	FY16	FY17
Trafficking - Methamphetamine	37	50	56
Trafficking - Marihuana	55	37	41
Trafficking - Cocaine	25	34	34
Trafficking - Heroin	16	15	21
Trafficking - Opium			13
Trafficking - Illegal Drugs	15	12	10
Other	9	17	8
Total Trafficking Offenses	157	165	183

Prison Admissions - Top 25

Overall jurisdictional admissions to ADOC (including prisons, community corrections, and jail) remain stable.

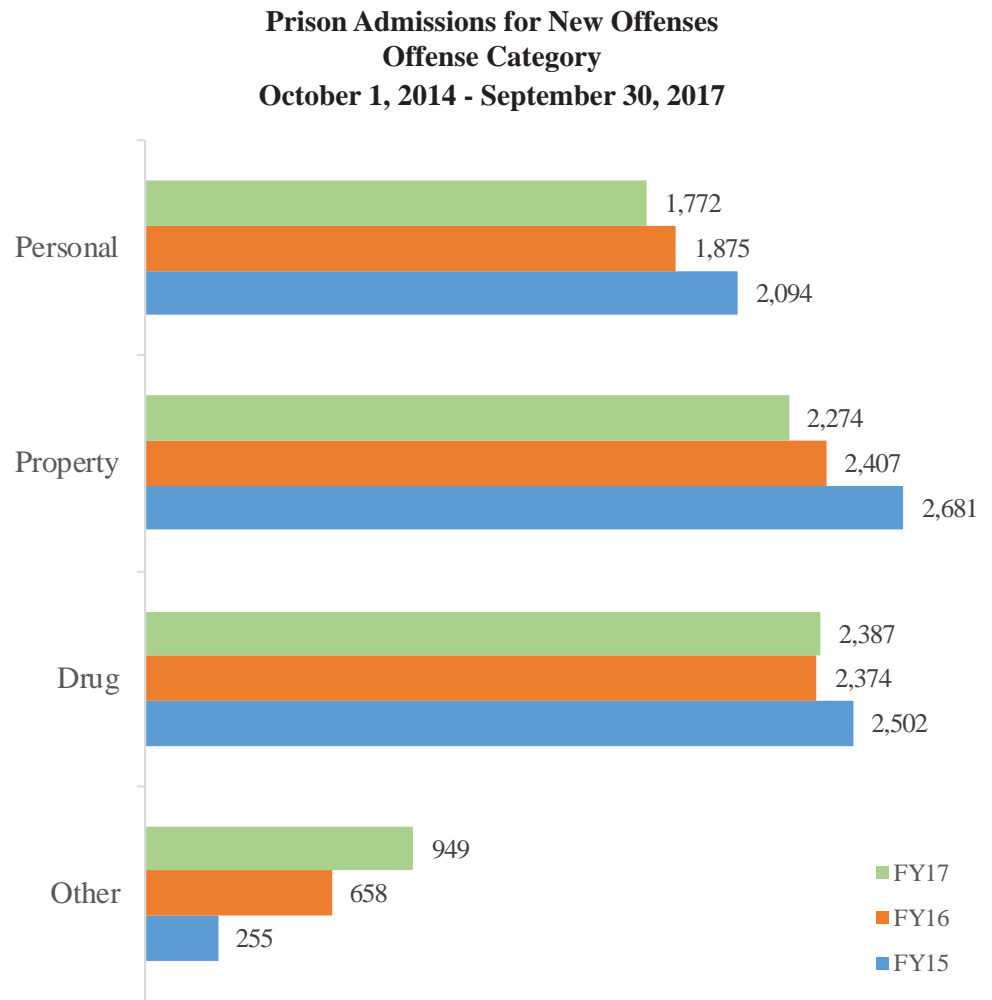
Figure 23.

Prison Admissions for New Offenses October 1, 2014 - September 30, 2017

	FY15		FY16		FY17	
Possession of Controlled Substance	1	891	1	936	1	951
Distribution of Controlled Substance	2	689	2	633	2	757
Burglary 3rd	3	635	3	516	3	514
Theft of Property 1st	5	464	4	442	4	437
Robbery 1st	4	516	5	382	5	355
Theft of Property 2nd	6	322	6	280	6	246
Poss Marihuana 1st	7	265	7	241	7	192
Receiving Stolen Property 1st	10	191	10	182	8	179
Trafficking Drugs	19	124	13	145	9	164
Assault 2nd	12	173	12	173	10	150
Manufacturing of Controlled Substance 2nd	8	252	T8	198	11	149
Manufacturing of Controlled Substance 1st	9	242	11	181	12	136
Robbery 3rd	16	133	14	144	13	135
Breaking/Entering a Vehicle	11	188	T8	198	14	134
Murder	T14	140	T16	133	15	127
Community Notification Act Violations	T14	140	15	135	16	125
Burglary 2nd	18	127	T16	133	17	102
Robbery 2nd	20	118	20	113	18	95
Assault 1st	21	117	23	88	19	94
Burglary 1st	17	130	19	125	20	89
Poss Forged Instrument 2nd	13	166	18	126	21	84
Manslaughter	23	96	22	91	22	80
Receiving Stolen Property 2nd	24	82	24	62	23	70
Theft of Property 3rd					24	68
Poss Fraud Use of Credit/Debit Card	22	110	21	100	25	65
Rape 1st			25	57		
Rape 2nd	25	78				
Top 25 Offenses		6,389		5,814		5,498
Other Offenses		1,159		1,500		1,884
Total Prison Admissions for New Offenses		7,548		7,314		7,382

Prison Admissions for New Offenses by Offense Category

Figure 24.

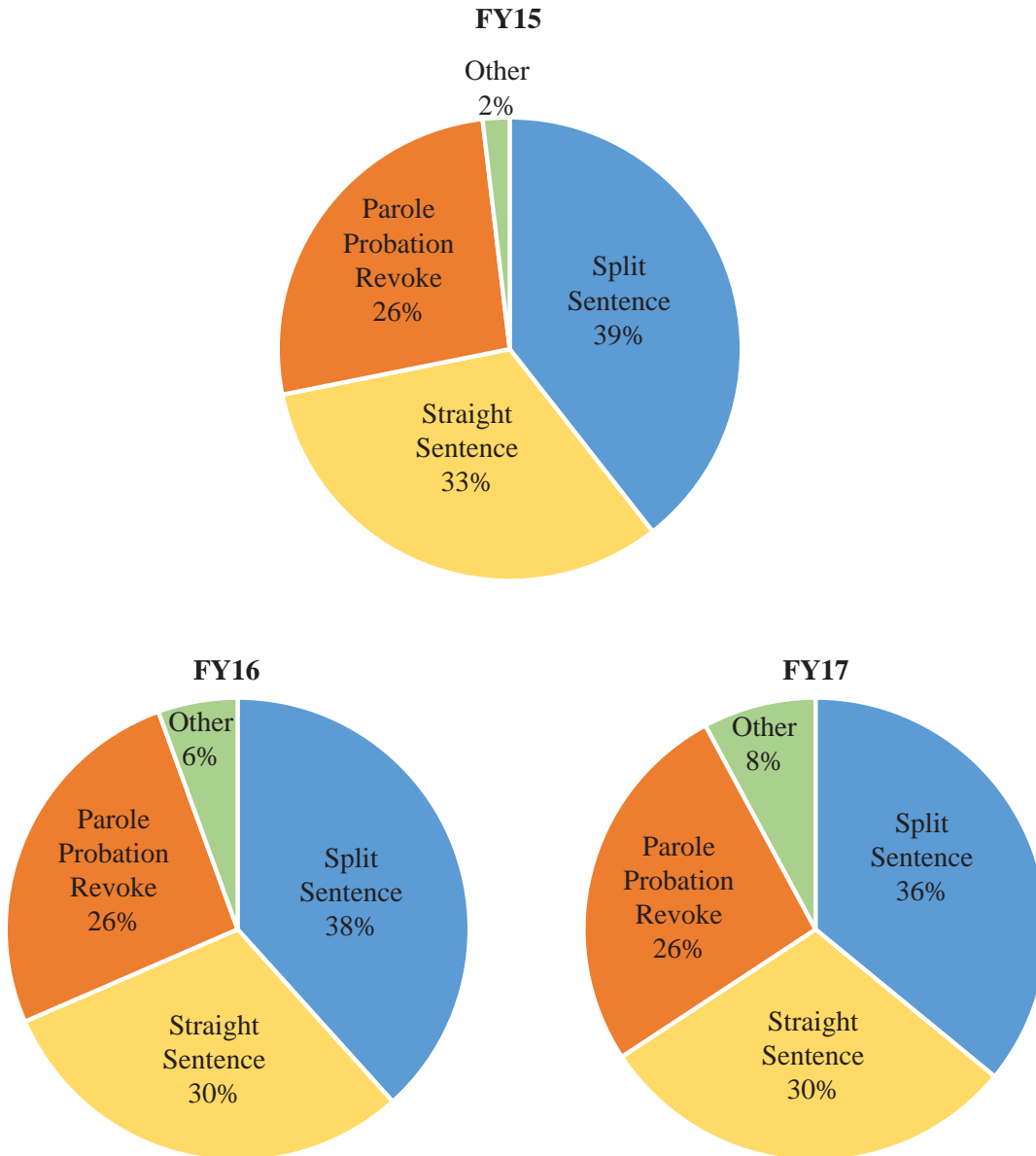


Prison Admissions by Type of Admission

**Split Sentences Remain
Most Frequent Sentence
Type**

Figure 25.

**Prison Admissions (all admissions)
Type of Admission
October 1, 2014 - September 30, 2017**



Prison Releases - Top 25

**Jurisdictional Releases
Up Approximately
1,200 from FY 2015**

Figure 26.

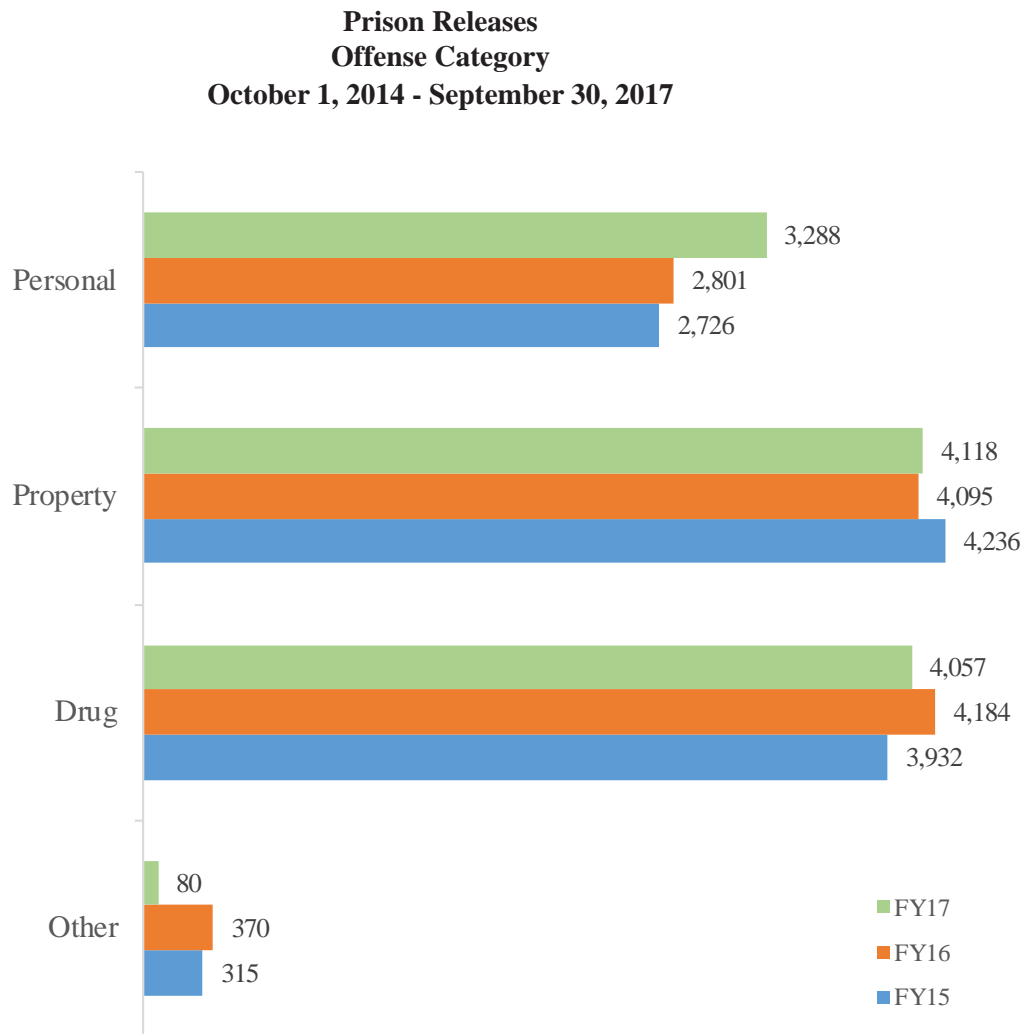
**Prison Releases
October 1, 2014 - September 30, 2017**

	FY15	FY16	FY17
Possession of Controlled Substance	1 1,410	1 1,582	1 1,479
Distribution of Controlled Substance	3 1,031	2 1,063	2 1,107
Burglary 3rd	2 1,054	3 915	3 959
Robbery 1st	5 661	5 735	4 950
Theft of Property 1st	4 790	4 825	5 833
Theft of Property 2nd	T7 445	7 456	6 589
Manufacturing of Controlled Substance 2nd	6 473	6 461	7 445
Poss Marihuana 1st	T7 445	8 445	8 366
Manufacturing of Controlled Substance 1st	11 300	9 342	9 355
Robbery 3rd	13 273	14 237	10 283
Receiving Stolen Property 1st	10 302	11 307	11 272
Murder	19 161	19 182	12 270
Assault 2nd	14 251	12 263	13 248
Trafficking Drugs	16 207	15 205	14 239
Breaking/Entering a Vehicle	9 337	10 314	15 229
Burglary 2nd	20 160	16 202	16 217
Robbery 2nd	15 209	17 189	17 206
Poss Forged Instrument 2nd	12 276	13 239	18 195
Community Notification Act Violations	18 162	18 184	19 182
Burglary 1st	21 158	22 149	20 169
Manslaughter	24 122	24 127	21 164
Receiving Stolen Property 2nd	23 134	23 132	22 155
Assault 1st	22 145	21 167	23 149
Poss Fraud/Use of Credit/Debit Card	17 172	20 180	24 99
Rape 2nd	25 92	25 99	25 95
Top 25 Offenses	9,770	10,000	10,255
Other Offenses	1,447	1,724	2,162
Total Prison Releases	11,217	11,724	12,417

Prison Releases by Offense Category

**Jurisdictional Releases for
Personal Offenses from
ADOC Increased**

Figure 27.

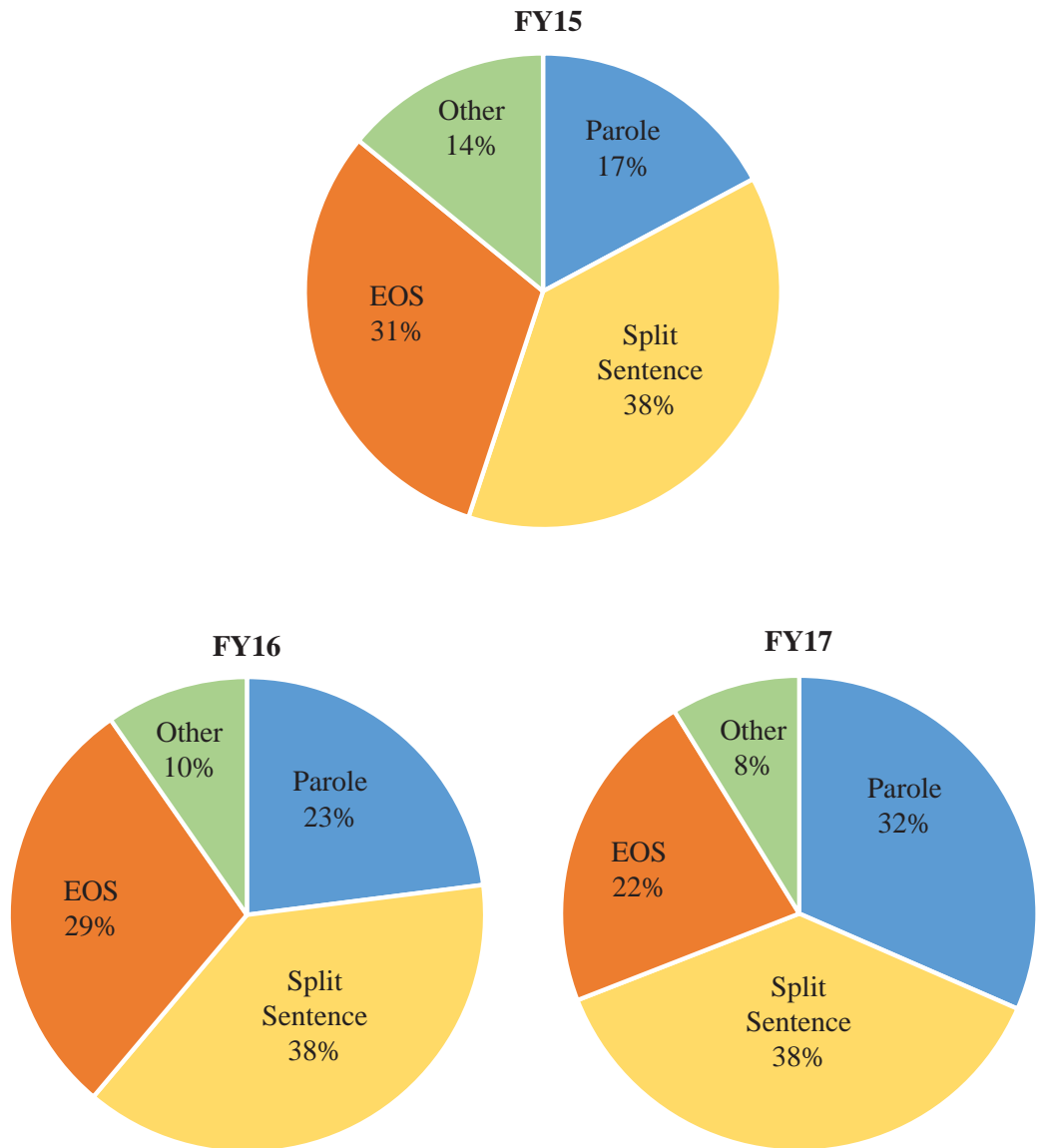


Prison Releases by Type

**Parole Releases
Have Increased and
EOS Releases Have
Decreased**

Figure 28.

**Prison Releases
Type of Release
October 1, 2014 - September 30, 2017**

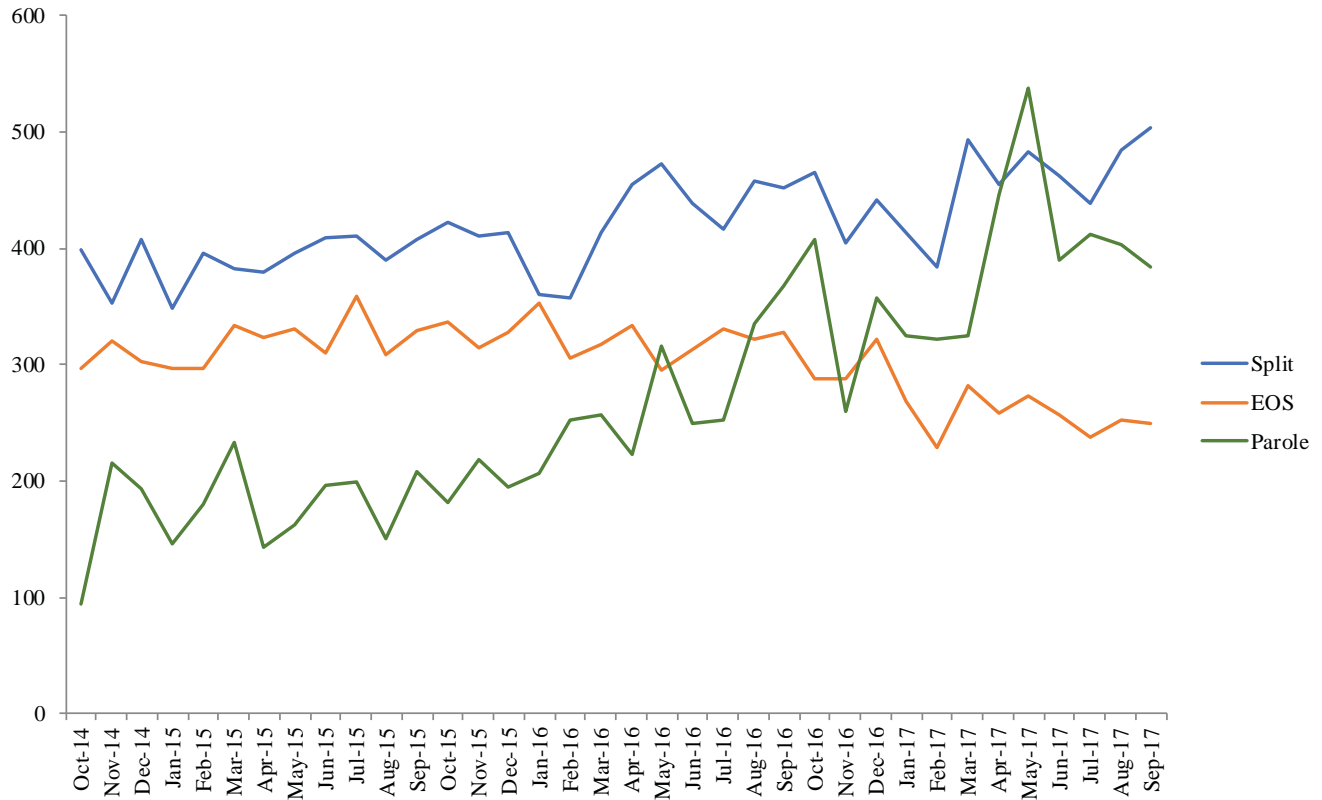


Prison Releases by Type

Figure 29.

The Number of Releases
by Type of Release is
Variable Monthly

Prison Releases
Type of Release
October 1, 2014 - September 30, 2017





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Modifications to the Sentencing Standards

.....

Adopted by the Alabama Sentencing Commission
December 4, 2018

.....

Effective October 1, 2019



I. GENERAL INSTRUCTIONS - Introduction

The Sentencing Standards¹ – A Structured Sentencing System

Alabama’s Sentencing Standards consist of worksheets, instructions, and sentence length tables. The Standards were initially adopted as voluntary sentencing recommendations for Alabama’s most frequently sentenced offenses. In Act 2012-473, (ALA. CODE § 12-25-34.2)², the Alabama Legislature changed the Standards for non-violent offenses as defined by ALA. CODE § 12-25-32 from voluntary to presumptive recommendations and directed the Alabama Sentencing Commission to make modifications as necessary to effect this change, including defining aggravating and mitigating circumstances that are required for sentencing departures from presumptive recommendations. The primary modifications to the Initial Voluntary Sentencing Standards included defining a list of aggravating and mitigating factors for departures from presumptive sentencing recommendations, defining procedures for departure sentences from presumptive sentencing recommendations, clarifying the initial instructions, and the addition of some non-violent offenses, along with higher sentence length ranges to accommodate historical sentencing practices for the additional offenses.

In Act 2015-185, the Alabama Legislature created a Class D felony offense classification and placed new restrictions on Class C and Class D felony sentencing. Act 2015-185 further required the Alabama Sentencing Commission to incorporate the new Class D felonies into the Sentencing Standards. In addition to adding the new Class D felonies, additional non-violent crimes were added to the Standards and the instructions were modified to provide information on the new sentencing parameters for all Class C and Class D felony offenses.

The Standards are:

- Developed by judges, prosecutors, defense lawyers, victim advocates, and other criminal justice officials in response to the legislative directive to recommend a more structured sentencing system in Alabama to address unwarranted disparity and prison overcrowding (reserving scarce prison resources for the most dangerous and violent offenders ALA. CODE § 12-25-2);
- Created from historical sentencing data reflecting the major factors considered in making sentencing decisions and the importance of those factors in sentencing;
- Developed to include the historical application of Alabama’s statutory sentence enhancements and mandatory minimums, except mandatory sentences of life without parole pursuant to ALA. CODE § 13A-5-9, and sex offenses against children under the age of 12;
- Designed to mimic the two decisions in criminal sentencing – where and how the sentence is served, prison or non-prison (disposition), and the length of the sentence (duration);
- Expected to be followed in the vast majority of covered cases, leaving flexibility with judges to sentence higher or lower as appropriate in covered cases;
- Designed to preserve bedspace for violent offenders in prison and to provide more predictability in forecasting correctional populations; and

¹ Hereinafter referred to as “Standards”, referencing the Standards’ worksheets, instructions, and sentence length tables.

² All references to ALA. CODE are to ALA. CODE (1975, as amended).

-
- Non-appealable, except departure sentences from presumptive recommendations for non-violent offenses are subject to appellate review as directed by ALA. CODE § 12-25-34.2(c).

In addition, the Standards:

- Cover many of the most frequently sentenced felony offenses representing the vast majority of sentenced cases as well as the inchoate offenses of attempts, conspiracies, and solicitations for certain covered drug offenses;
- Standardize sentence recommendations for more informed and uniform sentencing practices and the elimination of unwarranted disparity;
- Allow judges to retain significant discretion in arriving at sentencing decisions as required by ALA. CODE § 12-25-2(a)(5);
- Encourage the use of probation and community correction programs for supervising appropriate non-violent offenders;
- Are not applicable to convictions requiring a mandatory life without parole sentence pursuant to ALA. CODE § 13A-5-9 or to sex offenses involving a child victim under the age of 12 years; and
- Contain presumptive sentencing recommendations for non-violent offenses and voluntary sentencing recommendations for violent offenses.

The Standards consist of five sets of worksheets, seven sentence length tables, and instructions on their use. Each covered offense has been classified into either the drug, property, or personal worksheets.

Each set of worksheets has two components: a Prison In/Out worksheet that recommends a sentence disposition and a Sentence Length worksheet that recommends a sentence length range from which a sentence is chosen. The recommendations for personal offenses and specified burglary offenses remain voluntary. Each set of worksheets relies on a separate sentence length table that is dependent upon type of conviction (drug, property or personal) and felony offense classification (Class A, Class B, Class C, or Class D) for drug and property offenses. The sentence length table provides the recommended sentence ranges based on the Sentence Length Worksheet score from which the final sentence is selected unless the sentencing judge does not comply with the Standards and imposes a sentence governed by existing law.

- The Personal Worksheets rely on the Personal Prison Sentence Length table.
- The *Drug (Class D) Worksheets* rely on the *Drug (Class D) Prison Sentence Length table*.
- The *Drug (Class A, B, C) Worksheets* for Class C felonies rely on the *Drug (Class C) Prison Sentence Length table*.
- The *Drug (Class A, B, C) Worksheets* for Class A and B felonies rely on the *Drug (Class A, Class B) Prison Sentence Length table*.
- The *Property (Class D) Worksheets* rely on the *Property (Class D) Prison Sentence Length table*.
- The *Property (Class A, B, C) Worksheets* for Class C felonies rely on the *Property (Class C) Prison Sentence Length table*.
- The *Property (Class A, B, C) Worksheets* for Class A and B felonies rely on the *Property (Class A, Class B) Prison Sentence Length table*.

The Standards also include a list of aggravating and mitigating factors upon which a sentence that departs from the presumptive Standards recommendations must be based.

For the purposes of implementing presumptive recommendations for non-violent offenses, the Legislature adopted the following definitions as provided in ALA. CODE §12-25-34.2.

- “(1) **AGGRAVATING FACTORS.** Substantial and compelling reasons justifying an exceptional sentence whereby the sentencing court may impose a departure sentence above the presumptive sentence recommendation for an offense. Aggravating factors may result in dispositional or sentence range departures, or both, and shall be stated on the record by the court.
- (2) **DEPARTURE.** A sentence which departs from the presumptive sentence recommendation for an offender.
- (3) **DISPOSITION.** The part of the sentencing courts presumptive sentence recommendation other than sentence length.
- (4) **DISPOSITIONAL DEPARTURE.** A sentence which departs from the presumptive sentence recommendation for disposition of sentence.
- (5) **MITIGATING FACTORS.** Substantial and compelling reasons justifying an exceptional sentence whereby the sentencing court may impose a departure sentence below the presumptive sentence recommendation for an offense. Mitigating factors may result in disposition or sentence range departures, or both, and shall be stated on the record by the court.
- (6) **NONVIOLENT OFFENSES.** As defined in §12-25-32.
- (7) **PRESUMPTIVE SENTENCE RECOMMENDATION.** The recommended sentence range and disposition provided in the sentencing Standards.
- (8) **SENTENCE RANGE.** The sentencing court’s discretionary range of length of sentence as provided and recommended in the presumptive sentencing recommendation.
- (9) **SENTENCE RANGE DEPARTURE.** [Durational Departure] A sentence which departs from the presumptive sentence recommendation as to the sentence range.
- (10) **VIOLENT OFFENSES.** As defined in Section 12-25-32.”

II. GENERAL INSTRUCTIONS - Administrative Procedures

Responsibility for Completing Worksheets

Pursuant to ALA. CODE § 12-25-35(a), the worksheets shall be completed by any person designated by the trial court judge including the prosecutor, a probation officer, or any other person. *The sentencing judge has the final responsibility for ensuring the worksheets are (1) completed for the most serious offense of conviction and reflect the appropriate worksheet factors, (2) considered by the court, and (3) sent to the court clerk to forward to the Alabama Sentencing Commission.*

Responsibilities of Worksheet Preparer

The worksheet preparer obtains the necessary information needed to complete the worksheet; totals the scores; and determines the recommended disposition and sentence length ranges based on the worksheet scores; distributes the worksheets to the appropriate parties; and presents the completed worksheets to the sentencing judge.

Worksheet Distribution

A copy of the completed sentencing worksheets must be presented to the prosecutor, the defendant and/or his attorney, and the sentencing judge prior to sentencing. ALA. CODE § 12-25-35 (d)

Worksheets and court orders should not be submitted to the Sentencing Commission until the final sentence (length and disposition) is imposed (i.e. probation hearing is not pending).

Use of the Worksheets by the Sentencing Judge

Prior to sentencing, the trial court shall review the Standards worksheets. In imposing sentence, the court shall indicate on the record that the applicable Standards, along with any aggravating and mitigating circumstances, have been reviewed and considered. § 12-25-35 (b)

After sentencing, the sentencing judge shall sign or initial the completed worksheets and file the completed worksheets, the sentencing order, and if applicable, the reasons for departure with the court clerk to include in the record in the case.

Responsibilities of the court clerk

The clerk of the court shall forward a copy of the final sentencing order or orders including, if applicable, the reasons for departure and a copy of the completed Standards worksheets prepared in the case to the Alabama Sentencing Commission within 45 days after the imposition of sentence, as required by ALA. CODE § 12-25-35 (b).

These documents must be sent in paper form³ by either:

E-mail: sentencing.commission@alacourt.gov;

Fax: (334) 954-5201;

US mail: Alabama Sentencing Commission
300 Dexter Avenue, Suite 2-230
Montgomery, AL 36104-3741

³ For purposes of this requirement, an ALAVault document is considered a paper document.

Judicial Disagreement with Worksheet Scoring and Instructions

To comport with the Standards, the sentence(s) must be imposed according to the appropriate Instructions.

III. GENERAL INSTRUCTIONS – Completing the Worksheets and When to use the Standards

Covered Offenses

The following offenses are covered by the Standards unless the conviction carries a mandatory life without parole sentence pursuant to ALA. CODE § 13A-5-9 or is a sex offense involving a child victim under 12 years of age.

Personal Worksheets

Assault 1st
§13A-6-20

Assault 2nd
§13A-6-21

Manslaughter
§13A-6-3

Murder
§13A-6-2

Rape 1st
§13A-6-61

Rape 2nd
§13A-6-62

Robbery 1st
§13A-8-41

Robbery 2nd
§13A-8-42

Robbery 3rd
§13A-8-43

Sodomy 1st
§13A-6-63

Sodomy 2nd
§13A-6-64

Drugs Worksheets

Felony DUI
§ 32-5a-191(h)

Manufacturing Controlled Substance 1st
§ 13A-12-218
(includes attempts, conspiracies, and solicitations)

Manufacturing Controlled Substance 2nd
§ 13A-12-217
(includes attempts, conspiracies, and solicitations)

Possession of Controlled Substance
§ 13A-12-212
(includes attempts, conspiracies, and solicitations)

Possession of Marihuana 1st
§ 13A-12-213(a)(1)&(2)
(includes attempts, conspiracies, and solicitations)

Possession with Intent to
Distribute Controlled Substance
§ 13A-12-211(c)
(includes attempts, conspiracies, and solicitations)

Sale/Distribution of Marihuana
(other than to minor)
§ 13A-12-211
(includes attempts, conspiracies, and solicitations)

Sale/Distribution of Schedule I-V
(other than to minor)
§ 13A-12-211
(includes attempts, conspiracies, and solicitations)

Property Worksheets

Burglary 1 st §13A-7-5	Theft of Lost Property 1 st §13A-8-7
Burglary 2 nd §13A-7-6	Theft of Lost Property 2 nd §13A-8-8
Burglary 3 rd §13A-7-7(a)(1)-(3)	Theft of Lost Property 3 rd §13A-8-8.1
Forgery 1 st §13A-9-2	Theft of Property 1 st * §13A-8-3
Forgery 2 nd §13A-9-3	Theft of Property 2 nd * §13A-8-4
Forgery 3 rd §13A-9-3.1	Theft of Property 3 rd * §13A-8-4.1
Possession of a Forged Instrument 1 st §13A-9-5	Theft of Services 1 st §13A-8-10.1
Possession of a Forged Instrument 2 nd §13A-9-6	Theft of Services 2 nd §13A-8-10.2
Possession of a Forged Instrument 3 rd §13A-9-6.1	Theft of Services 3 rd §13A-8-10.25
Receiving Stolen Property 1 st §13A-8-17	Unauthorized Use/Break & Enter Vehicle §13A-8-11 (a)(4) & (b)
Receiving Stolen Property 2 nd §13A-8-18	Unlawful Possession/Use Credit/Debit Card §13A-9-14
Receiving Stolen Property 3 rd §13A-8-18.1	

*Includes every manner of committing Theft of Property offenses enumerated in Ala.Code § 13A-8-2(a).

Worksheets are Offense Specific

Worksheets should be completed only for worksheet offense convictions. Worksheets are not intended to provide guidance when sentencing similar crimes. The factors on the worksheets have been statistically derived specifically for the covered offenses and may or may not be statistically significant in predicting sentencing outcomes for other offenses not included in a worksheet sentencing event.

Sentencing Event

A sentencing event includes all convictions sentenced at the same time, whether included as counts in one case or in *multiple* cases, regardless of whether offenses are worksheet offenses.

The Most Serious Offense

Worksheets must be completed and considered when the “most serious offense” at a sentencing event is a worksheet offense in the same venue. Convictions occurring in different counties or venues constitute separate sentencing events.

Determining the Most Serious Offense at a Sentencing Event - Five Rules

Rule 1. Where two or more offenses at the same sentencing event are the same offense type covered by the same worksheet, the most serious offense is the offense with the highest number of points shown on the corresponding Sentence Length Worksheet.

Example:

- If a defendant is being sentenced for Unlawful Distribution of Controlled Substances (score of 113 points on the Sentence Length Worksheet) and Felony DUI (score of 76 points on the Sentence Length Worksheet) at the same event, Unlawful Distribution of Controlled Substances is the most serious offense.

Rule 2. Where two or more offenses at the same sentencing event are covered by different worksheets (whether the offenses are all presumptive offenses, all voluntary offenses, or a combination of presumptive and voluntary offenses), the most serious offense is the offense with the highest number of points shown on the applicable Sentence Length worksheets. The preparer may complete all applicable worksheets and select the offense that results in the most severe penalty.

Example:

- If a defendant is being sentenced for Forgery 2nd (47 points on the Sentence Length worksheet) and Sale/Distribution of Marihuana (84 points on the Sentence Length worksheet) at the same sentencing event, the worksheet preparer should first complete the Drug Sentencing Worksheets to determine the recommended sentencing outcome. This is because Sale/Distribution of Marihuana has the highest point value as reflected on the Sentence Length Worksheet. Then, the preparer could then elect to score Forgery 2nd as the primary offense on the property worksheets to determine which sentencing outcome would be most appropriate in this particular case.

Example:

- If a defendant is being sentenced for Manufacturing Controlled Substance 1st (286 points on the Sentence Length worksheet) and Robbery 2nd (173 points on the Sentence Length worksheet) at the same sentencing event, the worksheet preparer should first complete the Drug Sentencing Worksheets to determine the recommended sentencing outcome. This is because Manufacturing Controlled Substance 1st has the highest point value as reflected on the Sentence Length Worksheet. Then, the preparer could then elect to score Robbery 2nd as the primary offense on the personal worksheets to determine which sentencing outcome would be most appropriate in this particular case.

Rule 3. Where a sentencing event includes both a worksheet offense and a non-worksheet offense and both carry the same statutory maximum penalty as governed by the felony offense classification, the worksheet offense is the most serious offense. The other offense should be scored as an additional offense where appropriate.

Example:

- If a defendant is sentenced for Criminal Mischief 1st and Theft of Property 2nd (both having a statutory maximum penalty of 120 months) at the same event, the worksheet preparer should score the property worksheets for Theft of Property 2nd as the most serious offense. This is because Theft of Property 2nd is covered by the worksheets and Criminal Mischief 1st is not.

Rule 4. Where a sentencing event includes both a worksheet offense and a non-worksheet offense and the non-worksheet offense has a higher statutory maximum penalty as governed by the felony offense classification, the non-worksheet offense is the most serious offense and the Standards are not applicable to the convictions in that sentencing event.

Example:

- If a defendant is being sentenced for Unlawful Distribution of Controlled Substances (statutory maximum penalty of 20 years) and Arson 1st (statutory maximum penalty of 99 years or life) at the same event, Arson 1st is the most serious offense and the Standards are not applicable at this sentencing event.

Rule 5. Where a sentencing event includes both a worksheet offense and a non-worksheet offense and the worksheet offense has a higher statutory maximum penalty as governed by the felony offense classification, the worksheet offense is the most serious offense and the Standards are applicable to the convictions in that sentencing event.

Example:

- If a defendant is being sentenced for Unlawful Distribution of Controlled Substances (statutory maximum penalty of 20 years) and Criminal Mischief 1st (statutory maximum penalty of 10 years) at the same event, Unlawful Distribution of Controlled Substances is the most serious offense and the Standards are applicable at this sentencing event.

Completing the Prison In/Out Worksheet and the Sentence Length Worksheet

Both the Prison In/Out Worksheet and the Sentence Length Worksheet applicable to the sentencing event must be completed.

Rules for Scoring Prior Records

Date of Prior Records - 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) sentenced.

Ambiguous Prior Records - If an ambiguous entry on a prior record document cannot be resolved, the worksheet preparer 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 worksheet preparer should assume that no conviction occurred.

Burden and Manner of Proving Prior Records - In the event of a dispute, the burden of proving the prior record is on the prosecutor. For 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.

Prior Nolo Contendere Dispositions – Matters disposed of by pleas of *nolo contendere* or “no-contest” should be counted as prior convictions for worksheet purposes. In addition, any incarceration resulting from a plea of *nolo contendere* should be counted in the appropriate places on the worksheets.

Effect of Pardons – 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. Convictions resulting in all other limited pardons – e.g. those to restore voting rights – should not be excluded when scoring prior convictions.

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.

Prior DUI Convictions – All felony and misdemeanor DUI convictions occurring before the arrest date for the current offense should be counted as priors, even when the worksheets are being completed for Felony DUI.

Prior Incarceration – Any unsuspended incarceration resulting from a final sentence or adjudication including criminal convictions, and youthful offender and juvenile delinquency adjudications, or as the result of a *nolo contendere* disposition. Prior incarcerations do not include incarcerations resulting from probation, parole, or community corrections revocation, which are counted as a separate worksheet factor.

Time for Completing Worksheets and Determining Recommendations

Worksheets must be completed prior to the imposition of sentence in sufficient time for review by all parties and the sentencing judge.

In pre-trial diversion cases and “specialty” court (including drug court, mental health court, veterans’ court, etc.) cases, worksheets are not required until a sentence is imposed. Some courts impose a sentence as soon as an offender enters drug court. In these courts, worksheets are required to be completed “up front.” In other courts, sentencing does not occur unless the offender “flunks out” of the drug court program. In these courts, the worksheets must be filled out prior to sentencing.

Sentence Disposition and Sentence Lengths

A sentence comports to the Standards when the sentence conforms to the recommendation on the Prison In/Out Worksheet and the sentence length is chosen from the recommended sentence ranges on the Sentence Length Tables, including, where prison is recommended, and a split sentence is imposed, the split portion of the sentence is not suspended and both the total sentence and the incarceration portion of the split conform to the recommendations on the sentence length tables provided the total sentence length and incarceration portion lengths also comport to the requirements of ALA. CODE § 15-18-8.

A sentence that does not conform to the Presumptive Standards, as set out above, is a departure sentence and may be entered only upon a finding of aggravating and/or mitigating factors that justify a departure from the presumptive sentence recommendations. Sentence length departures are governed by existing law and must be sentenced completely under existing law regarding length of sentence, independent of the Standards recommendations.

A sentence that does not conform to the Voluntary Standards, as set out above, is governed by existing law and must be sentenced completely under existing law regarding length of sentence, independent of the Standards recommendations.

If a score on the Sentence Length Worksheet falls between two scores listed on the Sentence Length Table, select the lower of the two scores on the table to determine the recommended sentence range from which the sentence is chosen.

If a score on the Sentence Length Worksheet is higher than any score listed on the Sentence Length Table, the sentencing event must be sentenced under existing law independent of the Standards.

When choosing a sentence from the recommended sentence range, the sentence chosen must not be less than the statutory sentences specified in ALA. CODE § 13A-5-6(a)(1)-(4), provided, however, that the sentence must in some cases, and could in others, be “split” pursuant to ALA. CODE § 15-18-8, as specified in the instructions relating to the imposition of sentence.

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

Judge’s Colloquy in Guilty Pleas

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. However, where a departure sentence is sought, an additional colloquy may be required.

Imposition of Sentence

A sentence comports to the Standards when the sentence conforms to the recommendation on Prison the In/Out Worksheet and the sentence length is chosen from the recommended sentence ranges on the Sentence Length Tables, including where prison is recommended, and a split sentence is imposed, the split portion of the sentence cannot be suspended and both the total sentence and the incarceration portion of the split must conform to the recommendations on the sentence length tables provided the total sentence length and incarceration portion lengths also comport to the requirements of ALA. CODE § 15-18-8.

Once a sentence has been selected from the recommended Sentence Length Table, the sentencing judge may determine how that sentence shall be imposed for that sentencing event. The total or aggregate sentence for the sentencing event cannot exceed the sentence selected for the most serious offense.

Example:

If a defendant is sentenced for Theft of Property 1st and Forgery 2nd and the Property Prison In/Out Worksheet scores “Prison”, and the Property Sentence Length Ranges include a Low Total Sentence of 27 months and High Total Sentence of 115 months with a Low Split of 6 months and a High Split of 19 months, and the chosen sentence is a “Straight Sentence” of 96 months, the following is a non-exclusive list of examples of sentences the judge may impose:

- 96 months for each conviction to run concurrently; or
- 48 months for each conviction to run consecutively.

In the above example, absent a sentencing judge’s decision not to comply with the Standards’ sentence length ranges, no combination of sentences can exceed 96 months for both cases or counts, for both covered and non-covered offenses.

If the most serious offense at a sentencing event is a Class C felony and the offender is not sentenced to probation, drug court, or a pretrial diversion program, the offender must be sentenced to a “split sentence” pursuant to the requirements specified in ALA. CODE §15-18-8(b) (and the presumptive sentencing ranges when applicable) or, if the judge imposes a sentence outside the Standards’ sentence length ranges, the sentence length is then governed by existing law.

If the most serious offense at a sentencing event is a Class D felony and the offender is not sentenced to probation, drug court, or a pretrial diversion program, the offender must be sentenced to a “split sentence” pursuant to the requirements specified in ALA. CODE §15-18-8(b) and the presumptive sentencing ranges.

If the most serious offense at a sentencing event is a Class D felony and the offender’s presumptive Prison In/Out worksheet recommendation is “IN,” an Alabama Department of Corrections sentence becomes a sentencing option only if the offender has been previously convicted of any three or more felonies, or previously convicted of any two or more felonies that are Class A or Class B felonies.

If the most serious offense at a sentencing event is a Class D felony and the offender’s presumptive Prison In/Out worksheet recommendation is “OUT,” a County Jail sentence becomes a sentencing option only if the offender has been previously convicted of any three or more felonies, or previously convicted of any two or more felonies that are Class A or Class B felonies.

If the most serious offense at a sentencing event is a Class D felony and the offender’s presumptive In/Out worksheet recommendation is “IN,” high-intensity probation under the supervision of the Board of Pardons and Paroles in lieu of community corrections becomes an option only if no community corrections program exists within a county or jurisdiction and no alternative program options are available pursuant to § 15-18-172(e).

A split sentence conforms to the Standards, where prison is recommended, if the total sentence imposed and the length of the “split” fall within the statutory ranges specified in ALA. CODE §15-18-8 and the recommended sentence ranges provided in the Sentence Length Table. Where the In/Out worksheet recommendation is “Prison” and a split sentence is imposed, the incarceration portion of the “split” cannot be suspended and comport with the Standards. The incarceration portion of the split must be served either in community corrections, if otherwise eligible, or in the actual custody of the Alabama Department of Corrections.

An unsuspended sentence to prison that results in actual incarceration (in a ADOC facility or a private facility under contract to ADOC) is considered a “prison” sentence and does not conform to a “non-prison” recommendation under the Standards. A sentence conditioned on completing a program in the Department of Corrections includes an “unsuspended” sentence to prison and therefore does not comply with a “non-prison” recommendation. A sentence to community corrections is considered to conform to either a “prison” or “non-prison” recommendation.

A “reverse split” sentence is considered a “non-prison” sentence and does not conform to a “prison” recommendation under the Standards.

Examples of non-prison and prison dispositions:

Non-prison

Probation
Community Corrections
*County Jail / Work Release
Reverse Split
Split sentence with a suspended split

Prison (unsuspended sentence)

**Department of Corrections (prison)
Community Corrections
**Split to Department of Corrections
Split to Community Corrections
***High-Intensity Probation

*If the most serious offense at a sentencing event is a Class D felony, a County Jail sentence (non-prison) becomes a sentencing option only if the offender has been previously convicted of any three or more felonies, or previously convicted of any two or more felonies that are Class A or Class B felonies.

**If the most serious offense at a sentencing event is a Class D felony, a Department of Corrections sentence (prison) becomes a sentencing option only if the offender has been previously convicted of any three or more felonies, or previously convicted of any two or more felonies that are Class A or Class B felonies.

***Pursuant to § 15-18-8(e), Class D felony offenders may be sentenced to “high-intensity” probation under the supervision of the Board of Pardons and Paroles in lieu of community corrections only if no community corrections program exists with a county or jurisdiction and no alternative program options are available pursuant to § 15-18-172(e).

Departure Procedures for Presumptive Sentencing Events

1. *In General – Departures Should be Rare* - The Standards are designed to provide appropriate recommendations for sentences in covered cases and are presumptive for non-violent covered offenses as defined in ALA. CODE §12-25-32. However, in exceptional cases, upon a finding of aggravating and/or mitigating factors, the sentencing court may depart from either a dispositional or durational sentence recommendation or from both. Departure sentences should be rare, with the court following the presumptive recommendation in the vast majority of sentenced cases.

Dispositional Departures are only allowed for Class D felony convictions if the offender has been previously convicted of any three or more felonies, or previously convicted of any two or more felonies that are Class A or Class B felonies.

2. *Two Decisions* - The disposition and the duration of sentence are two separate decisions requiring separate, although not necessarily different, aggravating and/or mitigating factors for each departure.
3. *Consideration of Aggravating and Mitigating Factors* - The Court must consider all aggravating and/or mitigating factors proven for a sentencing event, but the decision to depart from the presumptive sentence recommendation is in the discretion of the court.
 - Recognized aggravating and mitigating factors are provided below.
 - Worksheet scoring factors for the most serious offense may not be used as aggravating factors for the sentencing event.
 - A necessary element of the most serious offense may not be used as an aggravating factor for the sentencing event.⁴
4. *Burden of Proof – Aggravating Factors* - The prosecutor bears the burden of proving beyond a reasonable doubt that an aggravating factor exists. The defendant is entitled to a jury trial on the existence of any aggravating factor, unless the aggravating factor is admitted by the defendant or both the defendant and the prosecutor waive a jury determination and request the judge alone to decide. It is within the discretion of the trial court whether to bifurcate the trial and sentencing phase of a covered case.

⁴ Some worksheet offenses may be committed in multiple ways. For instance, Unlawful Manufacture of a Controlled Substance in the first degree must have a combination of two of seven identified elements. If a third of the seven elements is proven beyond a reasonable doubt and is an aggravating factor, the use of that element as an aggravating factor is not precluded.

-
5. Burden of Proof – Mitigating Factors - The defendant bears the burden of proving by a preponderance of the evidence that a mitigating factor exists. A jury is not required to determine the existence of a mitigating factor.
 6. Notice – Aggravation - The prosecutor shall give the defendant notice of aggravating factors no less than seven (7) days before trial. Once given, notice is deemed sufficient for any future trial settings. For good cause shown, notice may be given at any time with the consent of the trial court, provided the defendant is given an opportunity to research and rebut the aggravating factor. Notice can be waived.
 7. Notice Requirements - Mitigation - The defendant shall give the prosecutor notice of mitigating factors no less than seven (7) days before sentencing. Once given, notice is deemed sufficient for any future sentencing settings. For good cause shown, notice may be given at any time with the consent of the trial court, provided the prosecutor is given an opportunity to research and rebut the mitigating factor. Notice can be waived.
 8. Stating Reasons for Departure - The aggravating and/or mitigating factors found as reasons for any departure must be stated in the written sentencing order, even if the departure sentence is the result of a plea agreement and the parties have agreed to the existence of the aggravating and/or mitigating factors.

Aggravating and Mitigating Factors

A departure sentence requires an aggravating and/or mitigating factor to be proven. The following is a list of factors that may justify a departure from the Standards.

Mitigating Factors

- The defendant's participation in the crime was relatively minor or the defendant acted under extreme duress or under the substantial domination of another person.
- At the time of the offense, the defendant was under the influence of extreme mental or emotional disturbance.
- The defendant's age or capacity to appreciate the criminality of his conduct or to conform his conduct to the requirements of law at the time of the crime significantly reduced the defendant's culpability at the time the offense was committed.
- The defendant has made substantial or full restitution to the victim(s).
- The defendant has provided substantial assistance in the investigation or prosecution of another person who is alleged to have committed an offense.
- The defendant has received an honorable discharge from the United States armed forces.
- The defendant has been a person of good character or has a good reputation in the community in which the defendant lives.
- The defendant has entered and is currently involved in or has successfully completed a drug treatment program or an alcohol treatment program subsequent to arrest and prior to trial.

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- The defendant has a strong positive support system in the community or has exhibited a positive employment history.
 - Any other “mitigating factor” reasonably related to the purposes of sentencing.

Aggravating Factors

- The crime involved multiple participants in the criminal conduct, and the defendant played a major role in the crime as the leader, organizer, recruiter, manager, or supervisor.
- The offense was committed for the benefit of, or at the discretion of, any streetgang as defined in ALA. CODE 13A-6-26(a), with the specific intent to promote, further, or assist in criminal activity by streetgang members.
- The defendant was hired or paid to commit the offense.
- The defendant held public office at the time of the offense and the offense was related to the conduct of the office.
- The offense involved a fiduciary relationship, including a domestic relationship, which existed between the defendant and victim.
- The victim was particularly vulnerable due to age, infirmity, or reduced physical capacity that was known or should have been known to the defendant.
- The defendant was incarcerated, on pretrial release, on probation or parole, or serving a community corrections sentence at the time the crime was committed, or otherwise under sentence of law.
- The offender being 18 or more years of age employs, hires, uses, persuades, induces, entices, or coerces an individual under 16 years of age to assist in the crime or to assist in avoiding detection or apprehension.
- The offense involved an attempted or actual taking or receipt of property of great monetary value or damage causing great monetary loss to the victim(s).
- The offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, involved multiple victims, or involved a single victim victimized more than once.
- The commission of the offense created a substantial risk to human health or safety or a danger to the environment.
- The defendant exposed a child under 17 years of age to criminal conduct and/or endangerment.
- The defendant was motivated by the victim’s actual or perceived race, color, religion, national origin, ethnicity, sexual orientation, or physical or mental disability to commit the offense.
- The defendant used the identity of another person without authorization to commit the crime.
- Any other “aggravating factor” reasonably related to the purposes of sentencing.

IV. GENERAL INSTRUCTIONS - Completing Each Worksheet

Because of the multiple ways in which sentencing occurs in Alabama, there is no requirement concerning which worksheet is completed first. It is suggested, however, the preparer first complete the case information at the top of the In/Out Worksheet and the Sentence Length Worksheet.

PRISON IN/OUT WORKSHEET

Step A - Complete the case information at the top of the In/Out Worksheet. Please print.

Defendant – fill in the defendant’s name as it appears in the court case file.

Case No. – fill in the case number for the **most serious offense** for the sentencing event. Include the county of conviction, circuit court (CC) or district court (DC), year of filing, and the case number. (e.g., 38-CC-2014-659)

Worksheet Preparer – fill in the name and the title of the worksheet preparer.

Judge – fill in the name of the judge presiding over sentencing in the case.

Prosecutor – fill in the name of the prosecutor at this sentencing event.

Defense Attorney – fill in the name of the attorney representing the defendant at sentencing, or if more than one attorney, the lead attorney in the case.

Defendant _____ Judge _____
Case No. _____ Prosecutor _____
Worksheet Preparer _____ Defense Attorney _____

Step B – Complete the Sentencing Factors Section. See the instructions for each worksheet.

Step C – Prison In/Out Worksheet Recommendation:

1. Total the scores from the Sentencing Factors Section and record the total score in the Total Score box.
2. Circle the recommendation (non-prison or prison) that conforms to the total score. A sentence disposition under the Standards must conform to the Prison In/Out recommendation unless a sentence disposition departure is entered.

Drug Worksheets In/Out Recommendation (Presumptive Disposition) Total Score

1-7 points: Non-Prison 8 or more points: Prison

Property Worksheets In/Out Recommendation (Voluntary/Presumptive Disposition) Total Score

8-14 points: Non-Prison 15 or more points: Prison

Personal Worksheets In/Out Recommendation (Voluntary Disposition) Total Score

1-7 points: Non-Prison 8 or more points: Prison

Step D – After sentencing, if the judge departs from the In/Out worksheet recommendation, the judge must enter the reason for departure in the sentencing order.

SENTENCE LENGTH WORKSHEET

Step A - Complete the case information at the top of the Sentence Length Worksheet.

Defendant – fill in the defendant’s name as it appears in the court case file.

Case No. – fill in the case number for the **most serious offense** for the sentencing event.

Step B – Complete the Sentencing Factors Section. See the instructions for each worksheet.

Step C - Sentence Length Worksheet Recommendation:

1. Total the scores from the Sentencing Factors Section and record the total score in the Total Score box.
2. Go to the Sentence Length Range table and select the sentence ranges that conform to the total score.
3. Record the recommended ranges on the Sentence Length Worksheet.

See Sentence Length Table		<i>Step C1</i>
		Total Score <input type="text"/>
<i>Step C3</i>	Sentence Range ___ to ___ (straight) ___ to ___ (split)	
		Judge’s Signature/Initial _____

SENTENCE LENGTH RANGES FOR WORKSHEET

This table contains recommended sentence length ranges from which a specific sentence that comports with the Standards is chosen.

The table is divided into three sections or column groups.

1. The first column is a list of scores corresponding to the “Total Score” from the Sentence Length Worksheet.
2. The next three columns (Total Sentence) list the recommended sentence ranges from which a sentence may be chosen.
3. The last three columns (Time to Serve on Split) provide the recommended sentence ranges for the incarceration portion of a split sentence in the event the judge chooses to impose a split sentence.

Score	Total Sentence			Time to Serve On Split		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
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

This table is not intended to encourage or discourage the use of split sentences. The use of split remains a matter entirely within the discretion of the sentencing judge when permitted.

Step A - Find the score on the sentence length tables that matches the total score on the sentence length worksheet. If no match is found, select the next lowest score corresponding to the Total Score on the Sentence Length Worksheet.

If the worksheet score exceeds the highest score on the Sentence Length Table, the sentencing event is no longer a worksheet event, the Standards are not applicable, and the defendant must be sentenced under existing law. In this event, the worksheets, along with the sentencing order still *must* be made a part of the record and filed with the court clerk to be forwarded to the Alabama Sentencing Commission to show why the sentencing event is independent from the Standards.

Step B – Identify the recommended sentence range for that score in “Total Sentence” columns.

Step C - Identify the recommended sentence range for the incarceration portion of a split sentence from the “Time to Serve on Split” columns.

Step D - Record the recommended sentence ranges on the Sentence Length Worksheet.

Step E – After sentencing, if the judge departs from the Sentence Length Worksheet recommendation, the judge must enter the reason for departure in the sentencing order.

Final Step - File the completed worksheets (Prison In/Out and Sentence Length) with the court clerk. After final sentencing, the court clerk shall forward a copy of the completed worksheets and a copy of the final sentencing order to the Alabama Sentencing Commission.

Alabama Sentencing Commission
300 Dexter Avenue
Suite 2-230
Montgomery, AL 36104-3741
Fax: (334) 954-5201
email: sentencing.commission@alacourt.gov

The Drug offenses listed below are covered by the Sentencing Standards subject to Presumptive Sentencing Recommendations.

Most Serious Offense at Conviction Ranking

Felony DUI
§ 32-5a-191(h)

Manufacturing Controlled Substance 1st
§ 13A-12-218
(includes attempts, conspiracies, and solicitations)

Manufacturing Controlled Substance 2nd
§ 13A-12-217
(includes attempts, conspiracies, and solicitations)

Possession of Controlled Substance
§ 13A-12-212
(includes attempts, conspiracies, and solicitations)

Possession of Marihuana 1st
§ 13A-12-213(a)(1)&(2)
(includes attempts, conspiracies, and solicitations)

Possession with Intent to Distribute Controlled Substance
§ 13A-12-211(c)
(includes attempts, conspiracies, and solicitations)

Sale/Distribution of Marihuana
(other than to minor)
§ 13A-12-211
(includes attempts, conspiracies, and solicitations)

Sale/Distribution of Schedule I-V
(other than to minor)
§ 13A-12-211
(includes attempts, conspiracies, and solicitations)

INSTRUCTIONS - - Drug Prison In/Out Worksheets⁵

1. Case Information Section

Complete prior to sentencing. See the General Instructions to complete this section.

2. Sentencing Factors Section

Complete prior to sentencing.

3. Most Serious Conviction Offense - Following the general instructions, the preparer should select only the most serious offense being sentenced at the current sentencing event. Where two or more offenses have the same score, circle the specific offense scored as the most serious conviction offense on this worksheet. The preparer should enter the number of points assigned to the most serious offense.

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

5. Number of Prior Adult Convictions for Misdemeanors or Violations - Count all criminal convictions for misdemeanor offenses or violations that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Only include the serious traffic offenses of (1) DUI, (2) BUI, (3) Leaving the Scene of an Accident, (4) Attempting to Elude, (5) Driving without a License or (6) Driving while License is Suspended or Revoked.

6. Prior Incarceration with Unsuspended Sentence Imposed of 1 Year or More - Count prior prison, jail, Department of Corrections/community corrections, and YO or Juvenile Delinquency 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 at the current sentencing event.

7. Prior Felony Probation or Parole Revocation - Count 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. The imposition of intermediate sanctions (pursuant to § 15-22-29, § 15-22-32, § 15-22-52, and § 15-22-54) in response to a probation/parole violation to include periods of confinement in jail or prison should not be counted.

8. Number of Prior Juvenile Delinquency or Youthful Offender Adjudications - Count all 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. *Note: use the definition for misdemeanors or violations as set out in factor #5.*

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 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 purpose of completing the worksheets, a deadly weapon or dangerous instrument shall be defined pursuant to Sections 13A-1-2 and 13A-11-72.

10. Total Score - Total the scores from the Sentencing Factors Section.

⁵ Includes both the Drug (Class A, B, C) and Drug (Class D) Worksheets.

Presumptive Disposition**11. Non-Prison: 1-7 Points**

Circle “non-prison” as the presumptive disposition.

12. Prison: 8 or more points

Circle “prison” as the presumptive disposition.

After sentencing, the completed worksheet must be filed with the court clerk and made a part of the record. The court clerk shall forward to the Alabama Sentencing Commission a copy of this worksheet and the Drug Sentence Length worksheet, along with a copy of the Court’s final Sentencing Order after grant or denial of probation.

Departure Sentences

If the presumptive disposition is not followed, refer to the General Instructions III for procedures relating to departure sentences and requiring the finding of aggravating and/or mitigating circumstances.

Drug (Class A, B, C) Prison In/Out Worksheet

Eff. 10-1-2019

Defendant _____ Judge _____
 Case No. _____ Prosecutor _____
 Worksheet Preparer _____ Defense Attorney _____

Most Serious Conviction Offense _____ Please circle one *offense*

PRESUMPTIVE

Class C offenses

- Felony DUI 4
- Poss of Marihuana 1st §13A-12-213(a)(1) 2
- A/S/C Poss of Marihuana 1st §13A-12-213(a)(1) 2

PRESUMPTIVE

Class B offenses

- Manufacturing Controlled Substance 2nd 5
- A/S/C Manufacturing Controlled Substance 2nd 5
- Poss with Intent to Distribute Controlled Sub 5
- A/S/C Poss with Intent to Distribute Controlled Sub 5
- Sale/Distribution of Marihuana (other than to minor) 6
- A/S/C Sale/Distribution of Marihuana (other than to minor) 6
- Sale/Distribution of Schedule I-V (other than to minor) 6
- A/S/C Sale/Distribution of Schedule I-V (other than to minor) ... 6

PRESUMPTIVE

Class A offenses

- Manufacturing Controlled Substance 1st 8
- A/S/C Manufacturing Controlled Substance 1st 8

**A/S/C = Attempt/Solicitation/Conspiracy*

Score

Number of Prior Adult Felony Convictions _____

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

Score

Number of Prior Adult Convictions for Misdemeanors or Violations _____

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

Score

Prior Incarceration with *Unsuspected* Sentence Imposed of 1 Year or More 3 Score

Prior Felony Probation or Parole Revocation 1 Score

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

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

Score

Possession/Use of a Deadly Weapon or Dangerous Instrument 2 Score

Disposition: Presumptive

Total Score

1-7 points: Non-Prison

8 or more points: Prison

Drug (Class D) Prison In/Out Worksheet

Defendant _____ Judge _____

Case No. _____ Prosecutor _____

Worksheet Preparer _____ Defense Attorney _____

Most Serious Conviction Offense _____ Please circle one offense

PRESUMPTIVE

Class D offenses

Poss of Controlled Substance 1

A/S/C Poss of Controlled Substance 1

Poss of Marihuana 1st §13A-12-213(a)(2) 1

A/S/C Poss of Marihuana 1st §13A-12-213(a)(2) 1

**A/S/C = Attempt/Solicitation/Conspiracy*

Score

Number of Prior Adult Felony Convictions

None 0

1 2

2 Class A or B felonies → (2 3)

3 5

3 felonies → (4 6)

5 or more 7

2 Class A or B felonies - If previously convicted of any two or more felonies that are Class A or Class B felonies and after such convictions has committed a Class D felony, upon conviction, he or she must be sentenced for a Class C felony but pursuant to the Drug (Class D) Prison Sentence Length Ranges for Worksheet (maximum of 120 months).

3 felonies - If previously convicted of any three or more felonies and after such convictions has committed a Class D felony, upon conviction, he or she must be sentenced for a Class C felony but pursuant to the Drug (Class D) Prison Sentence Length Ranges for Worksheet (maximum of 120 months).

Score

Number of Prior Adult Convictions for Misdemeanors or Violations

0-1 0

6-9 2

2-5 1

10 or more 3

Score

Prior Incarceration with *Unuspended* Sentence Imposed of 1 Year or More 3

Score

Prior Felony Probation or Parole Revocation 1

Score

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

None 0

3-4 2

1-2 1

5 or more 3

Score

Possession/Use of a Deadly Weapon or Dangerous Instrument 2

Score

Total Score

Disposition: Presumptive

1-7 points: Non-Prison

8 or more points: Prison

INSTRUCTIONS - - Drug Sentence Length Worksheets⁶

1. Case Information Section

Enter the Defendant's name and Case Number even if it has already been entered on the In/Out worksheet.

2. Sentencing Factors Section

Complete prior to sentencing.

3. Most Serious Conviction Offense – Following the general instructions, the preparer should select only the most serious offense being sentenced at the current sentencing event. Where two or more offenses have the same score, circle the specific offense scored as the most serious conviction offense on this worksheet. The preparer should enter the number of points assigned to the most serious offense.

4. Number of Additional Felony Convictions (Including Counts) - The preparer 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.

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

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

7. Prior Incarceration with Unsuspended Sentence Imposed of 1 Year or More - Count prior prison, jail, Department of Corrections/community corrections, and YO or Juvenile Delinquency 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 at the current sentencing event.

8. Total Score – Total the scores from the Sentencing Factors Section.

9. Presumptive Sentence Range - Go to the Drug Sentence Length Ranges for Worksheet Table to convert the score into a presumptive sentence length. Record the presumptive sentence ranges for the total sentence and split sentence in the spaces identified as “straight” and “split”. The sentence for the most serious offense must come from these presumptive ranges to comport with the standards. Statutory enhancements, as they have been applied, have been factored into the sentence length table and should *not* be added.

10. Judge's Signature or Initials

After the sentencing worksheets are completed and sentence has been imposed, the sentencing judge should sign or initial the worksheet to identify and acknowledge the worksheet has been reviewed and was considered prior to sentencing.

After sentencing, the completed worksheet must be filed with the court clerk and made a part of the record. The court clerk shall forward to the Alabama Sentencing Commission a copy of this worksheet and the Prison In/Out worksheet, along with a copy of the Court's final Sentencing Order after grant or denial of probation.

⁶ Includes both the Drug (Class A, B, C) and Drug (Class D) Sentence Length Worksheets.

Departure Sentences

If the presumptive sentence length is not followed, refer to the General Instructions III for procedures relating to departure sentences and requiring the finding of aggravating and/or mitigating circumstances.

Drug (Class A, B, C) Sentence Length Worksheet

Eff. 10-1-2019

Defendant _____ Case No. _____

Most Serious Conviction Offense _____ Please circle one *offense*

PRESUMPTIVE

Class C offenses

Felony DUI	76
Poss of Marihuana 1 st §13A-12-213(a)(1)	71
A/S/C Poss of Marihuana 1 st §13A-12-213(a)(1)	71

PRESUMPTIVE

Class B offenses

Manufacturing Controlled Substance 2 nd	105
A/S/C Manufacturing Controlled Substance 2 nd	105
Poss with Intent to Distribute Controlled Sub	105
A/S/C Poss with Intent to Distribute Controlled Sub	105
Sale/Distribution of Marihuana (other than to minor)	84
A/S/C Sale/Distribution of Marihuana (other than to minor)	84
Sale/Distribution of Schedule I-V (other than to minor)	113
A/S/C Sale/Distribution of Schedule I-V (other than to minor)	113

PRESUMPTIVE

Class A offenses

Manufacturing Controlled Substance 1 st	286
A/S/C Manufacturing Controlled Substance 1 st	286

*A/S/C = Attempt/Solicitation/Conspiracy

Score

Number of Additional Felony Convictions (Including Counts) _____

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

Score

Number of Prior Adult Felony Convictions _____

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

Score

Number of Prior Adult Felony Class C & Class D Convictions _____

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

Score

Prior Incarceration with *Unuspended* Sentence Imposed of 1 Year or More 14 Score

See Drug Sentence Length Table

Presumptive

Total Score

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

Judge's Signature/Initial _____

Drug (Class D) Sentence Length Worksheet

Eff. 10-1-2019

Defendant _____ Case No. _____

Most Serious Conviction Offense _____ Please circle one *offense*

PRESUMPTIVE

Class D offenses

- Poss of Controlled Substance 59
- A/S/C Poss of Controlled Substance 59
- Poss of Marihuana 1st §13A-12-213(a)(2) 42
- A/S/C Poss of Marihuana 1st §13A-12-213(a)(2) 42

**A/S/C = Attempt/Solicitation/Conspiracy*

Score

Number of Additional Felony Convictions (Including Counts) _____

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

Score

Number of Prior Adult Felony Convictions

- | | | |
|----------------------------------|--------------------|---|
| | None 0 | |
| 2 Class A or B felonies → | 1 10 | } |
| | 2 20 | |
| 3 felonies → | 3 30 | |
| | 4 40 | |
| | 5 or more 50 | |

2 Class A or B felonies - If previously convicted of any two or more felonies that are Class A or Class B felonies and after such convictions has committed a Class D felony, upon conviction, he or she must be sentenced for a Class C felony but pursuant to the Drug (Class D) Prison Sentence Length Ranges for Worksheet (maximum of 120 months).

3 felonies - If previously convicted of any three or more felonies and after such convictions has committed a Class D felony, upon conviction, he or she must be sentenced for a Class C felony but pursuant to the Drug (Class D) Prison Sentence Length Ranges for Worksheet (maximum of 120 months).

Number of Prior Adult Felony Class C & Class D Convictions _____

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

Score

Prior Incarceration with *Unuspended* Sentence Imposed of 1 Year or More 14 **Score**

See Drug Sentence Length Table

Presumptive

Total Score

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

Judge's Signature/Initial

Drug (Class A, Class B) Prison Sentence Length Ranges for Worksheet

Time in Months

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
84	24	45	65	8	18	27
86	24	45	65	8	18	27
87	24	45	65	8	18	27
88	24	45	65	8	18	27
89	24	45	65	8	18	27
90	24	45	65	8	18	27
91	24	45	65	8	18	27
92	24	45	65	8	18	27
93	24	45	65	8	18	27
94	24	45	65	8	18	27
95	24	45	65	8	18	27
96	24	45	65	8	18	27
97	24	45	65	8	18	27
98	24	45	65	8	18	27
99	24	45	65	8	18	27
100	24	45	65	8	18	27
101	24	45	65	8	18	27
102	24	45	65	8	18	27
103	24	45	65	8	18	27
104	24	61	97	8	18	27
105	24	61	97	8	18	27
106	24	61	97	8	18	27
107	24	61	97	8	18	27
108	24	61	97	8	18	27
109	24	61	97	8	18	27
110	24	61	97	8	18	27
111	24	61	97	8	18	27
112	24	61	97	8	18	27
113	24	61	97	8	18	27
115	24	61	97	8	18	27
116	24	61	97	8	18	27
117	24	61	97	8	18	27
118	24	61	97	8	18	27
119	24	61	97	8	18	27
120	24	61	97	8	18	27
121	24	61	97	8	18	27
122	24	61	97	8	18	27
123	24	61	97	8	18	27
124	24	61	97	8	18	27
125	24	61	97	8	18	27
126	24	61	97	8	18	27
127	24	61	97	8	18	27
128	24	61	97	8	18	27
130	24	61	97	8	18	27
132	24	61	97	8	18	27
133	24	61	97	8	18	27
134	24	61	97	8	18	27
135	24	61	97	8	18	27
136	24	61	97	8	18	27
137	24	61	97	8	18	27
138	24	61	97	8	18	27
139	24	61	97	8	18	27
140	24	61	97	8	18	27
141	24	64	104	8	18	27
142	24	64	104	8	18	27

Drug (Class A, Class B) Prison Sentence Length Ranges for Worksheet

Time in Months

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
143	24	64	104	8	18	27
144	24	64	104	8	18	27
145	24	64	104	8	18	27
146	24	64	104	8	18	27
147	24	64	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
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

Drug (Class A, Class B) Prison Sentence Length Ranges for Worksheet

Time in Months

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
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
250	50	90	130	24	30	36
255	50	90	130	24	30	36
258	60	95	130	24	30	36
262	60	95	130	24	30	36
270	60	95	130	24	30	36
276	70	100	130	24	30	36
280	70	100	130	24	30	36
286	120	150	180	24	30	36
300	120	150	180	24	30	36
315	120	150	180	24	30	36
320	180	210	240	36	48	60
345	180	210	240	36	48	60
360	180	210	240	36	48	60
381	180	210	240	36	48	60

Drug (Class C) Prison Sentence Length Ranges for Worksheet

Time in Months

Score	Total Sentence			Time to Serve On Split		
	Low	Mid	High	Low	Mid	High
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	15	24
79	13	39	65	6	15	24
80	13	39	65	8	16	24
81	13	39	65	8	16	24
82	13	39	65	8	16	24
83	13	39	65	8	16	24
84	13	39	65	8	16	24
86	13	39	65	8	16	24
87	13	39	65	8	16	24
88	13	39	65	8	16	24
89	13	39	65	8	16	24
90	13	39	65	8	16	24
91	13	39	65	8	16	24
92	13	39	65	8	16	24
93	13	39	65	8	16	24
94	13	39	65	8	16	24
95	13	39	65	8	16	24
96	13	39	65	8	16	24
97	13	39	65	8	16	24
98	13	39	65	8	16	24
99	13	39	65	8	16	24
100	13	39	65	8	16	24
101	13	39	65	8	16	24
102	13	39	65	8	16	24
103	13	39	65	8	16	24
104	13	55	97	8	16	24
105	15	56	97	8	16	24
106	15	56	97	8	16	24
107	15	56	97	8	16	24
108	15	56	97	8	16	24
109	15	56	97	8	16	24
110	15	56	97	8	16	24
111	15	56	97	8	16	24
112	15	56	97	8	16	24
113	15	56	97	8	16	24
115	15	56	97	8	16	24
116	15	56	97	8	16	24
117	15	56	97	8	16	24
118	15	56	97	8	16	24
119	15	56	97	8	16	24
120	15	56	97	8	16	24
121	15	56	97	8	16	24
122	15	56	97	8	16	24
123	15	56	97	8	16	24
124	15	56	97	8	16	24
125	15	56	97	8	16	24
126	18	58	97	8	16	24
127	18	58	97	8	16	24
128	18	58	97	8	16	24

Drug (Class C) Prison Sentence Length Ranges for Worksheet

Time in Months

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
130	18	58	97	8	16	24
132	18	58	97	8	16	24
133	18	58	97	8	16	24
134	18	58	97	8	16	24
135	18	58	97	8	16	24
136	18	58	97	8	16	24
137	18	58	97	8	16	24
138	18	58	97	8	16	24
139	18	58	97	8	16	24
140	18	58	97	8	16	24
141	21	62	104	8	16	24
142	21	62	104	8	16	24
143	21	62	104	8	16	24
144	21	62	104	8	16	24
145	21	62	104	8	16	24
146	21	62	104	8	16	24
147	21	62	104	8	16	24
148	24	64	104	8	16	24
149	24	64	104	8	16	24
150	24	64	104	8	16	24
152	24	64	104	8	16	24
154	30	67	104	12	18	24
155	30	67	104	12	18	24
156	30	67	104	12	18	24
157	30	67	104	12	18	24
158	30	67	104	12	18	24
159	30	67	104	12	18	24
160	30	67	104	12	18	24
161	30	67	104	12	18	24
162	30	67	104	12	18	24
163	30	67	104	12	18	24
164	30	67	104	12	18	24
165	30	67	104	12	18	24
166	30	67	104	12	18	24
167	30	67	104	12	18	24
168	30	67	104	12	18	24
169	30	67	104	12	18	24
170	30	67	104	12	18	24
171	30	67	104	12	18	24
172	36	70	104	12	18	24
173	36	70	104	12	18	24
174	36	70	104	12	18	24
176	36	70	104	12	18	24
177	36	70	104	12	18	24
178	36	70	104	12	18	24
181	45	87	130	16	20	24
182	45	87	130	16	20	24
183	45	87	130	16	20	24
184	45	87	130	16	20	24
185	45	87	130	16	20	24
188	45	87	130	18	21	24
189	45	87	130	18	21	24
191	45	87	130	18	21	24
192	45	87	130	18	21	24
195	45	87	130	18	21	24

Drug (Class C) Prison Sentence Length Ranges for Worksheet

Time in Months

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
196	45	87	130	18	21	24
198	45	87	130	18	21	24
199	45	87	130	18	21	24
200	45	87	130	18	21	24
203	45	87	130	18	21	24
205	45	87	130	18	21	24
206	45	87	130	18	21	24
212	45	87	130	18	21	24
213	45	87	130	18	21	24
214	45	87	130	18	21	24
220	45	87	130	18	21	24
222	45	87	130	18	21	24
227	45	87	130	18	21	24
232	45	87	130	18	21	24
235	45	87	130	18	21	24
242	45	87	130	18	21	24
248	45	87	130	18	21	24

Drug (Class D) Prison Sentence Length Ranges for Worksheet

Time in Months

Score	Total Sentence			Time to Serve On Split		
	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	15	24
79	13	39	65	6	15	24
80	13	39	65	8	16	24
81	13	39	65	8	16	24
82	13	39	65	8	16	24
83	13	39	65	8	16	24
84	13	39	65	8	16	24
86	13	39	65	8	16	24
87	13	39	65	8	16	24
88	13	39	65	8	16	24
89	13	39	65	8	16	24
90	13	39	65	8	16	24
91	13	39	65	8	16	24
92	13	39	65	8	16	24
93	13	39	65	8	16	24
94	13	39	65	8	16	24
95	13	39	65	8	16	24
96	13	39	65	8	16	24
97	13	39	65	8	16	24
98	13	39	65	8	16	24
99	13	39	65	8	16	24
100	13	39	65	8	16	24
101	13	39	65	8	16	24
102	13	39	65	8	16	24
103	13	39	65	8	16	24
104	13	55	97	8	16	24
105	15	56	97	8	16	24
106	15	56	97	8	16	24
107	15	56	97	8	16	24
108	15	56	97	8	16	24
109	15	56	97	8	16	24
110	15	56	97	8	16	24
111	15	56	97	8	16	24
112	15	56	97	8	16	24
113	15	56	97	8	16	24
115	15	56	97	8	16	24
116	15	56	97	8	16	24
117	15	56	97	8	16	24

For Class D Felony Drug Sentence Length Scores greater than 75, a sentence greater than 60 months is only available if the defendant has been previously convicted of any three or more felonies or has been previously convicted of any two felonies that are Class A or Class B felonies.

Drug (Class D) Prison Sentence Length Ranges for Worksheet

Time in Months

Score	Total Sentence			Time to Serve On Split		
	Low	Mid	High	Low	Mid	High
118	15	56	97	8	16	24
119	15	56	97	8	16	24
120	15	56	97	8	16	24
121	15	56	97	8	16	24
122	15	56	97	8	16	24
123	15	56	97	8	16	24
124	15	56	97	8	16	24
125	15	56	97	8	16	24
126	18	58	97	8	16	24
127	18	58	97	8	16	24
128	18	58	97	8	16	24
130	18	58	97	8	16	24
132	18	58	97	8	16	24
133	18	58	97	8	16	24
134	18	58	97	8	16	24
135	18	58	97	8	16	24
136	18	58	97	8	16	24
137	18	58	97	8	16	24
138	18	58	97	8	16	24
139	18	58	97	8	16	24
140	18	58	97	8	16	24
141	21	62	104	8	16	24
142	21	62	104	8	16	24
143	21	62	104	8	16	24
144	21	62	104	8	16	24
145	21	62	104	8	16	24
146	21	62	104	8	16	24
147	21	62	104	8	16	24
148	24	64	104	8	16	24
149	24	64	104	8	16	24
150	24	64	104	8	16	24
152	24	64	104	8	16	24
154	30	67	104	12	18	24
155	30	67	104	12	18	24
156	30	67	104	12	18	24
157	30	67	104	12	18	24
158	30	67	104	12	18	24
159	30	67	104	12	18	24
160	30	67	104	12	18	24
161	30	67	104	12	18	24
162	30	67	104	12	18	24
163	30	67	104	12	18	24
164	30	67	104	12	18	24
165	30	67	104	12	18	24
166	30	67	104	12	18	24
167	30	67	104	12	18	24
168	30	67	104	12	18	24
169	30	67	104	12	18	24
170	30	67	104	12	18	24
171	30	67	104	12	18	24
172	36	70	104	12	18	24
173	36	70	104	12	18	24
174	36	70	104	12	18	24
176	36	70	104	12	18	24
177	36	70	104	12	18	24
178	36	70	104	12	18	24

For Class D Felony Drug Sentence Length Scores greater than 75, a sentence greater than 60 months is only available if the defendant has been previously convicted of any three or more felonies or has been previously convicted of any two felonies that are Class A or Class B felonies.

Drug (Class D) Prison Sentence Length Ranges for Worksheet

Time in Months

Score	Total Sentence			Time to Serve On Split		
	Low	Mid	High	Low	Mid	High
181	45	83	120	16	20	24
182	45	83	120	16	20	24
183	45	83	120	16	20	24
184	45	83	120	16	20	24
185	45	83	120	16	20	24
188	45	83	120	18	21	24
189	45	83	120	18	21	24
191	45	83	120	18	21	24
192	45	83	120	18	21	24
195	45	83	120	18	21	24
196	45	83	120	18	21	24
198	45	83	120	18	21	24
199	45	83	120	18	21	24
200	45	83	120	18	21	24
203	45	83	120	18	21	24
205	45	83	120	18	21	24
206	45	83	120	18	21	24
212	45	83	120	18	21	24
213	45	83	120	18	21	24
214	45	83	120	18	21	24
220	45	83	120	18	21	24
222	45	83	120	18	21	24
227	45	83	120	18	21	24

For Class D Felony Drug Sentence Length Scores greater than 75, a sentence greater than 60 months is only available if the defendant has been previously convicted of any three or more felonies or has been previously convicted of any two felonies that are Class A or Class B felonies.

The Property offenses listed below are covered by the Sentencing Standards subject to Presumptive Sentencing Recommendations, other than Burglary 1st §13A-7-5, Burglary 2nd §13A-7-6, and Burglary 3rd §13A-7-7(a)(1)-(2) which are subject to Voluntary Sentencing Recommendations.

Most Serious Offense at Conviction Ranking	
Burglary 1 st §13A-7-5	Theft of Lost Property 1 st §13A-8-7
Burglary 2 nd §13A-7-6	Theft of Lost Property 2 nd §13A-8-8
Burglary 3 rd §13A-7-7(a)(1)-(3)	Theft of Lost Property 3 rd §13A-8-8.1
Forgery 1 st §13A-9-2	Theft of Property 1 st * §13A-8-3
Forgery 2 nd §13A-9-3	Theft of Property 2 nd * §13A-8-4
Forgery 3 rd §13A-9-3.1	Theft of Property 3 rd * §13A-8-4.1
Possession of a Forged Instrument 1 st §13A-9-5	Theft of Services 1 st §13A-8-10.1
Possession of a Forged Instrument 2 nd §13A-9-6	Theft of Services 2 nd §13A-8-10.2
Possession of a Forged Instrument 3 rd §13A-9-6.1	Theft of Services 3 rd §13A-8-10.25
Receiving Stolen Property 1 st §13A-8-17	Unauthorized Use/Break & Enter Vehicle §13A-8-11 (a)(4) & (b)
Receiving Stolen Property 2 nd §13A-8-18	Unlawful Possession/Use Credit/Debit Card §13A-9-14
Receiving Stolen Property 3 rd §13A-8-18.1	

*Includes every manner of committing Theft of Property offenses enumerated in Ala.Code § 13A-8-2(a).

INSTRUCTIONS - - Property Prison In/Out Worksheets⁷

1. Case Information Section

Complete prior to sentencing. See the General Instructions to complete this section.

2. Sentencing Factors Section

Complete prior to sentencing.

3. Most Serious Conviction Offense – Following the general instructions, the preparer should select only the most serious offense being sentenced at the current sentencing event. Where two or more offenses have the same score, circle the specific offense scored as the most serious conviction offense on this worksheet. The preparer should enter the number of points assigned to the most serious offense.

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

5. Number of Prior Adult Convictions for Same Felony - Count all 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 Theft of Property I, then a prior Theft of Property II or III conviction would not be scored in this section.

6. Number of Prior Adult Convictions for Misdemeanors or Violations - Count all criminal convictions for misdemeanor offenses or violations that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Only include the serious traffic offenses of (1) DUI, (2) BUI, (3) Leaving the Scene of an Accident, (4) Attempting to Elude, (5) Driving without a License or (6) Driving while License is Suspended or Revoked.

7. Prior Incarceration with Unuspended Sentence Imposed of 1 Year or More - Count prior prison, jail, Department of Corrections/community corrections, and YO or Juvenile Delinquency 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 at the current sentencing event.

8. Prior Incarceration with Unuspended Sentence Imposed of Less Than 1 Year - Count prior prison, jail, Department of Corrections/community corrections, and YO or Juvenile Delinquency 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 at the current sentencing event.

9. Prior Felony Probation or Parole Revocation - Count 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. The imposition of intermediate sanctions (pursuant to § 15-22-29, § 15-22-32, § 15-22-52, and § 15-22-54) in response to a probation/parole violation to include periods of confinement in jail or prison should not be counted.

10. Number of Prior Juvenile Delinquency or Youthful Offender Adjudications - Count all 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. *Note: use the definition for misdemeanors or violations as set out in factor #6.*

⁷ Includes both the Property (Class A, B, C) and Property (Class D) Worksheets.

11. 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 purpose of completing the worksheets, a deadly weapon or dangerous instrument shall be defined pursuant to Sections 13A-1-2 and 13A-11-72.

12. Injury to Victim – 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.

13. Total Score - Total the scores from the Sentencing Factors Section.

Disposition

14. Non-Prison: 8-14 Points

Circle “non-prison” as the disposition.

15. Prison: 15 or more points

Circle “prison” as the disposition.

After sentencing, the completed worksheet must be filed with the court clerk and made a part of the record. The court clerk shall forward to the Alabama Sentencing Commission a copy of this worksheet and the Property Sentence Length worksheet, along with a copy of the Court’s final Sentencing Order after grant or denial of probation.

Departure Sentences

If the presumptive disposition is not followed, refer to the General Instructions III for procedures relating to departure sentences and requiring the finding of aggravating and/or mitigating circumstances.

Property (Class A, B, C) Prison In/Out Worksheet

Eff. 10-1-2019

Defendant _____ Judge _____

Case No. _____ Prosecutor _____

Worksheet Preparer _____ Defense Attorney _____

Most Serious Conviction Offense _____ Please circle one offense

PRESUMPTIVE

Class C offenses

- Burglary 3rd §13A-7-7(a)(3) 11
- Forgery 2nd 9
- Poss Forged Instrument 2nd 9
- Receive Stolen Property 2nd 9
- Theft of Lost Property 2nd 9
- Theft of Property 2nd 9
- Theft of Services 2nd 9
- Unauthorized Use/B&E Vehicle 9

PRESUMPTIVE

Class B offenses

- Forgery 1st 10
- Poss Forged Instrument 1st 10
- Receive Stolen Property 1st 10
- Theft of Lost Property 1st 10
- Theft of Property 1st 10
- Theft of Services 1st 10

VOLUNTARY

- Burglary 3rd (C) §13A-7-7(a)(1)&(2) 12
- Burglary 2nd (B) 13
- Burglary 1st (A) 14

Score

Number of Prior Adult Felony Convictions _____

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

Score

Number of Prior Adult Convictions for Same Felony _____

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

Score

Number of Prior Adult Convictions for Misdemeanors or Violations _____

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

Score

Prior Incarceration with *Unsuspending* Sentence Imposed of 1 Year or More 6 **Score**

Prior Incarceration with *Unsuspending* Sentence Imposed of Less Than 1 Year 3 **Score**

Prior Felony Probation or Parole Revocation 2 **Score**

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

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

Score

Possession/Use of a Deadly Weapon or Dangerous Instrument 1 **Score**

Injury to Victim 2 **Score**

Total Score

Disposition: Voluntary Presumptive

8-14 points: Non-Prison

15 or more points: Prison

Property (Class D) Prison In/Out Worksheet

Eff. 10-1-2019

Defendant _____ Judge _____

Case No. _____ Prosecutor _____

Worksheet Preparer _____ Defense Attorney _____

Most Serious Conviction Offense _____ Please circle one offense

PRESUMPTIVE

Class D offenses

- Forgery 3rd 8
- Poss/Use Credit/Debit Card 8
- Poss Forged Instrument 3rd 8
- Receive Stolen Property 3rd 8

PRESUMPTIVE

Class D offenses

- Theft of Lost Property 3rd 8
- Theft of Property 3rd 8
- Theft of Services 3rd 8

Score

Number of Prior Adult Felony Convictions

None 0

1 1

2 Class A or B felonies → (2 1)

3 felonies → (3-4 2)
 (5 or more 3)

2 Class A or B felonies - If previously convicted of any two or more felonies that are Class A or Class B felonies and after such convictions has committed a Class D felony, upon conviction, he or she must be sentenced for a Class C felony but pursuant to the Property (Class D) Prison Sentence Length Ranges for Worksheet (maximum of 120 months).

3 felonies - If previously convicted of any three or more felonies and after such convictions has committed a Class D felony, upon conviction, he or she must be sentenced for a Class C felony but pursuant to the Property (Class D) Prison Sentence Length Ranges for Worksheet (maximum of 120 months).

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 *Unsuspending* Sentence Imposed of 1 Year or More 6 **Score**

Prior Incarceration with *Unsuspending* Sentence Imposed of Less Than 1 Year 3 **Score**

Prior Felony Probation or Parole Revocation 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 1 **Score**

Injury to Victim 2 **Score**

Total Score

Disposition: Presumptive

8-14 points: Non-Prison

15 or more points: Prison

INSTRUCTIONS - - Property Sentence Length Worksheet⁸

1. Case Information Section

Enter the Defendant's name and Case Number even if it has already been entered on the In/Out worksheet.

2. Sentencing Factors Section

Complete prior to sentencing.

3. Most Serious Conviction Offense - Following the general instructions, the preparer should select only the most serious offense being sentenced at the current sentencing event. Where two or more offenses have the same score, circle the specific offense scored as the most serious conviction offense on this worksheet. The preparer should enter the number of points assigned to the most serious offense.

4. Number of Additional Felony Convictions (Including Counts) - The preparer 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.

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

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

7. Prior Incarceration with Unsuspended Sentence Imposed of 1 Year or More - Count prior prison, jail, Department of Corrections/community corrections, and YO and Juvenile Delinquency 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 at the current sentencing event.

8. Prior Felony Probation or Parole Revocation – Count 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. The imposition of intermediate sanctions (pursuant to § 15-22-29, § 15-22-32, § 15-22-52, and § 15-22-54) in response to a probation/parole violation to include periods of confinement in jail or prison should not be counted.

9. Possession/Use of a Deadly Weapon or a Dangerous Instrument and/or Injury to Victim – 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 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 purpose of completing the worksheets, a deadly weapon or dangerous instrument shall be defined pursuant to Sections 13A-1-2 and 13A-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.

⁸ Includes both the Property (Class A, B, C) and Property (Class D) Sentence Length Worksheets.

10. 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.

11. Total Score – Total the scores from the Sentencing Factors Section.

12. Sentence Range - Go to the Property Sentence Length Ranges for Worksheet Table to convert the score into a presumptive or voluntary sentence length depending on most serious conviction offense. Record the presumptive or voluntary sentence range for the total sentence and split sentence in the spaces identified as “straight” and “split”. The sentence for the most serious offense must come from these ranges to comport with the standards. Statutory enhancements, as they have been applied, have been factored into the sentence length table and should *not* be added.

13. Judge’s Signature or Initials

After the sentencing worksheets are completed and sentence has been imposed, the sentencing judge should sign or initial the worksheet to identify and acknowledge that the worksheet was reviewed and considered prior to the sentencing.

After sentencing, the completed worksheet must be filed with the court clerk and made a part of the record. The court clerk shall forward to the Alabama Sentencing Commission a copy of this worksheet and the Prison In/Out worksheet, along with a copy of the Court’s final Sentencing Order after grant or denial of probation.

Departure Sentences

If the presumptive sentence length is not followed, refer to the General Instructions III for procedures relating to departure sentences and requiring the finding of aggravating and/or mitigating circumstances.

Property (Class A, B, C) Sentence Length Worksheet

Eff. 10-1-2019

Defendant _____ Case No. _____

Most Serious Conviction Offense _____ Please circle one offense

PRESUMPTIVE

Class C offenses

Burglary 3 rd §13A-7-7(a)(3)	47
Forgery 2 nd	47
Poss Forged Instrument 2 nd	47
Receive Stolen Property 2 nd	47
Theft of Lost Property 2 nd	47
Theft of Property 2 nd	47
Theft of Services 2 nd	47
Unauthorized Use/B&E Vehicle	47

PRESUMPTIVE

Class B offenses

Forgery 1 st	58
Poss Forged Instrument 1 st	58
Receive Stolen Property 1 st	58
Theft of Lost Property 1 st	58
Theft of Property 1 st	58
Theft of Services 1 st	58

VOLUNTARY

Burglary 3 rd (C) §13A-7-7(a)(1)&(2)	55
Burglary 2 nd (B)	70
Burglary 1 st (A)	275

Score

Number of Additional Felony Convictions (Including Counts)

None	0	2	10
1	5	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	3	21
1	7	4	27
2	14	5 or more	34

Score

Prior Incarceration with *Unuspended* Sentence Imposed of 1 Year or More 15 Score

Prior Felony Probation or Parole Revocation 7 Score

Possession/Use of a Deadly Weapon/Dangerous Instrument or Injury to Victim 37 Score

Acquired a Firearm During Offense 12 Score

See Property Sentence Length Table

Total Score

Voluntary Presumptive

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

Judge's Signature/Initial _____

Property (Class D) Sentence Length Worksheet

Eff.10-1-2019

Defendant _____ Case No. _____

Most Serious Conviction Offense _____ Please circle one offense

PRESUMPTIVE

Class D offenses

- Forgery 3rd 39
- Poss/Use Credit/Debit Card 39
- Poss Forged Instrument 3rd 39
- Receive Stolen Property 3rd 39

PRESUMPTIVE

Class D offenses

- Theft of Lost Property 3rd 39
- Theft of Property 3rd 39
- Theft of Services 3rd 39

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
- 1 12
- 2 24
- 3 36
- 4 48
- 5 60
- 6 72
- 7 84
- 8 97
- 9 109
- 10 or more 121

2 Class A or B felonies →

3 felonies →

2 Class A or B felonies - If previously convicted of any two or more felonies that are Class A or Class B felonies and after such convictions has committed a Class D felony, upon conviction, he or she must be sentenced for a Class C felony but pursuant to the Property (Class D) Prison Sentence Length Ranges for Worksheet (maximum of 120 months).

3 felonies - If previously convicted of any three or more felonies and after such convictions has committed a Class D felony, upon conviction, he or she must be sentenced for a Class C felony but pursuant to the Property (Class D) Prison Sentence Length Ranges for Worksheet (maximum of 120 months).

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 *Unsuspending* Sentence Imposed of 1 Year or More 15 Score

Prior Felony Probation or Parole Revocation 7 Score

Possession/Use of a Deadly Weapon/Dangerous Instrument or Injury to Victim 37 Score

Acquired a Firearm During Offense 12 Score

See Property Sentence Length Table

Total Score

Presumptive

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

Judge's Signature/Initial _____

Property (Class A, Class B) Prison Sentence Length Ranges for Worksheet

Time in Months

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
58	24	35	46	6	9	12
59	24	35	46	6	9	12
60	24	35	46	6	9	12
61	24	35	46	6	9	12
62	24	35	46	6	9	12
63	24	35	46	6	9	12
64	24	35	46	6	9	12
65	24	35	46	6	9	12
66	24	35	46	6	9	12
67	24	35	46	6	9	12
68	24	35	46	6	9	12
69	24	35	46	6	9	12
70	24	35	46	6	9	12
71	24	35	46	6	9	12
72	24	35	46	6	9	12
73	24	35	46	6	9	12
74	24	35	46	6	9	12
75	24	35	46	6	9	12
76	24	39	54	6	9	12
77	24	39	54	6	9	12
78	24	43	61	6	9	12
79	24	43	61	6	9	12
80	24	43	61	6	9	12
81	24	43	61	6	9	12
82	24	43	61	6	9	12
83	24	43	61	6	9	12
84	24	43	61	6	9	12
85	24	43	61	6	9	12
86	24	43	61	6	9	12
87	24	43	61	6	9	12
88	24	43	61	6	9	12
89	24	43	61	6	12	19
90	24	47	69	6	12	19
91	24	47	69	6	12	19
92	24	47	69	6	12	19
93	24	47	69	6	12	19
94	24	47	69	6	12	19
95	24	47	69	6	12	19
96	24	47	69	6	12	19
97	24	47	69	6	12	19
98	24	47	69	6	12	19
99	24	51	77	6	12	19
100	24	51	77	6	12	19
101	24	70	115	6	12	19
102	24	70	115	6	12	19
103	24	70	115	6	12	19
104	24	70	115	6	12	19
105	24	70	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

Property (Class A, Class B) Prison Sentence Length Ranges for Worksheet

Time in Months

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
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
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

Property (Class A, Class B) Prison Sentence Length Ranges for Worksheet

Time in Months

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
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
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

Property (Class A, Class B) Prison Sentence Length Ranges for Worksheet

Time in Months

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
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
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

Property (Class A, Class B) Prison Sentence Length Ranges for Worksheet

Time in Months

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
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

For Class A and Class B Felony Property Sentence Length Scores 353 to 418:
 If a split sentence is selected for a score of 353 or higher, both the total sentence and the split portion must comport with the requirements of Ala. Code §15-18-8.

When the total sentence for a Class A or Class B felony is 15 years (180 months) or less, the maximum split portion is 3 years (36 months).

When the total sentence for a Class A or Class B felony is greater than 15 years (180 months) but does not exceed 20 years (240 months), the minimum split portion is 3 years (36 months) and the maximum split portion is 5 years (60 months).

Property (Class C) Prison Sentence Length Ranges for Worksheet

Time in Months

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
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
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

Property (Class C) Prison Sentence Length Ranges for Worksheet

Time in Months

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
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
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

Property (Class C) Prison Sentence Length Ranges for Worksheet

Time in Months

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
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	24
171	81	102	123	12	18	24
172	81	102	123	12	18	24
173	81	102	123	12	18	24
174	81	102	123	12	18	24
175	81	102	123	12	18	24
176	81	102	123	12	18	24
177	81	102	123	12	18	24
178	81	102	123	12	18	24
179	81	102	123	12	18	24
180	81	102	123	12	18	24
181	81	102	123	12	18	24
182	81	102	123	12	18	24
183	81	102	123	12	18	24
184	81	102	123	12	18	24
185	81	102	123	12	18	24
186	81	102	123	12	18	24
187	81	102	123	12	18	24
188	81	102	123	12	18	24
189	81	102	123	12	18	24
190	81	102	123	12	18	24
191	81	102	123	12	18	24
192	81	117	154	12	18	24
195	81	117	154	12	18	24
197	81	117	154	12	18	24
198	81	117	154	12	18	24
199	81	117	154	12	18	24
201	81	117	154	12	18	24
202	81	117	154	12	18	24
204	81	117	154	12	18	24
205	81	117	154	12	18	24
206	81	117	154	12	18	24
207	81	117	154	12	18	24
208	81	117	154	12	18	24
209	81	117	154	12	18	24

Property (Class C) Prison Sentence Length Ranges for Worksheet

Time in Months

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
210	81	117	154	12	18	24
211	81	117	154	12	18	24
213	81	117	154	12	18	24
214	81	117	154	12	18	24
215	81	117	154	18	21	24
216	81	117	154	18	21	24
217	81	117	154	18	21	24
219	81	117	154	18	21	24
220	81	117	154	18	21	24
222	81	117	154	18	21	24
223	81	117	154	18	21	24
225	81	117	154	18	21	24
228	81	117	154	18	21	24
232	81	117	154	18	21	24
233	81	117	154	18	21	24
235	81	117	154	18	21	24
245	81	117	154	18	21	24
246	81	117	154	18	21	24
250	81	117	154	18	21	24
260	81	117	154	18	21	24
274	81	117	154	18	21	24
275	81	119	156	18	21	24
280	81	119	156	18	21	24
282	81	119	156	18	21	24
285	81	119	156	18	21	24
287	81	119	156	18	21	24
288	81	119	156	18	21	24
296	81	119	156	18	21	24

Property (Class D) Prison Sentence Length Ranges for Worksheet

Time in Months

Score	Total Sentence			Time to Serve On Split		
	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
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

For Class D Felony Property Sentence Length Scores 78 to 143, a sentence greater than 60 months is only available if the defendant has been previously convicted of any three or more felonies or has been previously convicted of any two or more felonies that are Class A or Class B felonies.

Property (Class D) Prison Sentence Length Ranges for Worksheet

Time in Months

Score	Total Sentence			Time to Serve On Split		
	Low	Mid	High	Low	Mid	High
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
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

For Class D Felony Property Sentence Length Scores 78 to 143,
a sentence greater than 60 months is only available if the defendant has been previously convicted of any three or more felonies or has been previously convicted of any two or more felonies that are Class A or Class B felonies.

Property (Class D) Prison Sentence Length Ranges for Worksheet

Time in Months

Score	Total Sentence			Time to Serve On Split		
	Low	Mid	High	Low	Mid	High
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	101	120	12	15	19
169	81	101	120	12	15	19
170	81	101	120	12	18	24
171	81	101	120	12	18	24
172	81	101	120	12	18	24
173	81	101	120	12	18	24
174	81	101	120	12	18	24
175	81	101	120	12	18	24
176	81	101	120	12	18	24
177	81	101	120	12	18	24
178	81	101	120	12	18	24
179	81	101	120	12	18	24
180	81	101	120	12	18	24
181	81	101	120	12	18	24
182	81	101	120	12	18	24
183	81	101	120	12	18	24
184	81	101	120	12	18	24
185	81	101	120	12	18	24
186	81	101	120	12	18	24
187	81	101	120	12	18	24
188	81	101	120	12	18	24
189	81	101	120	12	18	24
190	81	101	120	12	18	24
191	81	101	120	12	18	24
192	81	101	120	12	18	24
195	81	101	120	12	18	24
197	81	101	120	12	18	24
198	81	101	120	12	18	24
199	81	101	120	12	18	24
201	81	101	120	12	18	24
202	81	101	120	12	18	24
204	81	101	120	12	18	24
205	81	101	120	12	18	24

Property (Class D) Prison Sentence Length Ranges for Worksheet

Time in Months

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
206	81	101	120	12	18	24
207	81	101	120	12	18	24
208	81	101	120	12	18	24
209	81	101	120	12	18	24
210	81	101	120	12	18	24
211	81	101	120	12	18	24
213	81	101	120	12	18	24
214	81	101	120	12	18	24
215	81	101	120	18	21	24
216	81	101	120	18	21	24
217	81	101	120	18	21	24
219	81	101	120	18	21	24
220	81	101	120	18	21	24
222	81	101	120	18	21	24
223	81	101	120	18	21	24
225	81	101	120	18	21	24
228	81	101	120	18	21	24
232	81	101	120	18	21	24
233	81	101	120	18	21	24
235	81	101	120	18	21	24
245	81	101	120	18	21	24
246	81	101	120	18	21	24
250	81	101	120	18	21	24
260	81	101	120	18	21	24
274	81	101	120	18	21	24
275	81	101	120	18	21	24
280	81	101	120	18	21	24