

The Personal offenses listed below are covered by the Sentencing Standards subject to Voluntary Sentencing Recommendations.

Most Serious Offense at Conviction Ranking

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

INSTRUCTIONS - - Personal Prison In/Out Worksheet

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. *Note: Rape I or II or Sodomy I or II is not a worksheet offense if the victim of the offense is under the age of 12 years old.*

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. Prior Incarceration with Unsuspended Sentence Imposed of 1 Year or More - Count prior prison, jail or Department of Corrections/community corrections sentences where the non-suspended time imposed was one year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

6. 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 the General Instructions.*

7. Possession/Use of 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.

8. Total Score – Prior to sentencing, total the scores from the Sentencing Factors Section.

Recommendation Section

9. Non-Prison: 1-7 Points

Circle “non-prison” as the voluntary disposition.

10. Prison: 8 or more points

Circle “prison” as the voluntary 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 Prison Sentence Length worksheet, along with a copy of the Court’s final Sentencing Order after grant or denial of probation.

INSTRUCTIONS - - Personal Prison Sentence Length Worksheet

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 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 Incarcerations with Unsuspended Sentence Imposed of 1 Year or More - Count prior prison, jail or Department of Corrections/community corrections sentences where the non-suspended time imposed was one year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

6. Prior Incarceration with Unsuspended Sentence Imposed of Less Than 1 Year - Count prior prison, jail or Department of Corrections/community corrections sentences where the non-suspended time imposed was less than one year. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

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

8. Recommended Sentence Range - Go to the Drug Prison Sentence Ranges for Worksheet Table to convert the score into a sentence length recommendation. Record the recommended 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 the sentence length tables to comport with the standards. Statutory enhancements, as they have been applied, have been factored into the sentence length table recommendations and should *not* be added.

9. Reason Recommendation Not Accepted – If the sentencing judge decides that no sentence length recommendation fits this case, the judge or another person designated by the judge, is asked to give a reason why the recommendation was not followed. The reason given should be stated here and will be used by the Sentencing Commission to evaluate the effectiveness of the standards.