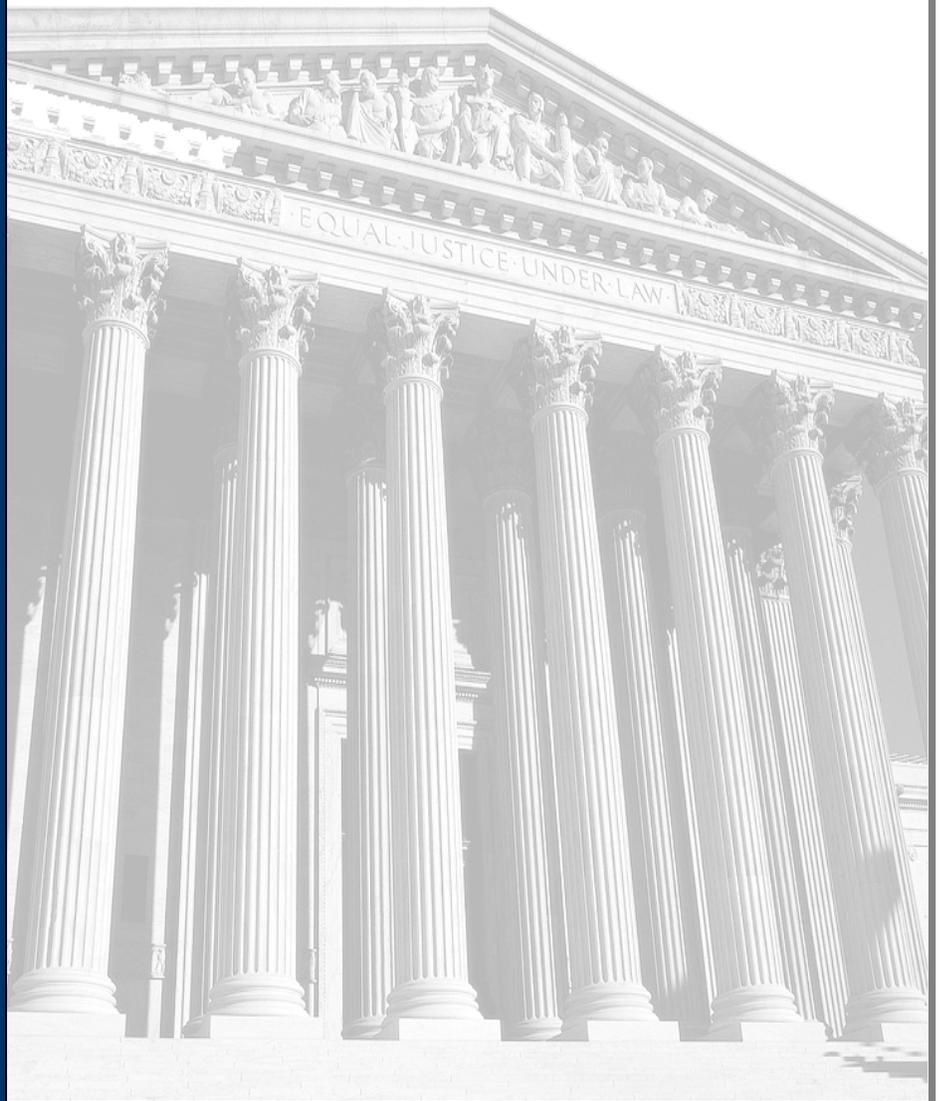


# Alabama Sentencing Commission

2013  
Report





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# ALABAMA SENTENCING COMMISSION

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## 2013 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.

Collaborating with all branches of government, the Sentencing Commission has been able to obtain input from all stakeholders in the Criminal Justice system. By employing a deliberative and evidence-based process, the Commission has made, and will continue to make, recommendations for reform that reflect 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 this critical undertaking.

*Governor Dr. Robert Bentley*  
*Chief Justice Charles R. Malone*  
*Lieutenant Governor Kay Ivey*  
*Del Marsh, President Pro Tempore, Alabama Senate*  
*Senator Cam Ward, Co-Chair, Senate Judiciary Committee*  
*The Alabama Senate*  
*Mike Hubbard, Speaker of the House, Alabama House of Representatives*  
*Representative Paul DeMarco, Chair, House Judiciary Committee*  
*The Alabama House of Representatives*  
*Joseph A. Colquitt, Chairman of the Sentencing Commission*  
*Alyce Spruell, Administrative Director of Courts*  
*Administrative Office of Courts and staff*  
*Court of Criminal Appeals*  
*Alabama Circuit and District Judges' Associations*  
*Attorney General Luther Strange*  
*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*  
*Faulkner University*  
*Dr. Tammy Meredith and Dr. John Speir, Applied Research Service, Inc.*

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**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**

Rebecca Boykins  
Governor's Office

Miriam Shehane, Executive Director  
Victims of Crime and Leniency (VOCAL)  
Victims' Advocate

Janette Grantham  
Victims of Crime and Leniency (VOCAL)  
Victims' Advocate

Joe Faulk, Commissioner  
Elmore County Commission

**Attorney General Appointment**

Rosa Davis, Esquire  
Chief Assistant Attorney General

**President of the Alabama District Attorneys' Association  
Appointments**

Eleanor I. Brooks, District Attorney, 15<sup>th</sup> Judicial Circuit  
Steven T. Marshall, District Attorney, 27<sup>th</sup> Judicial Circuit  
J. Christopher McCool, District Attorney, 24<sup>th</sup> Judicial Circuit

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

P.B. McLauchlin, 33<sup>rd</sup> Judicial Circuit  
David A. Rains, 9<sup>th</sup> Judicial Circuit

**President of the Alabama Association of District Court  
Judges' Appointment**

Tim Riley, Marshall County

**Chair of the House Judiciary Committee**

Representative Paul DeMarco, 46<sup>th</sup> District

**Chair of the Senate Judiciary Committee**

Senator Cam Ward, 14<sup>th</sup> District

**Alabama Department of Corrections**

Kim Thomas, Commissioner

**Alabama Board of Pardons and Paroles' Appointment**

Cynthia Dillard, Executive Director

**Appointment by the Chief Justice of the Supreme Court**

Lou Harris, D.P.A., Faulkner University

**President of the Alabama Lawyers' Association Appointment**

Stephanie Daniels, Esquire, Montgomery, AL

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

Joel Sogol, Esquire, Tuscaloosa, AL

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**Sheriff's Association Appointment**

Mike Blakely, Sheriff Limestone County

**Association of Chiefs of Police Appointment**

Ted Cook, Police Chief Mountain Brook, AL

**Executive Committee**

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Alabama Supreme Court

J. Christopher Murphy, Director  
Alabama Department of Public Safety

Sheriff Wally Olson  
Dale County Sheriff's Office

Chief Terry Davis  
Alabama Association of Police Chiefs

David Horn, Director  
Shelby County Community Corrections

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Alabama Community Corrections Association  
Director, Mobile County Community Corrections

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Deborah Daniels  
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Circuit Judge David A. Rains  
9<sup>th</sup> Judicial Circuit

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Alabama Department of Corrections

Jeff Williams, Deputy Commissioner  
Alabama Department of Corrections

Richard Minor, District Attorney  
30<sup>th</sup> Judicial Circuit

Rebecca Boykins  
Governor's Office

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### **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

**Mike Blakely**  
Sheriff Limestone County

**Rebecca Boykins**  
Governor's Office

**Ellen Brooks**  
District Attorney, 15<sup>th</sup> Judicial Circuit

**Ted Cook**  
Police Chief Mountain Brook, AL

**Stephanie Daniels**  
Alabama Lawyers' Association

**Rosa Davis**  
Chief Assistant Attorney General

**Paul DeMarco**  
House Judiciary Committee

**Cynthia Dillard**  
Director, Bd. of Pardons and Paroles

**Joe Faulk**  
Elmore County Commissioner

**Janette Grantham**  
Victim's Advocate

**Lou Harris**  
Faulkner University

**Chris McCool**  
District Attorney, 24<sup>th</sup> Judicial Circuit

**Steve Marshall**  
District Attorney, 27<sup>th</sup> Judicial Circuit

**P. B. McLaughlin**  
Circuit Judge, 33<sup>rd</sup> Judicial Circuit

**David Rains**  
Circuit Judge, 9<sup>th</sup> Judicial Circuit

**Tim Riley**  
District Judge, Marshall County

**Miriam Shehane**  
Director, VOCAL

**Joel Sogol**  
Criminal Defense Lawyers' Association

**Kim Thomas**  
Commissioner, Dept. of Corrections

**Cam Ward**  
Senate Judiciary Committee

I am pleased to present you the Alabama Sentencing Commission's 2013 Annual Report. This report includes information on the modifications adopted by the Commission to the Initial Voluntary Sentencing Standards and statistical information on felony convictions in State courts, the State's correctional population, and judicial compliance with the Sentencing Standards. The Commission continues to recommend improvements to the State's criminal justice system recognizing the number one purpose of the Commission – protecting public safety.

The Alabama Legislature directed the Commission to make the necessary modifications to the Sentencing Standards to allow for presumptive sentencing of non-violent offenses effective October 1, 2013. This required modifications to the drug and property worksheets, drug sentence length table, and general instructions. Responding to requests to add additional offenses to the drug worksheets, the Commission has approved the addition of Unlawful Manufacturing of Controlled Substances in the first and second degrees, a new Possession with Intent to Distribute offense, and the inchoate offenses for select drug offenses. The drug sentence length table was amended to include longer sentence lengths to accommodate the inclusion of a Class A felony (Unlawful Manufacture of a Controlled Substance 1<sup>st</sup> Degree). And the instructions were modified by adding new procedures for presumptive sentencing and creating a list of aggravating and mitigating factors that allow the trial court to depart from presumptive sentencing recommendations.

The modifications to the Sentencing Standards adopted by the Commission seek to continue the establishment of a more effective, fair, and efficient sentencing system for the State, while avoiding unwarranted disparity for similarly situated defendants. I would like to thank the Commission and Standards Committee members for the incredible amount of time and professional expertise they have invested in the modification process of the Sentencing Standards. It is the collective wisdom, experience, and dedication of these individuals that allows the Commission to recommend improvements to the State's criminal justice system to better protect public safety.

Sincerely,

Joseph A. Colquitt, Chair  
Alabama Sentencing Commission



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## **EXECUTIVE SUMMARY**

### **Sentencing Standards Modifications for Non-Violent Offenses**

With considerable input from all facets of the criminal justice system as represented on both the Alabama Sentencing Commission and the Commission's Standards Committee, the Commission directed the major portion of its resources and time to carrying out the 2012 statutory mandates. The Commission, at the direction of the Legislature, focused this year's efforts on making the necessary modifications to the Initial Voluntary Sentencing Standards to implement presumptive sentencing recommendations for non-violent offenses sentenced on or after October 1, 2013, and at the request of criminal justice practitioners, adding additional drug offenses to the Sentencing Standards and amending the drug sentence length table.

Offenses added to the drug worksheets include Unlawful Manufacture of a Controlled Substance in the first and second degrees, the new Possession with Intent to Distribute offense, the inchoate offenses for these offenses, and the inchoate offenses for select existing drug worksheet offenses. The drug sentence length table now has additional scores added that allow for higher sentences to incorporate sentencing for Unlawful Manufacture of a Controlled Substance in the first degree, a Class A felony.

The general instructions for the Sentencing Standards were modified to allow for presumptive sentencing for non-violent offenses. These modifications included establishing procedures for sentencing departures and creating a list of aggravating and mitigating factors that the trial court may use to depart from presumptive sentencing recommendations in appropriate cases.

The Alabama Sentencing Commission adopted the modifications to the drug and property worksheets, drug sentence length table, and general instructions and now submits these modifications pursuant to legislative directive.

### **Felony Conviction, Prison Population, and Sentencing Standards Information**

While continuing to remain the most frequently occurring offense in the State, Unlawful Possession of a Controlled Substance convictions have fallen significantly the past two years; all degrees of felony robbery convictions decreased, while Sale/Possession of Precursor Chemicals moved into the Top 25 convicted offenses for the first time.

Offenders convicted of one of two offenses, Robbery 1<sup>st</sup> or Murder, account for over one quarter of the total population housed in State prison facilities. While offenders convicted of drug offenses continue to be the largest category of offenders sentenced to the jurisdiction of the Department of Corrections, offenders convicted of personal or violent offenses constitute the majority of offenders in State prison facilities.

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Where appropriate compliance documentation was submitted to the Commission, overall compliance with the Initial Voluntary Sentencing Standards remained stable from the level of the previous year. The worksheets' dispositional recommendations were followed in excess of 75 percent cases for both "In" and "Out" recommendations. The Commission continues to work with key stakeholders to improve submission of sentencing documentation (worksheets and sentencing orders) to the Commission utilizing existing court technology.

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## **Chapter 1: Development of Presumptive Sentencing Recommendations for Non-Violent Offenses**

During the 2012 Regular Session, the Alabama Legislature passed and the Governor signed Act 2012-473. This legislation contained numerous provisions and directed the Sentencing Commission to make the first changes to the Initial Voluntary Sentencing Standards since their effective date of October 1, 2006. The provisions provided in the Act include:

### **Act 2012-473 Provisions**

- Requiring the Commission to make necessary modifications to the Sentencing Standards to transition from voluntary sentencing to presumptive sentencing for non-violent offenses effective October 1, 2013;
- Requiring the Commission to present Truth-in-Sentencing Sentencing Standards to the Legislature by the 2020 Regular Session;
- Amending the Alabama Sentencing’s Commission definition of a violent offense, codified in 12-25-32 (14) Code of Alabama 1975, to include all felony burglary offenses;
- Requiring the Commission’s annual report to be submitted to the Governor, the Legislature, the Chief Justice, and the Attorney General forty-five days prior to each regular session of the Legislature;
- Modifications presented for non-violent offenses shall become effective on October 1 following the legislative session in which the modifications were presented unless rejected by an act of the Legislature enacted by bill during the legislative session;
- Requiring the Commission to recommend a narrow standard of appellate review for departures from presumptive sentence recommendations.

These provisions required swift action by the Commission to make the necessary modification to the Sentencing Standards to allow for presumptive sentencing standards for non-violent offenses. A subcommittee of the Commission, the Standards Committee, assumed the work of researching and developing recommendations to accomplish the requirement of transitioning non-violent offense sentencing from voluntary to presumptive.

### **Standards Committee Researched and Developed Presumptive Sentencing Recommendations**

The Standards Committee is comprised of judges, prosecutors, defense counsel, victims’ advocates, and criminal justice professionals from across the State. Some of the members have spent years working with the Commission developing a thorough understanding of the State’s sentencing structure and, along with the newer additions to the group, have devoted extensive time over the past year to specifically learning about existing presumptive sentencing structures. The inherent strength of the Standards

Committee is the collective knowledge and experience of the members and their familiarity with the existing Standards and the modifications necessary to carry out the Commission’s legislative directive.

**New Offenses Added to the Drug Worksheets**

Since the inception of the Sentencing Standards, criminal justice practitioners requested additional offenses be added to the worksheets, particularly the drug worksheets. The surge in methamphetamine related convictions drove the request for the Commission to add Unlawful Manufacture of a Controlled Substance in the first and second degrees as well as their inchoate offenses. In addition to requesting the addition of manufacturing offenses, practitioners also asked for the addition of inchoate offenses to drug worksheets where Alabama law requires courts to sentence the inchoate offenses the same as the covered offense. This inclusion added the offenses of attempts, conspiracies and solicitations for Possession of a Controlled Substance/Marihuana and Sale/Distribution of Controlled Substance/Marihuana (other than to a minor). The final addition to the drug worksheets was an offense created in the 2012 Regular Session of the Legislature – Possession with Intent to Distribute a Controlled Substance. This new offense carves out a subset of former Possession of a Controlled Substance offenses based on the weight of specified controlled substances. The inchoate offenses for Possession with Intent to Distribute a Controlled Substance were also added to the drug worksheets.

**Drug Sentence Length Table Amended to Incorporate Manufacturing 1st Sentencing**

After it was decided additional drug offenses would be added, the offenses were then assigned scores on the In/Out and Sentence Length Worksheets. The Standards Committee carefully considered scoring options by evaluating scores of existing offenses and then determining the most appropriate score for the offenses added to the drug worksheets by considering the seriousness of the offense and selecting a score relative to scores of existing offenses. The drug sentence length table had to be amended by adding higher sentence length options to incorporate the addition of the Class A felony offense, Unlawful Manufacture of a Controlled Substance in the first degree. To help guide the addition of higher sentence lengths on the drug sentence length table, Commission staff reviewed sentences imposed for Unlawful Manufacture of a Controlled Substance in the first degree over a seven year time period. Reviewing sentencing information for those seven years of convictions and sentences revealed that 95 percent of the prison sentences fell within the added sentence length ranges.

**Modifications of General Instructions**

The Standards Committee’s attention then turned to modifications to the general instructions of the Standards needed to transition non-violent offense sentencing from voluntary to presumptive. Recent United States Supreme Court cases provide substantial guidance for procedures that are needed in a presumptive sentencing structure that are not always required in a voluntary sentencing structure.

The United States Supreme Court held in *Apprendi*<sup>1</sup> that other than a prior conviction, any other fact that “increases the penalty for a crime beyond

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<sup>1</sup> *Apprendi v. New Jersey*, 530 U.S. 466 (2000)

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the prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt<sup>2</sup>. In a subsequent case<sup>2</sup>, the United States Supreme Court reiterated a defendant’s right to a jury trial for a fact, other than a prior conviction, that increases the maximum penalty a judge may impose and clarified what is the “statutory maximum” sentence the Court referenced in *Apprendi*. Since *Apprendi* was decided in 2000, these procedures have been required for the application of Alabama’s sentence enhancements in similar circumstances.

## **Presumptive Sentencing Procedures**

The Standards Committee recommended and the Commission adopted procedures more clearly enunciating a defendant’s right to a jury trial, as constitutionally required, for a fact that increases the maximum penalty the trial court may impose as articulated in *Apprendi* and *Blakely* relating these procedures more specifically to Standards sentencing events. These procedures include burden of proof requirements, notice provisions, and the use of aggravating and/or mitigating factors that may be used to depart from presumptive sentence recommendations.

The Standards Committee conducted extensive research both from other states and from trial experience in Alabama to develop a list of aggravating and mitigating factors. Each of these lists include a “catch all” provision that will allow a party to prove an additional factor that is substantial and compelling that can justify a departure sentence. The Commission adopted the Committee’s recommendations of a list of aggravating factors and a list of mitigating factors that will allow the trial court to depart from presumptive sentencing recommendations. The list was created with the expectation that departures will be rare, and that departures should be reserved for exceptional cases and not for more typical cases.

## **Aggravating & Mitigating Factor Lists Created**

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<sup>2</sup> *Blakely v. Washington*, 542 U.S. 296 (2004)



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## Chapter 2: Modifications and Recommendations

### Modifications

Pursuant to ALA. CODE §12-35-34(d), the Alabama Sentencing Commission presents the attached modifications to the Initial Voluntary Sentencing Standards for non-violent offenses. The Commission modified the Standards to give them effect as presumptive sentencing recommendations as directed in ALA. CODE § 12-25-34.2(b) and (c). The Commission made some additional modifications to clarify the initial instructions, where warranted, and to add additional drug offenses as requested by criminal justice practitioners. The Standards, more specifically, the general instructions, the drug and property worksheets, instructions, and Drug Sentence Length Table were modified for these purposes.

The modifications apply only to non-violent offenses and are attached to this report as Appendix A.

### Recommendations

In making the Sentencing Standards presumptive for non-violent offenses, the Legislature asked the Sentencing Commission in ALA. CODE §12-25-34.2(c), to “recommend a narrowly defined scope of appellate review applicable to departures from the presumptive sentencing recommendations.” The Commission makes the following recommendation narrowly defining the scope of review applicable to departures.

The Commission recommends the creation of a new statute §12-25-34.3 to read as follows:

The State may appeal a departure sentence below the presumptive recommendation and the defendant may appeal a departure sentence above the presumptive recommendation. Appellate review shall be limited to whether the trial court abused its discretion.

The Commission will continue to review the research and consult with the State Appellate Courts and other interested parties to confirm this recommendation or to make such amendment as may be necessary in the best interest of the people of the State of Alabama.

### **The Commission Submits Modifications for Sentencing of Non-Violent Offenses**

### **Scope of Appellate Review Recommendation**



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## Chapter 3: Sentencing Standards Compliance and Data

The Alabama Sentencing Commission continues to evaluate and measure the use of the Initial Voluntary Sentencing Standards in the State on an annual basis. The Commission has taken a methodical approach to measure judicial compliance with the Sentencing Standards and worksheet recommendations while continuing to refine and improve the worksheet process and improve future data quality.

The Commission's *2009 Report* identified the 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) entails 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) measure compliance with the dispositional and sentence length recommendations found on the Standards' worksheets.

Use Compliance was completed by contacting judges, prosecutors, court clerks, the defense bar, and probation and parole officers to ascertain how implementation and use of the Standards was proceeding in local jurisdictions. Submission compliance is measured by comparing the number of valid received Sentencing Standards worksheets to the total number of applicable Standards worksheet sentencing events. The Commission knows the submission compliance measure is not an accurate indication of worksheet usage in local jurisdictions. A large number of worksheets received by the Commission are not categorized as valid worksheets because the conviction offense indicated on the worksheet was not consistent with the conviction offense found in SJIS or on received sentencing orders. Commission staff has also spoken with jurisdictions that are reporting using the worksheets and standards, but the Commission is not receiving the worksheets to report in all cases. For fiscal year 2011, the Commission received valid worksheets in 47 percent of applicable cases. Worksheets were used and submitted in far more cases but had to be excluded because of inconsistent conviction offense information. Figure 1 shows submission compliance by county and for the entire State.

Figure 1.

**Sentencing Standards Worksheets Received  
October 1, 2010-September 30, 2011**

	Worksheet Sentencing Events	Received Worksheets for Sentencing Events	% of Worksheets Sentencing Events with Received Worksheets
Autauga	134	100	74.6%
Baldwin	389	72	18.5%
Barbour	73	28	38.4%
Bibb	48	20	41.7%
Blount	83	3	3.6%
Bullock	30	0	0.0%
Butler	70	25	35.7%
Calhoun	429	231	53.8%
Chambers	77	62	80.5%
Cherokee	112	57	50.9%
Chilton	139	125	89.9%
Choctaw	21	6	28.6%
Clarke	84	2	2.4%
Clay	52	47	90.4%
Cleburne	56	41	73.2%
Coffee	164	95	57.9%
Colbert	146	88	60.3%
Conecuh	56	40	71.4%
Coosa	27	20	74.1%
Covington	189	134	70.9%
Crenshaw	17	10	58.8%
Cullman	201	54	26.9%
Dale	117	83	70.9%
Dallas	150	46	30.7%
Dekalb	140	37	26.4%
Elmore	189	150	79.4%
Escambia	182	113	62.1%
Etowah	313	123	39.3%
Fayette	67	0	0.0%
Franklin	67	23	34.3%
Geneva	84	59	70.2%
Greene	21	15	71.4%
Hale	48	25	52.1%
Henry	57	10	17.5%

Figure 1. (Continued)

**Sentencing Standards Worksheets Received  
October 1, 2010-September 30, 2011**

	<b>Worksheet Sentencing Events</b>	<b>Received Worksheets for Sentencing Events</b>	<b>% of Worksheets Sentencing Events with Received Worksheets</b>
Houston	502	362	72.1%
Jackson	135	58	43.0%
Jefferson	2,288	719	31.4%
Lamar	38	0	0.0%
Lauderdale	178	62	34.8%
Lawrence	104	61	58.7%
Lee	223	179	80.3%
Limestone	141	7	5.0%
Lowndes	25	0	0.0%
Macon	54	25	46.3%
Madison	876	441	50.3%
Marengo	85	75	88.2%
Marion	100	20	20.0%
Marshall	253	142	56.1%
Mobile	1,343	740	55.1%
Monroe	56	0	0.0%
Montgomery	710	357	50.3%
Morgan	351	152	43.3%
Perry	27	4	14.8%
Pickens	44	1	2.3%
Pike	121	92	76.0%
Randolph	85	76	89.4%
Russell	327	62	19.0%
Shelby	487	331	68.0%
St. Clair	269	146	54.3%
Sumter	26	22	84.6%
Talladega	269	254	94.4%
Tallapoosa	170	43	25.3%
Tuscaloosa	718	260	36.2%
Walker	110	64	58.2%
Washington	33	4	12.1%
Wilcox	13	0	0.0%
Winston	51	9	17.6%
Total	14,244	6,712	47.1%

### **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 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;

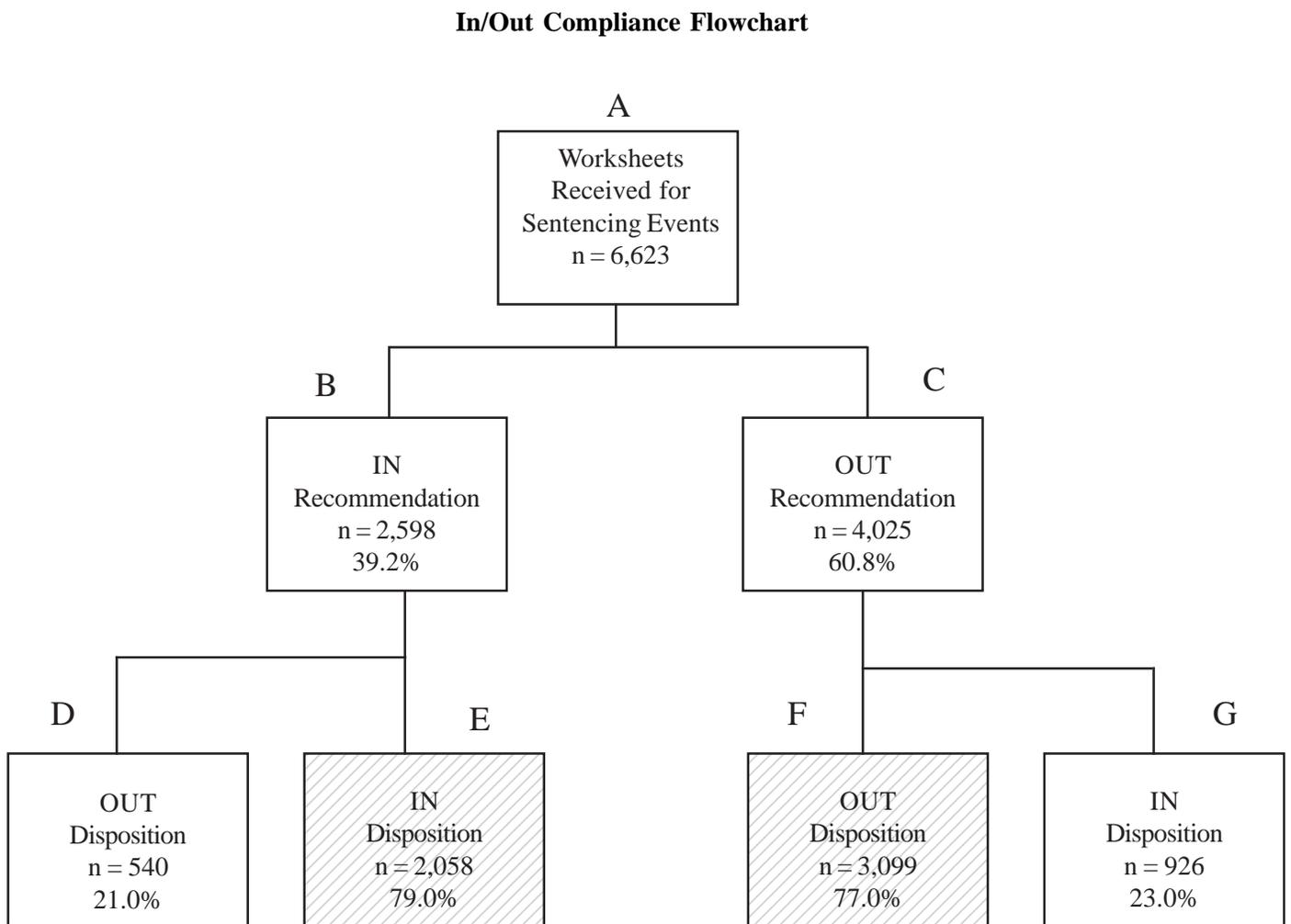
#### *Imposed Dispositions*

- 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 - 6,623 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 61 percent of the received worksheets and an “In” disposition was recommended in 39 percent of the received worksheets. For those worksheets with an “In” recommendation, an “In” disposition was imposed 79 percent of the time (Box E). For those worksheets with an “Out” recommendation, an “Out” disposition was imposed 77 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<sup>1</sup>. A diagram is presented on the following page (Figure 3) providing examples of combinations of worksheet recommendations and case dispositions to show where sentencing events are categorized on the In/Out flowchart.

Figure 2.



<sup>1</sup> 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**

<b>Worksheet Recommendation</b>	<b>Imposed Sentence</b>	<b>Box Destination</b>	<b>IN/OUT Compliant</b>
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

Figure 4.

**Offense Category Compliance Flowcharts**

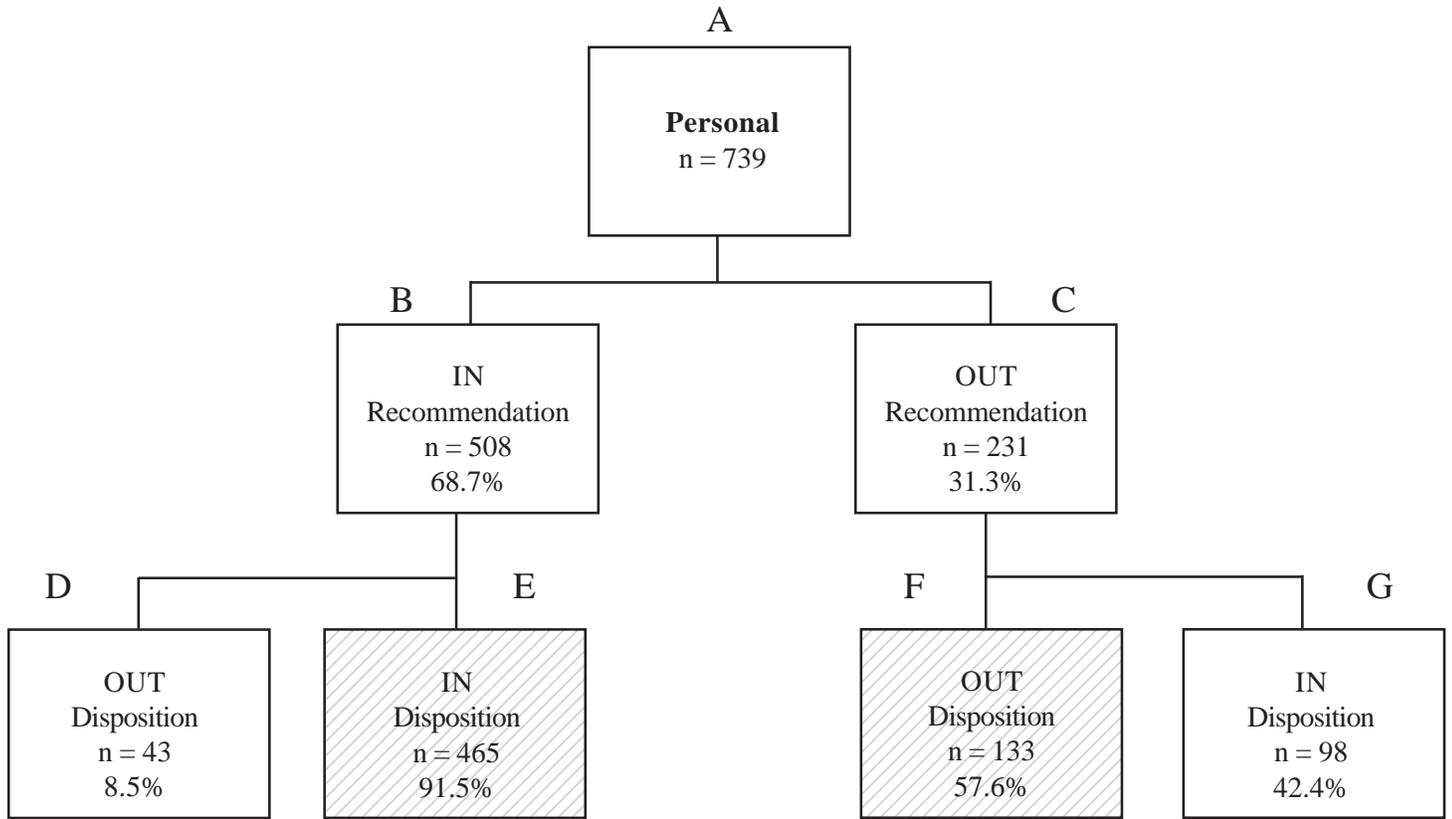


Figure 5.

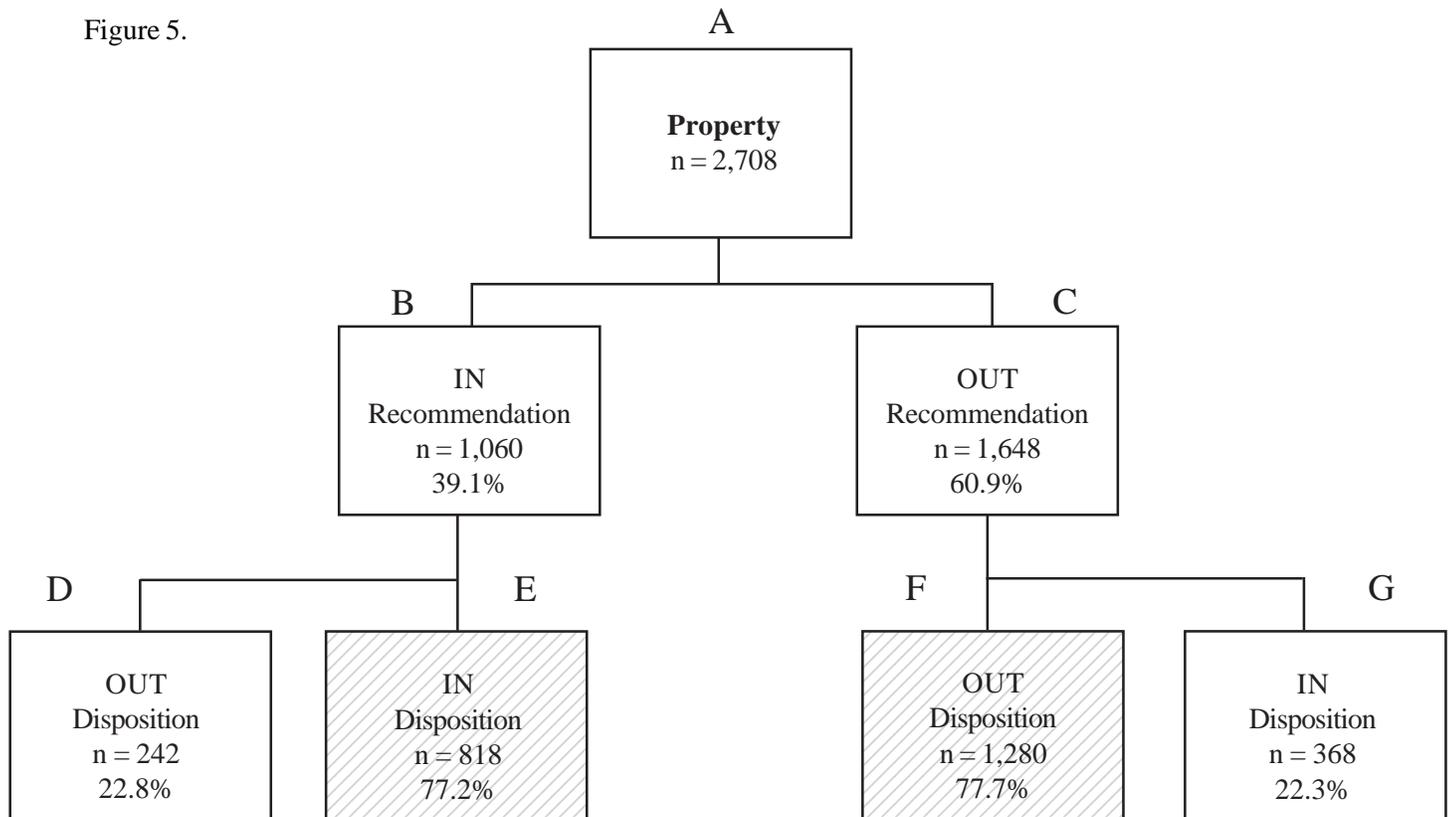
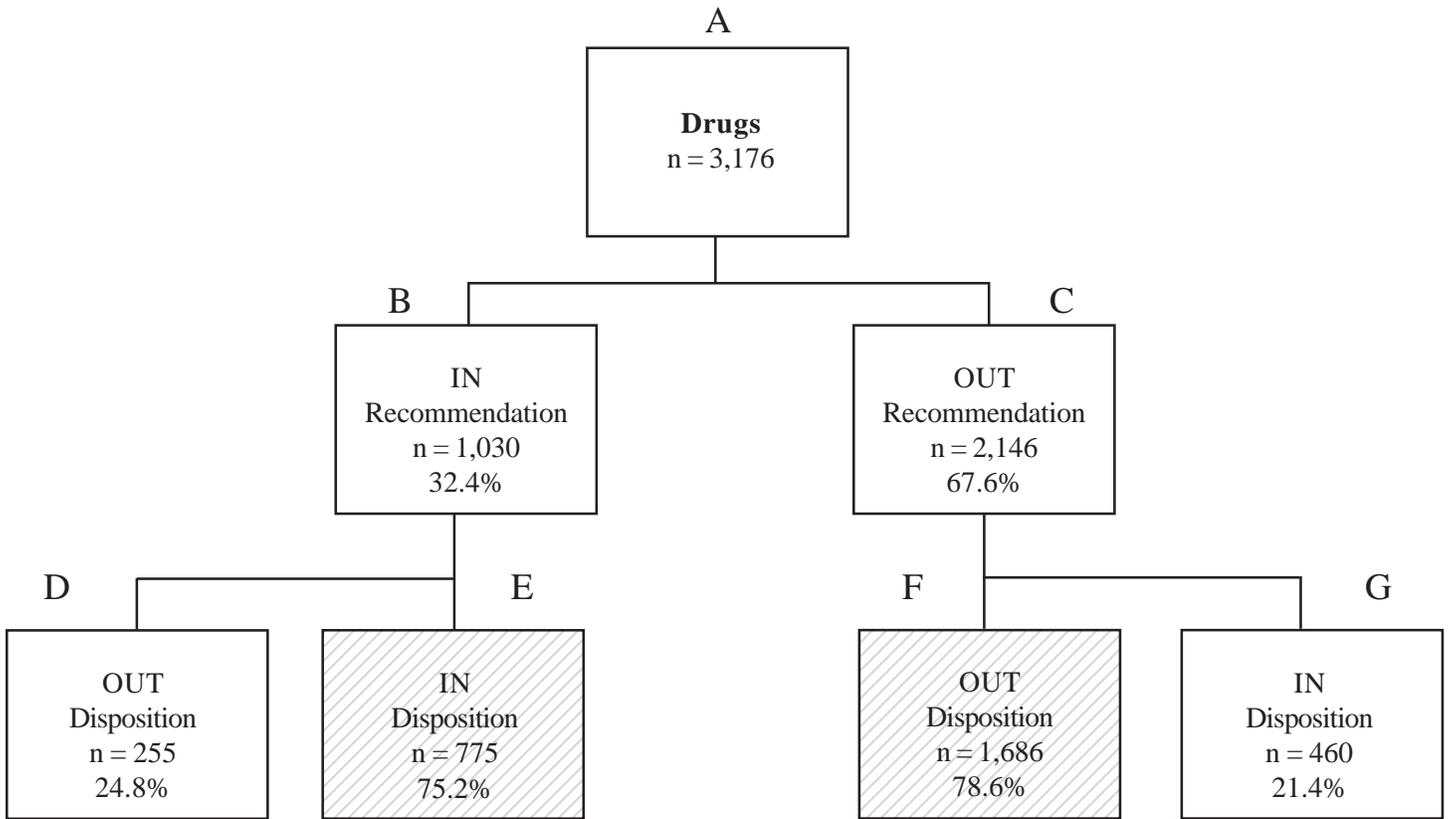


Figure 6.

**Offense Category Compliance Flowcharts (Continued)**



Figures 4, 5 and 6 report In/Out compliance for the three different worksheet categories; Personal, Property, and Drugs respectively. The Personal worksheet has the highest compliance with “In” recommendations at 92 percent of offenders receiving a prison sentence for a corresponding “In” recommendation. The Property worksheet had 77 percent compliance with “In” recommendations while the Drugs worksheet had 75 percent compliance with “In” recommendations. The Personal worksheet, while having the highest compliance with “In” recommendations, had the lowest compliance with “Out” recommendations at 58 percent. The Property and Drugs worksheets had 78 percent and 79 percent compliance, respectively, with “Out” recommendations.

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## Race & Gender Compliance Charts

Figures 7 and 8 display statewide compliance with the Initial Voluntary 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=18) 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 overall compliance for males.

Figure 7.

<b>Race</b>			
	Overall	In/Out	
<b>Black</b>	61.9%	77.8%	n=3,470
<b>White</b>	64.4%	78.1%	n=3,135
<b>Other</b>			n=18

Figure 8.

<b>Gender</b>			
	Overall	In/Out	
<b>Female</b>	74.4%	81.1%	n=1,293
<b>Male</b>	60.3%	77.1%	n=5,328

### **SENTENCE LENGTH COMPLIANCE**

Sentence Length compliance is measured by comparing the imposed term 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). Less than one-third of all worksheets received were used to report Sentence Length compliance as only 2,058 worksheet sentencing events received an “In” recommendation and an “In” sentence (those in Box E).

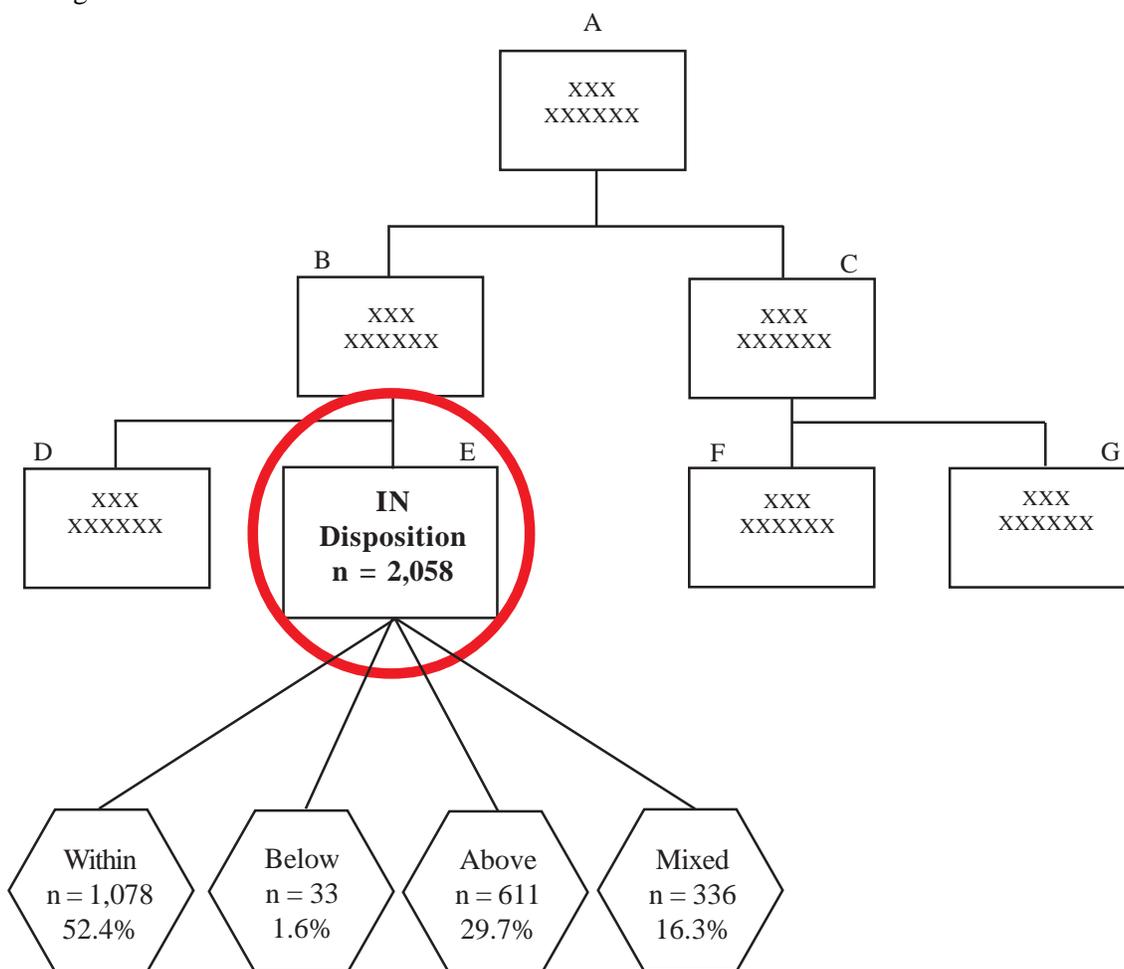
The diagram (Figure 9) on the following page displays statewide Sentence Length compliance using four categories - Within, Below, Above, and Mixed. The “Mixed” category is applicable only to split sentences when the different portions of the sentence (incarceration and total portions) are not consistent with each other (both either “Below”, “Above”, or “Within” the recommendations). 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”. Approximately half (52%) of eligible sentencing events were sentence length compliant, thirty percent of the sentencing events received sentences above the worksheet recommendations, 2 percent received sentences below the worksheet recommendations, and 16 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 on page 18 (Figures 10, 11, and 12) display sentence length compliance for each worksheet offense category - Personal, Property, and Drugs. The three different worksheet offense categories all have markedly different sentence length compliance patterns. Personal worksheet sentence length recommendations were followed in 72 percent of events, property worksheet sentence length recommendations were followed in

44 percent of events, and drug worksheet sentence length recommendations were followed in 49 percent of events.

Departures from the worksheet sentence length recommendations varied by worksheet offense category as well. Nearly 40 percent of all sentences imposed for property offenses fell above worksheet recommendations while 28 percent of drug sentences fell above, and only 16 percent of personal offense sentences exceeded the worksheet recommendations. The “Mixed” Category is most prevalent in drug events, but also is relatively high in property cases. Sentences imposed below worksheet recommendations were very low, at three percent or lower, across all three worksheet offense categories.

Figure 9.



### Sentence Length Compliance

Figure 10.

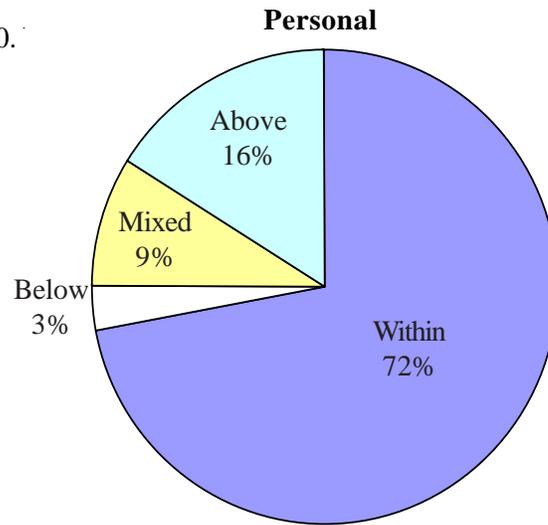


Figure 11.

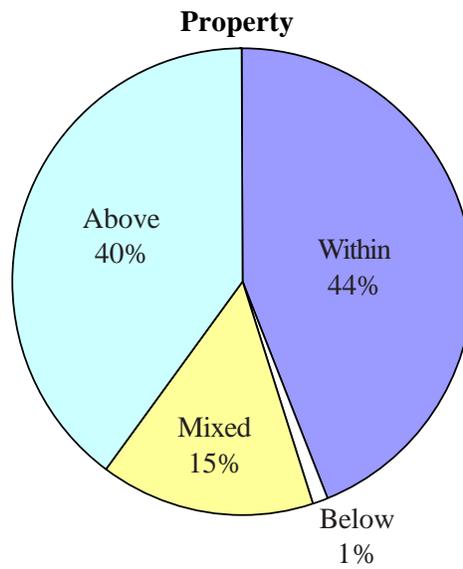
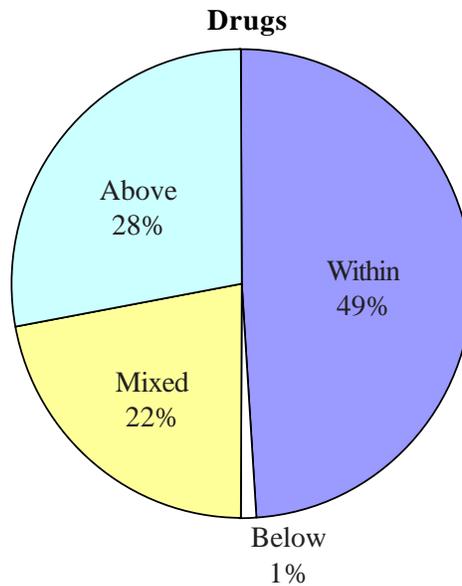


Figure 12.



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## **OVERALL COMPLIANCE**

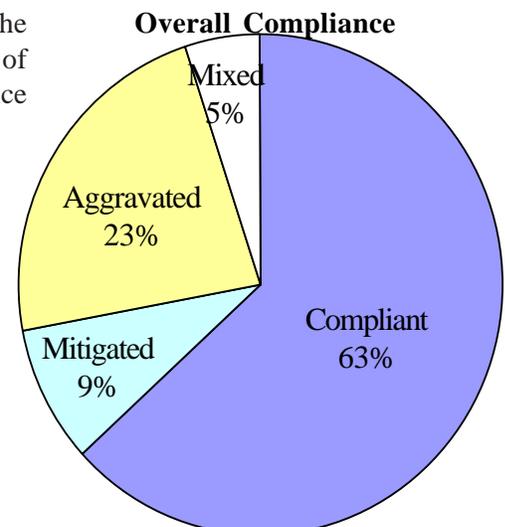
Overall compliance with the sentencing standards worksheet recommendations is achieved by conforming to the “In/Out” recommendation and the “Sentence Length” recommendation (when applicable). For the determination of compliance, sentence length recommendations are only applicable when the worksheets recommend “In” *and* an “In” sentence is imposed – those events located in Box E of the In/Out flowchart (Figure 2).

Consider the following examples for clarification:

- If the worksheet recommendation 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 worksheet recommendation is “In”, 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 (Figure 13). All valid received worksheets are categorized into one of the categories in the pie chart. Overall compliance was realized in 63 percent of sentencing events. Nearly one quarter (23 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. The “Mitigated” category was significantly smaller than the “Aggravated” category – only 9 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. The Mixed category (exclusive to splits) contained 5 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.

**Offenders Convicted of Robbery 1st and Murder Account for Over One-Quarter of Prison Population**

**In-House Population on September 20, 2012**

Robbery 1st	1	3,812
Murder	2	3,391
Rape 1st	3	1,312
Burglary 3rd	4	1,299
Distribution of Controlled Substance	5	1,280
Theft of Property 1st	6	1,069
Possession of Controlled Substance	7	1,065
Capital Murder	8	919
Manslaughter	9	845
Burglary 1st	10	774
Trafficking Drugs	11	707
Robbery 3rd	12	632
Sodomy 1st	13	622
Manufacturing Controlled Substance 2nd	14	502
Theft of Property 2nd	15	489
Robbery 2nd	16	438
Manufacturing Controlled Substance 1st	17	419
Assault 1st	18	418
Attempted Murder	19	413
Burglary 2nd	20	384
Sexual Abuse 1st	21	377
Assault 2nd	22	366
Rape 2nd	23	356
Kidnapping 1st	24	315
Possession Marihuana 1st	25	302

**Top 25 Offenses** **22,506**

Other Offenses 2,895

**Total In-House Population** **25,401**

Figure 15.

**In-House Population Offense Category**

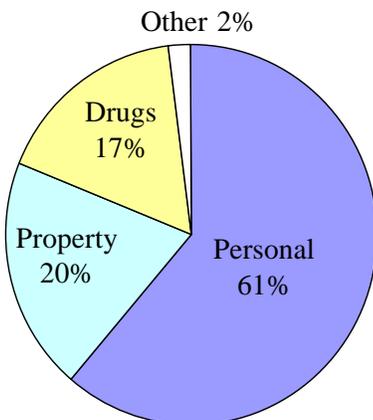
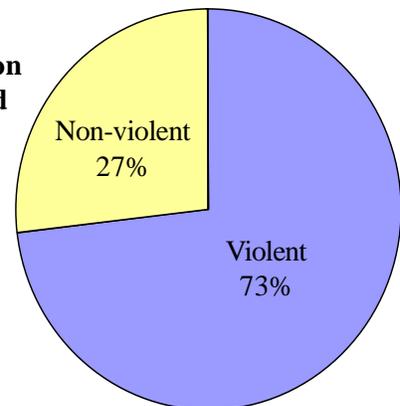


Figure 16.

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



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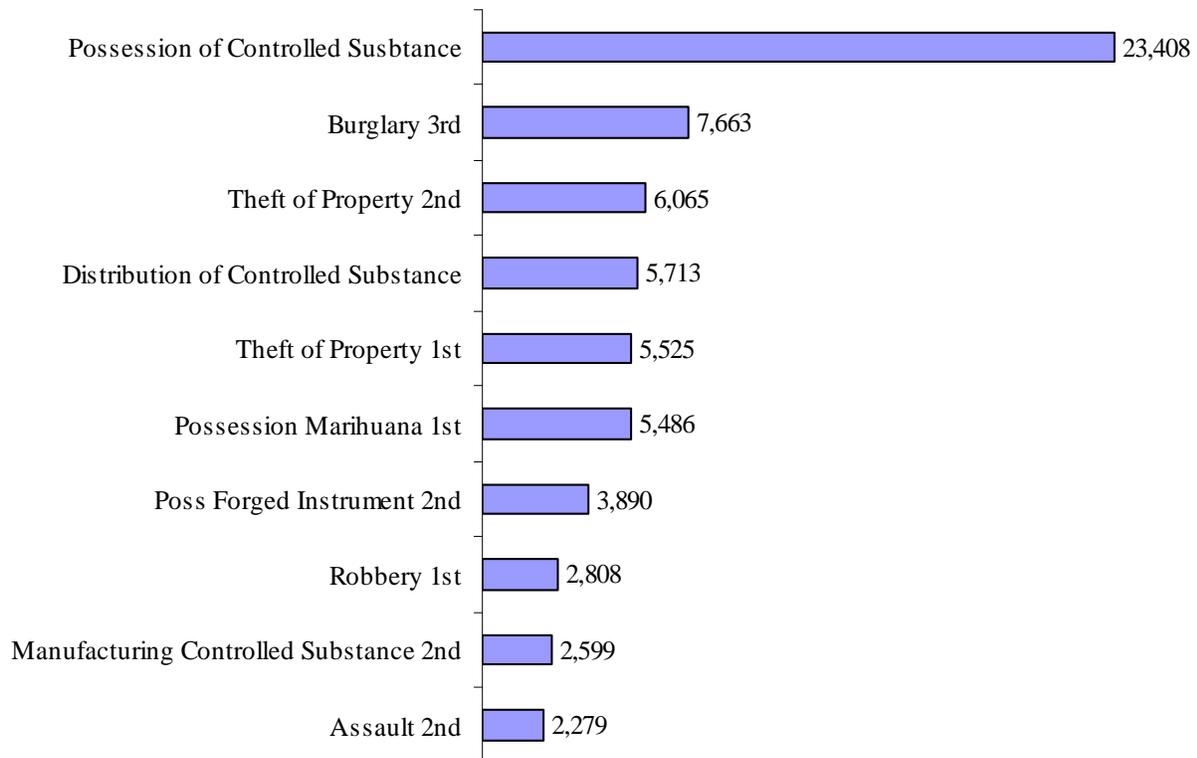
## Most Frequent Felony Offense at Conviction

Possession of Controlled Substances convictions exceed convictions for other offenses for the previous five years by a substantial margin.

**Possession of Controlled  
Substance Convictions  
Outnumber Others**

Figure 17.

### Most Frequent Felony Offense at Conviction - Top 10 October 1, 2006 - September 30, 2011



**Most Frequent Felony Offense at Conviction - Top 25**

The total number of defendants convicted of felony offenses fell (approximately 4 percent) in 2011. While continuing to be the most frequently convicted offense, the number of defendants convicted of Possession of a Controlled Substance dropped 14 percent from the previous fiscal year and over 20 percent from the number convicted in 2009. Robbery convictions, first, second, and third degrees, all decreased from previous levels. The sale/possession of precursor chemicals appears in the Top 25 list for the first time at position number 24.

**Number of Offenders  
Convicted of Possession of  
a Controlled Substance has  
Fallen Over 1,000  
Offenders Since FY09**

Figure 18.

**Most Frequent Felony Offense at Conviction  
October 1, 2008 - September 30, 2011**

	<b>FY09</b>		<b>FY10</b>		<b>FY11</b>	
Possession of Controlled Substance	<b>1</b>	5,038	<b>1</b>	4,650	<b>1</b>	3,992
Burglary 3rd	<b>2</b>	1,618	<b>2</b>	1,667	<b>2</b>	1,765
Distribution of Controlled Substance	<b>4</b>	1,255	<b>6</b>	1,136	<b>3</b>	1,308
Theft of Property 2nd	<b>3</b>	1,348	<b>3</b>	1,236	<b>4</b>	1,258
Possession Marihuana 1st	<b>5</b>	1,197	<b>5</b>	1,174	<b>5</b>	1,190
Theft of Property 1st	<b>6</b>	1,190	<b>4</b>	1,201	<b>6</b>	1,108
Manufacturing Controlled Substance 2nd	<b>10</b>	478	<b>7</b>	834	<b>7</b>	874
Poss Forged Instrument 2nd	<b>7</b>	847	<b>8</b>	716	<b>8</b>	669
Robbery 1st	<b>8</b>	648	<b>9</b>	622	<b>9</b>	441
Breaking/Entering a Vehicle	<b>11</b>	421	<b>12</b>	390	<b>10</b>	426
Assault 2nd	<b>9</b>	481	<b>10</b>	506	<b>11</b>	422
Manufacturing Controlled Substance 1st	<b>17</b>	287	<b>11</b>	412	<b>12</b>	397
Receiving Stolen Property 2nd	<b>14</b>	340	<b>13</b>	380	<b>13</b>	394
Receiving Stolen Property 1st	<b>13</b>	358	<b>16</b>	317	<b>14</b>	342
Fraud/Illegal Use Debit/Credit Card	<b>12</b>	377	<b>14</b>	379	<b>15</b>	332
Obstruct Justice-False Identity	<b>18</b>	273	<b>18</b>	286	<b>16</b>	308
Trafficking Drugs	<b>15</b>	323	<b>17</b>	311	<b>17</b>	269
Robbery 3rd	<b>16</b>	303	<b>15</b>	331	<b>18</b>	257
Community Notification Act-Moving Notice	<b>19</b>	227	<b>19</b>	228	<b>19</b>	212
Murder	<b>23</b>	167	<b>22</b>	187	<b>20</b>	191
Robbery 2nd	<b>21</b>	201	<b>20</b>	201	<b>21</b>	181
Forgery 2nd	<b>20</b>	223	<b>21</b>	191	<b>22</b>	171
Burglary 2nd	<b>25</b>	155	<b>24</b>	145	<b>23</b>	164
Precursor Chemical - Sale/Poss		54		111	<b>24</b>	146
Assault 1st	<b>22</b>	193	<b>23</b>	160	<b>25</b>	144
Attempt - Possession of Controlled Substance	<b>24</b>	164	<b>25</b>	133		143
<b>Top 25 Offenses</b>		<b>18,112</b>		<b>17,793</b>		<b>16,961</b>
Other Offenses		3,072		3,053		3,046
<b>Total Most Serious Felony Offense Convictions</b>		<b>21,184</b>		<b>20,846</b>		<b>20,007</b>

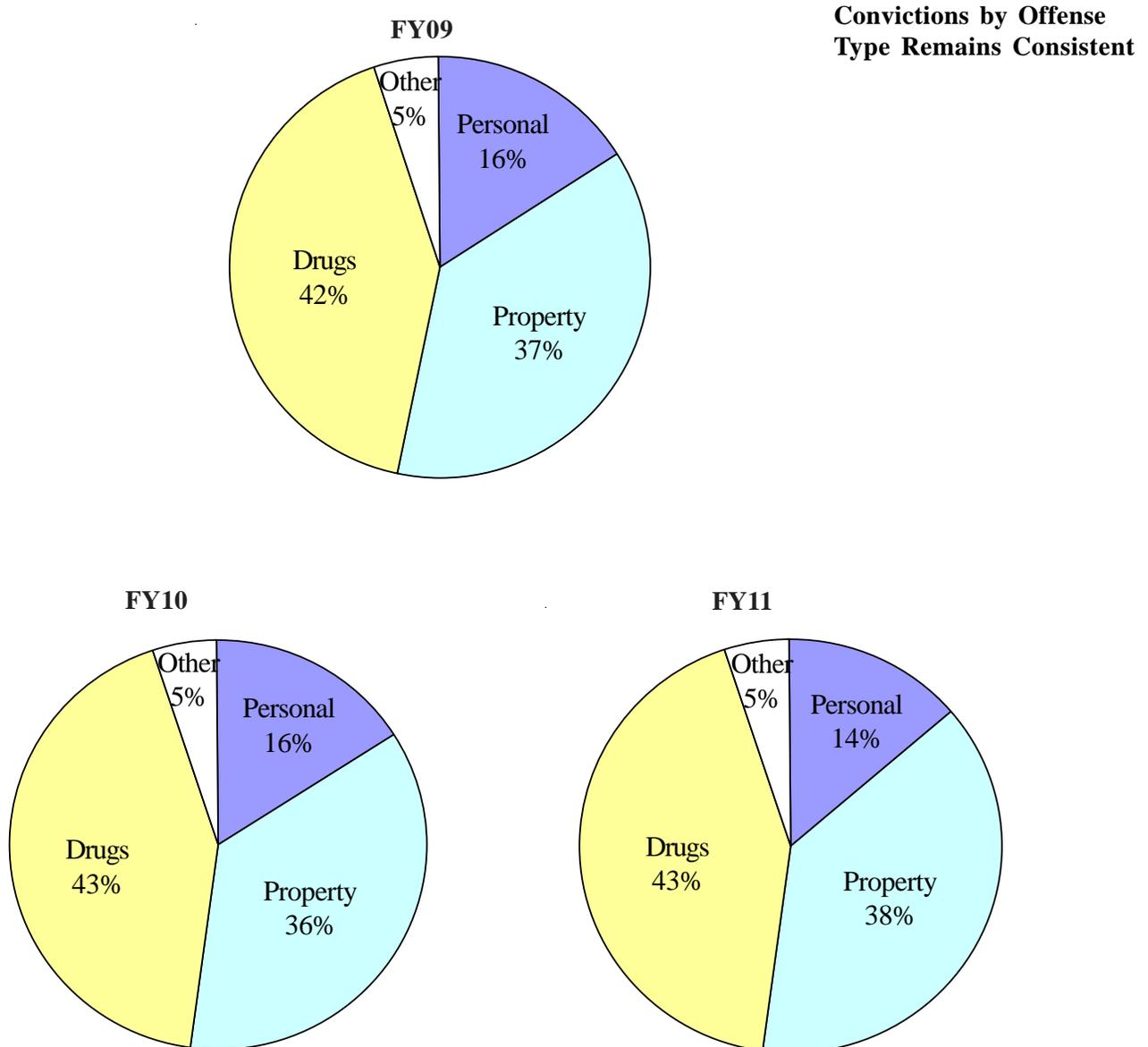
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## Type of Most Frequent Felony Offense at Conviction

The distribution of convictions by offense type remains nearly unchanged.

Figure 19.

**Most Frequent Felony Offense at Conviction**  
**Offense Category**  
**October 1, 2008 - September 30, 2011**



**Drug Convictions**

The majority of felony drug convictions continue to be Possession of Controlled Substances and Possession of Marihuana convictions collectively.

**Possession Convictions  
Constitute Majority of Drug  
Convictions**

Figure 20.

**Most Frequent Offense at Conviction  
Drug Offenses  
October 1, 2008- September 30, 2011**

	<b>FY09</b>	<b>FY10</b>	<b>FY11</b>
Possession of Controlled Substance	<b>1</b> 5,038	<b>1</b> 4,650	<b>1</b> 3,992
Distribution of Controlled Substance	<b>3</b> 1,255	<b>3</b> 1,136	<b>2</b> 1,308
Possession Marihuana 1st	<b>2</b> 1,197	<b>2</b> 1,174	<b>3</b> 1,190
Manufacturing Controlled Substance 2nd	<b>4</b> 478	<b>4</b> 834	<b>4</b> 874
Manufacturing Controlled Substance 1st	<b>6</b> 287	<b>5</b> 412	<b>5</b> 397
Trafficking Drugs	<b>5</b> 323	<b>6</b> 311	<b>6</b> 269
Precursor Chemical - Sale/Poss	<b>8</b> 54	<b>8</b> 111	<b>7</b> 146
Attempt - Possession of Controlled Substance	<b>7</b> 164	<b>7</b> 133	<b>8</b> 143
<b>Top Drug Offenses</b>	<b>8,796</b>	<b>8,761</b>	<b>8,319</b>
Other Drug Offenses	171	217	224
<b>Total Drug Offenses</b>	<b>8,967</b>	<b>8,978</b>	<b>8,543</b>

**Type of Trafficking Convictions**

**Cocaine Trafficking  
Convictions Fall in 2011**

The number of Trafficking convictions fell in 2011 primarily due to the decrease in the number of Cocaine Trafficking convictions.

Figure 21.

**Most Frequent Drug Trafficking Convictions  
Drug Type  
October 1, 2008 - September 30, 2011**

	<b>FY09</b>	<b>FY10</b>	<b>FY11</b>
Trafficking - Marihuana	88	94	89
Trafficking - Cocaine	116	105	73
Trafficking - Methamphetamine	58	41	51
Trafficking - Illegal Drugs	50	67	44
Other	11	4	12
<b>Total Most Serious Felony Offense Convictions for Trafficking</b>	<b>323</b>	<b>311</b>	<b>269</b>

## Prison Admissions - Top 25

Jurisdictional admissions to the Department of Corrections continue to decrease for Possession Convictions, both of Controlled Substances and Marihuana. Jurisdictional admissions for Manufacturing Controlled Substance Offenses continue to increase.

**Jurisdictional Admissions  
for Manufacturing Offenses  
Continue Increase**

Figure 22.

### Prison Admissions for New Offenses October 1, 2008 - September 30, 2011

	FY09		FY10		FY11	
Possession of Controlled Substance	<b>1</b>	1,467	<b>1</b>	1,270	<b>1</b>	1,084
Distribution of Controlled Substance	<b>2</b>	845	<b>2</b>	794	<b>2</b>	832
Burglary 3rd	<b>4</b>	735	<b>3</b>	753	<b>3</b>	786
Robbery 1st	<b>3</b>	783	<b>4</b>	717	<b>4</b>	580
Theft of Property 1st	<b>5</b>	518	<b>5</b>	507	<b>5</b>	507
Manufacturing of Controlled Substance 2nd	<b>11</b>	240	<b>7</b>	378	<b>6</b>	428
Theft of Property 2nd	<b>7</b>	341	<b>10</b>	245	<b>7</b>	385
Poss Marihuana 1st	<b>6</b>	444	<b>6</b>	397	<b>8</b>	358
Manufacturing of Controlled Substance 1st	<b>16</b>	181	<b>9</b>	248	<b>9</b>	282
Trafficking Drugs	<b>8</b>	298	<b>8</b>	256	<b>10</b>	223
Murder	<b>14</b>	208	<b>14</b>	210	<b>11</b>	194
Assault 2nd	<b>10</b>	247	<b>12</b>	237	<b>12</b>	187
Robbery 3rd	<b>9</b>	259	<b>13</b>	218	<b>13</b>	181
Poss Forged Instrument 2nd	<b>13</b>	232	<b>15</b>	186	<b>14</b>	171
Breaking/Entering a Vehicle	<b>12</b>	238	<b>11</b>	241	<b>T15</b>	155
Receiving Stolen Property 1st	<b>15</b>	195	<b>16</b>	180	<b>T15</b>	155
Robbery 2nd	<b>17</b>	173	<b>19</b>	158	<b>17</b>	148
Manslaughter	<b>21</b>	119	<b>22</b>	118	<b>18</b>	131
Burglary 2nd	<b>24</b>	108	<b>21</b>	122	<b>T19</b>	126
Receiving Stolen Property 2nd	<b>23</b>	110	<b>T25</b>	84	<b>T19</b>	126
Community Notification Act Violations	<b>T18</b>	169	<b>17</b>	164	<b>21</b>	106
Assault 1st	<b>T18</b>	169	<b>18</b>	159	<b>22</b>	100
Burglary 1st	<b>20</b>	123	<b>20</b>	136	<b>23</b>	99
Rape 2nd		87		73	<b>24</b>	90
Poss Fraud Use of Credit/Debit Card	<b>22</b>	111	<b>23</b>	101	<b>25</b>	70
Forgery 2nd			<b>T25</b>	84		
Attempted Murder	<b>25</b>	93	<b>24</b>	88		
<b>Top 25 Offenses</b>		<b>8,406</b>		<b>8,051</b>		<b>7,504</b>
Other Offenses		1,320		1,113		1,098
<b>Total Prison Admissions for New Offenses</b>		<b>9,726</b>		<b>9,164</b>		<b>8,602</b>

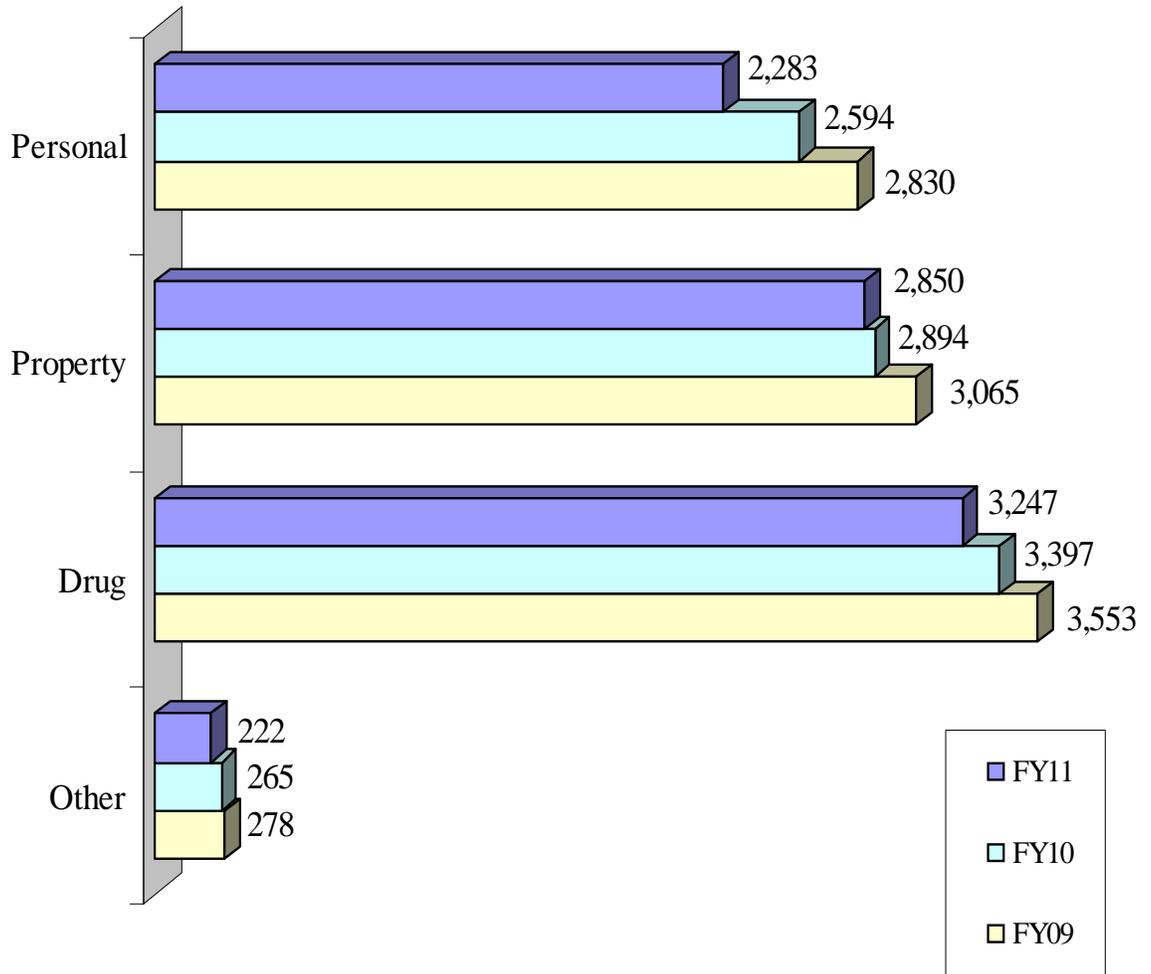
**Prison Admissions for New Offenses by Offense Category**

**Jurisdictional Admissions  
Continue to Decrease**

Offenders convicted of drug offenses continue to be largest category of jurisdictional prison admissions for new offenses.

Figure 23.

**Prison Admissions for New Offenses  
Offense Category  
October 1, 2008 - September 30, 2011**



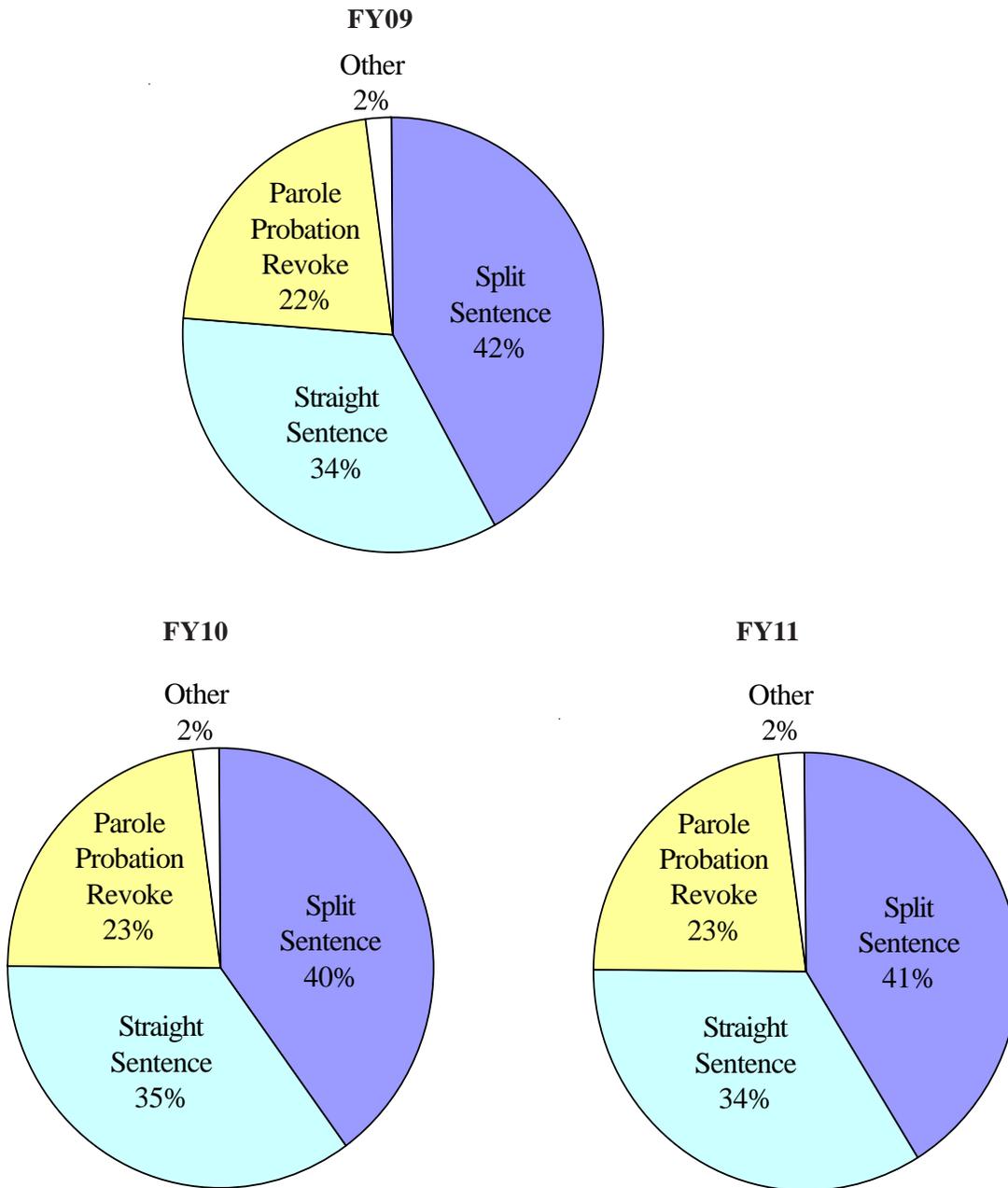
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## Prison Admissions by Type of Admission

Figure 24.

## Prison Admissions by Type of Sentence Consistent

Prison Admissions (all admissions)  
Type  
October 1, 2008 - September 30, 2011



**Prison Releases - Top 25**

Nearly one-third of all jurisdictional releases are Possession or Distribution of Controlled Substances and Burglary 3rd offenders.

Figure 25.

**Prison Releases**  
**October 1, 2008 - September 30, 2011**

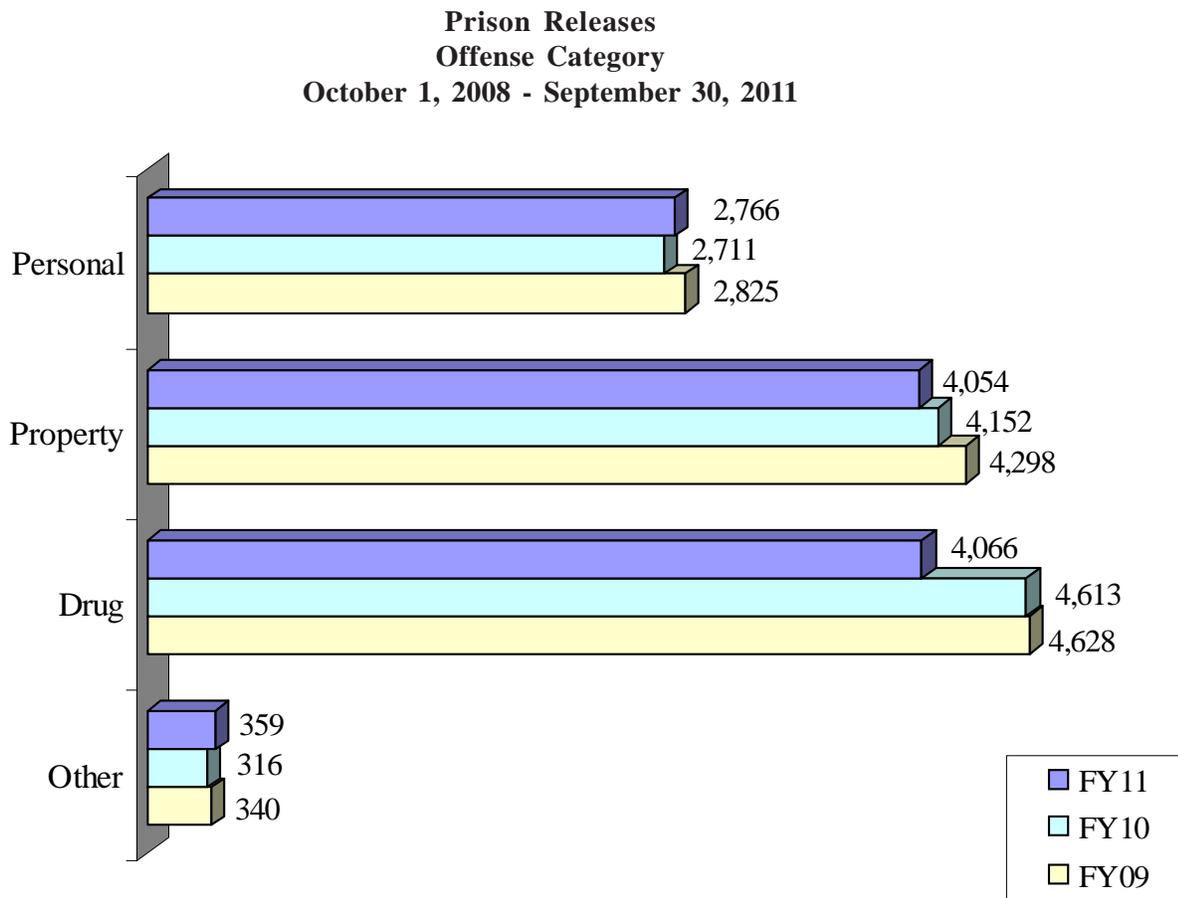
	<b>FY09</b>		<b>FY10</b>		<b>FY11</b>	
Possession of Controlled Substance	<b>1</b>	2,148	<b>1</b>	1,971	<b>1</b>	1,635
Burglary 3rd	<b>3</b>	957	<b>3</b>	986	<b>2</b>	1,053
Distribution of Controlled Substance	<b>2</b>	1,065	<b>2</b>	1,140	<b>3</b>	927
Theft of Property 1st	<b>5</b>	702	<b>5</b>	675	<b>4</b>	712
Robbery 1st	<b>4</b>	736	<b>4</b>	687	<b>5</b>	691
Poss Marihuana 1st	<b>6</b>	563	<b>6</b>	601	<b>6</b>	569
Theft of Property 2nd	<b>7</b>	432	<b>7</b>	401	<b>7</b>	532
Manufacturing of Controlled Substance 2nd	<b>T18</b>	167	<b>14</b>	259	<b>8</b>	327
Robbery 3rd	<b>13</b>	295	<b>10</b>	315	<b>9</b>	297
Assault 2nd	<b>10</b>	324	<b>13</b>	289	<b>10</b>	295
Poss Forged Instrument 2nd	<b>8</b>	383	<b>8</b>	357	<b>11</b>	284
Trafficking Drugs	<b>12</b>	301	<b>11</b>	298	<b>12</b>	280
Receiving Stolen Property 1st	<b>9</b>	327	<b>12</b>	294	<b>13</b>	239
Breaking/Entering a Vehicle	<b>11</b>	313	<b>9</b>	321	<b>14</b>	233
Manufacturing of Controlled Substance 1st	<b>25</b>	128	<b>16</b>	178	<b>15</b>	213
Robbery 2nd	<b>15</b>	195	<b>15</b>	179	<b>16</b>	202
Burglary 2nd	<b>21</b>	165	<b>24</b>	148	<b>17</b>	173
Community Notification Act Violations	<b>24</b>	156	<b>22</b>	159	<b>18</b>	172
Murder	<b>20</b>	166	<b>25</b>	143	<b>19</b>	167
Receiving Stolen Property 2nd	<b>17</b>	173	<b>17</b>	177	<b>20</b>	164
Assault 1st	<b>T18</b>	167	<b>18</b>	170	<b>21</b>	157
Burglary 1st	<b>16</b>	194	<b>20</b>	164	<b>22</b>	156
Forgery 2nd	<b>23</b>	158	<b>23</b>	150	<b>23</b>	121
Rape 2nd		120		102	<b>24</b>	117
Manslaughter		117		128	<b>25</b>	115
Felony DUI	<b>14</b>	251	<b>21</b>	160		106
Poss Fraud Use of Credit/Debit Card	<b>22</b>	161	<b>19</b>	169		84
<b>Top 25 Offenses</b>		<b>10,446</b>		<b>10,391</b>		<b>9,831</b>
Other Offenses		1,645		1,418		1,414
<b>Total Prison Releases</b>		<b>12,091</b>		<b>11,809</b>		<b>11,245</b>

---

**Prison Releases by Offense Category**

**Drug & Property Releases  
in 2011 Far Surpass  
Personal Releases**

Figure 26.

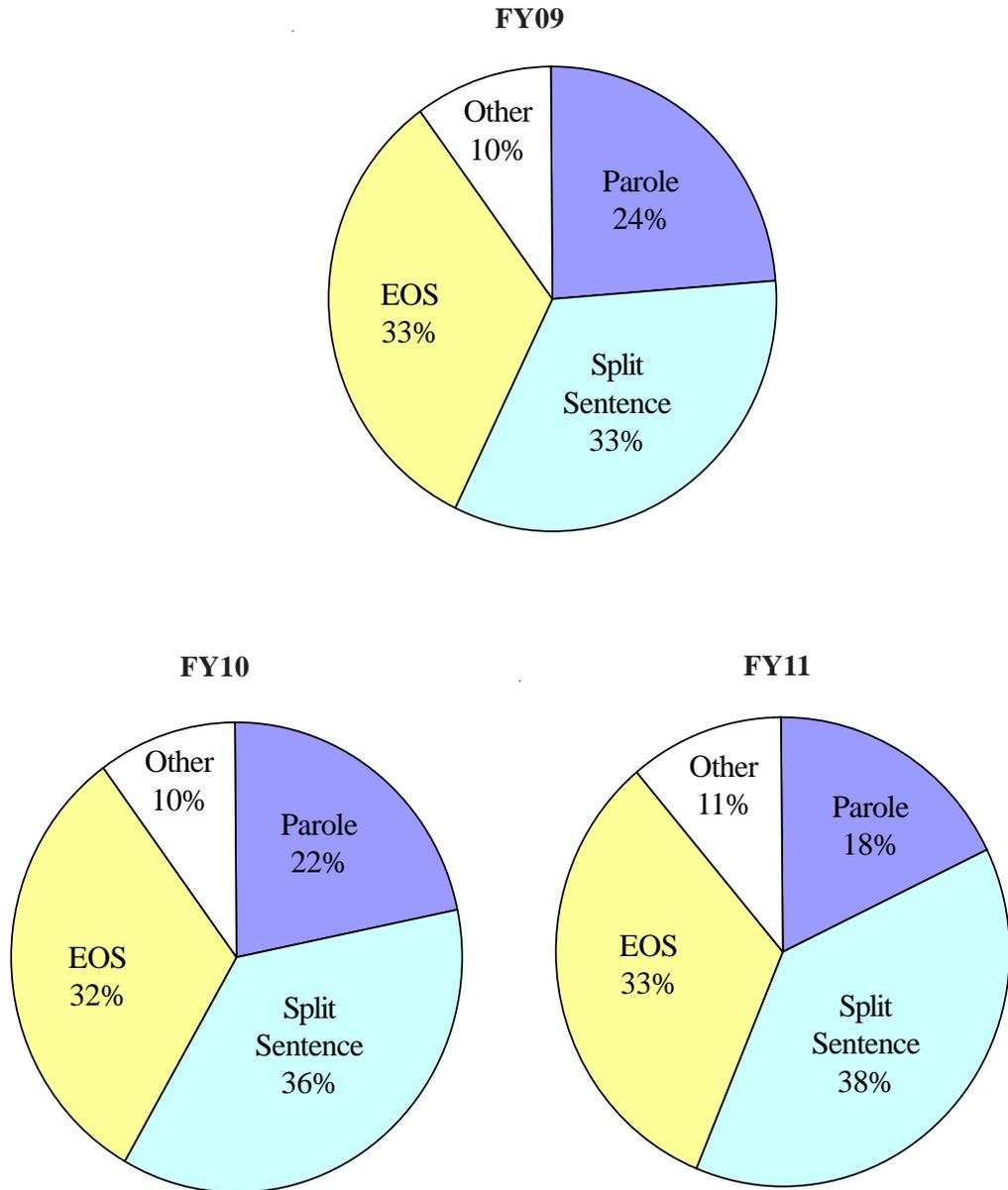


### Prison Releases by Type

#### Small Changes in Release Type

Figure 27.

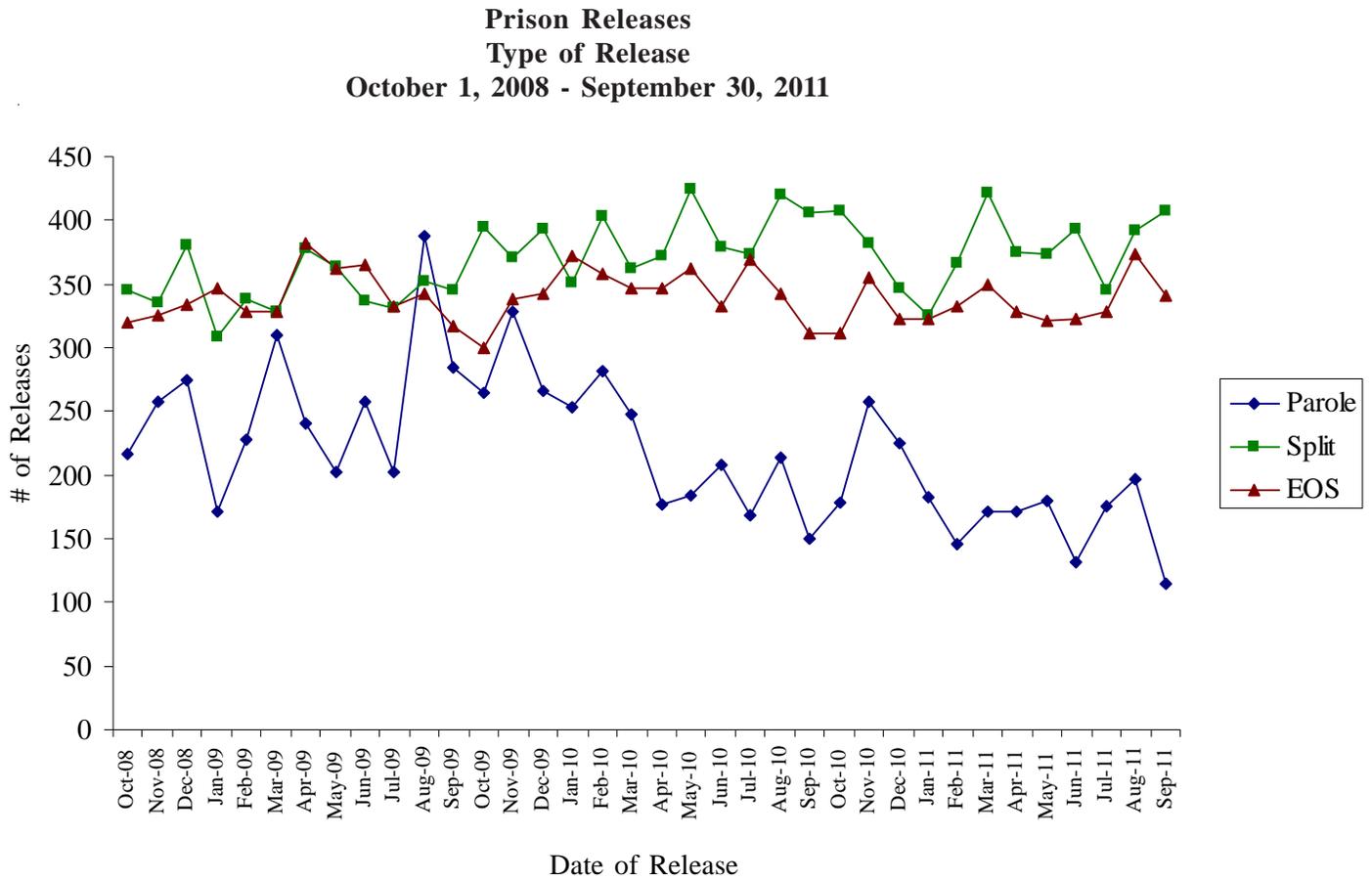
**Prison Releases  
Type of Release  
October 1, 2008 - September 30, 2011**



**Prison Releases by Type**

**The Number of Releases  
by Type of Release Varies  
Monthly**

Figure 28.



**Prison Releases by Offense Category by Type**

**The Number of Split  
Sentence and EOS  
Releases Exceed Parole  
Releases**

Figure 29.

**Prison Releases  
Offense Category by Type  
October 1, 2006 - September 30, 2011**

		<b>Parole</b>	<b>Split</b>	<b>EOS</b>	<b>Other</b>	<b>Total</b>
<b>Personal</b>	2007	779	931	701	289	2,700
	2008	741	1,008	744	330	2,823
	2009	655	1,069	778	323	2,825
	2010	472	1,142	786	311	2,711
	2011	476	1,208	786	296	2,766
			<b>3,123</b>	<b>5,358</b>	<b>3,795</b>	<b>1,549</b>
<b>Property</b>	2007	739	1,298	1,415	400	3,852
	2008	1,000	1,391	1,554	384	4,329
	2009	1,044	1,293	1,556	405	4,298
	2010	820	1,465	1,552	315	4,152
	2011	613	1,440	1,668	333	4,054
			<b>4,216</b>	<b>6,887</b>	<b>7,745</b>	<b>1,837</b>
<b>Drugs</b>	2007	755	1,637	1,558	293	4,243
	2008	992	1,606	1,588	304	4,490
	2009	1,154	1,564	1,615	295	4,628
	2010	988	1,698	1,638	289	4,613
	2011	778	1,574	1,400	314	4,066
			<b>4,667</b>	<b>8,079</b>	<b>7,799</b>	<b>1,495</b>

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# APPENDIX A

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Modifications to the  
Initial Voluntary Sentencing Standards  
(Presumptive Sentencing Recommendations  
for Non-Violent Offenses)

.....

Adopted by the Alabama Sentencing Commission  
December 13, 2012

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Effective October 1, 2013

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## I. GENERAL INSTRUCTIONS - Introduction

### The Sentencing Standards<sup>1</sup> – 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)<sup>2</sup>, the Alabama Legislature changed the Standards for non-violent offenses as defined by ALA. CODE § 12-25-32(6) 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 these recommendations. The primary modifications to the Initial Voluntary Sentencing Standards include defining a list of aggravating and mitigating factors for departures from presumptive sentencing recommendations, defining procedures for departure sentences, 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. The modifications must be used for sentencing events in which the most serious offense is subject to presumptive sentencing recommendations. The modifications made herein are not to be used when the most serious offense sentenced is a violent offense. The sentence recommendations for violent offenses, as defined in ALA. CODE § 12-25-32(14), including all burglaries, are unaffected by these changes and remain completely voluntary and non-appealable.

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

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

<sup>2</sup> All references to ALA. CODE are to ALA. CODE (1975, as amended).

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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 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 three sets of worksheets and corresponding prison sentence length tables, with instructions for completing each. 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 Prison Sentence Length worksheet that recommends a sentence length range from which a sentence is chosen. The recommendations for personal offenses remain voluntary. The property offenses are subdivided into two subsets to include two types of property offenses. The first property subset, still designated as “Property”, contains the felony burglary offenses and those recommendations remain voluntary. The second property subset, now designated as “Property A”, contains all other covered property offenses and those recommendations, along with the recommendations for covered drug offenses, become presumptive for applicable cases sentenced on or after October 1, 2013. Each type of worksheet relies on a separate sentence length table providing recommended sentence ranges based on the Prison Sentence Length Worksheet score from which the final sentence is selected unless a departure sentence is imposed.

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."

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## **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 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.

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### **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 form<sup>3</sup> by either:

E-mail: [sentencing.commission@alacourt.gov](mailto:sentencing.commission@alacourt.gov);

Fax: (334) 954-2124;

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

### **Judicial Disagreement with Worksheet Scoring and Instructions**

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

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<sup>3</sup> For purposes of this requirement, an ALAVault document is considered a paper document.

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

#### Covered Offenses

The following offenses are covered by the Standards unless the conviction carries a mandatory life without parole sentence or is a sex offense involving a child victim under 12 years of age.

#### Personal Worksheets

Assault I  
§13A-6-20

Assault II  
§13A-6-21

Manslaughter  
§13A-6-3

Murder  
§13A-6-2

Rape I  
§13A-6-61

Rape II  
§13A-6-62

Robbery I  
§13A-8-41

Robbery II  
§13A-8-42

Robbery III  
§13A-8-43

Sodomy I  
§13A-6-63

Sodomy II  
§13A-6-64

#### Property Worksheets

Burglary I  
§13A-7-5

Burglary II  
§13A-7-6

Burglary III  
§13A-7-7

#### Property A Worksheets

Forgery II  
§13A-9-3

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

Receiving Stolen Property I  
§13A-8-17

Receiving Stolen Property II  
§13A-8-18

Theft of Property I  
§13A-8-3

Theft of Property II  
§13A-8-4

Unauthorized Use/Break & Enter Vehicle  
§13A-8-11 (a)(4) & (b)

Unlawful Possession/Use Credit/Debit Card  
§13A-9-14

#### Drugs Worksheets

Felony DUI  
§ 32-5a-191(h)

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

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

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

Possession of Marihuana I  
§ 13A-12-213 (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)

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## **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 - Four 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 Prison Sentence Length Worksheet.

Rule 2. Where two or more offenses at the same sentencing event are covered by different worksheets, the most serious offense is the offense with the highest number of points shown on the applicable Prison 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 II (44 points on the property Prison Sentence Length worksheet) and Sale/Distribution of Marihuana (84 points on the drug Prison 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 Drug Sentence Length Worksheet. Then, the preparer could elect to score Forgery II as the primary offense on the property 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 I and Theft of Property II (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 II as the most serious offense. This is because Theft of Property II is covered by the worksheets and Criminal Mischief I 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.

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

Both the In/Out Worksheet and the Prison 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 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.

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## **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 Lengths**

A sentence comports to the Standards when the sentence conforms to the recommendation on the In/Out Worksheet and the sentence length is chosen from the recommended sentence ranges on the Prison 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.

A sentence that does not conform to the 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.

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

If a score on the Prison 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)-(3), provided, however, the minimum sentence may still 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.

A recommended sentence of 13 months includes any portion of the 13<sup>th</sup> 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.

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## Imposition of Sentence

A sentence comports to the Standards when the sentence conforms to the recommendation on the In/Out Worksheet and the sentence length is chosen from the recommended sentence ranges on the Prison Sentence Length Table.

Once a sentence has been selected from the recommended Prison 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 three Class B felonies at one sentencing event and the chosen sentence is 120 months (10 years), the following is a non-exclusive list of examples of sentences the judge may impose:

- 120 months for each conviction to run concurrently = 120 months;
- 40 months for each conviction to run consecutively = 120 months; or
- one 60 month sentence and two 30 month sentences to run consecutively = 120 months.

In the above example, unless there is a departure, no combination of sentences can exceed 120 months for all cases or counts, for both covered and non-covered offenses.

A split sentence conforms to the Standards 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 Prison 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 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 serve incarceration in  
ADOC or Community Corrections

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## Departure Procedures

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.
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.<sup>4</sup>
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.
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.

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<sup>4</sup> 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.

- 
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.
- 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.

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## **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.

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## 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)

*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.

*Probation Officer* – fill in the name of the probation officer assigned to this case.

*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.

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

*List Additional Cases Sentenced for this Event* – If there are two or more cases sentenced at this sentencing event, fill in the case numbers for the additional cases. Also include additional counts by listing the specific additional convicted offenses.

Defendant \_\_\_\_\_ Case No. \_\_\_\_\_  
Judge \_\_\_\_\_ Prosecutor \_\_\_\_\_  
Probation Officer \_\_\_\_\_ Defense Attorney \_\_\_\_\_  
Worksheet Preparer, Title \_\_\_\_\_  
List Additional Cases Sentenced for this Event \_\_\_\_\_

**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 In/Out Recommendation (Presumptive Disposition)	Total Score
1-7 points: Non-Prison	8 or more points: Prison

Property A In/Out Recommendation (Presumptive Disposition)	Total Score
8-14 points: Non-Prison	15 or more points: Prison

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**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.

**PRISON SENTENCE LENGTH WORKSHEET**

**Step A** - Complete the case information at the top of the Prison 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** - Prison 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 Prison Sentence Length Range table and select the sentence ranges that conform to the total score.
3. Record the recommended ranges on the Prison Sentence Length Worksheet.

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

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## PRISON 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.

<b>Score</b>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<b><u>Low</u></b>	<b><u>Mid</u></b>	<b><u>High</u></b>	<b><u>Low</u></b>	<b><u>Mid</u></b>	<b><u>High</u></b>
<b>32</b>	13	18	23	6	9	12
<b>37</b>	13	22	31	6	9	12
<b>39</b>	13	22	31	6	9	12
<b>42</b>	13	22	31	6	9	12
<b>44</b>	13	22	31	6	9	12
<b>45</b>	13	22	31	6	9	12
<b>46</b>	13	22	31	6	9	12
<b>47</b>	13	22	31	6	9	12
<b>49</b>	14	23	31	6	9	12
<b>51</b>	14	23	31	6	9	12
<b>52</b>	14	27	38	6	9	12
<b>53</b>	14	27	38	6	9	12
<b>54</b>	14	27	38	6	9	12
<b>55</b>	14	27	38	6	9	12
<b>56</b>	14	31	46	6	9	12
<b>57</b>	14	31	46	6	9	12
<b>58</b>	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.

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

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**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 Prison Sentence Length Worksheet.

**Step E** – After sentencing, if the judge departs from the Prison 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 Prison 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](mailto:sentencing.commission@alacourt.gov)**

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

**Most Serious Offense at Conviction Ranking**

Manufacturing Controlled Substance I  
(includes attempts, conspiracies, and solicitations)  
§ 13A-12-218  
286 points

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

Manufacturing Controlled Substance II  
(includes attempts, conspiracies, and solicitations)  
§ 13A-12-217  
105 points

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

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

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

Felony DUI  
§ 32-5a-191(h)  
42 points

Possession of Marihuana I  
(includes attempts, conspiracies, and solicitations)  
§ 13A-12-213  
42 points

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## INSTRUCTIONS - - Drug 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.

**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.

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

**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. Recommendation Section

**Total Score** - Prior to sentencing, total the scores from the Sentencing Factors Section.

### 11. Non-Prison: 1-7 Points

Circle “non-prison” as the sentence disposition recommendation. Several examples are given in the General Instructions for non-prison sentence options. These examples are not given to limit the recommendation but

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merely as a guide to some available sentences. The examples are not intended to establish any new sentence types.

**12. Prison: 8 or more points**

Circle “prison” as the sentence disposition recommendation. Several examples are given in the General Instructions for prison sentence options. These examples are not given to limit the recommendation but merely as a guide to some available sentences. The examples are not intended to establish any new sentence types.

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

**Departure Sentences**

If the recommended 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 Prison In/Out Worksheet

Eff.10-1-2013

Defendant \_\_\_\_\_  
 Judge \_\_\_\_\_  
 Probation Officer \_\_\_\_\_  
 Worksheet Preparer, Title \_\_\_\_\_

Case No. \_\_\_\_\_  
 Prosecutor \_\_\_\_\_  
 Defense Attorney \_\_\_\_\_  
 Additional Cases \_\_\_\_\_

**Most Serious Conviction Offense** \_\_\_\_\_

Please circle one *offense*

- |  |  |
|--|--|
| Possession of Marihuana or Controlled Substance..... 1           | Sale/Distribution of Marihuana (other than to minor)..... 6          |
| A/S/C Possess Marihuana or Controlled Substance..... 1           | A/S/C Sale/Distribute Marihuana (other than to a minor)..... 6       |
| Felony DUI..... 4  | Sale/Distribution of Schedule I-V (other than to minor).....6        |
| Possess with Intent to Distribute Controlled Sub..... 5          | A/S/C Sale/Distribution of Schedule I-V (other than to a minor)... 6 |
| A/S/C Possess with Intent to Distribute Controlled Sub...5       | Manufacturing Controlled Substance 1 <sup>st</sup> .....8            |
| Manufacturing Controlled Substance 2 <sup>nd</sup> .....5        | A/S/C Manufacturing Controlled Substance 1 <sup>st</sup> .....8      |
| A/S/C Manufacturing Controlled Substance 2 <sup>nd</sup> ..... 5 |  |

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

**Score**

**Number of Prior Adult Felony Convictions** \_\_\_\_\_

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

**Score**

**Number of Prior Adult Convictions for Misdemeanors or Violations** \_\_\_\_\_

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

**Score**

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

- |              |   |
|--------------|---|
| If Yes ..... | 3 |
|--------------|---|

**Score**

**Prior Felony Probation or Parole Revocation** \_\_\_\_\_

- |              |   |
|--------------|---|
| If Yes ..... | 1 |
|--------------|---|

**Score**

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

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

**Score**

**Possession/Use of a Deadly Weapon or Dangerous Instrument** \_\_\_\_\_

- |              |   |
|--------------|---|
| If Yes ..... | 2 |
|--------------|---|

**Score**

**Presumptive Disposition**

**Total Score**

**1-7 points: Non-Prison**

**8 or more points: Prison**

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## INSTRUCTIONS - - Drug Prison Sentence Length Worksheet

The Case Information and Sentencing Factors section of this worksheet must be completed prior to sentencing.

### 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 scorer 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 scorer should enter the number of points assigned to the most serious offense.

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

**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 Convictions** - Count only the number of Class C 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.

### 8. Prison Sentence Length Recommendation

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

**9. Recommended Sentence Range** - Go to the Drug Prison Sentence Length Ranges for Worksheet Table to convert the score into a sentence length recommendation. Record the recommended sentence range for the total sentence in the space identified as “straight”. Record the recommended split sentence range in the space provided. The sentence for the most serious offense must come from these recommended ranges 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.

### 10. Judges Signature or Initials

After the sentencing recommendations 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.

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

### **Departure Sentences**

If the recommended 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 Prison Sentence Length Worksheet

Eff.10-1-2013

Defendant \_\_\_\_\_ Case No. \_\_\_\_\_

**Most Serious Conviction Offense** \_\_\_\_\_ Please circle one *offense*

Felony DUI or Possession of Marihuana..... 42	Manufacturing Controlled Substance 2 <sup>nd</sup> ..... 105
A/S/C Possession of Marihuana..... 42	A/S/C Manufacturing Controlled Substance 2 <sup>nd</sup> ..... 105
Possession of a Controlled Substance..... 71	Sale/Distribution of Schedule I-V (other than to a minor)..... 113
A/S/C Possession of a Controlled Substance..... 71	A/S/C Sale/Distribute Schedule I-V Drugs (other than to minor) 113
Sale/Distribution of Marihuana (other than to a minor)..... 84	Manufacturing Controlled Substance 1 <sup>st</sup> ..... 286
A/S/C Sale/Distribution of Marihuana (other than to minor).... 84	A/S/C Manufacturing Controlled Substance 1 <sup>st</sup> ..... 286
Possession with Intent to Distribute Controlled Sub.....105	
A/S/C Possession with Intent to Distribute Controlled Sub.. 105	

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

**Score**

**Number of Additional Felony Convictions (Including Counts)** \_\_\_\_\_

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

**Score**

**Number of Prior Adult Felony Convictions** \_\_\_\_\_

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

**Score**

**Number of Prior Adult Felony Class C Convictions** \_\_\_\_\_

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

**Score**

**Prior Incarceration *Unsuspected* with Sentence Imposed of 1 Year or More** \_\_\_\_\_

If Yes .....	14
--------------	----

**Score**

**See Prison Sentence Length Table**

**Total Score**

**Presumptive Sentence Range** \_\_\_\_\_ to \_\_\_\_\_ (straight) \_\_\_\_\_ to \_\_\_\_\_ (split)

**Judge's Signature/Initial**

The final sentencing order (after grant or denial of probation) must be attached.

# Drug 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	17	27
79	13	39	65	6	17	27
80	13	39	65	8	18	27
81	13	39	65	8	18	27
82	13	39	65	8	18	27
83	13	39	65	8	18	27
84	13	39	65	8	18	27
86	13	39	65	8	18	27
87	13	39	65	8	18	27
88	13	39	65	8	18	27
89	13	39	65	8	18	27
90	13	39	65	8	18	27
91	13	39	65	8	18	27
92	13	39	65	8	18	27
93	13	39	65	8	18	27
94	13	39	65	8	18	27
95	13	39	65	8	18	27
96	13	39	65	8	18	27
97	13	39	65	8	18	27
98	13	39	65	8	18	27
99	13	39	65	8	18	27
100	13	39	65	8	18	27
101	13	39	65	8	18	27
102	13	39	65	8	18	27
103	13	39	65	8	18	27
104	13	55	97	8	18	27
105	15	56	97	8	18	27
106	15	56	97	8	18	27
107	15	56	97	8	18	27
108	15	56	97	8	18	27
109	15	56	97	8	18	27
110	15	56	97	8	18	27
111	15	56	97	8	18	27
112	15	56	97	8	18	27
113	15	56	97	8	18	27
115	15	56	97	8	18	27
116	15	56	97	8	18	27

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

<b>Score</b>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<b>Low</b>	<b>Mid</b>	<b>High</b>	<b>Low</b>	<b>Mid</b>	<b>High</b>
183	45	87	130	16	26	36
184	45	87	130	16	26	36
185	45	87	130	16	26	36
188	45	87	130	24	30	36
189	45	87	130	24	30	36
191	45	87	130	24	30	36
192	45	87	130	24	30	36
195	45	87	130	24	30	36
196	45	87	130	24	30	36
198	45	87	130	24	30	36
199	45	87	130	24	30	36
200	45	87	130	24	30	36
203	45	87	130	24	30	36
205	45	87	130	24	30	36
206	45	87	130	24	30	36
212	45	87	130	24	30	36
213	45	87	130	24	30	36
214	45	87	130	24	30	36
220	45	87	130	24	30	36
222	45	87	130	24	30	36
227	45	87	130	24	30	36
232	45	87	130	24	30	36
235	45	87	130	24	30	36
242	45	87	130	24	30	36
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

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The Property “A” offenses listed below are covered by the Sentencing Standards subject to Presumptive Sentencing Recommendations.

**Most Serious Offense at Conviction Ranking**

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

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

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

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

Forgery II  
§ 13A-9-3  
44 points

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

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

Unauthorized Use/Break & Enter Vehicle  
§ 13A-8-11(a)(4) & (b)  
32 points

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## INSTRUCTIONS - - Property “A” 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.

**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 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.

**8. Prior Incarceration with Unsuspended 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.

**9. Prior 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.

**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.*

**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

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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. Recommendation Section**

**Total Score** - Prior to sentencing, total the scores from the Sentencing Factors Section.

**14. Non-Prison: 8-14 Points**

Circle “non-prison” as the sentence disposition recommendation. Several examples are given in the General Instructions for non-prison sentence options. These examples are not given to limit the recommendation but merely as a guide to some available sentences. The examples are not intended to establish any new sentence types.

**15. Prison: 15 or more points**

Circle “prison” as the sentence disposition recommendation. Several examples are given in the General Instructions for prison sentence options. These examples are not given to limit the recommendation but merely as a guide to some available sentences. The examples are not intended to establish any new sentence types.

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

**Departure Sentences**

If the recommended 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 "A" Prison In/Out Worksheet

Defendant \_\_\_\_\_

Case No. \_\_\_\_\_

Judge \_\_\_\_\_

Prosecutor \_\_\_\_\_

Probation Officer \_\_\_\_\_

Defense Attorney \_\_\_\_\_

Worksheet Preparer, Title \_\_\_\_\_

List Additional Cases/Counts Sentenced for this Event \_\_\_\_\_

**Most Serious Conviction Offense** \_\_\_\_\_ *Please circle one offense*

Possession/Use Credit/Debit Card ..... 8

Possession Forged Instrument II, Forgery II, Theft of Prop II, Receive Stolen Prop II ..... 9

Theft of Prop I, Receive Stolen Prop I, Unauthorized Use/B&E Vehicle ..... 10

Score

**Number of Prior Adult Felony Convictions** \_\_\_\_\_

None ..... 0

1-2 ..... 1

3-4 ..... 2

5 or more ..... 3

Score

**Number of Prior Adult Convictions for Same Felony** \_\_\_\_\_

None ..... 0

1 ..... 1

2 ..... 2

3-4 ..... 3

5 or more ..... 4

Score

**Number of Prior Adult Convictions for Misdemeanors or Violations** \_\_\_\_\_

0-1 ..... 0

2-5 ..... 1

6-9 ..... 2

10 or more ..... 3

Score

**Prior Incarceration with *Unsuspending* Sentence Imposed of 1 Year or More** \_\_\_\_\_

If Yes ..... 6

Score

**Prior Incarceration with *Unsuspending* Sentence Imposed of Less Than 1 Year** \_\_\_\_\_

If Yes ..... 3

Score

**Prior Felony Probation or Parole Revocation** \_\_\_\_\_

If Yes ..... 2

Score

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

None ..... 0

1 ..... 1

2-3 ..... 2

4 ..... 3

5 or more ..... 4

Score

**Possession/Use of a Deadly Weapon or Dangerous Instrument** \_\_\_\_\_

If Yes ..... 1

Score

**Injury to Victim** \_\_\_\_\_

If Yes ..... 2

Score

**Presumptive Disposition**

**Total Score**

**8-14 points: Non-Prison**

**15 or more points: Prison**

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## INSTRUCTIONS - - Property “A” Prison Sentence Length Worksheet

The Case Information and Sentencing Factors section of this worksheet must be completed prior to sentencing.

### 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** - The scorer should select only the most serious offense being sentenced at the current sentencing event. See the General Instructions.

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

**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.

**8. Prior 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.

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

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**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. Prison Sentence Length Recommendation**

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

**12. Recommended Sentence Range** - Go to the Drug Prison Sentence Length Ranges for Worksheet Table to convert the score into a sentence length recommendation. Record the recommended sentence range for the total sentence in the space identified as “straight”. Record the recommended split sentence range in the space provided. The sentence for the most serious offense must come from these recommended ranges 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.

**13. Judges Signature or Initials**

After the sentencing recommendations 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 ~~to~~ shall forward a copy of this worksheet and the Prison In/Out worksheet, along with a copy of the Court’s final Sentencing Order, to the Alabama Sentencing Commission.

**Departure Sentences**

If the recommended 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.

**Please Print Property "A" Prison Sentence Length Worksheet**

Eff.10-1-2013

Defendant \_\_\_\_\_ Case No. \_\_\_\_\_

**Most Serious Conviction Offense**

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

Score

**Number of Additional Felony Convictions (Including Counts)**

None .....	0
1 .....	5
2 .....	10
3 or more .....	15

Score

**Number of Prior Adult Felony Convictions**

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

Score

**Number of Prior Adult Felony Property Convictions**

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

Score

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

If Yes ..... 15

Score

**Prior Felony Probation or Parole Revocation**

If Yes ..... 7

Score

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

If Yes ..... 37

Score

**Acquired a Firearm During Offense**

If Yes ..... 12

Score

See Prison Sentence Length Table

Total Score

Presumptive Sentence Range \_\_\_\_\_ to \_\_\_\_\_ (straight) \_\_\_\_\_ to \_\_\_\_\_ (split)

Judge's Signature/Initial

# Property "A" 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>
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

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

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

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

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