

Alabama  
Sentencing  
Commission

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**2016 Report**

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# ALABAMA SENTENCING COMMISSION

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## 2016 Report

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## Acknowledgements

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

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

*Governor Dr. Robert Bentley*

*Chief Justice Roy S. Moore*

*Lieutenant Governor Kay Ivey*

*Del Marsh, President Pro Tempore, Alabama Senate*

*Senator Cam Ward, Chair, Senate Judiciary Committee*

*The Alabama Senate*

*Mike Hubbard, Speaker of the House, Alabama House of Representatives*

*Representative Mike Jones, Chair, House Judiciary Committee*

*The Alabama House of Representatives*

*Joseph A. Colquitt, Chairman of the Sentencing Commission*

*Rich Hobson, Administrative Director of Courts*

*Administrative Office of Courts and staff*

*Court of Criminal Appeals*

*Alabama Circuit and District Judges' Associations*

*Attorney General 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**

Franklin Johnson  
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**

Michael Dean  
Assistant Attorney General

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

Eleanor I. Brooks, Retired District Attorney, 15<sup>th</sup> Judicial Circuit  
Steven T. Marshall, District Attorney, 27<sup>th</sup> Judicial Circuit  
Tom Anderson, District Attorney, 12<sup>th</sup> Judicial Circuit

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

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

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

Claude E. Hundley, District Judge, Madison County

**Chair of the House Judiciary Committee**

Representative Mike Jones, House District 92

**Chair of the Senate Judiciary Committee**

Senator Cam Ward, Senate District 14

**Alabama Department of Corrections**

Jefferson Dunn, Commissioner

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

Phil Bryant, Executive Director

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

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

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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**

Retired Circuit Judge Joseph A. Colquitt  
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Tuscaloosa, AL

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Alabama Board of Pardons and Paroles

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Alabama Department of Corrections Appointee

Terry Davis  
Chief of Police, Boaz, AL

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Victim Advocate

Denis Devane  
Shepherd's Fold

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Alabama Community Corrections Association  
Director, Mobile County Community Corrections

Nelson Gregory  
Chief of Police, Geraldine, AL

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Alabama Department of Youth Services

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

Retired Justice Hugh Maddox  
Alabama Supreme Court

Wally Olson  
Sheriff, Dale County Sheriff's Office

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Mary Pons, Staff Attorney  
Association of County Commissions

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Tuscaloosa, AL

Jeff Williams, Deputy Commissioner  
Alabama Department of Corrections

**Commission Staff**

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15<sup>th</sup> Judicial Circuit

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Office of Prosecution Services

Phil Bryant, Executive Director  
Alabama Board of Pardons and Paroles

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Victims of Crime and Leniency (VOCAL)

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Jefferson Dunn, Commissioner  
Alabama Department of Corrections

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10<sup>th</sup> Judicial Circuit

Jannette Grantham  
Victims of Crime and Leniency (VOCAL)

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UAB Treatment Alternatives to Street Crime (TASC)

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9<sup>th</sup> Judicial Circuit

Circuit Judge Tim Jolley  
27<sup>th</sup> Judicial Circuit

Mike Jones, Chair  
House Judiciary Committee

Circuit Judge David Kimberly  
16<sup>th</sup> Judicial Circuit

Jill Lee, District Attorney  
18<sup>th</sup> Judicial Circuit

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

Alyia McKee, Public Defender  
Montgomery County

Retired Circuit Judge P. B. McLauchlin  
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Richard Minor, District Attorney  
30<sup>th</sup> Judicial Circuit

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10<sup>th</sup> Judicial Circuit

Circuit Judge Robert Smith  
13<sup>th</sup> Judicial Circuit

Joel Sogol, Esquire  
Tuscaloosa, AL

Joe VanHeest, Public Defender  
Tuscaloosa County

Bob Williams, Public Defender  
Shelby County

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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

**Tom Anderson**  
District Attorney, 12<sup>th</sup> Judicial Circuit

**Mike Blakely**  
Sheriff, Limestone County

**Phil Bryant**  
Director, Bd. of Pardons and Paroles

**Terri Bozeman-Lovell**  
Circuit Judge, 2<sup>nd</sup> Judicial Circuit

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

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

**Stephanie Daniels**  
Alabama Lawyers' Association

**Michael Dean**  
Assistant Attorney General

**Jefferson Dunn**  
Commissioner, Dept. of Corrections

**Joe Faulk**  
Elmore County Commissioner

**Janette Grantham**  
Victim's Advocate

**Lou Harris**  
Faulkner University

**Claude Hundley**  
District Judge, Madison County

**Franklin Johnson**  
Governor's Office

**Mike Jones**  
House Judiciary Committee

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

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

**Miriam Shehane**  
Director, VOCAL

**Joel Sogol**  
Criminal Defense Lawyers' Association

**Cam Ward**  
Senate Judiciary Committee

Ladies and Gentlemen,

On behalf of the Alabama Sentencing Commission, I proudly present you with the Alabama Sentencing Commission's 2016 Annual Report. The past year saw the Alabama Legislature pass and Governor Bentley sign omnibus "prison reform" legislation requiring the State to make many changes throughout the criminal justice system. The Alabama Sentencing Commission continues to play an integral role assisting the State as it seeks to improve the functioning and effectiveness of the criminal justice system to help better protect the safety of the public in Alabama.

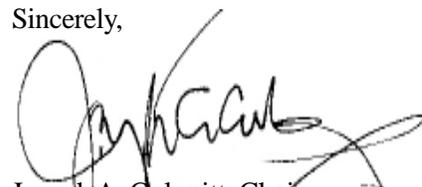
Numerous Commission members, sub-committee members, and staff were involved with the Alabama Prison Reform Task Force as it met over the previous year to review many of the challenges facing the State's criminal justice system. Data and information generated by the Commission were central components providing detail on current practices and trends in the State. Ultimately, the Task Force adopted a core set of recommendations that were the basis of the prison reform legislation that changed many aspects of the criminal justice system including further changes to the sentencing laws in Alabama.

The major components of the Commission's reform efforts with sentencing have been the introduction of the Initial Voluntary Sentencing Standards in 2006 and then in 2013, the introduction of Presumptive Sentencing Standards for non-violent offenses. Further changes to the Standards were expected and required with the passage of the prison reform legislation. The Commission and Standards Committee have invested much of the previous year evaluating the legislation and deliberating the best way to incorporate the legislation's provisions into the existing Standards structure.

Members of the Alabama Sentencing Commission, members of the Commission's Advisory Council, and members of the Standards Committee are to be commended for their efforts helping to improve the State's criminal justice system by investing their time and knowledge to better protect the citizens of Alabama through a more effective and efficient system.

The work of the Alabama Sentencing Commission has been and continues to be highly regarded, both in Alabama and nationally, and is important in helping to inform the direction of criminal justice policy. With your continued support, we can advance the goal of better protecting the safety of the public through empirically based policy and the collective expertise of all stakeholders in Alabama's criminal justice system.

Sincerely,



Joseph A. Colquitt, Chair  
Alabama Sentencing Commission



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## **EXECUTIVE SUMMARY**

### **Sentencing Standards Modifications**

Act 2015-185 (the “prison reform” legislation) made numerous changes within Alabama’s criminal justice system including sentencing provisions. These changes included the creation of a Class D felony offense category, restricting the use of custodial sentences for Class D felonies, establishing how Class C and Class D felonies are to be sentenced, and placing new limits on the lengths of split sentences for Class C and D felony offenders.

The Legislature further required that all new Class D felonies established in the Act be incorporated into the Sentencing Standards. In addition to incorporating all Class D felonies into the Sentencing Standards, other non-violent property offenses have also been added to the Sentencing Standards providing for greater flexibility and consistency.

The general instructions for the Sentencing Standards were modified to provide for a single set of general instructions for use with all Sentencing Standards events, and the general instructions were further modified to incorporate new parameters for Class C and Class D felony sentencing consistent with Act 2015-185.

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

### **Sentencing Standards and Criminal Justice Information**

Compliance with the Sentencing Standards showed large increases, particularly with drug and property offenses. Compliance information demonstrates the implementation of Presumptive Sentencing Standards resulted in more sentences adhering to the recommendations contained in drug and property sentencing cases across the State. Compliance with the Prison vs. Non-Prison and Sentence Length decisions for drug and property offenses increased significantly.

The number of felony offenders convicted in fiscal year 2014 rose slightly, increasing by approximately 300 felony convictions. Violations of the Community Notification Act continue to move up the Top 25 list of the most frequently convicted felonies.

Individuals convicted of personal and/or violent offenses constitute a sizeable majority of the In-House Alabama prison population. Three-quarters of offenders in an Alabama prison were convicted of a violent offense, and nearly two-thirds of offenders were convicted of a personal offense.



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## **Chapter 1: Modifications to the Sentencing Standards**

During the 2015 Regular Session, the Alabama Legislature passed and the Governor signed Act 2015-185. This omnibus legislation made numerous changes within Alabama’s criminal justice system aimed at strengthening community supervision (probation, parole, and community corrections), prioritizing prison space for violent and dangerous offenders, ensuring supervision for everyone released from prison and expansion of the victim notification system. Numerous provisions contained within the Act make significant changes to sentencing law and include:

- The creation of a Class D felony offense classification and the establishment of new Class D felony offenses;
- Establishing the statutory range of punishment for a Class D felony offense and delineating how the sentence is to be imposed;
- Restricting the use of custodial sanctions for Class D felony offenses;
- Delineating how a Class C felony offense sentence is to be imposed;
- Amending the split sentence statute and placing new parameters on lengths of permissible split sentence lengths for Class C and Class D felony offenses;
- Creating “high-intensity” probation as an alternative for jurisdictions that do not have a Community Corrections program.

The creation of the Class D felony offense classification and the Alabama Legislature’s clear intention that custodial sanctions for Class D offenses should be limited, and that when Class C and Class D felony offenders do receive prison sentences, a split sentence mandating post-release supervision is the preferable option required action by the Alabama Sentencing Commission to modify the Sentencing Standards. A subcommittee of the Commission, the Standards Committee, reviewed Act 2015-185 and deliberated on ways to best incorporate the sentencing provisions of the Act into the existing Sentencing Standards structure.

The Standards Committee is comprised of judges, prosecutors, defense lawyers, victims’ advocates, and criminal justice officials and professionals from across the State. The breadth of experience and knowledge of how the Standards and the criminal justice system function held by Commission and Standards Committee members is critical helping to make recommendations to further modify the Standards and incorporate new provisions contained in Act 2015-185.

### **“Prison Reform” Legislation**

### **Act 2015-185 Sentencing Provisions**

### **Class C and D Sentencing**

**Class D Felony Offenses**

Act 2015-185 established the following Class D felony offenses and required these offenses be incorporated into the Standards;

- Forgery 3<sup>rd</sup>
- Possession of a Forged Instrument 3<sup>rd</sup>
- Receiving Stolen Property 3<sup>rd</sup>
- Theft of Lost Property 3<sup>rd</sup>
- Theft of Property 3<sup>rd</sup>
- Theft of Services 3<sup>rd</sup>
- Unlawful Possession of a Controlled Substance
- Possession of Marihauna 1<sup>st</sup> (personal use only)

**Other New Standards Offenses**

Other non-violent offenses have also been added to the Standards for consistency as other degree(s) of the underlying offense were to be added to the Standards or were already covered by the Standards. The offenses of Forgery 1<sup>st</sup>, Possession of a Forged Instrument 1<sup>st</sup>, Theft of Lost Property 1<sup>st</sup>, Theft of Lost Property 2<sup>nd</sup>, Theft of Services 1<sup>st</sup>, and Theft of Services 2<sup>nd</sup> have been added to the Standards.

The limitations on permissible lengths for split sentences applicable to Class C and Class D felony convictions provided in Act 2015-185 have been incorporated into the General Instructions.

The use of County Jail and Alabama Department of Corrections sentences for Class D felony offenses have new limitations. Certain criteria must be met before a Class D felony offender can be sentenced to a custodial setting (jail or prison).

**Sentencing Standards Modifications Submitted**

Pursuant to ALA. CODE §12-35-34(d), the Alabama Sentencing Commission presents the attached modifications to the Sentencing Standards. The modifications are attached to this report as Appendix A.

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## Chapter 2: Sentencing Standards Compliance and Criminal Justice Data

The Commission identified a 4-Stage model used to gauge judicial compliance with the Initial Voluntary Sentencing Standards<sup>1</sup>. The first stage in the process (Use Compliance) consisted of contacting local practitioners and determining how implementation of the Standards was proceeding. The second stage (Submission Compliance) entailed comparing the number of submitted *valid* worksheets to the number of applicable worksheet sentencing events. The third and fourth stages, In/Out and Sentence Length Compliance, measured compliance with the dispositional and sentence length recommendations found on the Standards worksheets.

### Judicial Compliance Model

For fiscal year 2014, the Commission received *valid* worksheets in 43 percent of applicable cases, but the total number of worksheets received was significantly higher. While this appears to indicate a fairly large increase in worksheet submission and usage from previous years, we believe the actual increase in submitted and valid worksheets to be even larger than listed and Commission staff continue to work with the Information Technology division of the Administrative Office of Courts to ensure that every worksheet filed with Clerks' offices across the State is accessible to the Commission. Practitioners across the State indicated increased usage of the worksheets in fiscal year 2014 particularly with the introduction of the Presumptive Sentencing Standards. The Commission will continue to work with AOC IT to the process of worksheet delivery to the Commission.

Figure 1 displays the fiscal year 2014 number of total received worksheets and the number of valid received worksheets by county and for the entire State.

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<sup>1</sup> For more detailed information about the 4-Stage model and what constitutes a valid worksheet, please see the Commission's 2009 Annual Report.

Figure 1.

**Sentencing Standards Worksheets Received  
October 1, 2013-September 30, 2014**

	<b>Worksheet Sentencing Events</b>	<b>Total Received Worksheets for Sentencing Events</b>	<b>Valid Received Worksheets for Sentencing Events</b>	<b>% of Worksheets Sentencing Events with Valid Received Worksheets</b>
Autauga	113	106	66	58.4%
Baldwin	510	156	60	11.8%
Barbour	75	10	4	5.3%
Bibb	38	39	32	84.2%
Blount	84	103	56	66.7%
Bullock	19	0	0	0.0%
Butler	74	106	62	83.8%
Calhoun	359	229	141	39.3%
Chambers	109	123	78	71.6%
Cherokee	114	53	41	36.0%
Chilton	141	82	57	40.4%
Choctaw	10	10	7	70.0%
Clarke	92	113	62	67.4%
Clay	38	41	33	86.8%
Cleburne	33	26	12	36.4%
Coffee	130	197	90	69.2%
Colbert	203	160	117	57.6%
Conecuh	26	36	23	88.5%
Coosa	38	9	9	23.7%
Covington	146	14	13	8.9%
Crenshaw	19	21	17	89.5%
Cullman	178	81	65	36.5%
Dale	108	150	88	81.5%
Dallas	114	77	57	50.0%
Dekalb	101	0	0	0.0%
Elmore	192	271	141	73.4%
Escambia	172	17	15	8.7%
Etowah	271	395	176	64.9%
Fayette	55	50	40	72.7%
Franklin	72	68	54	75.0%
Geneva	77	131	47	61.0%
Greene	20	16	9	45.0%
Hale	16	15	9	56.3%
Henry	57	20	17	29.8%

Figure 1. (Continued)

**Sentencing Standards Worksheets Received  
October 1, 2013-September 30, 2014**

	<b>Worksheet Sentencing Events</b>	<b>Total Received Worksheets for Sentencing Events</b>	<b>Valid Received Worksheets for Sentencing Events</b>	<b>% of Worksheets Sentencing Events with Valid Received Worksheets</b>
Houston	513	41	34	6.6%
Jackson	79	121	57	72.2%
Jefferson	1,934	2,283	541	28.0%
Lamar	41	24	21	51.2%
Lauderdale	184	44	27	14.7%
Lawrence	73	153	71	97.3%
Lee	265	283	189	71.3%
Limestone	149	162	82	55.0%
Lowndes	12	18	10	83.3%
Macon	77	106	51	66.2%
Madison	630	331	123	19.5%
Marengo	80	61	38	47.5%
Marion	107	207	92	86.0%
Marshall	255	80	75	29.4%
Mobile	1,234	1,200	630	51.1%
Monroe	49	71	42	85.7%
Montgomery	671	213	172	25.6%
Morgan	367	599	310	84.5%
Perry	17	11	8	47.1%
Pickens	51	20	15	29.4%
Pike	98	98	55	56.1%
Randolph	94	145	81	86.2%
Russell	254	149	121	47.6%
Shelby	564	519	316	56.0%
St. Clair	295	230	47	15.9%
Sumter	29	19	9	31.0%
Talladega	161	198	155	96.3%
Tallapoosa	155	110	54	34.8%
Tuscaloosa	767	720	530	69.1%
Walker	242	108	73	30.2%
Washington	31	52	26	83.9%
Wilcox	12	0	0	0.0%
Winston	44	77	36	81.8%
<b>Total</b>	<b>13,338</b>	<b>11,378</b>	<b>5,789</b>	<b>43.4%</b>

### **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*

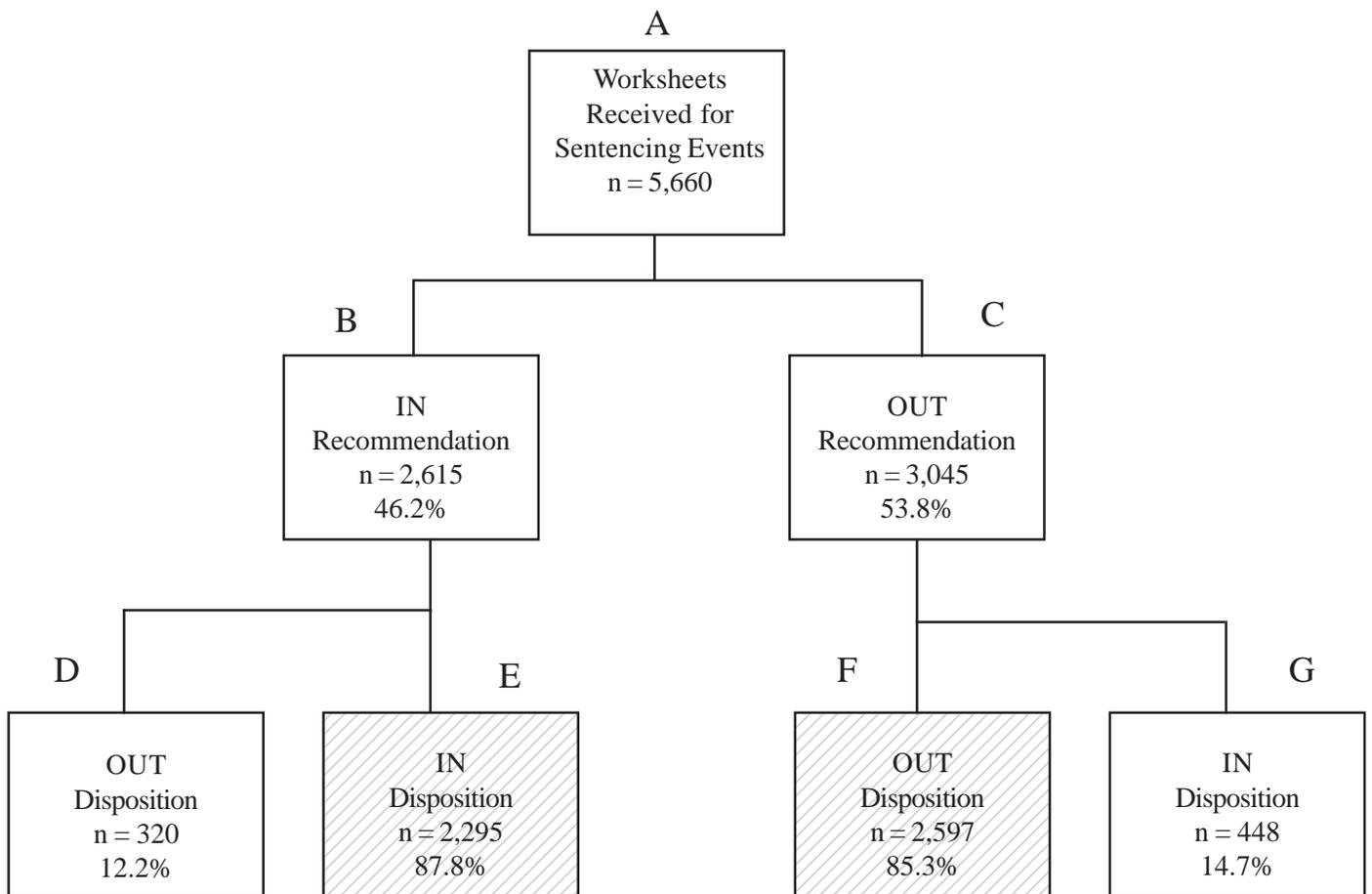
- o **Box D** - Displays the number of “In” recommendations that received an “Out” Disposition. The percentage displayed is the percentage of “In” recommendations that received an “Out” disposition;
- o **Box E** - Displays the number of “In” recommendations that received an “In” Disposition. The percentage 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 – 5,660 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 54 percent of the received worksheets and an “In” disposition was recommended in 46 percent of the received worksheets. For those worksheets with an “In” recommendation, an “In” disposition was imposed 88 percent of the time (Box E). For those worksheets with an “Out” recommendation, an “Out” disposition was imposed 85 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>2</sup>. Figure 3 provides examples of combinations of worksheet recommendations and case dispositions to show where sentencing events are categorized on the In/Out flowchart.

Figure 2.

### In/Out Compliance Flowchart



<sup>2</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**

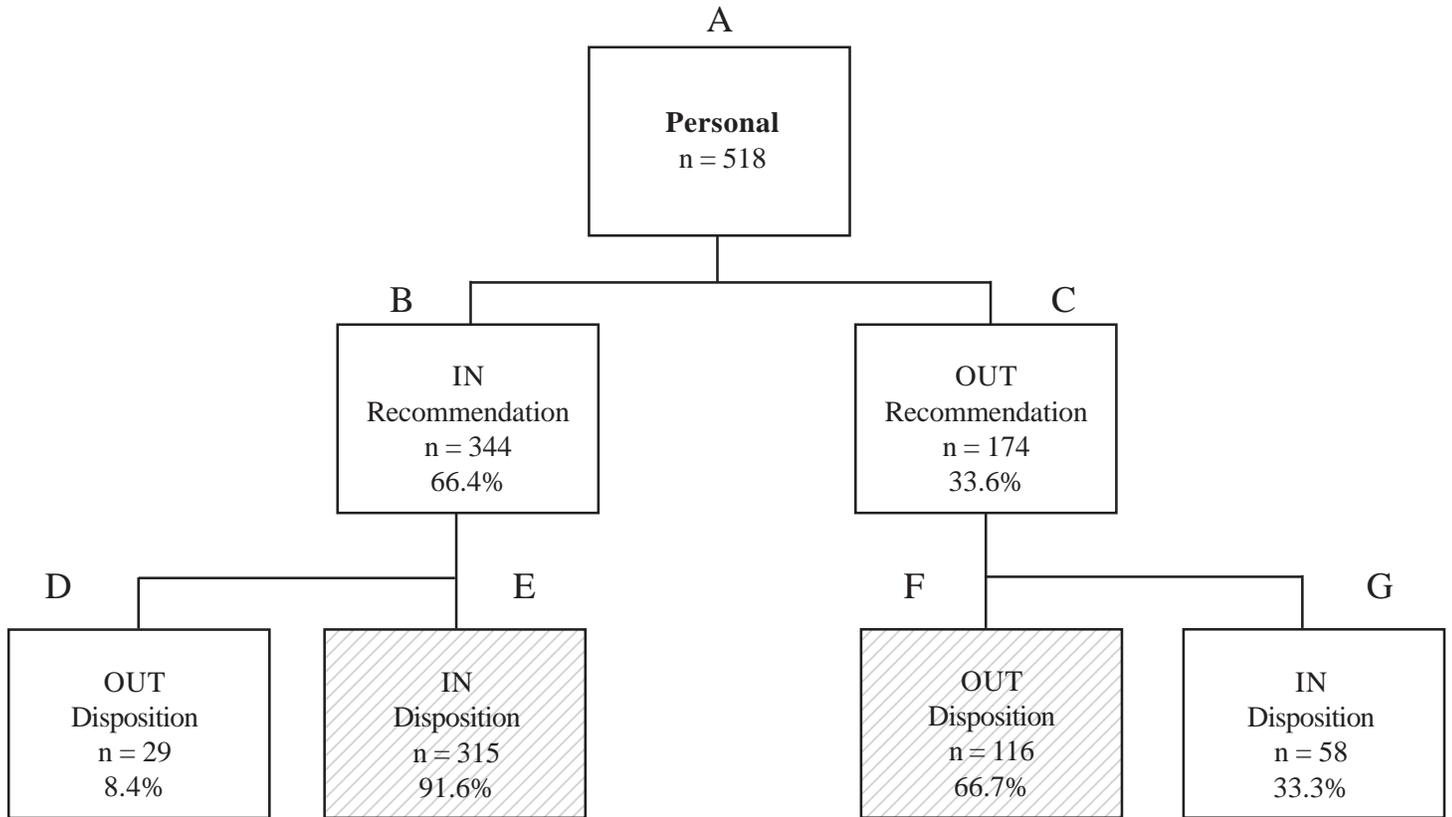


Figure 5.

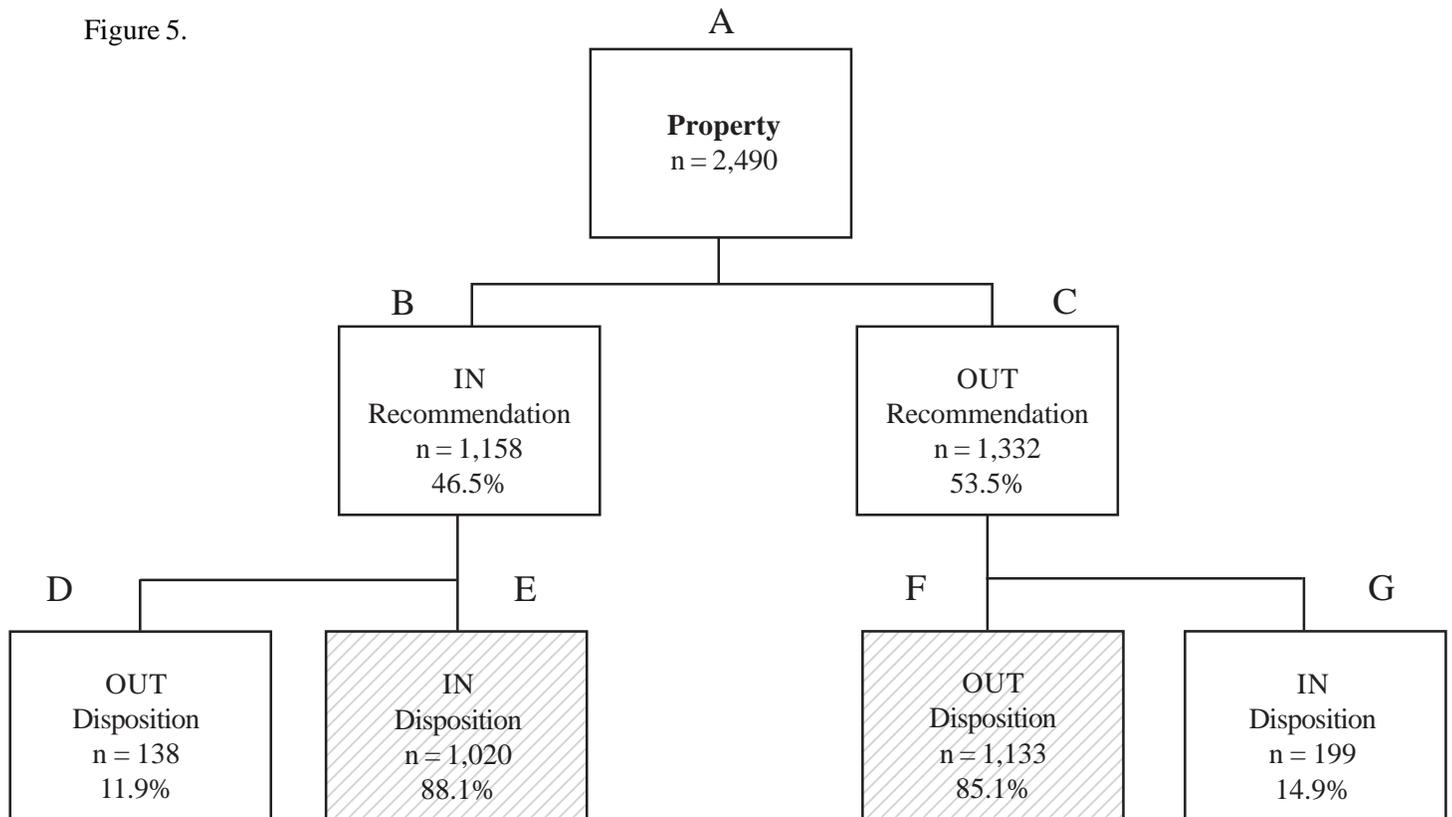


Figure 6.

**Offense Category Compliance Flowcharts (Continued)**

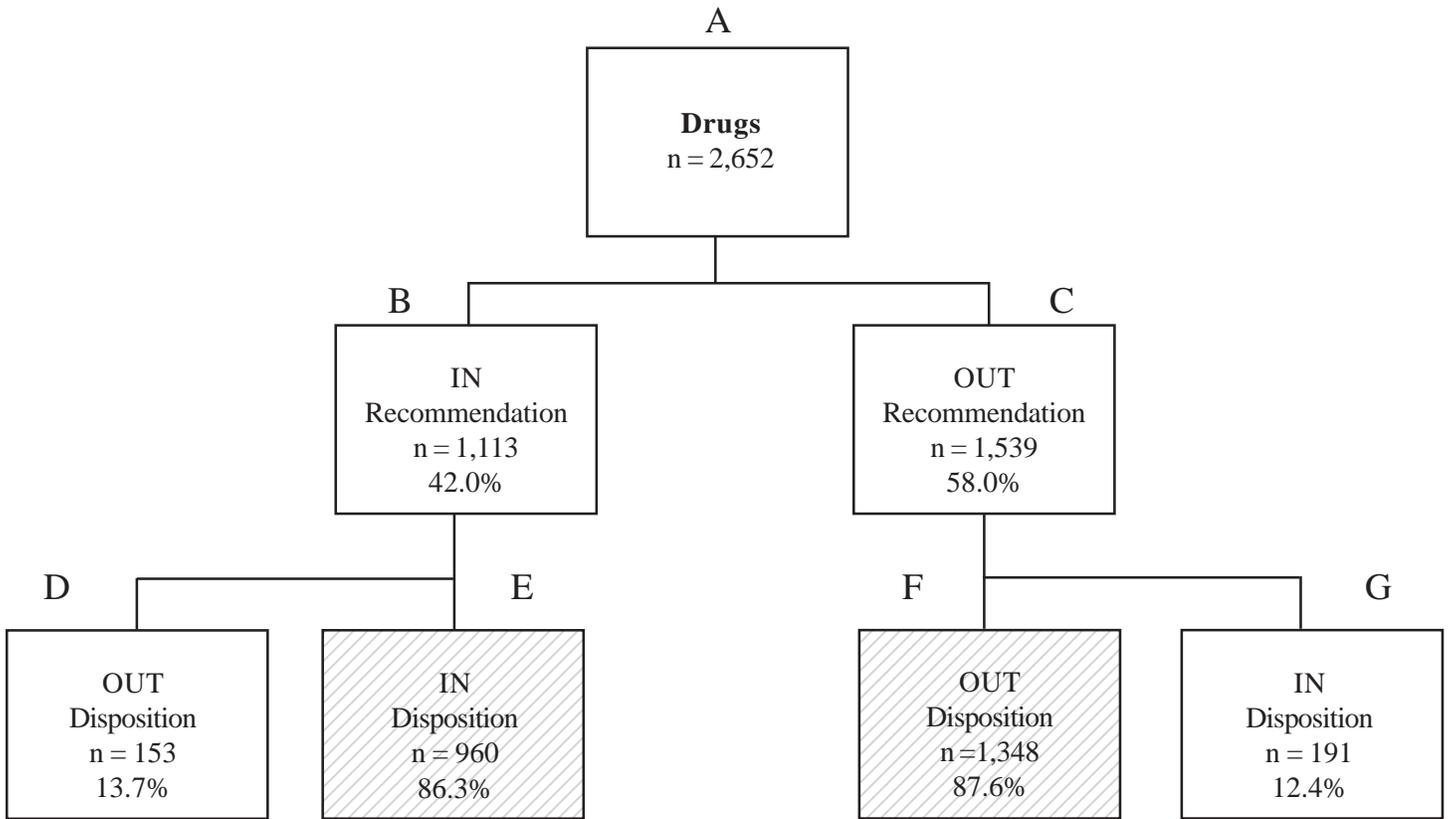


Figure 4 reports the In/Out compliance for the personal worksheet category, Figure 5 reports the In/Out compliance for the property worksheet category, and Figure 6 reports the In/Out compliance for the drug worksheet category.

The Personal worksheet has the highest compliance with “In” recommendations at 92 percent of offenders receiving a prison sentence for a corresponding “In” recommendation. The Property worksheet had 88 percent compliance with “In” recommendations while the Drugs worksheet had 86 percent compliance with “In” recommendations. The Personal worksheet, while having the highest compliance with “In” recommendations, had the lowest compliance with “Out” recommendations at 67 percent. The Property and Drugs worksheets had 85 and 88 percent compliance with “Out” recommendations, respectively.

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## Race & Gender Compliance Charts

Figures 7 and 8 provide statewide compliance with the Sentencing Standards by race and gender, respectively. Compliance data with the Standards show similar compliance rates for Black and White offenders. The “Other” category consists of a small number (n=53) of offenders representing numerous racial groups. While no large disparity is found in the compliance figures controlling for race, the overall compliance percentage for females is higher than for males.

Figure 7.

<b>Race</b>			
	Overall	In/Out	
<b>Black</b>	76.7%	85.7%	n=2,533
<b>White</b>	80.2%	87.1%	n=3,074
<b>Other</b>	71.7%	79.2%	n=53

Figure 8.

<b>Gender</b>			
	Overall	In/Out	
<b>Female</b>	86.0%	89.3%	n=1,216
<b>Male</b>	76.4%	85.6%	n=4,444

### **SENTENCE LENGTH COMPLIANCE**

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

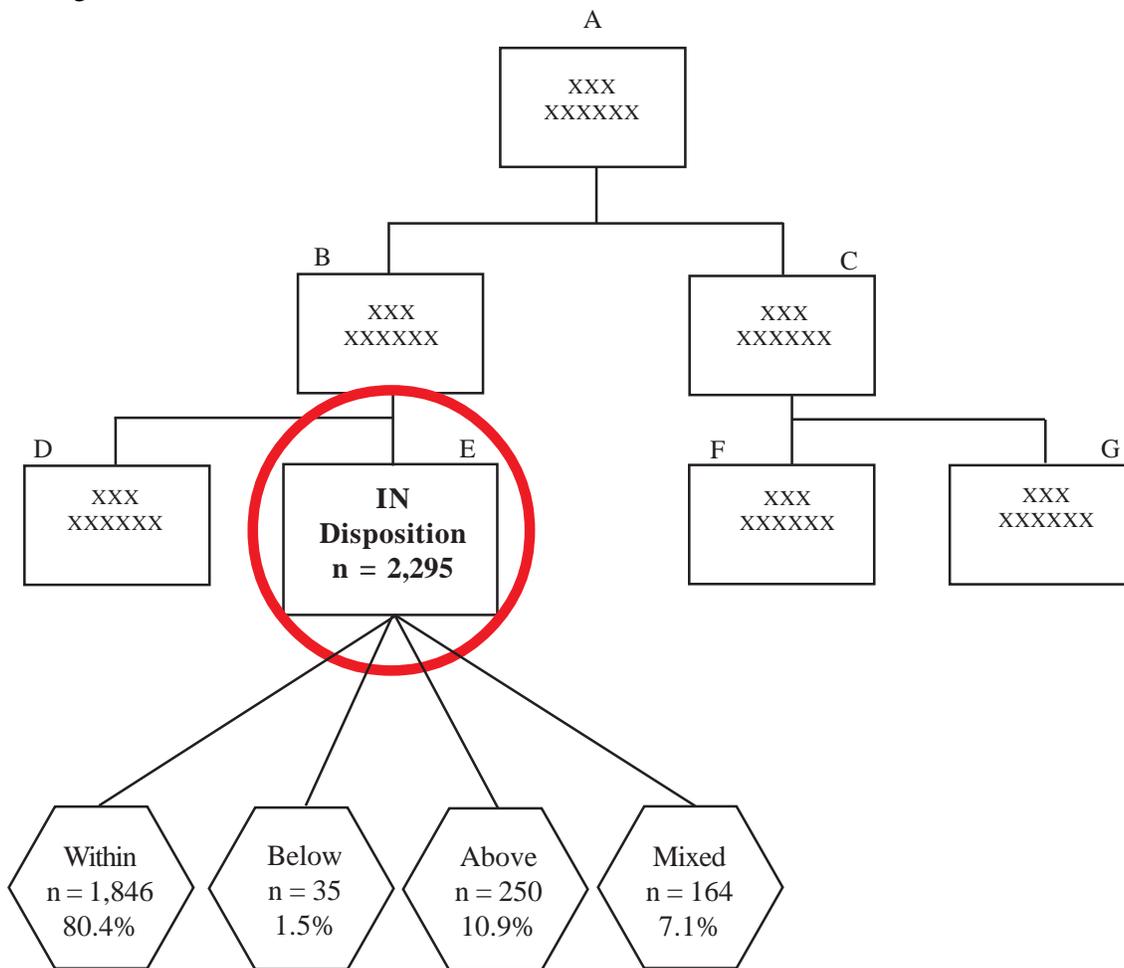
Sentence Length compliance is only reported for those sentencing events where the worksheet recommendation was “In” and the sentencing event also had a corresponding “In” disposition (those events located in Box E of the In/Out flowchart). 2,295 worksheet sentencing events received an “In” recommendation and an “In” sentence and are used to report sentence length compliance (those in Box E).

The diagram (Figure 9) on the following page displays statewide Sentence Length compliance using four categories - Within, Below, Above, and Mixed. The “Mixed” category is applicable only to split sentences when the different portions of the sentence (incarceration and total portions) are not consistent with each other. Instances when the incarceration portion is above the recommended range and the total portion is below the recommended range, or the incarceration portion is within the recommended range and the total range is above the recommended range are examples of split sentences that would fall in the “Mixed” category. If both the split and total portions are within, above, or below the worksheet sentence length recommendations, they would be categorized as such, if they are not, they are categorized as “Mixed”. 80 percent of eligible sentencing events were sentence length compliant, 11 percent of the sentencing events received sentences above the worksheet recommendations, 2 percent received sentences below the worksheet recommendations, and 7 percent fell in the Mixed category. The overwhelming majority of events in the “Mixed” category consisted of sentences when the incarceration portion of the split sentence fell within the recommendations, but the total sentence exceeded the recommendations.

The three pie charts, Figures 10, 11, and 12, display sentence length compliance for each worksheet offense category - Personal, Property, and Drugs, respectively. The three different worksheet offense categories all have markedly different sentence length compliance patterns. Personal worksheet sentence length recommendations were followed in 69 percent of events, property worksheet sentence length recommendations were followed in 77 percent of events, and drug worksheet sentence length recommendations were followed in 88 percent of events.

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

Figure 9.



### Sentence Length Compliance

Figure 10.

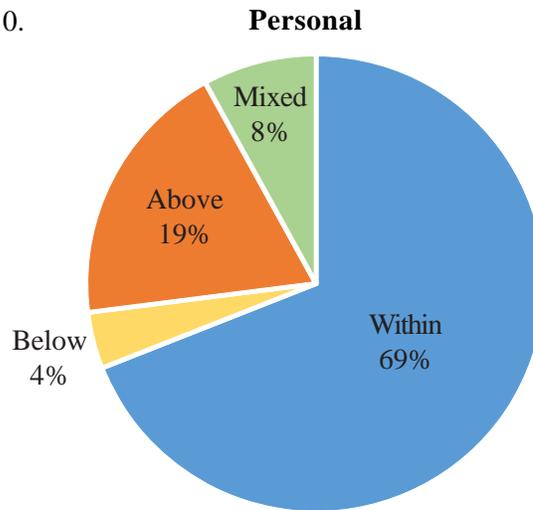


Figure 11.

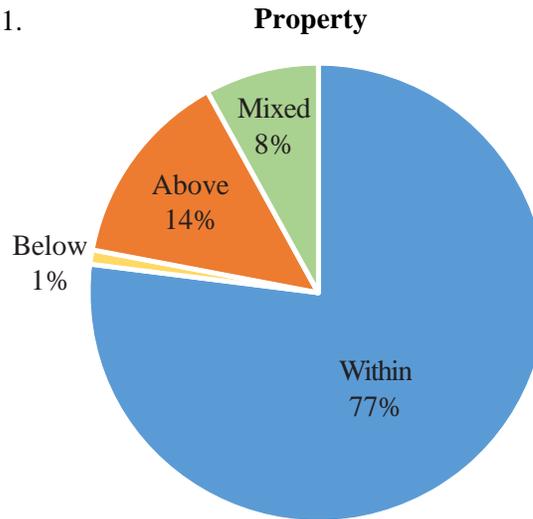
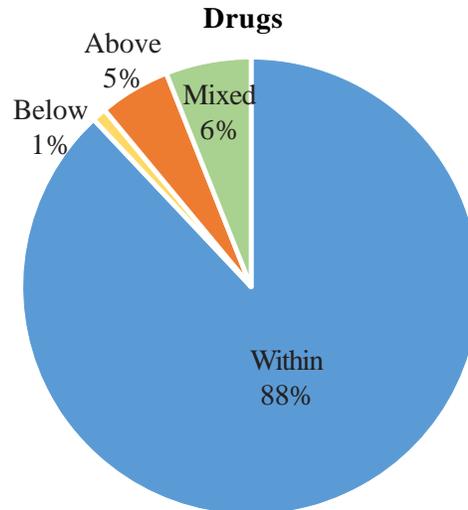


Figure 12.



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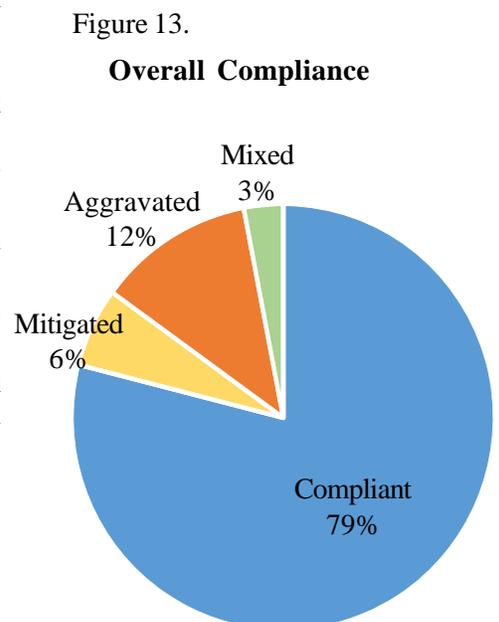
## **OVERALL COMPLIANCE**

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, voluntary sentencing event sentence length recommendations are only applicable when the worksheets recommend “In” *and* an “In” sentence is imposed – those events located in Box E of the In/Out flowchart (Figure 4, and those burglary offenses located within Figure 5 as well).

Consider the following examples for clarification:

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

Overall compliance statewide is displayed in graphical format in the pie chart below (Figure 13). All valid received worksheets are categorized into one of the categories in the pie chart. Overall compliance was realized in 79 percent of sentencing events. Approximately 12 percent of the events were categorized as “Aggravated”, meaning either an “In” sentence was imposed on an “Out” recommendation or the sentence imposed exceeded the worksheet recommendations for “In” recommendations. The “Mitigated” category was significantly smaller than the “Aggravated” category – only 6 percent of events were “Mitigated”. This category is comprised of “Out” sentences imposed on “In” recommendations and sentences that were imposed that fell below the worksheet recommendations for “In” recommendations. The Mixed category (exclusive to splits) contained 3 percent of all worksheet sentencing events – the majority of these events were instances when the incarceration portion of the sentence complied with the recommendation but the total sentence exceeded the sentence length recommendation.



**Who is in our Prisons - Top 25**

Figure 14.

**In-House Population on September 25, 2015**

Robbery 1st	1	3,655
Murder	2	3,488
Rape 1st	3	1,304
Burglary 3rd	4	1,074
Distribution of Controlled Substance	5	1,041
Theft of Property 1st	6	982
Capital Murder	7	972
Possession of Controlled Substance	8	957
Manslaughter	9	808
Burglary 1st	10	775
Sodomy 1st	11	588
Robbery 3rd	12	525
Trafficking Drugs	13	523
Manufacturing Controlled Substance 2nd	14	477
Manufacturing Controlled Substance 1st	15	446
Assault 1st	16	430
Robbery 2nd	17	415
Attempted Murder	18	413
Burglary 2nd	19	401
Theft of Property 2nd	20	369
Assault 2nd	21	351
Rape 2nd	22	346
Sexual Abuse 1st	23	332
Kidnapping 1st	24	325
Possession of Marihuana 1st	25	285

**The Majority of the Prison Population Committed a Violent Offense**

<b>Top 25 Offenses</b>	<b>21,282</b>
Other Offenses	3,013
<b>Total In-House Population</b>	<b>24,295</b>

Figure 15.

**In-House Population Offense Category**

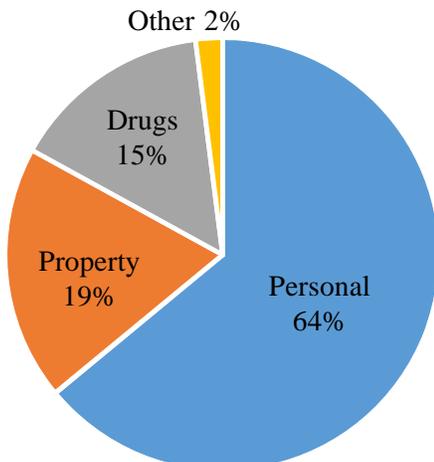
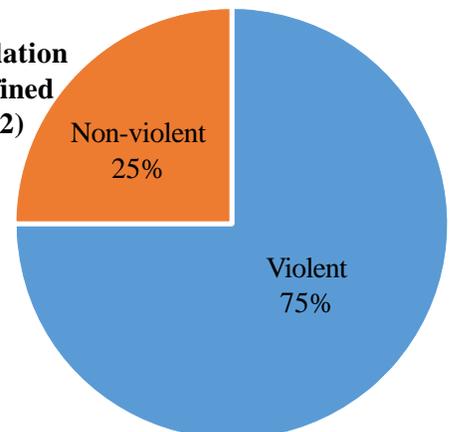


Figure 16.

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



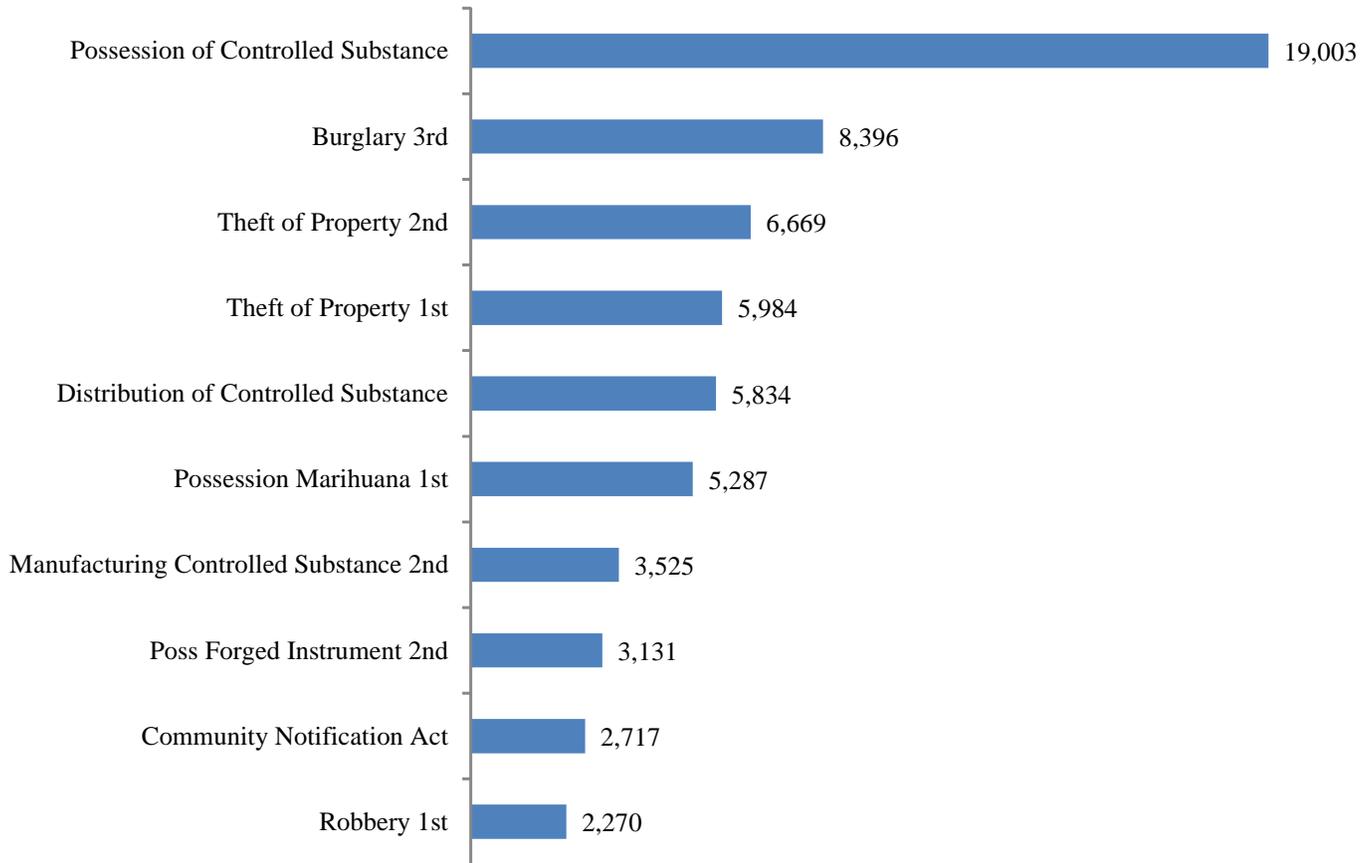
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## Most Frequent Felony Offense at Conviction

Possession of a Controlled Substance convictions greatly outnumber any other felony conviction over the past five years.

Figure 17.

### Most Frequent Felony Offense at Conviction - Top 10 October 1, 2009 - September 30, 2014



**Most Frequent Felony Offense at Conviction - Top 25****Overall Convictions Up Slightly**

The total number of offenders convicted of a felony offense increased slightly from the number convicted in the previous year but is still well shy of the Fiscal Year 2012 total. Nearly one out of every five (19%) felony offenders was convicted for Unlawful Possession of a Controlled Substance. Violations of the Community Notification Act continue to increase and are now positioned as the 7<sup>th</sup> most frequently convicted felony in the State.

Figure 18.

**Most Frequent Felony Offense at Conviction  
October 1, 2011 - September 30, 2014**

	FY12		FY13		FY14	
Possession of Controlled Substance	1	3,577	1	3,353	1	3,431
Burglary 3rd	2	1,869	2	1,583	2	1,512
Theft of Property 2nd	3	1,415	3	1,375	3	1,385
Theft of Property 1st	4	1,234	4	1,130	4	1,311
Distribution of Controlled Substance	5	1,163	5	1,065	5	1,162
Possession Marihuana 1st	6	1,069	6	967	6	887
Community Notification Act*	9	490	9	568	7	576
Manufacturing Controlled Substance 2nd	7	679	7	579	8	559
Poss Forged Instrument 2nd	8	636	8	578	9	531
Assault 2nd	13	369	11	415	10	449
Robbery 1st	10	426	13	394	11	387
Breaking/Entering a Vehicle	11	418	10	421	12	381
Receiving Stolen Property 1st	14	350	15	317	13	364
Receiving Stolen Property 2nd	12	414	12	403	14	318
Fraud/Illegal Use Debit/Credit Card	15	328	14	362	15	303
Obstruct Justice-False Identity	16	284	16	267	16	290
Robbery 3rd	18	217	17	260	17	273
Manufacturing Controlled Substance 1st	17	277	18	213	18	263
Robbery 2nd	20	196	19	180	19	160
Burglary 2nd	21	191	20	165	20	158
Murder	22	161	24	126	21	154
Trafficking Drugs	19	207	21	145	22	149
Assault 1st	25	124	22	140	23	148
Forgery 2nd	23	139	23	136	24	121
Escape 3rd	24	135			25	111
Attempt - Possession of Controlled Substance			25	110		
<b>Top 25 Offenses</b>		<b>16,368</b>		<b>15,252</b>		<b>15,383</b>
Other Offenses		2,787		2,731		2,904
<b>Total Most Serious Felony Offense Convictions</b>		<b>19,155</b>		<b>17,983</b>		<b>18,287</b>

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

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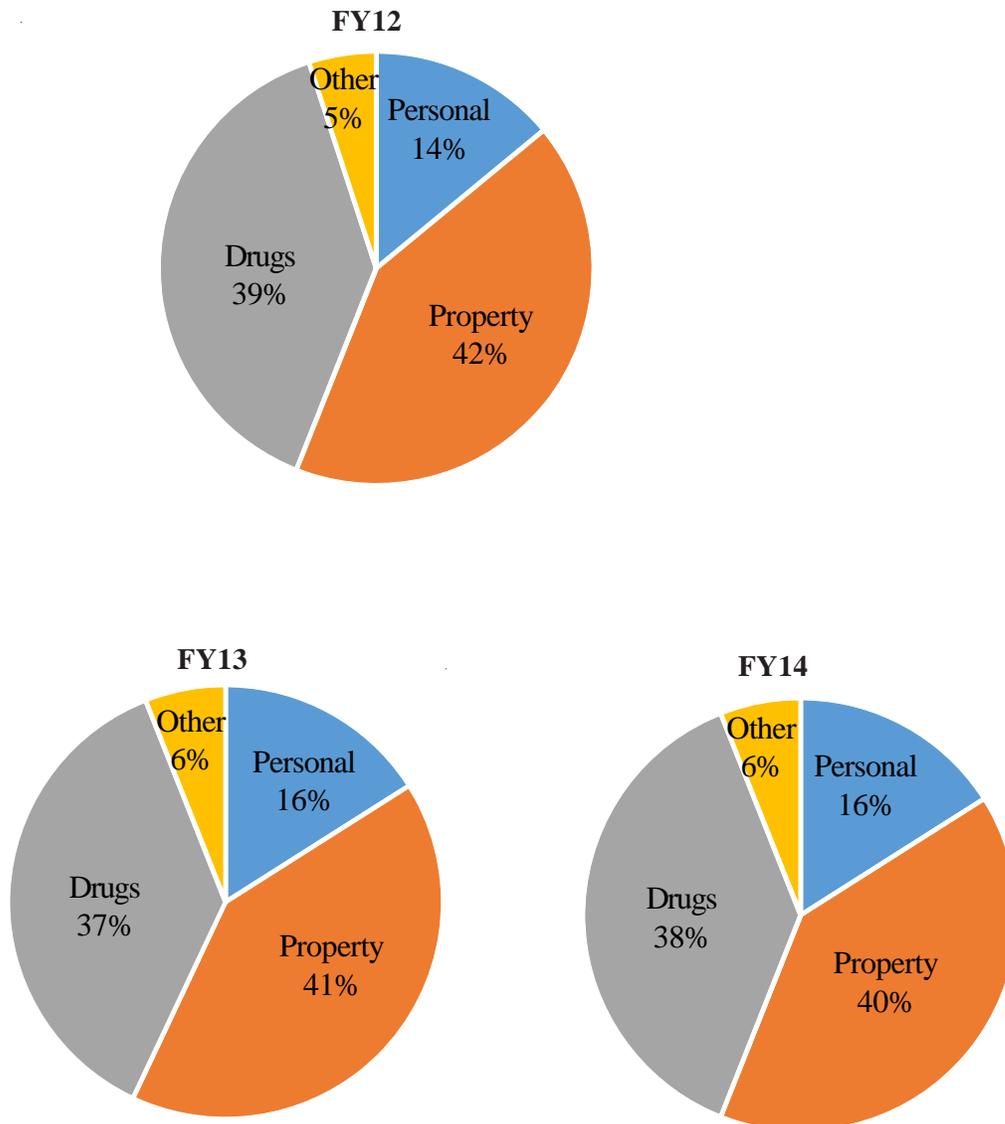
## Type of Most Frequent Felony Offense at Conviction

Property offenses continue to account for the largest category of felony convictions. The distribution of felony offenses changed little in last year.

**Property Convictions are Largest Category of Felony Convictions**

Figure 19.

**Most Frequent Felony Offense at Conviction**  
**Offense Category**  
**October 1, 2011 - September 30, 2014**



**Drug Convictions****Possession Convictions  
Constitute Nearly  
Two-Thirds of all Drug  
Convictions**

The overall number of drug convictions rose slightly since last year.

Figure 20.

**Most Frequent Offense at Conviction  
Drug Offenses  
October 1, 2011 - September 30, 2014**

	<b>FY12</b>	<b>FY13</b>	<b>FY14</b>
Possession of Controlled Substance	<b>1</b> 3,577	<b>1</b> 3,353	<b>1</b> 3,431
Distribution of Controlled Substance	<b>2</b> 1,163	<b>2</b> 1,065	<b>2</b> 1,162
Possession Marihuana 1st	<b>3</b> 1,069	<b>3</b> 967	<b>3</b> 887
Manufacturing Controlled Substance 2nd	<b>4</b> 679	<b>4</b> 579	<b>4</b> 559
Manufacturing Controlled Substance 1st	<b>5</b> 277	<b>5</b> 213	<b>5</b> 263
Trafficking Drugs	<b>6</b> 207	<b>6</b> 145	<b>6</b> 149
Attempt - Possession of Controlled Substance	<b>7</b> 115	<b>7</b> 110	<b>7</b> 109
Precursor Chemical - Sale/Poss	<b>8</b> 110	<b>8</b> 104	<b>8</b> 80
<b>Top Drug Offenses</b>	<b>7,197</b>	<b>6,536</b>	<b>6,640</b>
Other Drug Offenses	196	172	251
<b>Total Drug Offenses</b>	<b>7,393</b>	<b>6,708</b>	<b>6,891</b>

**Type of Trafficking Convictions****Trafficking Convictions Still  
Down from FY12 Total**

Figure 21.

**Most Frequent Drug Trafficking Convictions  
Drug Type  
October 1, 2011 - September 30, 2014**

	<b>FY12</b>	<b>FY13</b>	<b>FY14</b>
Trafficking - Marihuana	60	44	53
Trafficking - Cocaine	45	41	32
Trafficking - Methamphetamine	32	25	32
Trafficking - Illegal Drugs	54	26	23
Other	16	9	9
<b>Total Most Serious Felony Offense Convictions for Trafficking</b>	<b>207</b>	<b>145</b>	<b>149</b>

## Prison Admissions - Top 25

Jurisdictional admissions to the Department of Corrections changed little in Fiscal Year 2014.

**Jurisdictional Admissions to ADOC Stable**

Figure 22.

### Prison Admissions for New Offenses October 1, 2011 - September 30, 2014

	FY12		FY13		FY14	
Possession of Controlled Substance	1	1,025	1	951	1	957
Distribution of Controlled Substance	3	686	2	703	2	728
Burglary 3rd	2	706	3	693	3	721
Theft of Property 1st	4	521	4	487	4	568
Robbery 1st	5	491	5	463	5	487
Theft of Property 2nd	8	298	8	288	6	382
Poss Marihuana 1st	7	318	6	339	7	285
Manufacturing of Controlled Substance 2nd	6	336	7	310	8	268
Manufacturing of Controlled Substance 1st	9	214	10	223	9	264
Assault 2nd	15	160	13	180	10	180
Murder	14	175	15	143	11	164
Robbery 3rd	17	150	14	172	12	162
Breaking/Entering a Vehicle	10	211	9	225	13	158
Receiving Stolen Property 1st	11	190	11	189	14	157
Poss Forged Instrument 2nd	12	181	12	182	15	149
Burglary 2nd	18	136	21	103	16	139
Robbery 2nd	16	152	17	132	17	131
Trafficking Drugs	13	179	18	128	18	122
Community Notification Act Violations	19	118	16	133	19	121
Assault 1st	20	117	T19	119	20	113
Burglary 1st	25	91	22	96	21	103
Manslaughter	24	102	T24	77	22	99
Receiving Stolen Property 2nd	21	109	23	93	23	89
Sexual Abuse of Child < 12 years					24	66
Rape 2nd	22	107	T24	77	25	62
Poss Fraud Use of Credit/Debit Card	23	104	T19	119		
<b>Top 25 Offenses</b>		<b>6,877</b>		<b>6,625</b>		<b>6,675</b>
Other Offenses		1,136		1,033		1,095
<b>Total Prison Admissions for New Offenses</b>		<b>8,013</b>		<b>7,658</b>		<b>7,770</b>

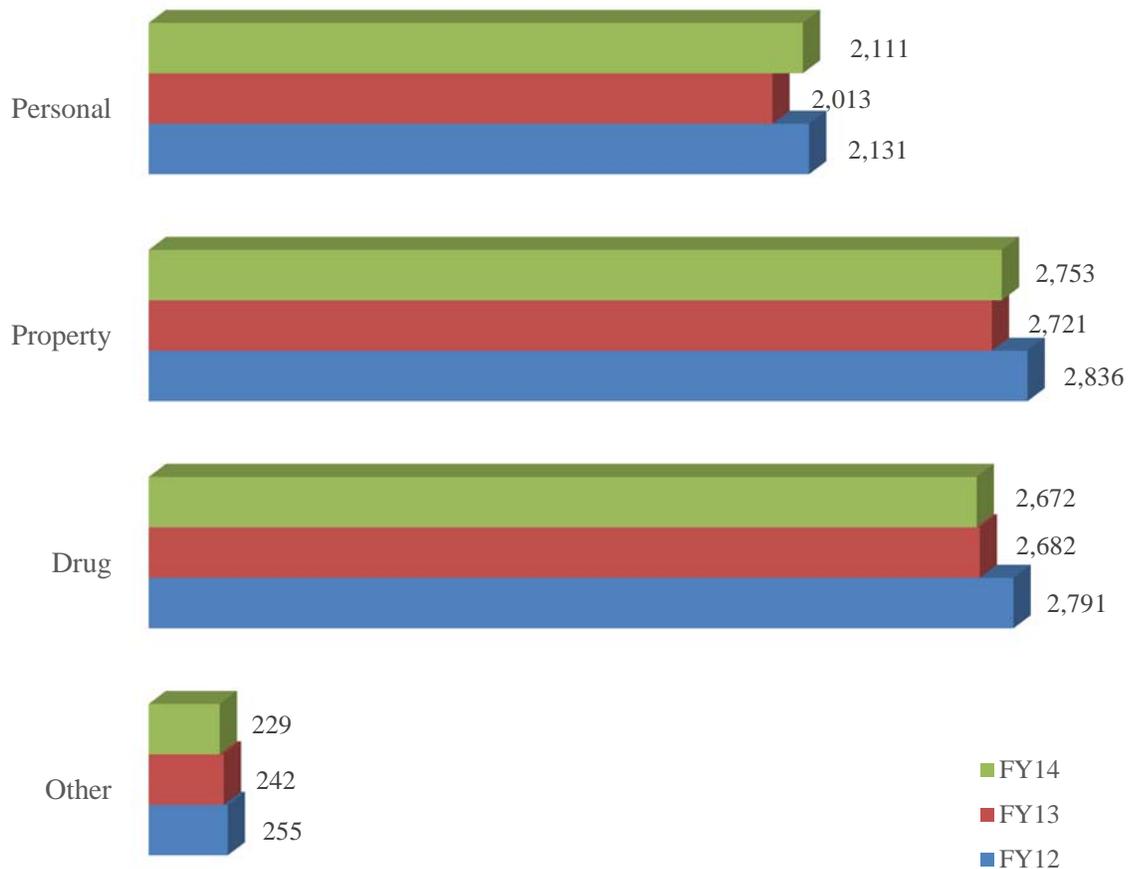
**Prison Admissions for New Offenses by Offense Category**

**No Change in Jurisdictional Admissions to ADOC by Category**

There has been little change in the jurisdictional admissions to the Department of Corrections by felony offense category.

Figure 23.

**Prison Admissions for New Offenses  
Offense Category  
October 1, 2011 - September 30, 2014**



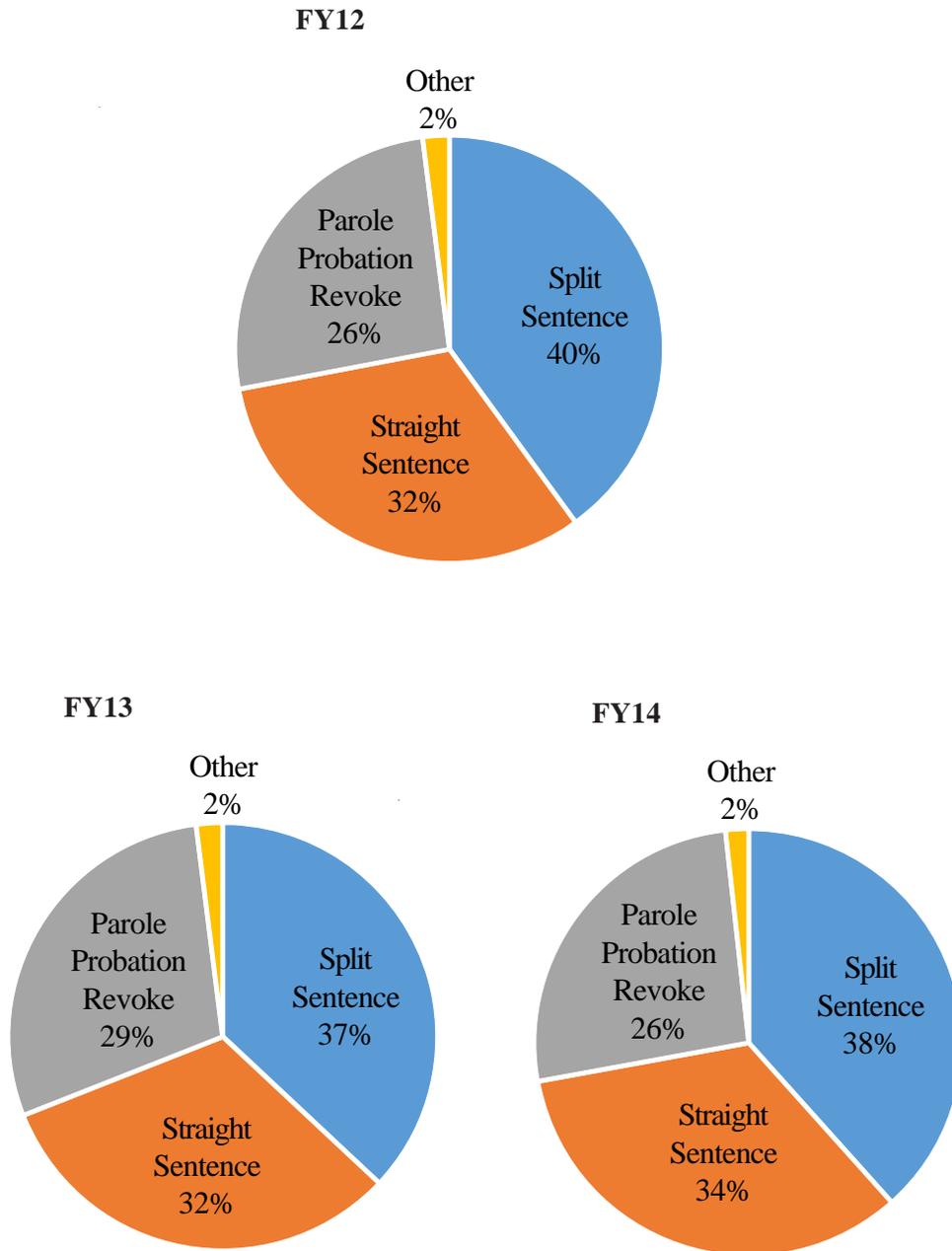
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## Prison Admissions by Type of Admission

Figure 24.

Prison Admissions (all admissions)  
Type of Admission  
October 1, 2011 - September 30, 2014

**Split Sentences Remain  
Most Common Sentence**



**Prison Releases - Top 25****Jurisdictional Releases from  
ADOC Change Little**

Figure 25.

**Prison Releases  
October 1, 2011 - September 30, 2014**

	<b>FY12</b>	<b>FY13</b>	<b>FY14</b>
Possession of Controlled Substance	<b>1</b> 1,675	<b>1</b> 1,593	<b>1</b> 1,648
Burglary 3rd	<b>2</b> 1,015	<b>2</b> 1,077	<b>2</b> 1,191
Distribution of Controlled Substance	<b>3</b> 981	<b>3</b> 998	<b>3</b> 1,037
Theft of Property 1st	<b>5</b> 683	<b>4</b> 758	<b>4</b> 832
Robbery 1st	<b>4</b> 693	<b>5</b> 696	<b>5</b> 698
Theft of Property 2nd	<b>8</b> 372	<b>8</b> 392	<b>6</b> 542
Poss Marihuana 1st	<b>6</b> 495	<b>6</b> 518	<b>7</b> 519
Manufacturing of Controlled Substance 2nd	<b>7</b> 444	<b>7</b> 469	<b>8</b> 437
Manufacturing of Controlled Substance 1st	<b>15</b> 256	<b>10</b> 336	<b>9</b> 306
Robbery 3rd	<b>13</b> 270	<b>14</b> 261	<b>10</b> 298
Receiving Stolen Property 1st	<b>11</b> 277	<b>11</b> 295	<b>11</b> 268
Assault 2nd	<b>14</b> 264	<b>12</b> 278	<b>12</b> 252
Breaking/Entering a Vehicle	<b>9</b> 334	<b>9</b> 357	<b>13</b> 243
Trafficking Drugs	<b>12</b> 271	<b>15</b> 255	<b>14</b> 231
Poss Forged Instrument 2nd	<b>10</b> 278	<b>13</b> 269	<b>15</b> 224
Community Notification Act Violations	<b>23</b> 135	<b>18</b> 161	<b>16</b> 191
Burglary 2nd	<b>17</b> 174	<b>17</b> 166	<b>17</b> 185
Robbery 2nd	<b>16</b> 210	<b>16</b> 179	<b>18</b> 180
Assault 1st	<b>18</b> 166	<b>24</b> 133	<b>19</b> 155
Receiving Stolen Property 2nd	<b>22</b> 140	<b>T20</b> 140	<b>20</b> 151
Burglary 1st	<b>19</b> 160	<b>T22</b> 138	<b>21</b> 147
Murder	<b>21</b> 157	<b>T20</b> 140	<b>22</b> 137
Manslaughter	<b>25</b> 93	<b>T22</b> 138	<b>23</b> 108
Rape 2nd		<b>25</b> 121	<b>24</b> 99
Poss Fraud/Use of Credit/Debit Card	<b>20</b> 159	<b>19</b> 158	<b>25</b> 93
Forgery 2nd	<b>24</b> 102		
<b>Top 25 Offenses</b>	<b>9,804</b>	<b>10,026</b>	<b>10,172</b>
Other Offenses	1,301	1,366	1,332
<b>Total Prison Releases</b>	<b>11,105</b>	<b>11,392</b>	<b>11,504</b>

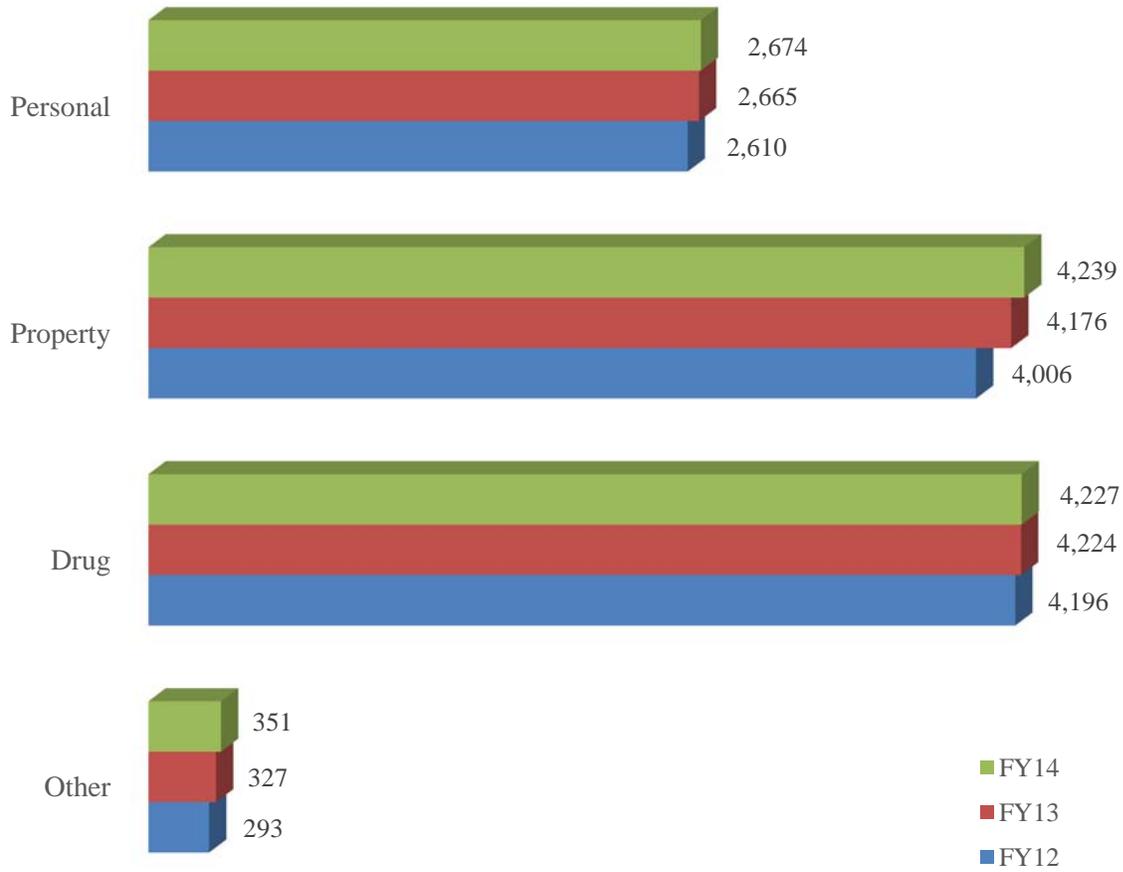
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**Prison Releases by Offense Category**

**Jurisdictional Releases from  
ADOC by Offense Category  
Change Little**

Figure 26.

**Prison Releases  
Offense Category  
October 1, 2011 - September 30, 2014**

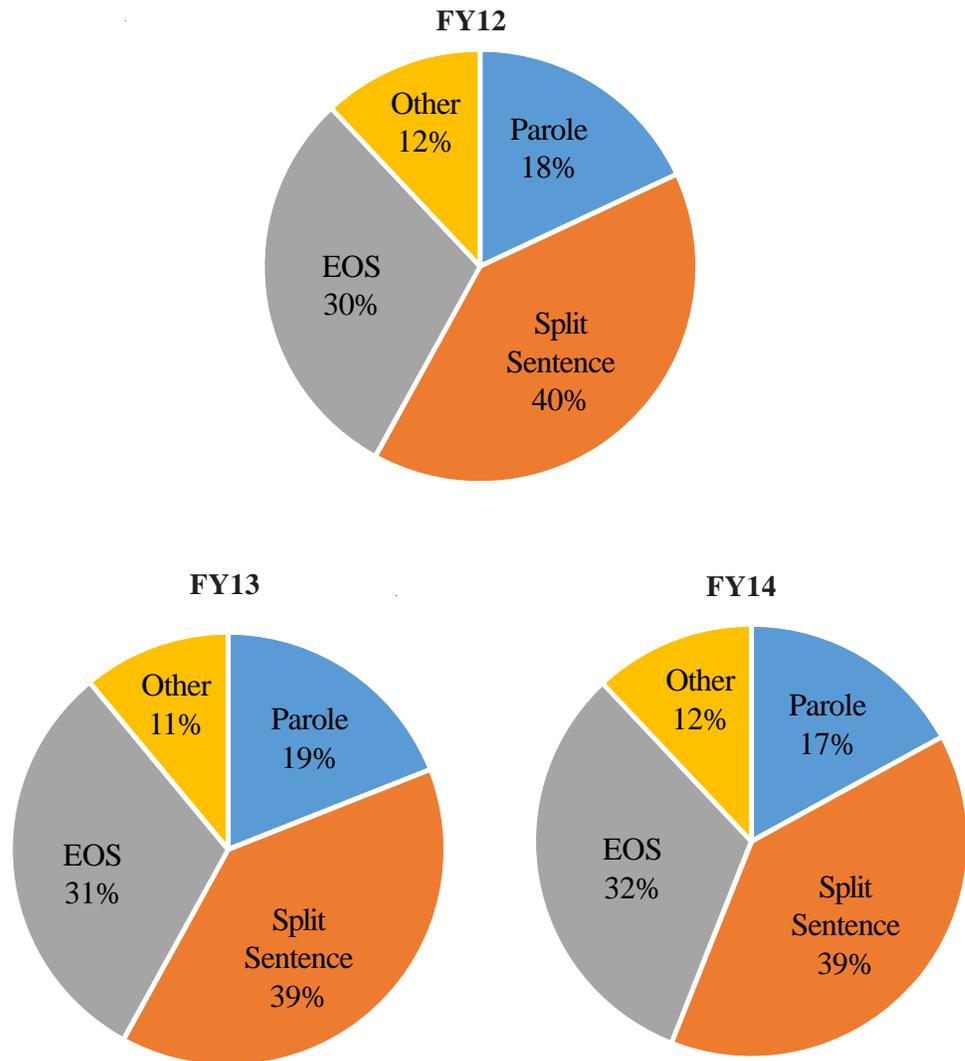


### Prison Releases by Type

**Split Sentence Release  
Remains Largest Release  
Category**

Figure 27.

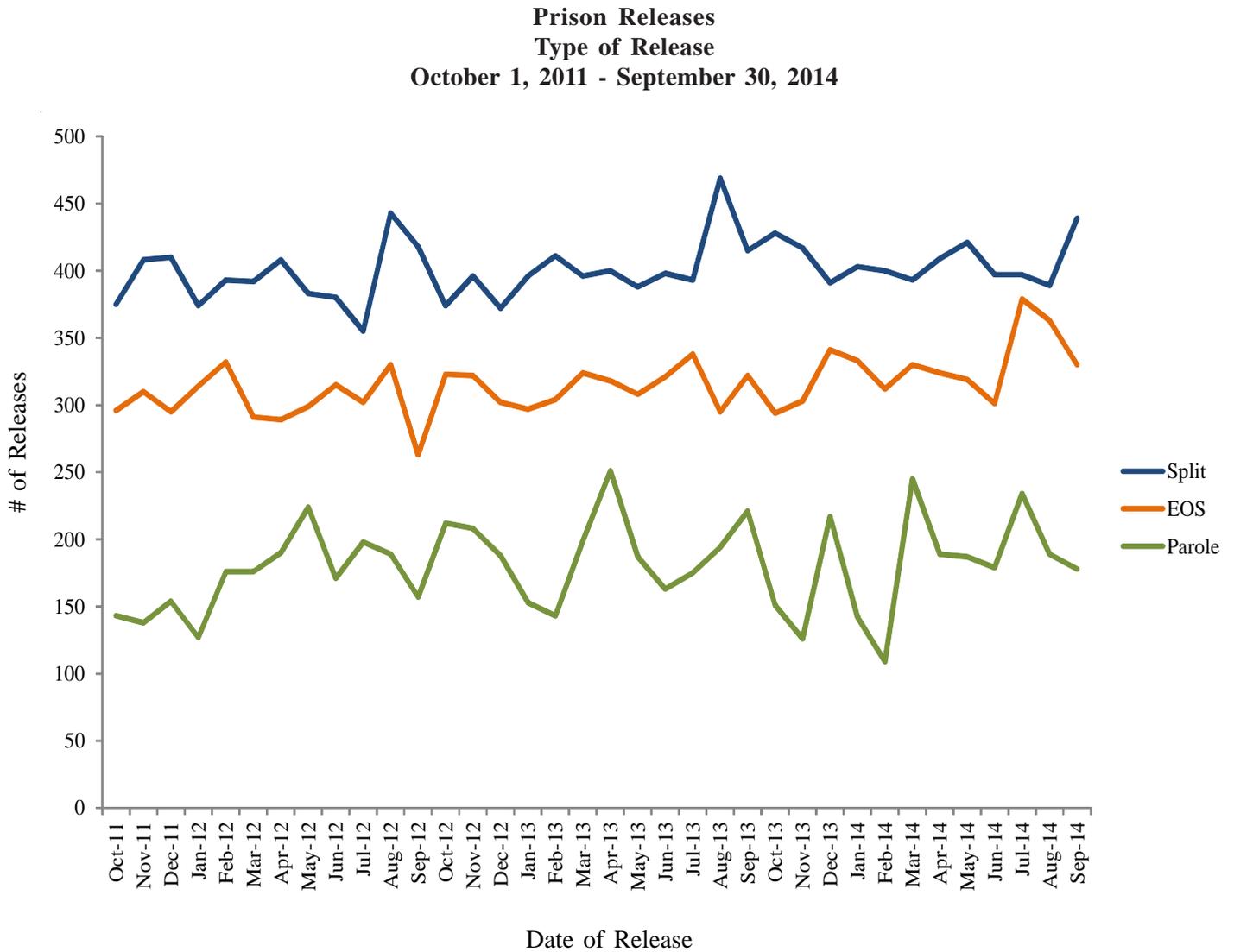
**Prison Releases  
Type of Release  
October 1, 2011 - September 30, 2014**



## Prison Releases by Type

Figure 28.

The Number of Releases by Type of Release is Variable on a Monthly Basis



**Prison Releases by Offense Category by Type**

Figure 29.

**Prison Releases**  
**Offense Category by Type**  
**October 1, 2011 - September 30, 2014**

	<b>FY</b>	<b>Parole</b>	<b>Split</b>	<b>EOS</b>	<b>Other</b>	<b>Total</b>
<b>Personal</b>	2010	472	1,142	786	311	2,711
	2011	476	1,208	786	296	2,766
	2012	453	1,152	682	323	2,610
	2013	459	1,146	773	287	2,665
	2014	430	1,143	740	361	2,674
			<b>2,290</b>	<b>5,791</b>	<b>3,767</b>	<b>1,578</b>
<b>Property</b>	2010	820	1,465	1,552	315	4,152
	2011	613	1,440	1,668	333	4,054
	2012	559	1,584	1,480	383	4,006
	2013	690	1,599	1,519	368	4,176
	2014	488	1,679	1,620	452	4,239
			<b>3,170</b>	<b>7,767</b>	<b>7,839</b>	<b>1,851</b>
<b>Drugs</b>	2010	988	1,698	1,638	289	4,613
	2011	778	1,574	1,400	314	4,066
	2012	795	1,730	1,352	319	4,196
	2013	865	1,703	1,351	305	4,224
	2014	651	1,695	1,407	474	4,227
			<b>4,077</b>	<b>8,400</b>	<b>7,148</b>	<b>1,701</b>

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# APPENDIX A

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

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Adopted by the Alabama Sentencing Commission  
December 11, 2015

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Effective October 1, 2016

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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 from voluntary to presumptive recommendations and directed the Alabama Sentencing Commission to make modifications as necessary to effect this change, including defining aggravating and mitigating circumstances that are required for sentencing departures from presumptive recommendations. The primary modifications to the Initial Voluntary Sentencing Standards included defining a list of aggravating and mitigating factors for departures from presumptive sentencing recommendations, defining procedures for departure sentences from presumptive sentencing recommendations, clarifying the initial instructions, and the addition of some non-violent offenses, along with higher sentence length ranges to accommodate historical sentencing practices for the additional offenses.

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

The Standards are:

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

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

In addition, the Standards:

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

The Standards consist of three sets of worksheets and corresponding 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 Sentence Length worksheet that recommends a sentence length range from which a sentence is chosen. The recommendations for personal offenses and specified burglary offenses remain voluntary. Each type of worksheet relies on a separate sentence length table providing recommended sentence ranges based on the Sentence Length Worksheet score from which the final sentence is selected unless the sentencing judge does not comply with the Standards and imposes a sentence governed by existing law.

The 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.

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

### Use of the Worksheets by the Sentencing Judge

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

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

### Responsibilities of the court clerk

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

These documents must be sent in paper form<sup>3</sup> by either:

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

Fax: (334) 954-5201;

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

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

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

#### Covered Offenses

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

#### Personal Worksheets

Assault 1<sup>st</sup>  
§13A-6-20

Assault 2<sup>nd</sup>  
§13A-6-21

Manslaughter  
§13A-6-3

Murder  
§13A-6-2

Rape 1<sup>st</sup>  
§13A-6-61

Rape 2<sup>nd</sup>  
§13A-6-62

Robbery 1<sup>st</sup>  
§13A-8-41

Robbery 2<sup>nd</sup>  
§13A-8-42

Robbery 3<sup>rd</sup>  
§13A-8-43

Sodomy 1<sup>st</sup>  
§13A-6-63

Sodomy 2<sup>nd</sup>  
§13A-6-64

#### Drugs Worksheets

Felony DUI  
§ 32-5a-191(h)

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

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

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

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

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

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

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

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## Property Worksheets

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

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

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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 - Five Rules

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

Example:

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

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

Example:

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

Example:

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

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**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 1<sup>st</sup> and Theft of Property 2<sup>nd</sup> (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 2<sup>nd</sup> as the most serious offense. This is because Theft of Property 2<sup>nd</sup> is covered by the worksheets and Criminal Mischief 1<sup>st</sup> is not.

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

Example:

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

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

Example:

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

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

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

### **Rules for Scoring Prior Records**

*Date of Prior Records* - Prior records are to be scored based on convictions, juvenile delinquency and/or youthful offender adjudications occurring before the arrest date(s) of the offense(s) sentenced.

*Ambiguous Prior Records* - If an ambiguous entry on a prior record document cannot be resolved, the worksheet preparer should treat the information in a way that gives the benefit of the doubt to the offender. If any prior record disposition information is missing, the worksheet preparer should assume that no conviction occurred.

*Burden and Manner of Proving Prior Records* - In the event of a dispute, the burden of proving the prior record is on the prosecutor. For purposes of proving in-state prior convictions, any official court document – whether automated or hard copy – shall be sufficient for meeting the burden of proof requirement. When meeting the burden of proof for out-of-state convictions, certified copies of official court records shall be sufficient evidence. Out-of-state records need not be exemplified.

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

*Effect of Pardons* – In the event a defendant has received a pardon for innocence, the conviction for which he or she received the pardon should be excluded when scoring prior convictions. Convictions resulting in all other limited pardons – e.g. those to restore voting rights – should not be excluded when scoring prior convictions.

*Prior Misdemeanor or Violation Convictions* – All criminal convictions should be counted. Traffic convictions do not count except: Driving Under the Influence, Boating Under the Influence, Leaving the Scene of an Accident, Attempting to Elude Law Enforcement, Driving Without a License, and Driving While License is Suspended or Revoked.

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

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

### **Time for Completing Worksheets and Determining Recommendations**

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

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

### **Sentence Disposition and Sentence Lengths**

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

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

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

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

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

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

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

A recommended sentence of 13 months includes any portion of the 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.

### **Imposition of Sentence**

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

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

#### **Example:**

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

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

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

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

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

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

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

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

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

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

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

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Examples of non-prison and prison dispositions:

Non-prison

Probation

Community Corrections

\*County Jail / Work Release

Reverse Split

Split sentence with a suspended split

Prison (unsuspended sentence)

\*\*Department of Corrections (prison)

Community Corrections

\*\*Split to Department of Corrections

Split to Community Corrections

\*\*\*High-Intensity Probation

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

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

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

### **Departure Procedures for Presumptive Sentencing Events**

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

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

2. Two Decisions - The disposition and the duration of sentence are two separate decisions requiring separate, although not necessarily different, aggravating and/or mitigating factors for each departure.
3. Consideration of Aggravating and Mitigating Factors - The Court must consider all aggravating and/or mitigating factors proven for a sentencing event, but the decision to depart from the presumptive sentence recommendation is in the discretion of the court.
  - Recognized aggravating and mitigating factors are provided below.
  - Worksheet scoring factors for the most serious offense may not be used as aggravating factors for the sentencing event.
  - A necessary element of the most serious offense may not be used as an aggravating factor for the sentencing event.<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

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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.
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.

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- 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.

### **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)

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

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

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

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

Defendant \_\_\_\_\_

Judge \_\_\_\_\_

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

Prosecutor \_\_\_\_\_

Worksheet Preparer \_\_\_\_\_

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

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

**Step C** – Prison In/Out Worksheet Recommendation:

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

#### Drug In/Out Recommendation (Presumptive Disposition)

#### Total Score

1-7 points: Non-Prison

8 or more points: Prison

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

8-14 points: Non-Prison

15 or more points: Prison

---

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

**SENTENCE LENGTH WORKSHEET**

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

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

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

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

**Step C** - Sentence Length Worksheet Recommendation:

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

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

---

## SENTENCE LENGTH RANGES FOR WORKSHEET

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

The table is divided into three sections or column groups.

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

<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 sentence length worksheet. If no match is found, select the next lowest score corresponding to the Total Score on the Sentence Length Worksheet.

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

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

---

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

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

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

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

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

Felony DUI  
§ 32-5a-191(h)

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

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

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

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

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

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

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

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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 at the current sentencing event.

**7. Prior Felony Probation or Parole Revocation** - Count probation or parole revocations that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Only *felony* probation revocations should be scored. The imposition of intermediate sanctions (pursuant to § 15-22-29, § 15-22-32, § 15-22-52, and § 15-22-54) in response to a probation/parole violation to include periods of confinement in jail or prison should not be counted.

**8. Number of Prior Juvenile Delinquency or Youthful Offender Adjudications** - Count all juvenile delinquency and Youthful Offender adjudications that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. *Note: use the definition for misdemeanors or violations as set out in factor #5.*

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

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

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

Circle “non-prison” as the presumptive disposition.

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

Circle “prison” as the presumptive disposition.

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

**Departure Sentences**

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

# Drug Prison In/Out Worksheet

Eff. 10-1-2016

Defendant \_\_\_\_\_ Judge \_\_\_\_\_  
 Case No. \_\_\_\_\_ Prosecutor \_\_\_\_\_  
 Worksheet Preparer \_\_\_\_\_ Defense Attorney \_\_\_\_\_

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

**PRESUMPTIVE**

***Class D offenses***

- Poss of Controlled Substance ..... 1
- A/S/C Poss of Controlled Substance ..... 1
- Poss of Marihuana 1<sup>st</sup> §13A-12-213(a)(2) ..... 1
- A/S/C Poss of Marihuana 1<sup>st</sup> §13A-12-213(a)(2) ..... 1

**PRESUMPTIVE**

***Class C offenses***

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

**PRESUMPTIVE**

***Class B offenses***

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

**PRESUMPTIVE**

***Class A offenses***

- Manufacturing Controlled Substance 1<sup>st</sup> ..... 8
- A/S/C Manufacturing Controlled Substance 1<sup>st</sup> ..... 8

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

Score

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

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

Score

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

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

Score

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

Score

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

Score

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

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

Score

**Possession/Use of a Deadly Weapon or Dangerous Instrument** ..... 2

Score

**Total Score**

**Disposition:**     Presumptive

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

**8 or more points: Prison**

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## INSTRUCTIONS - - Drug Sentence Length Worksheet

### 1. Case Information Section

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

### 2. Sentencing Factors Section

Complete prior to sentencing.

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

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

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

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

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

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

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

### 10. Judge's Signature or Initials

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

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

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**Departure Sentences**

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

# Drug Sentence Length Worksheet

Eff. 10-1-2016

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

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

**PRESUMPTIVE**

***Class D offenses***

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

**PRESUMPTIVE**

***Class C offenses***

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

**PRESUMPTIVE**

***Class B offenses***

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

**PRESUMPTIVE**

***Class A offenses***

Manufacturing Controlled Substance 1 <sup>st</sup> .....	286
A/S/C Manufacturing Controlled Substance 1 <sup>st</sup> .....	286

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

**Score**

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

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

**Score**

**Number of Prior Adult Felony Convictions**

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

**Score**

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

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

**Score**

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

**Score**

**See Drug Sentence Length Table**

**Presumptive**

**Total Score**

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

**Judge's Signature/Initial**

\_\_\_\_\_

# Drug 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>
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><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>183</b>	45	87	130	16	26	36
<b>184</b>	45	87	130	16	26	36
<b>185</b>	45	87	130	16	26	36
<b>188</b>	45	87	130	24	30	36
<b>189</b>	45	87	130	24	30	36
<b>191</b>	45	87	130	24	30	36
<b>192</b>	45	87	130	24	30	36
<b>195</b>	45	87	130	24	30	36
<b>196</b>	45	87	130	24	30	36
<b>198</b>	45	87	130	24	30	36
<b>199</b>	45	87	130	24	30	36
<b>200</b>	45	87	130	24	30	36
<b>203</b>	45	87	130	24	30	36
<b>205</b>	45	87	130	24	30	36
<b>206</b>	45	87	130	24	30	36
<b>212</b>	45	87	130	24	30	36
<b>213</b>	45	87	130	24	30	36
<b>214</b>	45	87	130	24	30	36
<b>220</b>	45	87	130	24	30	36
<b>222</b>	45	87	130	24	30	36
<b>227</b>	45	87	130	24	30	36
<b>232</b>	45	87	130	24	30	36
<b>235</b>	45	87	130	24	30	36
<b>242</b>	45	87	130	24	30	36
<b>250</b>	50	90	130	24	30	36
<b>255</b>	50	90	130	24	30	36
<b>258</b>	60	95	130	24	30	36
<b>262</b>	60	95	130	24	30	36
<b>270</b>	60	95	130	24	30	36
<b>276</b>	70	100	130	24	30	36
<b>280</b>	70	100	130	24	30	36
<b>286</b>	120	150	180	24	30	36
<b>300</b>	120	150	180	24	30	36
<b>315</b>	120	150	180	24	30	36
<b>320</b>	180	210	240	36	48	60
<b>345</b>	180	210	240	36	48	60
<b>360</b>	180	210	240	36	48	60
<b>381</b>	180	210	240	36	48	60

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

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

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

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## INSTRUCTIONS - - Property 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 at the current sentencing event.

**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 at the current sentencing event.

**9. Prior Felony Probation or Parole Revocation** - Count probation or parole revocations that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Only *felony* probation revocations should be scored. The imposition of intermediate sanctions (pursuant to § 15-22-29, § 15-22-32, § 15-22-52, and § 15-22-54) in response to a probation/parole violation to include periods of confinement in jail or prison should not be counted.

**10. Number of Prior Juvenile Delinquency or Youthful Offender Adjudications** - Count all juvenile delinquency and Youthful Offender adjudications that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. *Note: use the definition for misdemeanors or violations as set out in factor #6.*

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

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

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

### **Disposition**

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

Circle “non-prison” as the disposition.

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

Circle “prison” as the disposition.

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

### **Departure Sentences**

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

# Property Prison In/Out Worksheet

Eff. 10-1-2016

Defendant \_\_\_\_\_ Judge \_\_\_\_\_

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

Worksheet Preparer \_\_\_\_\_ Defense Attorney \_\_\_\_\_

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

**PRESUMPTIVE**

***Class D offenses***

- Forgery 3<sup>rd</sup> ..... 8
- Poss/Use Credit/Debit Card ..... 8
- Poss Forged Instrument 3<sup>rd</sup> ..... 8
- Receive Stolen Property 3<sup>rd</sup> ..... 8
- Theft of Lost Property 3<sup>rd</sup> ..... 8
- Theft of Property 3<sup>rd</sup> ..... 8
- Theft of Services 3<sup>rd</sup> ..... 8

**VOLUNTARY**

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

**PRESUMPTIVE**

***Class C offenses***

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

**PRESUMPTIVE**

***Class B offenses***

- Forgery 1<sup>st</sup> ..... 10
- Poss Forged Instrument 1<sup>st</sup> ..... 10
- Receive Stolen Property 1<sup>st</sup> ..... 10
- Theft of Lost Property 1<sup>st</sup> ..... 10
- Theft of Property 1<sup>st</sup> ..... 10
- Theft of Services 1<sup>st</sup> ..... 10

Score

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

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

Score

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

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

Score

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

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

Score

**Prior Incarceration with *Unuspended* Sentence Imposed of 1 Year or More** ..... 6

Score

**Prior Incarceration with *Unuspended* Sentence Imposed of Less Than 1 Year** ..... 3

Score

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

Score

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

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

Score

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

Score

**Injury to Victim** ..... 2

Score

**Total Score**

**Disposition:**     Voluntary     Presumptive

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

**15 or more points: Prison**

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## INSTRUCTIONS - - Property Sentence Length Worksheet

### 1. Case Information Section

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

### 2. Sentencing Factors Section

Complete prior to sentencing.

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

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

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

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

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

**8. Prior Felony Probation or Parole Revocation** – Count probation or parole revocations that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Only *felony* probation revocations should be scored. The imposition of intermediate sanctions (pursuant to § 15-22-29, § 15-22-32, § 15-22-52, and § 15-22-54) in response to a probation/parole violation to include periods of confinement in jail or prison should not be counted.

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

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

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

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

**13. Judge’s Signature or Initials**

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

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

**Departure Sentences**

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

# Property Sentence Length Worksheet

Eff.10-1-2016

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

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

**PRESUMPTIVE**

***Class D offenses***

Forgery 3 <sup>rd</sup> .....	39
Poss/Use Credit/Debit Card.....	39
Poss Forged Instrument 3 <sup>rd</sup> .....	39
Receive Stolen Property 3 <sup>rd</sup> .....	39
Theft of Lost Property 3 <sup>rd</sup> .....	39
Theft of Property 3 <sup>rd</sup> .....	39
Theft of Services 3 <sup>rd</sup> .....	39

**PRESUMPTIVE**

***Class C offenses***

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

**PRESUMPTIVE**

***Class B offenses***

Forgery 1 <sup>st</sup> .....	58
Poss Forged Instrument 1 <sup>st</sup> .....	58
Receive Stolen Property 1 <sup>st</sup> .....	58
Theft of Lost Property 1 <sup>st</sup> .....	58
Theft of Property 1 <sup>st</sup> .....	58
Theft of Services 1 <sup>st</sup> .....	58

**VOLUNTARY**

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

Score

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

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

Score

**Number of Prior Adult Felony Convictions**

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

Score

**Number of Prior Adult Felony Property Convictions**

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

Score

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

Score

**Prior Felony Probation or Parole Revocation** ..... 7

Score

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

Score

**Acquired a Firearm During Offense** ..... 12

Score

See Property Sentence Length Table

Total Score

Voluntary       Presumptive

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

Judge's Signature/Initial

\_\_\_\_\_

# Property 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