

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.

**Most Serious Offense at Conviction Ranking**

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

\*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 Worksheets<sup>7</sup>

### 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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<sup>7</sup> Includes both the Property (Class A, B, C) and Property (Class D) Worksheets.

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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.

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## INSTRUCTIONS - - Property Sentence Length Worksheet<sup>8</sup>

### 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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<sup>8</sup> Includes both the Property (Class A, B, C) and Property (Class D) Sentence Length Worksheets.

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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.