MARYLAND SENTENCING GUIDELINES MANUAL

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Administrative Office of the Courts
Courts of Appeal Building
Annapolis, Maryland

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Maryland Sentencing Guidelines Manual

Errata Sheet

1. Page 10. Section 2.12 E., Prior Adult Parole/Probation Violations.

Score "1" only for adjudicated violations. There must have been a hearing and finding of a violation.

2. Page 10. Section 2.12 F., Employment Record.

The last sentence in the paragraph should read: "The offender's employment record is considered unfavorable if he has not been employed continuously for the two years preceding the instant offense AND does not have a confirmed job to go to after sentencing."

. Page 18. Section 2.21 F., Employment Record.

The first paragraph should be followed by the following: "Score 0 if information about the offender's employment is not available or if the offender has not worked because of being in school or otherwise legitimately out of the work force. The offender's employment record is considered unfavorable if he has not been employed continuously for the two years preceding the instant offense and does not have a confirmed job to go to after sentencing."

. Page 18. Section 2.22, Using the Property Crime Sentencing Matrix.

The last sentence of the paragraph should read: "Thus, if the offense was Daytime Housebreaking and the offender score 1, the guideline sentence range would be probation to 6 months."

Page 19. Sample Property Offense.

CONVICTED COUNT(S): Daytime Housebreaking (27§30b)

Page 22. Sample Property Offense Sentencing Matrix.

Daytime Housebreaking (27-30b)

Page 33. Property Offense Sentencing Matrix.

Daytime Housebreaking (27-30b)

MARYLAND SENTENCING GUIDELINES PROJECT

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Staff

Dr. Patricia R. Nelson, Project Director
Charles H. Clemens, Research Analyst
Janet T. Turoff, Assistant Research Analyst
Carolyn A. Wray, Secretary

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INTRODUCTION

In April, 1979, the Maryland Judicial Conference endorsed the concept of the development of sentencing guidelines. The Conference deferred the question of statewide implementation until completion of a project then proposed for four Maryland circuit courts, a project which would test the feasibility of sentencing guidelines that cross jurisdictional lines within a state and include rural, urban and suburban areas. The resolution of the Conference culminated a year of study by the Committee on Sentencing which reviewed sentencing developments and proposals throughout the United States as well as sentencing practices in Maryland. Unlike some other jurisdictions, the initiative and impetus in Maryland have thus far come from the judicial branch of government.

The Maryland Sentencing Guidelines Project (MSGP) began October 1, 1979 with a $270,000 grant from the National Institute of Justice (NIJ) which also funded an identical, concurrent project in Florida. The Project's assigned goals were:

1. to increase equity in sentencing, i.e., to reduce unwarranted variation while retaining judicial discretion to individualize sentences;

2. to articulate an explicit sentencing policy while providing a regular basis for policy review and change;

3. to provide information for new or rotating judges; and

4. to promote increased visibility and understanding of the sentencing process.

Responsibility for overseeing the development and implementation of the guidelines was assigned to an advisory board of ten judges from the project test jurisdictions. To broaden the perspective of the board, the judges added eight ex officio, non-voting representatives of the legislative and executive branches of government.

Variation in individual sentences does not demonstrate judicial error; to the contrary, variation in sentencing can and should indicate that judicial decision-making is sensitive to the differences that exist both in crimes and in those who commit them. Not all assaults are the same, nor are their perpetrators. A fourth-time offender differs from a first offender; an armed robber who inflicts a permanent injury is generally considered more culpable than the robber who threatens but does not harm. A judge, familiar with the details of an individual case, can apply the law justly and equitably. However, when each judge must establish his own criteria for the use of his discretionary powers in the many cases that come before him, inconsistency and consequent inequity are sometimes inevitable.

The promise of sentencing guidelines lies in their potential to take into account systematically and publicly the most common variations in offenders and their offenses, within the current statutory framework. Systematic sentencing can be achieved by having the judiciary, as a body, agree on the factors to be considered in making sentencing decisions. Such an approach is expected to establish a policy or structure within which judges will exercise their discretionary powers.

The structure will not be overly restrictive because an important part of a guidelines system is a mechanism for judges to deviate from the established policy in compelling circumstances. The initial selection and implementation of guidelines are major steps but not the end of an ongoing process. The feedback mechanism means that every judge has the opportunity for input into a uniform sentencing policy since the reasons given for deviation will be collected and analyzed regularly and presented to the Advisory Board as the basis for continuing growth and development of the guidelines. The end result of implementing guidelines will be a defined and publicly visible sentencing policy sufficiently flexible to respond to unusual sentencing situations.

On a continuum from completely policy-based guidelines to completely data-based guidelines, the Maryland guidelines are more policy-based than originally anticipated, although it was always recognized that the judicial Advisory Board would finally need to make many decisions about the content of the guidelines. The results of the analysis of 1800 randomly selected 1979 cases provided a starting point for the guideline development. However, due to limitations of the data (e.g., missing information and the data's failure to explain adequately the considerable variation in sentencing), this sample information was supplemented by a simulated sentencing exercise by the Advisory Board on 458 hypothetical cases. These data along with the simulated sentencing done by all Maryland judges for the 1981 Judicial Education Seminars confirm the lack of systematic sentencing patterns first noted in the 1979 data. Since this situation necessitated the Advisory Board judges' playing a more active role than expected, the Board decided to make the initial guideline sentence ranges broader than would otherwise have been considered desirable. As the guidelines are used and as more data is generated, it will be possible to introduce further refinements.

The effectiveness of sentencing guidelines in both Maryland and Florida is to be evaluated by Abt Associates under a separate NIJ grant. For the guidelines to be considered successful, the Abt evaluation should demonstrate two things: (1) that the test jurisdiction judges have used the guidelines in their sentencing, and (2) that sentences have become more equitable. Sentencing will be considered equitable if like offenders receive like sentences for like offenses and if unlike sentences are imposed in cases where either the offenders or the offenses, or both, are dissimilar.

PART 1

GENERAL INSTRUCTIONS

1.1 Guideline Offenses

The types of offenses covered by the guidelines are offenses against persons, drug offenses, and property offenses tried in circuit court. An offense against a person is defined as an offense involving confrontation between the offender and the victim with bodily harm or the threat of bodily harm. Drug offenses are those involving the possession or distribution of controlled dangerous substances. Property offenses are offenses where property is unlawfully damaged or taken. A list of the most common Maryland offenses appears in Appendix A.

Certain sentencing matters handled by judges in the circuit courts have been excluded from guidelines coverage for the present. The exclusions are arson of a dwelling, escapes, appeals and prayers for jury trial from District Court, and parole and probation revocations. Also excluded from the guidelines are sentences from Article 27, Section 643B (mandatory sentences for crimes of violence) and first degree murder convictions as covered under Article 27, Section 413.

1.2 Guideline Worksheet

Prior to the sentencing decision for any offense covered under the guidelines, the appropriate worksheet should be completed, down to Actual Sentence, on each convicted count for which the offender is to be sentenced. The worksheets are printed on six-part NCR paper so care must be used to make sure that all copies are legible.

If the judge orders a presentence investigation, each worksheet will be filled out by the Division of Parole and Probation; if the judge does not request a presentence investigation, completion of each worksheet is his responsibility. In either case, the sentencing judge is responsible for reviewing the worksheets for accuracy and completeness.

A copy of each completed worksheet should be forwarded to both the defense attorney and the prosecutor. Any disagreements with the recorded information should be brought to the judge's attention prior to sentencing. Changes in the worksheet may only be made by or with the approval of the sentencing judge.

1.3 Guideline Sentence

At the time of sentencing the actual sentence will be entered by the sentencing judge on the worksheet. If the guideline sentence range for a particular offense and offender exceeds the statutory maximum for that

offense, the statutory maximum is the longest sentence the judge may impose. If his sentence is outside the guideline range for any other reason, he must record his reasons. However, for the duration of the one-year guidelines implementation period, judges in the test jurisdictions are not required to fill out the Statement of Reasons for Imposing a Sentence of Incarceration of Three Years or More, a form now in use throughout the state. Completion of the guideline worksheet fulfills this requirement.

The guideline sentence range represents non-suspended time. Therefore, if the guideline sentence range for a particular case is 6 - 12 years, the judge may give 10 years with 4 years suspended or 15 years with 5 suspended, and be within the guidelines. If, however, he gave 6 years suspended, the sentence would be outside the guidelines. If the offender was detained prior to trial or sentencing, the time spent in detention must be added to any additional non-suspended time imposed when calculating whether a sentence is inside or outside the guidelines. For example, if the maximum guideline sentence is 6 months and the offender had been detained for 6 months, any additional incarceration would be outside the guidelines. Within the statutory limits, the length of any probation imposed is left to the discretion of the judge.

For those situations where there is more than one convicted count, the sentence for the most serious offense will determine the total length of sentence to be served. For guideline purposes, all sentences will be assumed to be concurrent unless the judge expressly decides to sentence consecutively. If a judge imposes consecutive sentences, he must give his reasons as he would for any other sentence outside the guidelines, even if each individual sentence is within the guidelines. Such a decision and the reasons for it will be considered by the Parole Commission in its parole determination.

1.4 Sentence Outside the Guidelines

Whenever a judge imposes a sentence outside the guideline range, he must give his reasons in writing on the guideline worksheet. These reasons may be brief but should be substantive. Although the guidelines are advisory to the sentencing judge, it is expected that he will deviate from the guidelines only when circumstances are compelling.

Reasons for going outside the guidelines should specifically indicate why the guideline sentence is inappropriate in the case before the court. Mere repetition of some element inherent in the offense (e.g., selling drugs in a drug distribution conviction) or factors already taken into account by the guidelines (e.g., special victim vulnerability) should be avoided. General comments (e.g., "in the public interest") are also undesirable as they do not distinguish one case from any other.

Provision for going outside the guideline range is an important and necessary ingredient of the guideline system, serving the dual purpose of

maintaining judicial discretion where needed and providing information for systematic refinement and modification by the judges of overall sentencing policy. Effective guidelines and a progressive sentencing policy will ultimately depend on the quality of the reasons each judge provides for sentences outside the guidelines.

1.5 Guideline Worksheet Distribution

The white copy of the fully completed worksheet should be retained by the judge. The yellow copy should be kept by the court clerk for inclusion in the offender's case file. The green copy should be returned to the Division of Parole and Probation. The blue copy should be forwarded to the Sentencing Guidelines Project, Administrative Office of the Courts, Courts of Appeal Building, Annapolis, Maryland 21401. The pink copy goes to the state's attorney, and the gold copy to defense counsel.

PART 2

DETERMINATION OF THE GUIDELINE SENTENCE

2.1 Offenses Against Persons

For crimes aginst persons, an offense score and an offender score must be computed for each count to be sentenced. The guideline sentence is then determined by referring to the sentencing matrix for Offenses Against Persons. (See a sample case, accompanying worksheet, and sentencing matrix on pp. 12-15.)

First degree murder is an exception to the general rule. Except where Article 27§413 (death penalty provision) takes precedence, the guideline sentence for first degree murder is life.

2.11 Computation of the Offense Score

The offense score is derived by totaling the points represented by certain elements associated with the commission of the offense. These elements may include facts known to the judge but not necessarily within the scope of the convicted offense, e.g., weapon usage in a robbery conviction or victim injury in a handgun violation conviction. The four elements of the offense score are:

Seriousness of the instant count
Victim injury
Weapon usage
Special vulnerability of the victim

Following are a description of each element and an interpretation of its scoring.

A. Seriousness of the Instant Count

1 = IV - VI
3 = III
5 = II
8 = I

Points are given on the basis of the seriousness category of the instant count (convicted offense). A list by seriousness categories of the offenses covered by the guidelines appears in Appendix A.

B. Victim Injury

0 = No Injury
1 = Injury, Non-Permanent
2 = Permanent Injury or Death

Victim injury may be physical or mental. The latter must be based on confirmed psychological treatment and for guidelines purposes is always to be considered non-permanent. Any rape should be scored "1" (non-permanent injury) unless a more serious injury actually occurred.

C. Weapon Usage

0 = No Weapon Used
1 = Weapon Other Than Firearm Used
2 = Firearm Used

Weapon is defined as any article or device capable of causing injury. Weapons other than firearms include explosives, incendiaries, knives, tire irons, and clubs. Not included are automobiles, unless deliberately used as weapons, or parts of the body, i.e., hands or feet, unless the offender is a professional in some form of self-defense. If a weapon was feigned but no weapon was actually present, the score would be "0" (no weapon used).

D. Special Vulnerability of Victim

0 = No
1 = Yes

This item is designed to cover cases in which the relative helplessness of the victim tends to render the actions of the perpetrator all the more brutal or sadistic. An especially vulnerable victim is anyone 10 years of age or less, 60 years of age or more, or physically or mentally handicapped.

To obtain the offense score, add the circled points in A, B, C, and D. The maximum offense score possible is 13; the minimum is 1.

2.12 Computation of the Offender Score

The offender score is derived by totaling the points represented by certain attributes of the offender which are considered important to the

sentencing decision. These attributes are:

Relationship to the criminal justice system when the instant count occurred
Juvenile delinquency
Adult criminal record
Prior conviction of an offense against a person
Prior adult parole/probation violation
Employment record

Following are a description of each item and an interpretation of its scoring.

A. Relationship to CJS When Instant Count Occurred

0 = None or Pending Cases
1 = Court or Other Criminal Justice Supervision

Unless the offender is under legal supervision resulting from a final conviction for a criminal offense, this factor should be scored as "0".

B. Juvenile Delinquency

0 = Not More Than One Finding of Delinquency
1 = Two or More Findings Without Commitment, or One Commitment
2 = Two or More Commitments

If the offender is over 25, any juvenile record should be excluded from consideration. Hence any offender who is 26 or older will be scored "0".

C. Adult Criminal Record

0 = None
1 = Minor
2 = Moderate
3 = Major

If an offender has no prior adult criminal convictions, score "0". If he has ever been convicted of a criminal offense as an adult, a preliminary point system is used to determine whether his record should be considered minor, moderate or major.

For each adult conviction, the offender receives from 1 to 30 points depending on the seriousness category of the offense and the

type of penalty imposed. Below is a table showing the points to be assessed. To determine the number of points for each prior conviction, match the appropriate Seriousness Category and Penalty.

Table I - Points for Adult Criminal Offenses

Seriousness Category[1]	Penalty[2]			
	Six months or more non-suspended sentence to incarceration	Probation--any type or length	Less than six months non-suspended sentence to incarceration	Fines
I	30	20	10	1
II	25	16	8	1
III	20	12	6	1
IV	15	8	4	1
V	10	5	2	1
VI	5	2	1	1

[1]For the seriousness categories of offenses, see Appendix A. If an offender has ever been convicted and sentenced out of state, the offenses and penalties should be matched as closely as possible with those of Maryland.

In 1978, a comprehensive theft statute replaced the previously separate designation of offenses such as larceny, larceny by trick, larceny after trust, embezzlement, false pretenses, shoplifting, and receiving stolen goods. For purposes of computing the prior criminal record, prior misdemeanors involving conduct now designated as theft should be considered "Theft Under $300;" prior felonies involving conduct now designated as theft should be considered "Theft, $300 or More."

[2]In situations where more than one type of penalty is imposed (e.g., a fine and a period of incarceration or a period of incarceration followed by probation), use the penalty carrying the greater number of points. Do not assess more than one penalty for each convicted count; but if concurrent sentences are given for separate counts, each one should be included in the tally.

When the points for all prior convictions are added together, if the total is 1 to 20 points, the offender's record is "Minor" and he receives a score of "1"; 21 to 45 points is "Moderate" and scored "2"; 46 or more points denotes a "Major" adult criminal record which is scored "3".

If an offender has lived in the community for at least five years prior to the instant offense without parole or probation supervision and without committing any crime, his criminal record should be lowered one level, from major to moderate, from moderate to minor, or from minor to none.

D. Prior Conviction Offense Against a Person

0 = No
1 = Yes

If the offender has no prior convictions of a crime against a person, score "0". Score "1" if he has previously been convicted of a crime against a person no matter what the seriousness category.

E. Prior Adult Parole/Probation Violations

0 = No
1 = Yes

Score "0" if offender has never before been on parole or probation or if he has successfully completed any period of supervision. Add one point to the offender score if offender has ever violated the conditions of his parole or probation. If offender was on parole or probation at the time of the instant offense, do not count a violation here, as he will already have been penalized in "A" above.

See errata sheet

F. Employment Record

-1 = Favorable
0 = Unknown or Not Applicable
1 = Unfavorable

An offender should have one point subtracted from his offender score if he has a favorable employment record. A favorable employment record is defined as continuous employment for the two years immediately preceding the instant offense or a confirmed job to go to after sentencing. Score "0" if information about offender's employment is not available or if the offender has not worked because of being in school or otherwise legitimately out of the work force. The offender's employment record is considered unfavorable if he has not been employed continuously for the two years preceding the instant offense **or** does not have a confirmed job to go to after sentencing.

See errata sheet

To obtain the offender score, add the circled points in A, B, C, D, E, and F. The maximum offender score is "9"; the minimum is "-1".

2.13 Using the Offense Against Person Matrix

To find the guideline sentence, locate the cell on the sentencing grid where the offense score and the offender score intersect. The offense score

is on the vertical axis of the grid and the offender score is on the horizontal axis. Thus an offense score of 7 and an offender score of 2 would yield a guideline sentence range of 3 to 7 years (non-suspended time). Any sentence within this range would be considered a guideline sentence.

If the offense and offender scores intersect in a probation cell, no sentence to incarceration should be imposed. The sentencing judge will impose whatever period of probation he deems advisable.

If a sentence outside the guideline range is imposed, written reasons must be provided by the sentencing judge. (See 1.4 on page 4 .)

SAMPLE

OFFENSE AGAINST A PERSON

OFFENDER'S NAME: P_____W_____

DATE OF BIRTH: 2/17/51

SEX: Male

RACE: White

EDUCATION: 8th grade

EMPLOYMENT: Employed as a dishwasher, 1976-7; quit to look for a better job; no other employment since 1967

DOCKET #: 00000002

DATE OF OFFENSE: 9/27/77

DATE OF PLEA/VERDICT: 2/8/79

DISPOSITION TYPE: Court trial

JURISDICTION: Montgomery County

CONVICTED COUNT(S): Assault with Intent to Rape (27§12)

OFFENSE DESCRIPTION

The offender approached the victim (female, age 20), placed one hand over the victim's mouth, and wrestled her to the ground. The offender began to fondle the victim and tried to have intercourse with her. She began to scream, and the offender fled. After being apprehended, he was identified by both the victim and a witness. He was charged with assault with intent to rape and subsequently convicted of that count by the court.

OFFENDER'S PRIOR CRIMINAL RECORD

Juvenile: Found delinquent at age 16 for grand larceny

Adult: Date	Offense	Disposition
8/9/69	Carrying a deadly weapon	60 days suspended; 1 year probation
5/12/72	Disorderly conduct	$50 fine; 30 days suspended
6/16/72	Disorderly conduct	$50 fine; 6 months probation
2/3/76	Assault and battery	10 years DOC, all but 18 months suspended; 3 years supervised probation upon release
2/14/76	Assault and battery	30 days MCDC

OFFENDER'S PAROLE AND PROBATION HISTORY

The offender served one year's probation in 1969 for carrying a deadly weapon. In 1972, he satisfactorily completed another probationary term, six months for disorderly conduct. After serving an 18 month sentence for assault and battery in 1974, offender was placed on three years probation which he was still serving at the time of the instant offense.

SAMPLE

MARYLAND SENTENCING GUIDELINES PROJECT — Sentencing Worksheet: Offense Against A Per

Offender Name (Last, First, Middle) P. W.	Date of Offense 9 / 27 / 77	Docket Number 00000003
Birthdate 2 / 17 / 51 — [x] Male [ ] Female	Date of Sentencing / /	Sentencing Judge
[x] White [ ] Hispanic [ ] Asian [ ] Black [ ] Amer. Ind. [ ] _____	Instant Count (Title, Md. Code Article and Sectio Assault with Intent to Rape (27§12)	
	Disposition Type [ ] ABA Plea [ ] Non-ABA Plea [x] Court Trial [ ] Jury Trial	
Highest Education [x] Less Than High School [ ] High School/GED [ ] More Than High School	Date of Plea/Verdict 2 / 8 / 79	Jurisdiction [ ] Balto. City [ ] Harford [x] Mont. [ ] P.
	Number of Convicted Counts At This Sentencing Event: 1	PSI [x] Yes [ ] N

Circle appropriate number in each item below; add circled numbers for offense and offende scores.

OFFENSE SCORE

A. Seriousness of Instant Count
- 1 = IV - VI
- 3 = III
- (5) = II
- 8 = I

B. Victim Injury
- (0) = No Injury
- 1 = Injury, Non-Permanent
- 2 = Permanent Injury or Death

C. Weapon Usage
- (0) = No Weapon Used
- 1 = Weapon Other Than Firearm Used
- 2 = Firearm Used

D. Special Vulnerability of Victim
- (0) = No
- 1 = Yes

[5] OFFENSE SCORE

OFFENDER SCORE

A. Relationship to CJS When Instant Count Occur
- 0 = None or Pending Cases
- (1) = Court or Other Criminal Justice Supervisi

B. Juvenile Delinquency
- (0) = Not More Than One Finding of Delinquency
- 1 = Two or More Findings Without Commitment c One Commitment
- 2 = Two or More Commitments

C. Prior Adult Criminal Record
- 0 = None
- 1 = Minor
- (2) = Moderate
- 3 = Major

D. Prior Conviction Offense Against A Person
- 0 = No
- (1) = Yes

E. Prior Adult Parole/Probation Violations
- (0) = No
- 1 = Yes

F. Employment Record
- -1 = Favorable
- 0 = Unknown or Not Applicable
- (1) = Unfavorable

[5] OFFENDER SCORE

GUIDELINE SENTENCE: 6 to 12 years

ACTUAL SENTENCE

REASONS (IF ACTUAL SENTENCE DIFFERS FROM GUIDELINE SENTENCE)

SAMPLE

COMPUTATION OF OFFENSE
AND OFFENDER SCORES

Offense Against a Person

OFFENSE SCORE

A. Seriousness of Instant Count

As shown in Appendix A, Assault with Intent to Rape is a Seriousness Category II offense — 5 POINTS

B. Victim Injury

No injury — 0 POINTS

C. Weapon Usage

No weapon used — 0 POINTS

D. Special Vulnerability of Victim

Victim is not under 10 nor over 60 years old and is neither mentally nor physically handicapped — 0 POINTS

TOTAL OFFENSE SCORE — 5 POINTS

OFFENDER SCORE

A. Relationship to CJS When Instant Count Occurred

Serving three years probation for assault and battery — 1 POINT

B. Juvenile Delinquency

Juvenile record not applicable because offender is over 25 years old — 0 POINTS

C. Adult Criminal Record

1 year probation for carrying deadly weapon	=	2 points
Fine for disorderly conduct	=	1 point
Fine and probation for disorderly conduct	=	2 points
18 months DOC for assault and battery	=	15 points
30 days for assault and battery	=	4 points
Total Criminal History Score		24

21-45 points = Moderate Criminal Record — 2 POINTS

D. Prior Conviction Offense Against a Person

2 convictions for assault and battery — 1 POINT

E. Prior Adult Parole/Probation Violations

None — 0 POINTS

F. Employment Record

No significant employment for past two years and no job to go to after sentencing — 1 POINT

TOTAL OFFENDER SCORE — 5 POINTS

For the guideline sentence range, see the Sample Sentencing Matrix for Offenses Against Persons on the following page.

SAMPLE

SENTENCING MATRIX
OFFENSES AGAINST PERSONS

Offender Score

ense ore	-1	0	1	2	3	4	5	6	7	8	9
1	P	P	P	3M-2Y	3M-2Y	3M-2Y	3M-2Y	6M-3Y	1Y-5Y	1Y-5Y	1Y-
2	P-1Y	P-1Y	3M-2Y	3M-2Y	3M-2Y	3M-2Y	1Y-4Y	3Y-8Y	4Y-8Y	4Y-8Y	4Y-
3	P-1Y	P-2Y	1Y-5Y	3Y-8Y	3Y-8Y	3Y-8Y	3Y-8Y	5Y-10Y	5Y-10Y	5Y-10Y	5Y-
4	P-2Y	P-3Y	3Y-8Y	3Y-8Y	4Y-10Y	4Y-10Y	4Y-10Y	5Y-10Y	5Y-10Y	5Y-10Y	5Y-
5	P-4Y	P-4Y	3Y-9Y	4Y-9Y	4Y-10Y	4Y-10Y	6Y-12Y	6Y-12Y	6Y-14Y	6Y-14Y	6Y-
6	1Y-4Y	3Y-6Y	3Y-10Y	4Y-10Y	5Y-10Y	5Y-10Y	8Y-15Y	8Y-15Y	10Y-20Y	10Y-20Y	10Y-
7	2Y-6Y	3Y-7Y	4Y-10Y	5Y-10Y	5Y-10Y	5Y-10Y	9Y-15Y	9Y-15Y	12Y-20Y	12Y-20Y	12Y-
8	3Y-7Y	4Y-8Y	5Y-10Y	6Y-12Y	6Y-12Y	6Y-12Y	10Y-15Y	10Y-15Y	12Y-25Y	12Y-25Y	12Y-
9	3Y-9Y	4Y-10Y	6Y-12Y	8Y-15Y	8Y-15Y	8Y-16Y	15Y-30Y	15Y-30Y	25Y-L	25Y-L	25Y-
10	8Y-15Y	8Y-15Y	8Y-15Y	8Y-16Y	8Y-16Y	10Y-25Y	15Y-30Y	25Y-L	25Y-L	25Y-L	25Y-
11	9Y-16Y	9Y-16Y	9Y-16Y	9Y-16Y	15Y-30Y	17Y-30Y	17Y-30Y	25Y-L	25Y-L	25Y-L	25Y-
12	10Y-17Y	12Y-20Y	12Y-20Y	15Y-30Y	18Y-35Y	18Y-35Y	25Y-L	25Y-L	25Y-L	25Y-L	25Y-
13	12Y-20Y	14Y-22Y	14Y-22Y	18Y-35Y	20Y-40Y	20Y-40Y	25Y-L	25Y-L	30Y-L	30Y-L	30Y-

P = Probation
M = Month
Y = Year
L = Life

2.2 Drug and Property Offenses

Since there are no special offense characteristics to be used in determining the guideline sentence for drug and property offenses, only an offender score need be computed. Once the offender score has been determined, the guideline sentence range is found by referring to either the "Property Offense Sentencing Matrix" (See sample case, worksheet and sentencing matrix on pp. 19-22.), or the "Drug Offense Sentencing Matrix" (See sample case, worksheet and sentencing matrix on pp. 24-27.)

2.21 Computation of the Offender Score

The offender score is derived by totaling the points represented by certain attributes of the offender which are considered important to the sentencing decision. These attributes are:

Relationship to the criminal justice system when the instant count occurred
Juvenile delinquency
Adult criminal record
Prior adult parole/probation violation
Employment record

Following are a description of each item and an interpretation of its scoring.

A. Relationship to CJS When Instant Count Occurred

0 = None or Pending Cases
1 = Court or Other Criminal Justice Supervision

Unless the offender is under legal supervision resulting from a final conviction for a criminal offense, this factor should be scored as "0".

B. Juvenile Delinquency

0 = Not More Than One Finding of Delinquency
1 = Two or More Findings Without Commitment or One Commitment
2 = Two or More Commitments

If the offender is over 25, any juvenile record should be excluded from consideration. Hence any offender who is 26 or older will be scored "0".

C. Adult Criminal Record

0 = None
1 = Minor
2 = Moderate
3 = Major

If an offender has no prior adult criminal convictions, score "0". If he has ever been convicted of a criminal offense as an adult, a preliminary point system is used to determine whether his record should be considered minor, moderate or major.

For each adult conviction, the offender receives from 1 to 30 points depending on the seriousness category of the offense and the type of penalty imposed. To determine the number of points for each prior conviction use Table I on page 9, matching appropriate Seriousness Category and Penalty.

When the points for all prior convictions are added together, if the total is 1 to 20 points, the offender's record is "Minor" and he receives a score of "1"; 21 to 45 points is "Moderate" and scored "2"; 46 or more points denotes a "Major" adult criminal record which is scored "3".

If an offender has lived in the community for at least five years prior to the instant offense without parole or probation supervision and without committing any crime, his criminal record should be lowered one level, from major to moderate, from moderate to minor, or from minor to none.

D. Prior Conviction for Same Type of Offense

0 = No
1 = Yes

Score "0" if the offense is a drug crime and the offender has never before been convicted of a drug crime, or if the offense is a property crime and he has not previously been convicted of a property crime. Give the offender one point if the instant offense is a drug offense and he has at least one previous drug conviction, or if the instant offense is a property offense and he has at least one previous conviction for a property offense.

E. Prior Adult Parole/Probation Violations

0 = No
1 = Yes

Score "0" if offender has never before been on parole or probation or if he has successfully completed any period of supervision. Add one point to the offender score if offender has ever violated the conditions of his parole or probation. If offender was on parole or probation at the time of the instant offense, do not count a violation here, as he will already have been penalized in "A" above.

F. Employment Record

See errata sheet

-1 = Favorable
0 = Unknown or Not Applicable
1 = Unfavorable

An offender should have one point subtracted from his offender score if he has a favorable employment record. A favorable employment record is defined as continuous employment for the two years immediately preceding the instant offense or a confirmed job to go to after sentencing.

To obtain the offender score, add the relevant points in A, B, C, D, E, and F. The maximum offender score is "9", the minimum is "-1".

2.22 Using the Property Crime Sentencing Matrix

See errata sheet

After computing the offense score, the guideline sentence range is determined by referring to Appendix B on page 31, "Property Crime Sentencing Matrix." Then locate the instant offense in the Offense List on the left side of the matrix. If the exact offense is not listed, use one of similar type and seriousness. Finally, locate the cell which is the intersection of the appropriate offense row and offender score column. Thus, if the offense was Daytime Housebreaking and the offender score 1, the guideline sentence range in probation would be 6 months.

SAMPLE

PROPERTY OFFENSE

OFFENDER'S NAME: M_____ B_____

DATE OF BIRTH: 12/10/55

SEX: Male

RACE: Black

EDUCATION: High school graduate

EMPLOYMENT: Employed as a laborer, April-August 1978; fired for excessive absences. Parking attendant, August-November 1974; quit for unknown reasons.

DOCKET #: 00000001

DATE OF OFFENSE: 9/24/80

DATE OF PLEA/VERDICT: 2/4/81

DISPOSITION TYPE: Non-ABA plea

JURISDICTION: Prince George's County

CONVICTED COUNT(S): Daytime housebreaking (27§30~~6~~) see errata sheet

OFFENSE DESCRIPTION

On September 24, 1980, at 10:00 A.M., a witness observed the offender enter a neighbor's house through a rear window. The witness contacted the police who responded promptly and caught the offender attempting to flee from the residence through a basement window. After being advised of his rights, the offender admitted breaking into the residence and attempting to remove several articles. The offender was charged with Daytime Housebreaking to which he pled guilty on February 4, 1981.

OFFENDER'S PRIOR RECORD

Juvenile: Placed under Consent Decree in 1973 for purse snatch. While under supervision, offender was placed on probation for robbery, force and violence.

Adult:	Date	Offense	Disposition
	12/3/76	Armed robbery	Sentenced to 6 years indeterminate under FYCA; maximum release
	1/19/79	U.U.V	120 days concurrent

OFFENDER'S PAROLE AND PROBATION HISTORY

The offender was supervised on parole from July, 1978 until his reincarceration for parole violation in March, 1979. He was re-paroled in March, 1980. On October 20, 1980, a warrant was requested due to the offender's involvement in the instant offense.

SAMPLE

MARYLAND SENTENCING GUIDELINES PROJECT — Sentencing Worksheet: Property or Drug Offenses

Offender Name (Last, First, Middle) M. B.	Date of Offense 9 / 24 / 80	Docket Number 00000001
Birthdate 12 / 10 / 55 — [x] Male [ ] Female	Date of Sentencing / /	Sentencing Judge
[x] White [ ] Hispanic [ ] Asian [ ] Black [ ] Amer. Ind. [ ] _____	Instant Count (Title, Md. Code Article and Section) Daytime Housebreaking (27§30b)	
	Disposition Type [ ] ABA Plea [x] Non-ABA Plea [ ] Court Trial [ ] Jury Trial	
Highest Education [ ] Less Than High School [x] High School/GED [ ] More Than High School	Date of Plea/Verdict 2 / 4 / 81	Jurisdiction [ ] Balto. City [ ] Harford [ ] Mont. [x] P.G.
	Number of Convicted Counts At This Sentencing Event: 1	PSI [x] Yes [ ] No

Circle appropriate number in each item below; total circled numbers.

OFFENDER SCORE

A. Relationship to CJS When Instant Count Occurred

0 = None or Pending Cases
(1) = Court or Criminal Justice Supervision

B. Juvenile Delinquency

0 = Not More Than One Finding of Delinquency
(1) = Two or More Findings Without Commitment or One Commitment
2 = Two or More Commitments

C. Adult Criminal Record

0 = None
1 = Minor
(2) = Moderate
3 = Major

D. Prior Conviction for Same Type Offense

0 = No
(1) = Yes

E. Prior Adult Parole/Probation Violations

0 = No
(1) = Yes

F. Employment Record

-1 = Favorable
0 = Unknown or Not Applicable
(1) = Unfavorable

[7] TOTAL OFFENDER POINTS

GUIDELINES SENTENCE 3 to 7 years

ACTUAL SENTENCE

REASONS (IF ACTUAL SENTENCE DIFFERS FROM GUIDELINE SENTENCE)

SAMPLE

COMPUTATION OF OFFENDER SCORE

Property Offense

OFFENDER SCORE

A. Relationship to CJS When Instant Count Occurred

On parole at time of instant offense — 1 POINT

B. Juvenile Delinquency

2 findings of delinquency; no commitments — 1 POINT

C. Adult Criminal Record

6 years for armed robbery (FYCA)	=	25 points
120 days for unauthorized use	=	1 point
Total Criminal History Score		26

21-45 points = Moderate Criminal Recors — 2 POINTS

D. Prior Conviction for Same Type Offense

Conviction for unauthorized use — 1 POINT

E. Prior Adult Parole/Probation Violations

Violated parole on March 29, 1979 — 1 POINT

F. Employment Record

No significant employment for past two years and no job to go to — 1 POINT

TOTAL OFFENDER SCORE 7 POINTS

For the guideline sentence, see the Sample Sentencing Matrix for Property Offenses on the following page.

SENTENCING MATRIX
PROPERTY OFFENSES

Offense	Offender Score -1	0	1	2	3	4	5	6	7	8	9
Arson, Barrack (27-8) Breaking & Entering (27-31A) Theft Less Than $300. (27-342) Other Misdemeanors	P-1M	P-3M	P-3M	1M-1Y	1M-1Y	6M-3Y	6M-3Y	6M-3Y	2Y-5Y	2Y-5Y	2Y-5Y
Attempted Arson, Dwelling or Bldg. (27-10) Bribery (27-23) Daytime Housebreaking (27-30~~a~~ b) Forgery & Uttering (27-44) Storehousebreaking $5 or More (27-33) Storehousebreaking Day/Night (27-32) Theft Greater Than $300. (27-342)	see errata sheet P-3M	P-3M	P-6M	3M-3Y	2Y-5Y	2Y-6Y	3Y-7Y	3Y-7Y	3Y-7Y	5Y-10Y	5Y-12Y
Arson, Building (27-7) Burglary (27-29 & 30a)	P-6M	3M-2Y	6M-3Y	1Y-5Y	2Y-5Y	4Y-10Y	4Y-10Y	5Y-10Y	6Y-14Y	6Y-15Y	10Y-20Y

P = Probation
M = Months
Y = Years

2.23 Using the Drug Offense Sentencing Matrix

Once the offender score has been computed, refer to Appendix B, page 32, "The Drug Offense Sentencing Matrix." Like the Property Offense Sentencing Matrix, the Drug Sentencing Matrix lists the offenses on the left. Locate the cell which matches the conviction count and the appropriate offender score. For example, if the instant count to be sentenced was Possession With Intent to Distribute and the offender score is 3, the guideline sentence range would be 3 to 5 years.

For drug convictions under Article 27, Section 293 (second or subsequent offenses) the guidelines sentence is determined by doubling the appropriate sentence from the Drug Offense Sentencing Matrix.

SAMPLE

SAMPLE

DRUG OFFENSE

OFFENDER'S NAME: A_____ D_____

DATE OF BIRTH: 5/6/50

SEX: Male

RACE: White

EDUCATION: High school graduate

EMPLOYMENT: Unverified employment as title clerk, 8/77-6/78; sporadic employment as gas station attendant, 10/73-7/76

DOCKET #: 00000003

DATE OF OFFENSE: 8/24/78

DATE OF PLEA/VERDICT: 3/1/79

DISPOSITION TYPE: Non-ABA Plea

JURISDICTION: Montgomery County

CONVICTED COUNT(S): CDS Dist.--LSD (27§286)

OFFENSE DESCRIPTION

On August 24, 1978, a police officer assigned to the Vice Narcotic Division, and working in an undercover capacity purchased 100 doses of LSD from the offender for $200. On September 1, 1978, the offender was placed under arrest and incarcerated.

The offender was charged with Distribution of LSD (27§286) and pled guilty as charged on March 1, 1979.

OFFENDER'S PRIOR CRIMINAL RECORD

Juvenile: None

Adult:

Date	Offense	Disposition
7/19/71	Larceny over $100	90 days, suspended; 1 year probation
9/12/72	Possession with intent to distribute marijuana	1 year, suspended; 1 year probation
4/24/73	Destruction of property	6 months, suspended; 1 year probation
6/22/76	Larceny after trust	Imposition of sentence suspended; 3 years probation
10/1/76	Violation of probation	Probation extended

OFFENDER'S PAROLE AND PROBATION HISTORY

The offender was first placed on probation in 1971 for 1 year following a larceny conviction. This probationary period was terminated satisfactorily. The offender later completed two additional probationary periods, one for a CDS conviction in 1972 and one for destruction of property in 1974. He was placed on 3 years probation in June, 1976, for larceny after trust. For violating probation by taking an overdose of Nembutal, his probation was extended. He was still on probation at the time of the instant offense.

SAMPLE

MARYLAND SENTENCING GUIDELINES PROJECT — Sentencing Worksheet: Property or Drug Offens

Offender Name (Last, First, Middle) D. H.	Date of Offense 8 / 24 / 78	Docket Number 00000002
Birthdate 5 / 6 / 50 — [x] Male [ ] Female	Date of Sentencing / /	Sentencing Judge
[x] White [ ] Hispanic [ ] Asian [ ] Black [ ] Amer. Ind. [ ] _____	Instant Count (Title, Md. Code Article and Section) CDS Distribution--LSD (27§286)	
	Disposition Type [ ] ABA Plea [x] Non-ABA Plea [ ] Court Trial [ ] Jury Tr	
Highest Education [ ] Less Than High School [x] High School/GED [ ] More Than High School	Date of Plea/Verdict 3 / 1 / 79	Jurisdiction [ ] Balto. City [ ] Harford [x] Mont. [ ] P.G
	Number of Convicted Counts At This Sentencing Event: 1	PSI [x] Yes [ ] No

Circle appropriate number in each item below; total circled numbers.

OFFENDER SCORE

A. Relationship to CJS When Instant Count Occurred

0 = None or Pending Cases
(1) = Court or Criminal Justice Supervision

B. Juvenile Delinquency

(0) = Not More Than One Finding of Delinquency
1 = Two or More Findings Without Commitment or One Commitment
2 = Two or More Commitments

C. Adult Criminal Record

0 = None
1 = Minor
(2) = Moderate
3 = Major

D. Prior Conviction for Same Type Offense

0 = No
(1) = Yes

E. Prior Adult Parole/Probation Violation:

0 = No
(1) = Yes

F. Employment Record

-1 = Favorable
0 = Unknown or Not Applicable
(1) = Unfavorable

6 TOTAL OFFENDER POINTS

GUIDELINES SENTENCE 2-1/2 to 4 years

ACTUAL SENTENCE

REASONS (IF ACTUAL SENTENCE DIFFERS FROM GUIDELINE SENTENCE)

SAMPLE

COMPUTATION OF OFFENDER SCORE

Drug Offense

OFFENDER SCORE

A. Relationship to CJS When Instant Count Occurred

Serving three years probation for larceny	1 POINT

B. Juvenile Delinquency

Juvenile record not applicable because offender is over 25 years old	0 POINTS

C. Adult Criminal Record

1 year probation for larceny over $100	= 8 points
1 year probation for possession with intent to distribute marijuana	= 12 points
1 year probation for destruction of property	= 2 points
3 years probation for larceny after trust	= 8 points
Total Criminal History Score	30

21-45 points = Moderate Criminal Record	2 POINTS

D. Prior Conviction for Same Type Offense

Convicted of possession with intent to distribute marijuana in 1973	1 POINT

E. Prior Adult Parole/Probation Violations

Violated probation in 1976	1 POINT

F. Employment Record

No continuous employment for past two years and no job to go to after sentencing	1 POINT

TOTAL OFFENDER SCORE	6 POINTS

For the guideline sentence range, see the Sample Sentencing Matrix for Drug Offenses on the following page.

SENTENCING MATRIX

DRUG OFFENSES

Offense	Offender Score -1	0	1	2	3	4	5	6	7	8	9
Possession of Marijuana (27-287)	P	P	P	P	0-3M	3M-6M	3M-6M	6M-9M	9M-12M	9M-12M	9M-12M
CDS Possession, Except Marijuana (27-287)	P	0-6M	0-12M	6M-18M	1Y-2Y	2Y-2½Y	2Y-2½Y	2½Y-3½Y	2½Y-3½Y	3½Y-4Y	3½Y-4Y
CDS Distribution Schedule I-V Not PCP or Schedule I-II Narcotic (27-286)	P-12M	P-12M	6M-18M	6M-18M	1Y-2 Y	1Y-2½Y	2Y-3Y	2½Y-4Y	3Y-4Y	4Y-5Y	4Y-5Y
Distribution PCP (27-286)	6M-2Y	6M-2Y	1Y-3Y	2Y-4Y	3Y-5Y	4Y-6Y	5Y-7Y	6Y-8Y	7Y-9Y	8Y-10Y	8Y-10Y
CDS Distribution Schedule I and II Narcotic (27-286)	6M-3Y	6M-3Y	1Y-4Y	2Y-5Y	3Y-7Y	5Y-10Y	6Y-12Y	8Y-14Y	10Y-16Y	12Y-20Y	15Y-20Y

P = Probation
M = Months
Y = Years

APPENDIX A

MARYLAND GUIDELINES OFFENSES

Seriousness Category I

Offense	Code Section	Type of Offense
Murder, 1st Degree	27§407	Person
Murder, 2nd Degree	27§411	Person
Rape, 1st Degree	27§462	Person
Rape	CL[1]	Person
Sex Offense, 1st Degree	27§464	Person

Seriousness Category II

Arson, Dwelling	27§6[2]	Property
Assault With Intent to Maim	27§386	Person
Assault With Intent to Murder	27§12	Person
Assault With Intent to Rape	27§12	Person
Controlled Dangerous Substance, 2nd Offense	27§293	Drug
Kidnapping	27§337	Person
Malicious Injury	27§385	Person
Murder, Attempted	CL	Person
Rape, 2nd Degree	27§463	Person
Robbery With A Deadly Weapon	27§488	Person
Sex Offense, 2nd Degree	27§464A	Person

Seriousness Category III

Arson, Building	27§7	Property
Assault With Intent to Rob	27§12	Person
Burglary	27§29	Property
Burglary	CL	Property
Child Abuse	27§35A	Person
Controlled Dangerous Substance Distribution, etc.	27§286	Drug
Handgun Offense, Second	27§36B(b)(ii)	Person
Handgun Violation	27§36B(b)(iv)	Person
Housebreaking, Statutory Nighttime	27§30(a)	Property
Manslaughter	27§387	Person
Manslaughter	CL	Person
Robbery	27§486	Person
Robbery	CL	Person

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1. CL = Common Law
2. At present there are no sentencing guidelines for Arson, Dwelling, but it is considered a Seriousness Category II offense and is included here for purposes of computing adult criminal records.

APPENDIX A (Cont'd)

Seriousness Category IV

Offense	Code Section	Type of Offense
Assault and/or Battery	CL	Person
Attempted Arson, Dwelling or Building	27§10	Property
Bribery	27§23	Property
Controlled Dangerous Substance Possession, Except Marijuana	27§287	Drug
Daytime Housebreaking	27§30(b)	Property
Extortion, $300 or More	27§562B	Person
False Imprisonment	CL	Person
Forgery	27§44	Property
Forgery	CL	Property
Sex Offense, 3rd Degree	27§464B	Person
Sodomy	27§553	Person
Storehousebreaking, Day/ Night	27§32	Property
Storehousebreaking, $5 or More	27§33	Property
Theft, $300 or More	27§342	Property
Uttering	CL	Property

Seriousness Category V

Manslaughter by Motor Vehicle	27§388	Person
Pandering	27§426	Person

Seriousness Category VI

Arson, Barrack	27§8	Property
Breaking & Entering	27§31A	Property
Controlled Dangerous Substance, Possession Marijuana	27§287	Drug
Theft, less than $300	27§342	Property
Other Misdemeanors		Person, Drug or Property

APPENDIX B

SENTENCING MATRICES

SENTENCING MATRIX
OFFENSES AGAINST PERSONS

Offender Score

Offense Score	-1	0	1	2	3	4	5	6	7	8	9
1	P	P	P	3M-2Y	3M-2Y	3M-2Y	3M-2Y	6M-3Y	1Y-5Y	1Y-5Y	1Y-
2	P-1Y	P-1Y	3M-2Y	3M-2Y	3M-2Y	3M-2Y	1Y-4Y	3Y-8Y	4Y-8Y	4Y-8Y	4Y-
3	P-1Y	P-2Y	1Y-5Y	3Y-8Y	3Y-8Y	3Y-8Y	3Y-8Y	5Y-10Y	5Y-10Y	5Y-10Y	5Y-
4	P-2Y	P-3Y	3Y-8Y	3Y-8Y	4Y-10Y	4Y-10Y	4Y-10Y	5Y-10Y	5Y-10Y	5Y-10Y	5Y-
5	P-4Y	P-4Y	3Y-9Y	4Y-9Y	4Y-10Y	4Y-10Y	6Y-12Y	6Y-12Y	6Y-14Y	6Y-14Y	6Y-
6	1Y-4Y	3Y-6Y	3Y-10Y	4Y-10Y	5Y-10Y	5Y-10Y	8Y-15Y	8Y-15Y	10Y-20Y	10Y-20Y	10Y-
7	2Y-6Y	3Y-7Y	4Y-10Y	5Y-10Y	5Y-10Y	5Y-10Y	9Y-15Y	9Y-15Y	12Y-20Y	12Y-20Y	12Y-
8	3Y-7Y	4Y-8Y	5Y-10Y	6Y-12Y	6Y-12Y	6Y-12Y	10Y-15Y	10Y-15Y	12Y-25Y	12Y-25Y	12Y-
9	3Y-9Y	4Y-10Y	6Y-12Y	8Y-15Y	8Y-15Y	8Y-16Y	15Y-30Y	15Y-30Y	25Y-L	25Y-L	25
10	8Y-15Y	8Y-15Y	8Y-15Y	8Y-16Y	8Y-16Y	10Y-25Y	15Y-30Y	25Y-L	25Y-L	25Y-L	25
11	9Y-16Y	9Y-16Y	9Y-16Y	9Y-16Y	15Y-30Y	17Y-30Y	17Y-30Y	25Y-L	25Y-L	25Y-L	25
12	10Y-17Y	12Y-20Y	12Y-20Y	15Y-30Y	18Y-35Y	18Y-35Y	25Y-L	25Y-L	25Y-L	25Y-L	25
13	12Y-20Y	14Y-22Y	14Y-22Y	18Y-35Y	20Y-40Y	20Y-40Y	25Y-L	25Y-L	30Y-L	30Y-L	30

P = Probation
M = Months
Y = Years
L = Life

SENTENCING MATRIX
PROPERTY OFFENSES

Offense	Offender Score -1	0	1	2	3	4	5	6	7	8	9
Arson, Barrack (27-8) Breaking & Entering (27-31A) Theft Less Than $300. (27-342) Other Misdemeanors	P-1M	P-3M	P-3M	1M-1Y	1M-1Y	6M-3Y	6M-3Y	6M-3Y	2Y-5Y	2Y-5Y	2Y-5Y
Attempted Arson, Dwelling or Bldg. (27-10) Bribery (27-23) Daytime Housebreaking (27-30~~a~~ b) Forgery & Uttering (27-44) Storehousebreaking $5 or More (27-33) Storehousebreaking Day/Night (27-32) Theft Greater Than $300. (27-342)	see errata sheet P-3M	P-3M	P-6M	3M-3Y	2Y-5Y	2Y-6Y	3Y-7Y	3Y-7Y	3Y-7Y	5Y-10Y	5Y-12Y
Arson, Building (27-7) Burglary (27-29 & 30a)	P-6M	3M-2Y	6M-3Y	1Y-5Y	2Y-5Y	4Y-10Y	4Y-10Y	5Y-10Y	6Y-14Y	6Y-15Y	10Y-20Y

P = Probation
M = Months
Y = Years

SENTENCING MATRIX
DRUG OFFENSES

Offense	Offender Score -1	0	1	2	3	4	5	6	7	8	9
Possession of Marijuana (27-287)	P	P	P	P	0-3M	3M-6M	3M-6M	6M-9M	9M-12M	9M-12M	9M-12M
CDS Possession, Except Marijuana (27-287)	P	0-6M	0-12M	6M-18M	1Y-2Y	2Y-2½Y	2Y-2½Y	2½Y-3½Y	2½Y-3½Y	3½Y-4Y	3½Y-4Y
CDS Distribution Schedule I-V Not PCP or Schedule I-II Narcotic (27-286)	P-12M	P-12M	6M-18M	6M-18M	1Y-2 Y	1Y-2½Y	2Y-3Y	2½Y-4Y	3Y-4Y	4Y-5Y	4Y-5Y
Distribution PCP (27-286)	6M-2Y	6M-2Y	1Y-3Y	2Y-4Y	3Y-5Y	4Y-6Y	5Y-7Y	6Y-8Y	7Y-9Y	8Y-10Y	8Y-10Y
CDS Distribution Schedule I and II Narcotic (27-286)	6M-3Y	6M-3Y	1Y-4Y	2Y-5Y	3Y-7Y	5Y-10Y	6Y-12Y	8Y-14Y	10Y-16Y	12Y-20Y	15Y-20Y

P = Probation