

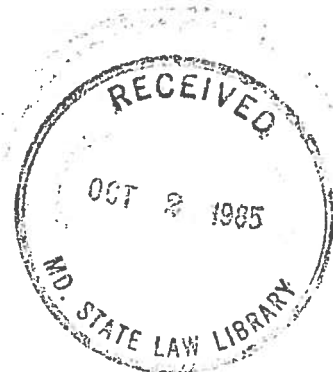
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MARYLAND SENTENCING GUIDELINES MANUAL

Administrative Office of the Courts  
Courts of Appeal Building

Annapolis, Maryland 21401



ADMINISTRATIVE OFFICE OF THE COURTS  
SENTENCING GUIDELINES PROJECT

1748 FOREST DRIVE  
ANNAPOLIS, MARYLAND 21401  
269-2061

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TTY FOR DEAF:  
ANNAPOLIS AREA P269-2909

WASHINGTON AREA P261-1402

STATE COURT ADMINISTRATOR  
JAMES H. NORRIS, JR.



DEPUTY STATE COURT ADMINISTRATOR  
ROBERT W. McKEEVER

MEMORANDUM

TO: Maryland Sentencing Guidelines User  
FROM: Patricia R. Nelson *[Signature]*  
DATE: October 2, 1985  
SUBJECT: Sentencing Guidelines Manual Revision

Attached please find revised pages for the Maryland Sentencing Guidelines Manual. Please:

Discard cover page and replace with new cover page. ✓

Discard pages i through v, and replace with Revised pages i-v. ✓

Discard pages 3 and 4, replace with Revised pages 3 and 4. ✓

Discard pages 7 and 8, replace with Revised pages 7 and 8. ✓

Discard pages 11 through 14, and replace with Revised pages 11-14. ✓

Discard pages 17 through 22, and replace with Revised pages 17-21. ✓

Discard pages 23 through 32, and replace with Revised pages 23-32.  
(Pages 33-42 were eliminated in previous revisions.) ✓

Discard pages 43 and 44, and replace with Revised pages 43 and 44. ✓

Add page 52a to be used as an alternative page. ✓

PRN:hs

ADMINISTRATIVE OFFICE OF THE COURTS  
SENTENCING GUIDELINES PROJECT

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ROBERT W. MCKEEVER

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PATRICIA R. NELSON  
RESEARCH DIRECTOR  
MARK H. BRADSHAW

MEMORANDUM

TO: Maryland Sentencing Guidelines User  
FROM: Patricia R. Nelson  
DATE: July 9, 1984  
SUBJECT: Sentencing Guidelines Manual Revision (May, 1984)

Attached please find revised pages for the Maryland Sentencing Guidelines Manual. Please:

- Discard pages i through v, and replace with Revised pages i-v.
- Discard pages 1 through 21 and replace with Revised pages 1-22.
- Discard pages 23 through 41 and replace with Revised pages 23-32.
- Discard pages 43 through 48 and replace with Revised pages 43-48.
- Discard page 63 and replace with Revised page 63.
- Discard pages 67 through 71 and replace with Revised pages 67-71.
- Discard pages 75 and 76 and replace with Revised page 75-76.
- Discard pages 79 through 122 and replace with Revised pages 79-116.

PRN/ycc

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## PREFACE

The Maryland sentencing guidelines cover most criminal cases originating in a Circuit Court. Based on sentencing experience in Maryland, the guidelines were first developed, with staff assistance, by a Board of judges, legislators, and other representatives of the Criminal Justice System.

The chief goals of sentencing guidelines are:

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.

Sentencing guidelines make it possible to take into account systematically and publicly the most common variations in offenders and their offenses, within the current sentencing framework. Systematic sentencing can be achieved by having the judiciary, as a body, agree on certain core factors and their weights, to be considered in making sentencing decisions. It should be emphasized that sentencing guidelines are, as the name implies, guidelines to assist judges in sentencing. They are not mandatory. Guidelines complement rather than replace the judicial decision-making process or the proper exercise of judicial discretion.

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PART 1

GENERAL INSTRUCTIONS

1.1 GUIDELINE OFFENSES

*Person Offenses*  
(Sample Case 1,  
p. 65)

*Drug Offenses*  
(Sample Case 2,  
p. 69)

*Property Offenses*  
(Sample Case 3,  
p. 73)

The types of offenses covered by the guidelines are offenses against persons, drug offenses, and property offenses, tried under the jurisdiction of a 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. Also included in this category are all weapons offenses. Drug offenses are those involving controlled dangerous substances or related paraphernalia. Property offenses are offenses where property is unlawfully damaged or taken. A list of many Maryland offenses appears in Appendix A, page 23. If an offense is not listed, call the Sentencing Guidelines Office for assistance or, if computing prior record, note for the judge that this conviction has been omitted from the calculation.

*Exclusions*

Certain sentencing matters handled by judges in the Circuit Court are excluded from guidelines coverage. The exclusions are:

- °Arson of a dwelling
- °Escapes
- °Prayers for jury trial from District Court
- °Appeals from District Court
- °Parole or probation revocations
- °Crimes which carry no possible penalty of incarceration
- °Mandatory sentences for crimes of violence under Article 27§643B
- °First Degree Murder convictions pursuant to Article 27§413 (death penalty)<sup>1</sup>
- °Crimes which are not person, drug or property crimes

*Informational  
Worksheets*

However, informational worksheets should be completed for Arson of a Dwelling and offenses sentenced under Article 27§§413 and 643B.

---

<sup>1</sup>Unless Article 27§413 is invoked, the guideline sentence for First Degree Murder is Life.

## 1.2 GUIDELINE WORKSHEET

*One Criminal Event,  
Up to Three  
Counts, Per  
Worksheet*

The Sentencing Guidelines Worksheet is to be used for up to three convicted counts in a single criminal event. A single criminal event is defined as one or more crimes committed in the course of the same transaction. At least one worksheet must be used for each criminal event. If there are more than three convicted counts in a single criminal event, additional worksheets are to be used as needed for that event.

Prior to any sentencing decision using the guidelines, a worksheet should be completed, down to the "Actual Sentence" section, on each convicted count for which the offender is to be sentenced. A copy of the worksheet appears in Table 1. The worksheet is printed on six-part pressure-sensitive paper, so care must be used to make sure that all copies are legible.

*Worksheets  
Completed by*

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 order a presentence investigation, he or she can complete the worksheet personally or delegate the task to opposing counsel, the courtroom clerk, or one of the judge's staff. Regardless of who completes the worksheets, it is the responsibility of the judge to review the worksheets for completeness and accuracy.

*Preliminary  
Worksheet  
Distribution*

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

*Additions or  
Corrections to  
Worksheets*

## 1.3 GUIDELINE SENTENCE

*Non-Suspended  
Incarceration*

The guideline sentence, based on the type of offense and type of offender, is given as a range. The guidelines sentence range represents only non-suspended time. Therefore, if the guideline range for a particular case is 6-12 years, the judge will be within the guidelines if he gives a sentence such as 10 years with 4 years suspended or 15 years with 5 years suspended. If, however, he gave 6 years, all suspended, the sentence would be outside the guidelines.

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle)		BIRTHDATE		1 Male 2 Female		1 White 2 Black 3 Hisp 4 Other	
DATE OF OFFENSE	DATE OF PLEA/VERDICT	DATE OF SENTENCING	HOW MANY CONVICTED COUNTS AT THIS SENTENCING?	HOW MANY CRIMINAL EVENTS AT THIS SENTENCING?	WORKSHEET #	OF	PSI	1 Yes 2 No	
CONVICTED COUNT TITLE		MD. CODE, ART. & SECTION	-TAT. MAX.		GUIDELINE RANGE		DOCKET NUMBER		
1st Count									
2nd Count									
3rd Count									
DISPOSITION TYPE (Circle Only One)	OFFENSE SCORE (\$) (Offense Against a Person Only)		OFFENDER SCORE		AOC USE ONLY. DO NOT WRITE IN SPACE BELOW				
0 Charge Bargain	1st Ct. 01 02 03 04 05 06 07 08 09 10		A. Relationship to CJS When Instant Count Occurred 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision		INC — — — — — SUS — — — — — ACT — — — — — STA — — — — — CON — — — — — PRO — — — — —				
1 Binding Plea Agreement as to Actual Sentence	2nd Ct. 01 02 03 04 05 06 07 08 09 10		B. Juvenile Delinquency 0 = Not More Than One Finding of Delinquency 1 = Two or More Findings Without Commitment or One Commitment		SUS — — — — — ACT — — — — — CON — — — — — PRO — — — — —				
2 Binding Plea Agreement as to Sentence Maximum or Range of	3rd Ct. 01 02 03 04 05 06 07 08 09 10		C. Prior Adult Criminal Record 0 = None 1 = Minor 3 = Moderate 5 = Major		SUS — — — — — ACT — — — — — CON — — — — — PRO — — — — —				
3 Plea Agreement-Non-Binding Recommendation of	4th Ct. 01 02 03 04 05 06 07 08 09 10		D. Prior Adult Parole/Probation Violations 0 = No 1 = Yes		SUS — — — — — ACT — — — — — CON — — — — — PRO — — — — —				
4 Plea, No Agreement	5th Ct. 01 02 03 04 05 06 07 08 09 10		TOTAL OFFENDER SCORE		USE — — — — —				
5 Other Guilty Plea	6th Ct. 01 02 03 04 05 06 07 08 09 10		REASON IF ACTUAL SENT. DEPARTS FROM GUIDELINE RANGE/ADDITIONAL INFO.						
6 Court Trial, Contested Facts (No Plea Agreement)	7th Ct. 01 02 03 04 05 06 07 08 09 10								
7 Court Trial, Uncontested Facts, Contested Legal Issue (No Plea Agreement)	8th Ct. 01 02 03 04 05 06 07 08 09 10								
8 Jury Trial									
OVERALL GUIDELINE RANGE (For Multiple Counts Only)	ACTUAL SENTENCE (Check Boxes when Sentenced as Subsequent Offender)		OFFENSE SCORE (\$)						
1st Convicted Count	1st Convicted Count		1st Convicted Count						
2nd Convicted Count	2nd Convicted Count		2nd Convicted Count						
3rd Convicted Count	3rd Convicted Count		3rd Convicted Count						
to									
INSTITUTIONAL/PAROLE RECOMMENDATION									
STATE'S ATTORNEY		SENTENCING JUDGE		SIGNATURE					
DEFENSE ATTORNEY									
WORKSHEET COMPLETED BY									

## *Probation*

Within statutory limits, the length of any probation imposed is left to the discretion of the judge. The sentencing guidelines do not address the length or conditions of probation, although the length of probation should be indicated on the worksheet.

### 1.4 ACTUAL SENTENCE

#### *Judge Enters Actual Sentence*

At the time of sentencing, the actual sentence is to be entered by the sentencing judge on the worksheet. The sentence, including credit for time served, suspended time, or probation, should be included in this section.

If the judge reconsiders his sentence within 90 days, he or she should send notification of that change to the sentencing Guidelines office. The offender's name and docket number are all that need to be included, together with the new sentence.

### 1.5 SENTENCES OUTSIDE THE GUIDELINES

#### *Written Reasons for Departure from Guidelines*

Whenever a sentence outside the recommended guideline range is imposed, the judge should give written reasons on the guideline worksheet. Reasons for going outside the guidelines should indicate specifically why the sentence actually imposed is more appropriate, reasonable, or equitable than a sentence within the guidelines. These reasons may be brief, but should be substantive. Although the guidelines are advisory to the sentencing judge, it is expected that he or she will deviate from the guidelines only when circumstances are compelling.

### 1.6 GUIDELINE WORKSHEET DISTRIBUTION

#### *Color Coding*

Copies of each guideline worksheet should be distributed as follows:

White	- Sentencing Judge
Blue	- Administrative Office of the Courts (Maryland Sentencing Guidelines)
<u>Green</u>	<u>(a) Attached to commitment order if defendant receives any period of incarceration; or</u> <u>(b) Attached to probation order if defendant is put on probation immediately.</u>
Yellow	- Court File
Pink	- State's Attorney
Gold	- Defense Counsel

The sentencing judge and opposing counsel should have received or completed their copies prior to sentencing. When a presentence investigator fills in a worksheet, he should send the judge the first four copies, together with the presentence investigation (PSI) and the Maryland Sentencing Guidelines Criteria for Prior Record. If no PSI is ordered, the judge will have decided who is to fill in the worksheets.

At sentencing, the actual sentence and any changes to the worksheet should be entered by the judge and recorded by the two attorneys on their copies.

After sentencing, the judge distributes the remaining three copies, blue, green and yellow, other than his own to the indicated recipients according to individual court practice. With the blue worksheets sent to the Administrative Office of the Courts, the judge should include the "Maryland Sentencing Guidelines Criteria for Prior Record" form. (See page 46.) The institution receiving a prisoner eligible for parole will duplicate a copy of the worksheet it receives for the Parole Commission.

## PART 2

### USING THE GUIDELINE WORKSHEET

#### 2.1 CASE INFORMATION

#### *General Information*

The top section of the worksheet, as shown in Table 2, contains space for information important for purposes of both case identification and analysis. The items requested are the Offender's name; birthdate; sex; ethnicity; jurisdiction where the case was tried; dates of offense, plea/verdict, and sentencing; number of convicted counts and criminal events at the sentencing being reported; the number of the worksheet and criminal event; whether or not a PSI was available; and the title of the instant count with its Maryland Code article and section number.

Appendix D contains a numeric code for each jurisdiction in the state. The code for the jurisdiction in which the defendant was tried should be used.

TABLE 2  
CASE INFORMATION

<b>MARYLAND SENTENCING GUIDELINES WORKSHEET</b>		OFFENDER NAME (Last, First, Middle)		BIRTHDATE		1 Male 2 Female		3 Hispanic 4 Other		JURISDICTION	
DATE OF OFFENSE		DATE OF PLEA/VERDICT		DATE OF SENTENCING		HOW MANY CONVICTED COUNTS AT THIS SENTENCING?		HOW MANY CRIMINAL EVENTS AT THIS SENTENCING?		WORKSHEET # _____ OF CRIMINAL EVENT # _____	
/ /		/ /		/ /		[ ]		[ ]		PSI 1 Yes 2 No	
CONVICTED COUNT TITLE				JMD CODE, ART & SECTION		STAT. MAX.		SENTENCING RANGE		DOCKET NUMBER	
1st Count											
2nd Count											
3rd Count											

#### *Convicted Counts*

The question as to the number of convicted counts at this sentencing refers to the total number of counts for which one judge must impose a specific sentence at one time and place. Merged counts should not be included as part of this total.

#### *Numbering of Worksheets*

The question as to the number of criminal events at this sentencing refers to the total number of criminal events involved in the single sentencing event. A single criminal event is defined as one or more offenses committed in the course of the same transaction. Multiple criminal events may have occurred on the same or different dates. Offenses which occur on different dates are almost always separate criminal events.

The block for the worksheet number and criminal event number is intended to provide information as to the total number of convicted counts at a single sentencing event. For sentencings involving more than one criminal event, this block should also reflect the chronological order in which the events occurred and which counts were part of which event.

For a single convicted count, the number of convicted counts, the convicted count number, and the criminal event number would all be "1". (See sample case 1, page 65.)

For multiple convicted counts from a single criminal event, the number of convicted counts would be the total for that criminal event. The criminal event would always be "1". (See sample case 4, page 77.)

For multiple counts from more than one criminal event, the number of convicted counts would be the total for the whole sentencing event. Criminal events would be numbered chronologically by date of offense. (See sample case 6, page 91.)

*Convicted Count  
Title*

Spaces are provided on each worksheet for listing up to three convicted count titles for a single criminal event (whether the same or different docket numbers). Convicted count titles and their corresponding Maryland code references may be abbreviated but should be as specific as possible. For example, the count title for a drug violation (even if it is a conspiracy or attempt) should include the name of the drug and whether possession, distribution, etc. was involved. Theft-type offenses should include any relevant dollar categories, such as "Theft Under \$300".

Spaces are provided at the bottom of the worksheet for the signature of the sentencing judge and the names of opposing counsel and the person completing the worksheet.

## 2.2 DISPOSITION TYPES

*Sentencing  
Judge Should  
Indicate  
Disposition  
Type*

The disposition type refers to the nature and circumstances of the conviction and sentencing. Since the probation agent frequently lacks this information, the sentencing judge should make sure it is included. The disposition box, shown in Table 3, should be marked according to the conditions described there. Only one type of disposition should be marked.

TABLE 3  
DISPOSITION TYPE

- |  |
|--|
| <p><b>DISPOSITION TYPE</b><br/>(Circle Only One)</p> <p>0 Charge Bargain</p> <p>1 Binding Plea Agreement<br/>as to Actual Sentence</p> <p>2 Binding Plea Agreement<br/>as to Sentence Maximum<br/>or Range of _____</p> <p>3 Plea Agreement-Non-<br/>Binding Recommendation<br/>of _____</p> <p>4 Plea, No Agreement</p> <p>5 Other Guilty Plea</p> <p>6 Court Trial,<br/>Contested Facts<br/>(No Plea Agreement)</p> <p>7 Court Trial,<br/>Uncontested Facts,<br/>Contested Legal Issue<br/>(No Plea Agreement)</p> <p>8 Jury Trial</p> |
|--|

*Charge Bargain*

A Charge Bargain refers to a plea agreement to a reduced charge or charges.

*Binding Plea Agreement as to Actual Sentence*

If the disposition was based on a plea negotiation in which the actual sentence was agreed upon and accepted by the judge as being part of the agreement, then mark the box which indicates "Binding Plea Agreement as to Actual Sentence."

*Binding Plea Agreement as to Maximum or Range*

If the disposition was based on a plea negotiation in which the actual sentence was not to exceed a specified term (sentence cap) or was to be within a specified minimum and maximum term, then mark the box which indicates "Binding Plea Agreement as to Sentence Maximum or Range of \_\_\_\_\_" and fill in the appropriate length of time.

*Plea Agreement, Non-Binding Recommendation*

If the disposition was based on a plea negotiation where there was no binding sentence agreement but where the State made a recommendation as to the sentence, then mark the box which indicates "Non-binding Recommendation of \_\_\_\_\_" and fill in the appropriate length of sentence.

*Plea, No Agreement*

If the defendant pled guilty without any agreement from the prosecutor or judge to perform in a particular way, mark the box "Plea, No Agreement."

*Other Guilty Plea*

If none of the above applies to a guilty plea, mark the box labeled "Other." Included in this category are acceptances of agreed statements of fact.



Court Trials,  
Contested Facts  
No Plea Agreement

If the disposition resulted from a court trial in which the facts were contested and there was no plea agreement, then mark the box "Contested Facts, No Plea Agreement."

Court Trials,  
Uncontested Facts,  
Contested Legal  
Issue, No Plea  
Agreement

If the disposition resulted from a court trial in which there was no plea agreement nor contested facts but a contested legal issue, then mark the box "Uncontested Facts, Contested Legal Issue."

Jury Trial

If the disposition followed a trial by jury, mark the box "Jury Trial".

## 2.3 GUIDELINE SCORING

Offense Score:  
Only for Offense  
Against Persons  
(Sample Case 1,  
p. 65)

For offenses against persons, an offense score and an offender score must be computed for each count to be sentenced. Since there are no special offense characteristics to be used in determining the guideline sentence for drug and property offenses, only an offender score needs to be computed for them.

### 2.3.1 Computation of the Offense Score (Offense Against a Person Only)

Elements of  
the Offense  
(Sample Case 1,  
p. 65)

The offense score for each convicted count is derived by totaling the points represented by certain elements associated with the commission of that offense. These elements may include facts known to the judge but not within the scope of the convicted offense, e.g., weapon usage in a robbery conviction or victim injury in a handgun violation conviction. Any firearm offense is considered a person offense for purposes of computing guidelines.

The four elements of the offense score appear in Table 4 below. A column of offense scores is provided on the worksheet for each of three possible counts within a single criminal event.

TABLE 4  
OFFENSE SCORE

OFFENSE SCORE (S)			
(Offense Against a Person Only)			
1st Cl.	2nd Cl.	3rd Cl.	A. Seriousness Category
01	01	01	= V - VII
03	03	03	= IV
05	05	05	= III
08	08	08	= II
10	10	10	= I
B. Victim Injury			
0	0	0	= No Injury
1	1	1	= Injury, Non-Permanent
2	2	2	= Permanent Injury or Death
C. Weapon Usage			
0	0	0	= No Weapon
1	1	1	= Weapon Other Than Firearm
2	2	2	= Firearm
D. Special Vulnerability of Victim			
0	0	0	= No
1	1	1	= Yes
<input type="text"/>	<input type="text"/>	<input type="text"/>	OFFENSE SCORE (S)

Offense Against  
a Person Only

Following are a description and an interpretation of the scoring for each offense factor.

*Seriousness  
Category*

A. Seriousness Category of the Instant Count

*Conspiracies,  
Attempts and  
Solicitations*

*Accessory Before  
or After the  
Fact*

Points are given on the basis of the Seriousness Category of the instant count (convicted offense). In Appendix A, page 23, Maryland criminal offenses are listed alphabetically with Seriousness Categories. Conspiracies, attempts and solicitations should be considered in the same Seriousness Category as the substantive offense unless specifically addressed by separate statute (e.g., Attempted Arson, Article 27§10). Accessory before or after the fact is considered to be one Seriousness Category below the substantive offense. Worksheets submitted for conspiracy, attempt, solicitation, or accessory should specify the substantive illegal activity involved.

*Victim Injury*

B. Victim Injury

Victim injury may be physical or mental. The latter must be based on confirmed medical diagnosis or psychological treatment. For guideline purposes, mental injury is always to be considered non-permanent.

*Weapon Usage*

C. Weapon Usage

A weapon is any article or device which reasonably appears capable of causing injury or any article that could result in conviction under the concealed weapons statute.

Explosives are to be considered the same as firearms. Weapons other than firearms include incendiaries, knives, tire irons, and clubs. CO<sub>2</sub> guns (including pellet guns), toy pistols and starter pistols are also scored as weapons other than firearms and receive one point.

*Feigned Weapon  
CO<sub>2</sub> Guns, Toy  
Guns, Starter  
Pistols*

Not included are automobiles, unless deliberately used as weapons; or parts of the body, e.g., 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).

Any applicable guidelines points for weapon usage should be given to an accessory before the fact but not to an accessory after the fact.

*Epecially  
Vulnerable  
Victim*

#### D. Special Vulnerability of Victim

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. The handicap may be temporary or permanent.

*Total Offense  
Score*

To obtain an offense score, add the circled points in A, B, C, and D individually for each person offense for which the defendant was convicted.

#### 2.3.2 Computation of the Offender Score

*Offender's  
Criminal History  
(Sample Cases  
1, 2, 3, pp.  
65 - 76)*

The offender score is derived by totaling the points represented by the offender's prior criminal history. The factors comprising this history are shown in Table 5 below.

TABLE 5  
OFFENDER SCORE

*All Offenses*

OFFENDER SCORE	
<b>A. Relationship to CJS When Instant Count Occurred</b>	
0 = None or Pending Cases	
1 = Court or Other Criminal Justice Supervision	
<b>B. Juvenile Delinquency</b>	
0 = Not More Than One Finding of Delinquency	
1 = Two or More Findings Without Commitment or One Commitment	
2 = Two or More Commitments	
<b>C. Prior Adult Criminal Record</b>	
0 = None	
1 = Minor	
3 = Moderate	
5 = Major	
<b>D. Prior Adult Parole/Probation Violations</b>	
0 = No	
1 = Yes	
<div style="border: 1px solid black; width: 40px; height: 20px; margin: 5px 0;"></div>	<b>TOTAL OFFENDER SCORE</b>

Following are a description and an interpretation of the scoring of each offender variable. Any prior criminal activity which the defendant admits is included. Variables A, C and D refer to the defendant's involvement with the Criminal Justice System as an adult.

A. Relationship to CJS When Instant Count  
Occurred

*Offender Under  
Criminal Justice  
Supervision*

If the offender was in the Criminal Justice System as the result of an adjudication of guilt as an adult, this factor should be scored as "1". The defendant may have been on parole, probation, incarcerated, on work release, etc., at the time the offense was committed.

B. Juvenile Delinquency

*Juvenile Record*

Commitments refer to the court's assignment of a juvenile to an institution or other residential facility. Suspended juvenile commitments should be counted as findings of delinquency.

Findings of delinquency are counted the same as convictions would be for an adult; that is there may be more than one as part of a single event. An incarcerable traffic offense in which the court finds a juvenile involved should be treated as part of his or her juvenile record.

*Age Factor for  
Considering  
Juvenile Record*

If the offender was 26 or older at the time of the instant offense, any juvenile record should be excluded from consideration. Hence, any offender who had reached his 26th birthday by the date of the offense will be scored "0" whether or not he had a juvenile record.

*Adult Criminal  
Record*

C. Prior Adult Criminal Record

If an offender has never been convicted of a criminal offense, score "0". If an offender has any adult criminal record, the Maryland Sentencing Guidelines Criteria for Prior Record form is used in determining the severity of the prior criminal record. Appendix B (page 43) contains instructions for calculating whether the prior record should be considered Minor (1 point), Moderate (3 points), or Major (5 points).

D. Prior Adult Parole/Probation Violations

*Parole or  
Probation  
Violations*

Score "0" if offender has never before been on adult parole or probation or has successfully completed previous periods of supervision as an adult. (If offender was simply on parole or probation at the time of the instant offense, do not give a point for that here because the offender will already have been penalized in "A" above.) Score one point if offender

was ever adjudicated in violation of parole or probation, or was convicted of an offense while on parole or probation, unless the adjudication or conviction arose from the offense or offenses of this sentencing event.

*Total Offender  
Score*

To obtain the total offender score, add the circled points in A, B, C, and D. The maximum offender score is "9"; the minimum is "0".

PART 3  
DETERMINING THE GUIDELINE SENTENCE

After the offense and offender scores have been calculated for each offense for which there is a conviction or other adjudication of guilt, the guideline sentence can be determined. For each type of offense, there is a separate matrix to be used. In multiple count cases, the overall guideline range is determined after the guideline range for each count has been computed.

3.1 PERSON OFFENSES

*Offense Against  
a Person  
(Sample Case 1,  
p. 65; Appendix  
C, pp. 49-51)*

To find the guideline sentence for an offense against a person, refer to Appendix Table C.1a, page 49, or C.1b, page 51. In Appendix C.1a, the guideline ranges are in a grid format with the offense score on the vertical axis of the grid and the offender score on the horizontal axis. The guideline range for any given convicted count is in the block where the two scores intersect.

Appendix Table C.1b is an alternative presentation. The various combinations of offense and offender scores with their respective guideline ranges are listed for any user who may find that approach preferable.

*First Degree  
Murder*

As was previously stated, the offense against persons sentencing tables are not used for First Degree Murder, although an informational worksheet should be completed. The guideline sentence for First Degree Murder is life unless the offender is being sentenced pursuant to Article 27§413.

3.2 DRUG OFFENSES

*Guideline  
Sentence for  
Drug Offenses  
(Sample Case 2,  
p. 69; Appendix  
C, pp. 53-55)*

To find the guideline sentence for a drug offense, refer to Appendix Table C.2a, page 53, or C.2b, page 55. In Appendix Table C.2a, the guideline range for a particular instant count is in the block opposite the title and under the offender score for that count.

Appendix Table C.2b lists drug offenses in five groups opposite the Offender Scores and Guideline Range for each group. When using this table, match the instant convicted count to the offender score to find the guideline sentence. Possession with Intent is a 27§286 offense and not possession under §287.

### 3.3 PROPERTY OFFENSES

*Guideline  
Sentence for  
Property  
Offenses  
(Sample Case 3,  
p. 73; Appendix  
C, pp. 57-59)*

To find the guideline sentence for a property offense, refer to either Appendix Table C.3a, page 57, or C.3b, page 59. Appendix Table C.3a is a matrix containing the guideline ranges in blocks. The guideline range for a particular count will be in the block opposite the Seriousness Category under the offender score for that count.

Appendix Table C.3b lists the guideline ranges by Seriousness Category and offender score. To use this table, match the Seriousness Category of the instant count and offender score to find the guideline sentence range.

### 3.4 MULTIPLE COUNTS

*Single Criminal  
Event, Not More  
Than One Serious-  
ness Category I  
or II Offense*

#### 3.4.1 Scoring Single Criminal Events - Not More Than One Offense from Seriousness Category I or II

1. Calculate the guideline range for each offense.

2. Determine the overall guideline range by identifying the highest of the lower guideline limits and the highest of the upper guideline limits. (Usually these will be the lower and upper limits of the guideline range for one of the offenses, but there are infrequent exceptions. See Example 3 in Table 6.)

TABLE 6

Example 1			
<u>Criminal Event</u>	<u>Offense</u>	<u>Seriousness Category</u>	<u>Guideline Range</u>
1	Second Degree Rape	II	12-25 Yrs.
1	Handgun Violation	III	5- 8 Yrs.*
The overall guideline range is 12-25 Years.			
Example 2			
<u>Criminal Event</u>	<u>Offense</u>	<u>Seriousness Category</u>	<u>Guideline Range</u>
1	Burglary	IV	1-5 Yrs.
1	Theft Over \$300	VII	6M-1 Yr.
1	Malicious Destruction	VII	6M-1 Yr.
The overall guideline range is 1-5 Years.			

Example 3			
<u>Criminal Event</u>	<u>Offense</u>	<u>Seriousness Category</u>	<u>Guideline Range</u>
1	Assault	V	1-5 Yrs.
1	Distribution of LSD	IV	2-3 Yrs.
The overall guideline range is 2-5 Years.			

\*Statutory Minimum is 5 Years

3. Any combination of sentences imposing net unsuspended incarceration within the overall guideline range means that the offender has been sentenced within the guidelines.

*Single Criminal Event, Two or More Seriousness Category I or II Offenses*

#### 3.4.2 Scoring Single Criminal Events - Two or More Offenses from Seriousness Category I or II

1. Calculate the guidelines range for each offense.

2. Determine the overall guideline range by adding the guideline ranges for each offense in Seriousness Category I or II.

TABLE 7

Example 1			
<u>Criminal Event</u>	<u>Offense</u>	<u>Seriousness Category</u>	<u>Guideline Range</u>
1	First Degree Rape	I	15-25 Yrs.
1	Kidnapping	II	7-13 Yrs.
1	Robbery	IV	2- 7 Yrs.
Overall Guideline Range 22-38 Yrs.			
Example 2			
<u>Criminal Event</u>	<u>Offense</u>	<u>Seriousness Category</u>	<u>Guideline Range</u>
1	1st Degree Sex Offense	I	30Y-Life
1	1st Degree Sex Offense	I	30Y-Life
1	1st Degree Rape	I	30Y-Life
Overall Guideline Range			
			90Y (Life + 30 Yrs.)*
			to 3 consec. Life terms



\*60 years is considered equivalent to one sentence to life imprisonment.

3. Any combination of sentences imposing net unsuspended incarceration within the overall guideline range means that the offender has been sentenced within the guidelines.

*Multiple  
Criminal Events;  
One Offense in  
Each Event*

### 3.4.3 Scoring Different Criminal Events - One Offense in Each Event

1. Arrange the offenses in chronological<sup>1</sup> beginning with the one committed first.

2. Calculate the guideline range successive criminal event. When calculating guideline range for each event after the 1 add to the prior criminal record the offenses of any preceding criminal event. The record level must be adjusted when moving from criminal event to the next to reflect the offenses within all preceding events.

3. Determine the overall guideline range by adding the ranges for each event.

TABLE 8

Example 1			
<u>Criminal Event</u>	<u>Offense</u>	<u>Seriousness Category</u>	<u>Guideline Range</u>
1	RDW	III	3- 8 Yrs.
2	RDW	III	6-12 Yrs.
3	RDW	III	9-14 Yrs.
Overall Guideline Range			18-34 Yrs.
Example 2			
<u>Criminal Event</u>	<u>Offense</u>	<u>Seriousness Category</u>	<u>Guideline Range</u>
1	Burglary	IV	12-20 Yrs.
2	Forgery	V	8-10 Yrs.*
Overall Guideline Range			20-30 Yrs.

\*Statutory Maximum is 10 Years

4. Any combination of sentences imposing net unsuspended incarceration within the overall guideline range means that the offender has been sentenced within the guidelines.

*Multiple  
Criminal Events;  
More Than One  
Offense in at  
Least One  
Event*

3.4.4 Scoring Different Criminal Events - More than One Offense in One or More Events

1. Arrange the events in chronological order, beginning with the offense or offenses committed in the first event.

2. Calculate the guideline range for each offense in the first event.

3. Determine the overall guideline range for the first criminal event as in 3.4.1 or 3.4.2, but do not enter it on a worksheet.

4. Follow steps 2 and 3 for each succeeding criminal event. When calculating the guideline range for each event after the first one, add to the prior criminal record the offense or offenses of any preceding criminal event. The prior record level must be adjusted when moving from one criminal event to the next to reflect the offense or offenses within all preceding events.

5. After determining the overall guideline range for each criminal event, these ranges are added to determine the overall guideline range for the entire case.

TABLE 9

Example 1			
<u>Criminal Event</u>	<u>Offense</u>	<u>Seriousness Category</u>	<u>Guideline Range</u>
1	RDW	III	6-12 Yrs.
1	Handgun Violation	III	6-12 Yrs.
2	RDW	III	9-14 Yrs.
2	Poss. of Marijuana	VII	<u>P- 6 Mos.</u>
Overall Guideline Range			15-26 Yrs.

Example 2			
<u>Criminal Event</u>	<u>Offense</u>	<u>Seriousness Category</u>	<u>Guideline Range</u>
1	Sthse-breaking	V	P-3 Mos.
2	Sthse-breaking	V	3M-2 Yrs.
2	Theft Over \$300	V	3M-2 Yrs.
2	Assault	V	<u>3M-1 Yr.</u>
Overall Guideline Range			3M-2 Yrs. +3 Mos

Example 3			
<u>Criminal Event</u>	<u>Offense</u>	<u>Seriousness Category</u>	<u>Guideline Range</u>
1	1st Degree Rape	I	10-18 Yrs.
1	Robbery	IV	P- 2 Yrs.
2	Burglary	IV	<u>3-10 Yrs.</u>
Overall Guideline Range			13-28 Yrs.

6. Any combination of sentences imposing net unsuspended incarceration within the overall guideline range means that the offender has been sentenced within the guidelines.

### 3.5 PRESENTENCE DETENTION

*Credit for  
Time Served*

When a defendant has been detained prior to sentencing, this detention should be indicated under "Actual Sentence" by the judge. Either the number of days credit for time served or the date from which the sentence is to run should be given.

### 3.6 MANDATORY SENTENCES AND SUBSEQUENT OFFENSES

*Statutory Maximums  
and Minimums  
(Sample Case 8,  
p. 107)*

If the guideline sentence range exceeds the statutory maximum for a given offense, the statutory maximum becomes the upper limit of the guideline range.  
If the guideline sentence range is below the mandatory statutory minimum sentence for an offense, the mandatory statutory minimum becomes the lower limit of the guideline range.

*Second or  
Subsequent  
Offenses*

Enhanced punishment legislation for subsequent offenders also takes precedence over lower guideline ranges, if not otherwise provided for in this Manual. For drug convictions under Article 27, Section 293 (second or subsequent offenses), the guideline sentence is determined by doubling the appropriate sentence from the drug offense sentencing matrix except when the mandatory minimum sentence under 27§286 is involved and takes precedence.

### 3.7 "WHITE COLLAR" OFFENSES

*"White Collar"  
Crimes*

The guidelines apply to white collar offenses. However, it is pointed out and emphasized that the presence of a white collar offense would be viewed as an aggravating factor which may lead the sentencing judge to exceed the applicable guidelines. A white collar offense is defined as follows:

The offense was a major economic offense, identified as an illegal act or series of illegal acts committed by other than physical means and by concealment or guile to obtain money or property, to avoid payment or loss of money or property, or to obtain business or professional advantage.

# APPENDIX A

## MARYLAND CRIMINAL OFFENSES

### ALPHABETICAL LISTING

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Abduction				
Child under twelve	III	27§2	Person	20 Years
Child by relative	VII	27§2A	Person	1 Year
Arson				
Attempted, property in 27§§6 or 7	V	27§10(a)	Property	10 Years
Attempted, property in 27§§8 or 9	VII	27§10(b)	Property	2 Years
Building	IV	27§7	Property	20 Years
Burning cross	See Burning cross or other religious symbol			
Burning personal property of another- damage below \$1,000.00 (formerly Arson, Barrack, etc.)	VII	27§8(b)	Property	18 Months
Burning personal property of another- damage \$1,000.00 or more	VII	27§8(c)	Property	5 Years
Burning goods, wares, etc., with intent to injure insurer	VII	27§9	Property	5 Years
Dwelling <sup>2</sup> or adjoining building	III	27§6	Property	30 Years
Setting fire while perpetrating a crime	VII	27§11	Property	3 Years
Assault and/or Battery	V	CL	Person	
Assault on Division of Correction/Patuxent Inst./ jail/detention center employee	IV	27§11E	Person	Consec.

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Assault with intent to -				
Maim, disable, etc.	III	27§386	Person	10 Years
Murder	II	27§12	Person	30 Years
Prevent lawful apprehension	III	27§386	Person	10 Years
Rape, or to commit a 1st or 2nd degree sex offense	III	27§12	Person	15 Years
Rob	IV	27§12	Person	10 Years
Assault/Interference with firefighter, etc.	VII	27§11D	Person	3 Years
Bad check				
Obtaining services/ property worth less than \$300.00	VII	27§143(b)	Property	18 Months
Obtaining services/ property worth \$300.00 or more	V	27§143(a)	Property	15 Years
Bawdy houses or houses of ill fame	See Prostitution			
Breaking and entering -				
Breaking and entering dwelling house of another	VII	27§31A	Property	3 Years
Breaking and entering to place or remove equipment	See Wiretapping			
Breaking and entering storehouse, etc., of another	VII	27§31B	Property	6 Months
Breaking or entering railroad car with intent to steal	VI	27§114	Property	10 Years
Breaking into railroad car by force	VI	27§115	Property	10 Years

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Burglary	IV	27§§29, 30(a), CL	Property	20 Years
Burglary with explosives	II	27§§34,35	Property	40 Years
Daytime housebreaking	IV	27§30(b)	Property	10 Years
Housebreaking, statutory nighttime (Burglary)	IV	27§§29,30(a)	Property	20 Years
Storehouse-breaking, day/night, with intent to commit a felony	V	27§232	Property	10 Years
Storehouse-breaking with intent to steal less than \$300.00 or stealing less than \$5.00	VII	27§33A	Property	18 Months
Storehouse-breaking/ stealing \$5.00 or more	V	27§33	Property	10 Years
Bribery	V	27§23	Property	12 Years
Burglary	See Breaking and entering			
Burning	See Arson			
Burning cross or other religious symbol	V	27§10A	Person	3 Years
Child abuse	IV	27§35A	Person	15 Years
Child abduction	See Abduction			
Child pornography	V	27§419A	Person	10 Years
Contempt, criminal <sup>1</sup>	VII	CL		
Contraband, delivery in or out of institution	VI	27§122A	Property	3 Years
Contributing to a CINS	VII	CJ3§831	Person	3 Years
Contributing to the delinquency of a minor	VII	CJ3§831	Person	3 Years
Controlled dangerous substance - Importation	III	27§286A	Drug	25 Years

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Controlled dangerous substance - Manufacture, distribution, keeping common nuisance, etc.				
PCP	III	27§286(a)(b) (2)	Drug	20 Years (10 yrs. Mandatory/ subsequent offense)
Schedule I-II narcotics (e.g., heroin, cocaine, dilaudid, methadone)	III	27§286(a)(b) (1)	Drug	20 Years (10 yrs. Mandatory/ subsequent offense)
Schedule I-II non-narc. & Sched. III-V CDS (e.g., amphetamines, LSD, marijuana, diazepam, valium, placidyl, methaqualine)	IV	27§286(a)(b) (3)	Drug	5 Years
Non-controlled substance as a CDS	IV	27§286B	Drug	5 Years
Controlled dangerous substance - Paraphernalia				
Delivery or sale, 1st offense	VII	27§287A(d)(1)	Drug	\$500 Fine
Delivery or sale, 2nd offense	IV	27§287A(d)(1)	Drug	2 Years
Delivery or sale to juvenile by adult 3 or more years older	IV	27§287A(d)(2)	Drug	8 Years
Possession	V	27§287	Drug	4 Years
Use or possession with intent to use parapher- nalia, 1st offense	VII	27§287A(c)	Drug	Fine \$500
Use or possession with intent to use parapher- nalia, 2nd offense	V	27§287A(c)	Drug	2 Years



<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Controlled dangerous substance - Possession				
Marijuana (& hashish & cannabis)	VII	27§287	Drug	1 Year
Other than marijuana	V	27§287	Drug	4 Years
Controlled dangerous substance - 2nd or subsequent offense		27§293	Drug	Twice Otherwise Authorized Penalty
Credit card offense				
Less than \$300.00	VII	27§145	Property	18 Months
\$300.00 or more	V	27§145	Property	15 Years
Daytime housebreaking	See Breaking and entering			
Deadly weapon	See Explosives, handguns and weapons			
Disorderly house, keeping	VII	27§125	Property	6 Months
Dynamiting property	III	27§119	Property	Life/ 20 Years
Escape				
Aiding or abetting	IV	27§139(c)		10 years
If consec. sentence of less than 90 days	VII	27§139		10 Years
If consec. sentence of 90 days or more	IV	27§139		10 Years
Explosives, unlawful manufacture or dealing etc.	VI	38A§§27,34	Property	5 Years
Extortion				
Less than \$300.00	VII	27§562B	Person	18 Months
\$300.00 or more	V	27§562B	Person	10 Years
Failure to appear <sup>1</sup>				
For a felony	V	27§12B		5 Years

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
For a misdemeanor	VII	27§12B		1 Year
False imprisonment	V	CL	Person	
Falsely representing self as an attorney	VII	10§33C	Property	6 Months
		See Unlawfully receiving fee also		
Falsifying, etc., public documents	See Forgery			
Firearm	See Weapons			
Forgery and uttering				
Falsifying, etc. public records	VII	27§45A	Property	3 Years
Forgery	V	27§44(a)/CL	Property	10 Years
Forgery of public documents	V	27§45	Property	10 Years
Uttering	V	27§44(b)/CL	Property	10 Years
Uttering forged prescription	VI	27§55	Property	2 Years
Fraud				
By fiduciary	V	27§132	Property	5 Years
Home improvement	VII	56§§261,268	Property	6 Months
Income tax, failure to file return	VII	81§302	Property	1 Year
		(Prior to 7/1/84 - 6 Months Maximum)		
Medicaid fraud				
Less than \$500	VII	27§230B,C,D	Property	3 Years
\$500 or more	V	27§230B,C,D	Property	5 Years
Unemployment insurance	VII	95A§17	Property	90 Days
Welfare fraud	VII	27§230A	Property	3 Years
Welfare perjury	VII	88A§62/CL	Property	10 Years

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Gaming				
Gambling	VII	27§240	Property	1 Year
Keeping gaming table or place	VII	27§§237,241	Property	1 Year
Handgun				
Carrying openly with intent to injure	VII	27§36B(b)(iv)	Person	5 Years
Pistol or revolver, unlawful sale or possession by a fugitive, criminal or narcotics user, etc.	VI	27§§445,448	Person	3 Years
Short-barrelled rifle and short-barrelled shotgun, possession without registration	VI	27§481C	Person	5 Years
Unlawful wearing, carrying, etc. 1st offense	VII	27§36B(b)(i)	Person	3 Years
Unlawful wearing, carrying, etc. 2nd offense	III	27§36B(b)(ii)	Person	10 Years (Mand. 1 Yr., Mand. 3 Yrs. if on public school prop.)
Unlawful wearing, carrying, etc. 3rd or more offense	III	27§36B(b)(iii)	Person	10 Years (Mand. 3 Yrs., Mand. 5 Yrs., if on public school prop.)
Used in commission of felony or crime of violence, 1st Offense (Prior to 7/1/82 - 15 Years Maximum)	III	27§36B(d)(1)	Person	20 Years (Mand. 5 Years)
Used in commission of felony or crime of violence, 2nd Offense (Prior to 7/1/82 - 15 Years Maximum)	II	27§36B(d)(2)	Person	20 Years (Mand. 5 Years Consec.)
Hinder police officer	VI	CL	Person	
Homicide by motor vehicle while intoxicated	VI	27§388A	Person	2 years

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Incest	V	27§335	Person	10 Years
Income tax fraud	See Fraud			
Indecent exposure	VI	27§335A	Person	3 Years
Inhaling harmful substances	See Smelling or inhaling harmful substances			
Interfering w/the rights of a retarded individual	VII	Health- General 7§902	Person	2 Years
Kidnapping	II	27§§337,338	Person	30 Years
Lottery - prohibited	VII	27§§356,357, 358,360,361, 362	Property	1 Year
Maiming, mayhem	III	27§384	Person	10 Years
Malfeasance, misconduct in office	V	CL	Person, Property or Drug	
Malicious destruction	VII	27§111	Property	3 Years
Malicious injury	III	27§385	Person	10 Years
Manslaughter	IV	27§387/CL	Person	10 Years
Manslaughter by automobile, etc.	VI	27§388	Person	5 Years
Medicaid fraud	See Fraud			
Misappropriation by a fiduciary	See Fraud			
Molotov cocktail	VII	27§139A	Property	5 Years
Motor vehicle offenses <sup>3</sup>	VII			
But see also Manslaughter by automobile, Homicide by motor vehicle while intoxicated, & Unauthorized use				
Murder				
Felony murder <sup>4</sup>	I	CL	Person	Life/Death
1st Degree <sup>4</sup>	I	27§§407,412(b) 413 <sup>2</sup>	Person	Life/Death

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
2nd Degree	II	27§§411,412(c)	Person	30 Years
Obstruction of justice	V	27§27	Person	3 years
Pandering	VI	27§426	Person	12 Years
Perjury, welfare	See Welfare perjury			
Perjury or subornation of perjury	IV	27§§438,439		10 Years
Perverted sexual practices	VII	27§554	Person	10 Years
Pistol or revolver	See Handgun			
Poisoning				
Attempted	II	27§450	Person	10 Years
Contaminating water, food, etc.	II	27§451	Person	20 Years
Pollutants, dispersing into State waters	VII	Health- Environmental 9§§322,343	Property	1 Year 2 Years 6 Months
1st offense				
Subsequent offense				
Falsification				
Property, destruction	See Malicious destruction			
Prostitution				
Bawdy houses or houses of ill fame	VI	27§§15,17	Property	1 Year
Solicitation for prostitution	VII	27§17	Property	1 Year
Public assistance, obtaining by fraud	88A§62 See Fraud, Welfare perjury			
Rape -				
Attempted	III	CL	Person	
1st Degree	I	27§462/CL	Person	Life
2nd Degree	II	27§463	Person	20 Years
Resisting arrest	VI	CL	Person	
Rogue and vagabond	VII	27§490	Property	3 Years



<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Robbery	IV	27\$486/CL	Person	10 Years
Robbery with a deadly weapon	III	27\$488/CL	Person	20 Years
Sabotage	V	27\$536,537	Property	10 Years
Sabotage, attempted	VI	27\$538	Property	5 Years
Sex offense -				
1st Degree	I	27\$464	Person	Life
2nd Degree	II	27\$464A	Person	20 Years
3rd Degree	V	27\$464B	Person	10 Years
4th Degree	VII	27\$464C	Person	1 Year
Shooting, etc., with intent to maim, etc.	III	27\$386	Person	10 Years
Short-barrelled rifle, etc.	See Handgun			
Smelling or inhaling harmful substances	VII	27\$301	Drug	6 Months
Sodomy	V	27\$553	Person	10 Years
Solicitation for prostitution	See Prostitution			
Storehouse breaking	See Breaking & entering			
Telephone, unlawful use	VII	27\$55A	Property	3 Years
Theft				
Less than \$300.00	VII	27\$342(f)(2)	Property	18 Months
\$300.00 or more	V	27\$342(f)(1)	Property	15 Years
Traffic Offenses <sup>3</sup>				
Unauthorized use of livestock, vehicle, etc.	VII	27\$349	Property	4 Years
Unlawfully receiving fee for advice or services as an attorney	VII	10\$32(a)	Property	30 Days

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Unnatural & perverted sexual practices	See Perverted sexual practices			
Uttering	See Forgery and uttering			
Weapons	See also Explosives and Handguns			
Carrying openly w/i to injure	VII	27§36	Person	3 Years
Carrying, or wearing concealed, etc.	VII	27§36	Person	3 Years
Deadly weapon on school property	VI	27§36A	Person	3 Years
Firearm or explosive aboard aircraft	III	27§36A-1	Person	10 Years
Welfare fraud	See Fraud			
Welfare perjury	See Fraud			
Wiretapping				
Breaking and entering to place or remove equipment	V	CJ10-412	Property	10 Years
Wiretapping, illegal	V	CJ10-402	Property	5 Years

---

<sup>1</sup>This offense is not covered by guidelines and does not require the submission of a worksheet. It is listed here for purposes of computing Adult Prior Criminal Record only.

<sup>2</sup>This offense is not covered by guidelines. It is requested that a worksheet be submitted for informational purposes.

<sup>3</sup>All those punishable by terms of incarceration. See Title 27§§101-105 of the Transportation Article of the Code of Maryland.

<sup>4</sup>First Degree Murder is listed in Seriousness Category I, and offense and offender scores should be computed, but the guideline sentence for First Degree Murder is always life, unless Article 27§413 (Death Penalty) is invoked. (See footnote 2 above.)

## APPENDIX B

### CLASSIFICATION OF THE PRIOR ADULT CRIMINAL RECORD

#### PROCEDURES

If the offender has ever been convicted of a criminal offense as an adult, use the criteria in Table B.1 or B.2 (page 45 and page 47) before completing the worksheet for each criminal event to determine whether the prior record for that criminal event should be considered Minor, Moderate or Major. Using the Criteria for Prior Record form to record the details of prior record information will make worksheet tabulation simpler and more accurate. The procedure for the proper use of Table B.1 consists of the following steps:

1. Count the number of prior convictions according to the Seriousness Categories in Appendix A.
2. Taking the number of convictions in the most serious category of offenses, refer to Table B.1, and locate the block containing the number of convictions for that Seriousness Category.
3. Use the criteria in the identified block to classify the record as Minor, Moderate or Major.

Table B.2 may be used instead of Table B.1 to classify a prior record. It is simply a verbal description of Table B.1

#### ADDITIONAL INSTRUCTIONS

##### All Prior Adult Convictions

Prior convictions include convictions preceding the sentencing which is now occurring, whether the offense was committed before or after the instant one and whether sentencing has taken place or not. Probations before judgement and convictions under the Youth Convictions Act are included unless expunged from the record. (If the PBJ or Youth Convictions Act conviction appears in the defendant's record, it has not been expunged.) Not considered part of a prior adult criminal record are municipal infractions, criminal non-support, and non-incarcerable traffic offenses.

##### Different Criminal Events Sentenced Together

If multiple counts from different criminal events are being sentenced together at this sentencing event, the offender's criminal



record should be adjusted upward for each criminal event in chronological order by date and time of offense. This recomputation will be performed by the the presentence investigator when possible, but should be closely monitored by the judge and opposing counsel. When no PSI is ordered, whoever fills out the form should recompute the record as indicated.

#### Convictions Out of State

If an offender has ever been convicted out of state, the offense should be matched as closely as possible with those of Maryland. If no Maryland counterpart exists, the offense should be counted in the lowest Seriousness Category, VII, and the sentencing judge should be informed.

#### Theft-Type Offenses

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 guidelines, the old offenses should be considered "Theft under \$300" if they were misdemeanors and "Theft \$300 or More" if they were felonies.

#### Criminal Record Decay Factor

If an offender has lived in the community for at least ten 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.

#### Conspiracies, Attempts and Solicitations

Conspiracies, attempts and solicitations should be considered in the same Seriousness Category as the substantive offense unless specifically addressed by separate statute (e.g., Attempted Arson, Article 27§10). Accessory before or after the fact is considered to be one Seriousness Category below the substantive offense.

APPENDIX TABLE B.1  
CRITERIA FOR PRIOR ADULT CRIMINAL RECORD

		NUMBER OF CONVICTIONS					
		1	2	3	4	5-9	10 or more
CATEGORY       SERIOUSNESS	I	Major	Major	Major	Major	Major	Major
	II	Major if combined with any offenses in Categories III - VI or any 5 offenses ----- Moderate	Major	Major	Major	Major	Major
	III	Major if combined with two or more offenses in Categories IV-VI, or any 6 offenses ----- Moderate	Major	Major	Major	Major	Major
	IV	Major if combined with 3 or more offenses from Categories V or VI, or any 7 offenses ----- Moderate	Major if combined with 1 or more offenses from Categories V or VI, or any 6 offenses ----- Moderate	Major	Major	Major	Major
	V	Major if combined with any 8 offenses Moderate if combined with not less than 3, nor more than 7 offenses ----- Minor	Major if combined with any 7 offenses Moderate if combined with not less than 1, nor more than 6 offenses ----- Minor	Major if combined with any 6 offenses ----- Moderate	Major if combined with any 5 offenses ----- Moderate	Major	Major
	VI	Major if combined with any 9 offenses Moderate if combined with not less than 4, nor more than 8 offenses ----- Minor	Major if combined with any 8 offenses Moderate if combined with not less than 3, nor more than 7 offenses ----- Minor	Major if combined with any 7 offenses Moderate if combined with not less than 2, nor more than 7 offenses ----- Minor	Major if combined with any 6 offenses ----- Moderate	Major if total number of convictions is equal to or greater than 10 ----- Moderate	Major
	VII	Minor	Minor	Minor	Minor	Moderate	Major

MARYLAND SENTENCING GUIDELINES  
CRITERIA FOR PRIOR RECORD

Offender's Name

Docket Number

JUVENILE DELINQUENCY	Offense Title (With Finding of Delinquency)	Commitment Date
<input type="checkbox"/> Offender 26 or older when current offense committed		

☐ Not more than 1 Finding ☐ 2 or more Findings/1 Commitment ☐ 2 or more Commitments

ADULT CONVICTIONS	Offense Title (Code Art.&Sec.,if available)	Disp. Date	Sentence
Seriousness Category I No. _____			
Seriousness Category II No. _____			
Seriousness Category III No. _____			
Seriousness Category IV No. _____			
Seriousness Category V No. _____			
Seriousness Category VI No. _____			
Seriousness Category VII No. _____			

☐ None ☐ Minor ☐ Moderate ☐ Major

Completed By \_\_\_\_\_

## APPENDIX TABLE B.2

### DESCRIPTION

An offender who has been convicted of one or more offenses in the past as an adult is considered to have a major adult criminal record if he or she has any of the following convictions or combination of convictions:

- ° One or more Seriousness Category I offenses.
- ° One Seriousness Category II offense, combined with:
  - One or more offenses from Seriousness Category III - VI, or
  - Any other five offenses.
- ° Two or more Seriousness Category II offenses.
- ° One Seriousness Category III offense, combined with:
  - Two or more offenses from Seriousness Category IV - VI, or
  - Any other six offenses.
- ° Two or more Seriousness Category III offenses.
- ° One Seriousness Category IV offense, combined with:
  - Three or more offenses from Seriousness Category V or VI, or
  - Any other seven offenses.
- ° Two Seriousness Category IV offenses, combined with:
  - One or more offenses from Seriousness Category V or VI, or
  - Any other six offenses.
- ° Three or more Seriousness Category IV offenses.
- ° One Seriousness Category V offense, combined with any other eight offenses.
- ° Two Seriousness Category V offenses, combined with any other seven offenses.
- ° Three Seriousness Category V offenses, combined with any other six offenses.

- ° Four Seriousness Category V offenses, combined with any other five offenses.
- ° Five or more Seriousness Category V offenses.
- ° Ten or more offenses from any Seriousness Category.

An offender who has been convicted of one or more offenses in the past as an adult is considered to have a moderate record if he or she does not meet any of the criteria for a major record, but does have any of the following convictions or combination of convictions:

- ° One Seriousness Category II offense.
- ° One Seriousness Category III offense.
- ° One or two Seriousness Category IV offenses.
- ° One Seriousness Category V offense, combined with not less than three nor more than seven other offenses.
- ° Two Seriousness Category V offenses, combined with not less than one nor more than six other offenses.
- ° Three or four Seriousness Category V offenses.
- ° One Seriousness Category VI offense, combined with not less than four nor more than eight other offenses.
- ° Two Seriousness Category VI offenses, combined with not less than three nor more than seven other offenses.
- ° Three Seriousness Category VI offenses, combined with not less than two nor more than six other offenses.
- ° Not less than four nor more than nine Seriousness Category VI offenses.
- ° Not less than five nor more than nine Seriousness Category VII offenses.

An offender who has been convicted as an adult of one or more offenses in the past, but does not meet the criteria for either a major or a moderate record is considered to have a minor record.

APPENDIX TABLE C.1a

SENTENCING MATRIX FOR OFFENSES AGAINST PERSONS

Offense Score	Offender Score							
	0	1	2	3	4	5	6	7 or More
1	P	P	P-3M	3M-1Y	3M-18M	3M-2Y	6M-2Y	1Y-3Y
2	P-6M	P-1Y	P-18M	3M-2Y	6M-3Y	1Y-5Y	2Y-6Y	3Y-8Y
3	P-2Y	P-2Y	6M-3Y	1Y-5Y	2Y-5Y	3Y-7Y	4Y-8Y	5Y-10Y
4	P-3Y	6M-4Y	1Y-5Y	2Y-5Y	3Y-7Y	4Y-8Y	5Y-10Y	6Y-12Y
5	3M-4Y	6M-5Y	1Y-6Y	2Y-7Y	3Y-8Y	4Y-10Y	6Y-12Y	8Y-15Y
6	1Y-6Y	2Y-7Y	3Y-8Y	4Y-9Y	5Y-10Y	7Y-12Y	8Y-13Y	10Y-20Y
7	3Y-8Y	4Y-9Y	5Y-10Y	6Y-12Y	7Y-13Y	9Y-14Y	10Y-15Y	12Y-20Y
8	4Y-9Y	5Y-10Y	5Y-12Y	7Y-13Y	8Y-15Y	10Y-18Y	12Y-20Y	15Y-25Y
9	7Y-12Y	8Y-13Y	8Y-15Y	10Y-15Y	12Y-18Y	15Y-25Y	18Y-30Y	20Y-30Y
10	10Y-18Y	10Y-21Y	12Y-25Y	15Y-25Y	15Y-30Y	18Y-30Y	20Y-35Y	20Y-L
11	12Y-20Y	15Y-25Y	18Y-25Y	20Y-30Y	20Y-30Y	25Y-35Y	25Y-40Y	25Y-L
12	15Y-25Y	18Y-25Y	18Y-30Y	20Y-35Y	20Y-35Y	25Y-40Y	25Y-L	25Y-L
13	20Y-30Y	25Y-35Y	25Y-40Y	25Y-L	25Y-L	30Y-L	L	L
14	20Y-L	25Y-L	28Y-L	30Y-L	L	L	L	L
15	25Y-L	30Y-L	35Y-L	L	L	L	L	L

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

APPENDIX TABLE C.1b

SENTENCING GUIDELINES FOR OFFENSES AGAINST PERSONS

OFFENSE SCORE	OFFENDER SCORE	GUIDELINE RANGE	OFFENSE SCORE	OFFENDER SCORE	GUIDELINE RANGE
1	0	P	6	0	1Y-6Y
1	1	P	6	1	2Y-7Y
1	2	P-3M	6	2	3Y-8Y
1	3	3M-1Y	6	3	4Y-9Y
1	4	3M-18M	6	4	5Y-10Y
1	5	3M-2Y	6	5	7Y-12Y
1	6	6M-2Y	6	6	8Y-13Y
1	7+	1Y-3Y	6	7+	10Y-20Y
2	0	P-6M	7	0	3Y-8Y
2	1	P-1Y	7	1	4Y-9Y
2	2	P-18M	7	2	5Y-10Y
2	3	3M-2Y	7	3	6Y-12Y
2	4	6M-3Y	7	4	7Y-13Y
2	5	1Y-5Y	7	5	9Y-14Y
2	6	2Y-6Y	7	6	10Y-15Y
2	7+	3Y-8Y	7	7+	12Y-20Y
3	0	P-2Y	8	0	4Y-9Y
3	1	P-2Y	8	1	5Y-10Y
3	2	6M-3Y	8	2	5Y-12Y
3	3	1Y-5Y	8	3	7Y-13Y
3	4	2Y-5Y	8	4	8Y-15Y
3	5	3Y-7Y	8	5	10Y-18Y
3	6	4Y-8Y	8	6	12Y-20Y
3	7+	5Y-10Y	8	7+	15Y-25Y
4	0	P-3Y	9	0	7Y-12Y
4	1	6M-4Y	9	1	8Y-13Y
4	2	1Y-5Y	9	2	8Y-15Y
4	3	2Y-5Y	9	3	10Y-15Y
4	4	3Y-7Y	9	4	12Y-18Y
4	5	4Y-8Y	9	5	15Y-25Y
4	6	5Y-10Y	9	6	18Y-30Y
4	7+	6Y-12Y	9	7+	20Y-30Y
5	0	3M-4Y	10	0	10Y-18Y
5	1	6M-5Y	10	1	10Y-21Y
5	2	1Y-6Y	10	2	12Y-25Y
5	3	2Y-7Y	10	3	15Y-25Y
5	4	3Y-8Y	10	4	15Y-30Y
5	5	4Y-10Y	10	5	18Y-30Y
5	6	6Y-12Y	10	6	20Y-35Y
5	7+	8Y-15Y	10	7+	20Y-L

APPENDIX TABLE C.1b  
(Continued)

SENTENCING GUIDELINES FOR OFFENSES AGAINST PERSONS

<u>OFFENSE SCORE</u>	<u>OFFENDER SCORE</u>	<u>GUIDELINE RANGE</u>	<u>OFFENSE SCORE</u>	<u>OFFENDER SCORE</u>	<u>GUIDELINE RANGE</u>
11	0	12Y-20Y	14	0	20Y-L
11	1	15Y-25Y	14	1	25Y-L
11	2	18Y-25Y	14	2	28Y-L
11	3	20Y-30Y	14	3	30Y-L
11	4	20Y-30Y	14	4	L
11	5	25Y-35Y	14	5	L
11	6	25Y-40Y	14	6	L
11	7+	25Y-L	14	7+	L
12	0	15Y-25Y	15	0	25Y-L
12	1	18Y-25Y	15	1	30Y-L
12	2	18Y-30Y	15	2	35Y-L
12	3	20Y-35Y	15	3	L
12	4	20Y-35Y	15	4	L
12	5	25Y-40Y	15	5	L
12	6	25Y-L	15	6	L
12	7+	25Y-L	15	7+	L
13	0	20Y-30Y			
13	1	25Y-35Y			
13	2	25Y-40Y			
13	3	25Y-L			
13	4	25Y-L			
13	5	30Y-L			
13	6	L			
13	7+	L			



APPENDIX TABLE C.2a

SENTENCING MATRIX FOR DRUG OFFENSES

Offender Score

Offense	0	1	2	3	4	5	6	7 or more
Controlled Dangerous Substance (Marijuana) 27 § 287 ◦ Unlawful possession or administering to another. ◦ Obtaining, etc., substance or paraphernalia by Fraud, Forgery, Misrepresentation, etc. ◦ Affixing forged label, altering, etc., label. ◦ Unlawful possession or distribution of controlled paraphernalia. ◦ Etc. Other Drug Misdemeanors	P	P	P	P-1M	P-3M	P-6M	3M-6M	6M-12M
Controlled Dangerous Substance (Non-Marijuana) - 27 § 287 ◦ Unlawful possession or administering to another. ◦ Obtaining, etc., substance or paraphernalia by Fraud, Forgery, Misrepresentation, etc. ◦ Affixing forged label, altering, etc., label. ◦ Unlawful possession or distribution of controlled paraphernalia. ◦ Etc.	P-6M	P-12M	3M-12M	6M-18M	1Y-2Y	1.5Y-2.5Y	2Y-3Y	3Y-4Y
Controlled Dangerous Substance, (Schedule I-V, not PCP nor Schedule I, II Narcotics) - 27 § 286(b)(3) ◦ Manufacture, distribution, etc. ◦ Counterfeiting, etc. ◦ Manufacture, possession, etc., of certain equipment for illegal use. ◦ Keeping common nuisance. Controlled Dangerous Substance - 27 § 287A ◦ Paraphernalia 2nd offense ◦ Paraphernalia to juvenile by person 3 or more years older.	P-12M	P-18M	6M-18M	1Y-2Y	1.5Y-2.5Y	2Y-3Y	3Y-4Y	3.5Y-5Y
Controlled Dangerous Substance (Schedule I or II Narcotic or PCP) 27 § 286(b)(1); 27 § 286(b)(2). ◦ Manufacture, distribution, etc. ◦ Counterfeiting, etc. ◦ Manufacture, possession, etc., of certain equipment for illegal use. ◦ Keeping common nuisance Schedule I, II Narcotic or PCP. ◦ Etc.	6M-3Y	1Y-3Y	2Y-5Y	3Y-7Y	4Y-8Y	5Y-10Y	7Y-14Y	12Y-20Y
Controlled Dangerous Substance - 27 § 286A ◦ Importation	1Y-4Y	2Y-5Y	3Y-6Y	4Y-7Y	5Y-8Y	6Y-10Y	8Y-15Y	15Y-25Y

P = Probation M = Months Y = Years

APPENDIX TABLE C.2b

SENTENCING GUIDELINES FOR DRUG OFFENSES

<u>OFFENSE GROUPING</u>	<u>OFFENDER SCORE</u>	<u>GUIDELINES RANGE</u>
Controlled Dangerous Substance, (Marijuana)		
◦ Unlawful possession or administering to another.	0	P
◦ Obtaining, etc., substance	1	P
or paraphernalia by Fraud,	2	P
Forgery, Misrepresentation,	3	P-1M
etc.	4	P-3M
◦ Affixing forged label,	5	P-6M
altering, etc., label.	6	3M-6M
◦ Unlawful possession or	7+	6M-12M
distribution of controlled paraphernalia.		
27§287		
Other Drug Misdemeanors		
Controlled Dangerous Substance, (Non-Marijuana)		
◦ Unlawful possession or		
administering to another.	0	P-6M
◦ Obtaining, etc., substance	1	P-12M
or paraphernalia by Fraud,	2	3M-12M
Forgery, Misrepresentation,	3	6M-18M
etc.	4	1Y-2Y
◦ Affixing forged label,	5	1.5Y-2.5Y
altering, etc., label.	6	2Y-3Y
◦ Unlawful possession or	7+	3Y-4Y
distribution of controlled paraphernalia.		
27§287		
Controlled Dangerous Substance, (Non-Narcotic)		
◦ Manufacture, distribution, etc.	0	P-12M
◦ Counterfeiting, etc.	1	P-18M
◦ Manufacture, possession, etc.,	2	6M-18M
of certain equipment for	3	1Y-2Y
illegal use.	4	1.5Y-2.5Y
◦ Keeping common nuisance	5	2Y-3Y
Schedule I, II, III, IV, V	6	3Y-4Y
Non-Narcotic.	7+	3.5Y-5Y
27§286b(3)		

APPENDIX TABLE C.2b  
(Continued)

<u>OFFENSE GROUPING</u>	<u>OFFENDER SCORE</u>	<u>GUIDELINES RANGE</u>
Controlled Dangerous Substance, (Narcotic or PCP)		
◦ Manufacture, distribution, etc.	0	6M-3Y
◦ Counterfeiting, etc.	1	1Y-3Y
◦ Manufacture, possession, etc., of certain equipment for illegal use.	2	2Y-5Y
	3	3Y-7Y
	4	4Y-8Y
◦ Keeping common nuisance Schedule I, II Narcotic or PCP.	5	5Y-10Y
	6	7Y-14Y
27§286b(1)	7+	12Y-20Y
27§286b(2)		
	0	1Y-4Y
	1	2Y-5Y
	2	3Y-6Y
Controlled Dangerous Substance, Importation.	3	4Y-7Y
	4	5Y-8Y
27§286A	5	6Y-10Y
	6	8Y-15Y
	7+	15Y-25Y

APPENDIX TABLE C.3a

SENTENCING MATRIX FOR PROPERTY OFFENSES

Offense Seriousness Category	Offender Score							
	0	1	2	3	4	5	6	7 or more
VII	P-3M	P-6M	3M-9M	6M-12M	9M-18M	1Y-2Y	1Y-3Y	3Y-5Y
V and VI	P-3M	P-6M	3M-2Y	1Y-4Y	2Y-5Y	3Y-7Y	4Y-8Y	8Y-15Y
III and IV	P-2Y	6M-3Y	9M-5Y	1Y-5Y	2Y-8Y	3Y-10Y	7Y-15Y	12Y-20Y

P = Probation

M = Months

Y = Years

APPENDIX TABLE C.3b

SENTENCE GUIDELINES FOR PROPERTY OFFENSES

<u>OFFENSE GROUPING</u>	<u>OFFENDER SCORE</u>	<u>GUIDELINE RANGE</u>
Category VII Property Offenses	0	P-3M
	1	P-6M
	2	3M-9M
	3	6M-12M
	4	9M-18M
	5	1Y-2Y
	6	1Y-3Y
	7+	3Y-5Y
Categories V and VI Property Offenses	0	P-3M
	1	P-6M
	2	3M-2Y
	3	1Y-4Y
	4	2Y-5Y
	5	3Y-7Y
	6	4Y-8Y
	7+	8Y-15Y
Categories III and IV Property Offenses	0	P-2Y
	1	6M-3Y
	2	9M-5Y
	3	1Y-5Y
	4	2Y-8Y
	5	3Y-10Y
	6	7Y-15Y
	7+	12Y-20Y

## APPENDIX D

JURISDICTION CODES

<u>CODE</u>	<u>JURISDICTION</u>
10	Allegany County
11	Anne Arundel County
12	Baltimore City
13	Baltimore County
14	Calvert County
15	Caroline County
16	Carroll County
17	Cecil County
18	Charles County
19	Dorchester County
20	Frederick County
21	Garrett County
22	Harford County
23	Howard County
24	Kent County
25	Montgomery County
26	Prince George's County
27	Queen Anne's County
28	St. Mary's County
29	Somerset County
30	Talbot County
31	Washington County
32	Wicomico County
33	Worcester County

# APPENDIX E

## SAMPLE CASES

<u>Case No.</u>		<u>Page</u>
1	Offense Against a Person - Single Convicted Count	65
2	Drug Offense - Single Convicted Count	69
3	Property Offense - Single Convicted Count	73
4	Multiple Counts - Same Criminal Event	77
5	Offenses Against a Person - Multiple Counts from Category I and II - Same Criminal Event	83
6	Multiple Counts - Different Criminal Events	91
7	Multiple Counts from Same and Different Criminal Events	99
8	Mandatory Minimum Sentence	107



SAMPLE CASE 1

OFFENSE AGAINST A PERSON - SINGLE CONVICTED COUNT

OFFENDER'S NAME: P \_\_\_\_\_ B \_\_\_\_\_  
DATE OF BIRTH: 2/25/60  
SEX: Male  
RACE: White  
DATE OF OFFENSE: 9/27/80

DOCKET NO.: 00000001  
DATE OF PLEA/VERDICT: 1/8/81  
DISPOSITION TYPE: Plea Agreement/Non-Binding Recommendation  
JURISDICTION: Montgomery County  
CONVICTED COUNT: Robbery with a Deadly Weapon 27\$488

OFFENSE DESCRIPTION:

On 9/27/80, police were summoned to a convenience store for a report of an armed robbery. The cashier reported that two white males had entered the store and that one of the men was armed with a sawed-off shotgun. The cashier and a clerk were instructed to lie on the floor as one of the men removed money from the register. The subjects fled in a car and, based on a witness's description of the vehicle, were apprehended by another unit a short time later. The defendant was identified by the cashier as the man with the shotgun. Defendant pled guilty to Robbery with a Deadly Weapon on 1/8/81.

OFFENDER'S PRIOR CRIMINAL RECORD:

JUVENILE: No juvenile record was found for the name and birthdate provided.

ADULT:

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
8/ 1/78	Possession of Marijuana	Fine \$100.00; Court Costs.
6/10/79	Unemployment Insurance Fraud	6 months suspended; 2 years probation; restitution.

The offender was placed on two years probation in 1979 for Unemployment Compensation Fraud and was still under supervision at the time of the instant offense.



SAMPLE CASE 1 (Continued)

COMPUTATION OF THE OFFENSE AND OFFENDER SCORES  
ROBBERY WITH A DEADLY WEAPON 27\$488

OFFENSE SCORE:

A. Seriousness Category of Instant Count

As shown in Appendix A, Robbery with a  
Deadly Weapon is a Category III Offense.

5 points

B. Victim Injury

No injury.

0 points

C. Weapon Usage

A firearm (sawed-off shotgun) was used.

2 points

D. Special Vulnerability of Victim

Victim over 10 and under 60 years old  
and not mentally nor physically  
handicapped.

0 points

TOTAL OFFENSE SCORE

7 points

OFFENDER SCORE:

A. Relationship to CJS When Instant Count  
Occurred

Was on probation for Unemployment Compensa-  
tion Fraud.

1 point

B. Juvenile Delinquency

No record found.

0 points

C. Adult Criminal Record

Step I - Possession of Marijuana - Seriousness Category VII  
Unemployment Insurance Fraud - Seriousness Category VII

SAMPLE CASE 1 (Continued)

The number of prior convictions according to Seriousness Category are:

<u>SERIOUSNESS CATEGORY</u>	<u>NUMBER OF PRIOR CONVICTIONS</u>
I	0
II	0
III	0
IV	0
V	0
VI	0
VII	2

Step II - Since the offender's most serious prior convictions were in Category VII, refer to the block in Appendix Table B.1 which represents "2" Seriousness Category VII convictions. This block identifies the record as "Minor".

Step III - An offender with a minor record receives 1 point 1 point

D. Prior Adult Parole/Probation Violations

None. 0 points

TOTAL OFFENDER SCORE 2 points

GUIDELINE RANGE:

An examination of Appendix Table C.1a or C.1b shows that the recommended range for an offense score of 7 and an offender score of 2 would be 5-10 years.

MARYLAND SENTENCING GUIDELINES WORKSHEET				OFFENDER NAME (Last, First, Middle)		BIRTHDATE		Male Female		Hispanic Black Other		JURISDICTION			
DATE OF OFFENSE		DATE OF PLEA/VERDICT		DATE OF SENTENCING		B		P		09 / 27 / 80		01 / 08 / 81			
CONVICTED COUNT TITLE				MD. CODE, ART. & SECTION		STAT. MAX.		GUIDELINE RANGE		DOCKET NUMBER		PSI			
1st Count ROBBERY WITH A DEADLY WEAPON				27\$488		20 Yrs.		5-10 Yrs.		00000001		1 Yes 2 No			
2nd Count															
3rd Count															
DISPOSITION TYPE (Circle Only One)				OFFENSE SCORE (S)				OFFENDER SCORE				AOC USE ONLY, DO NOT WRITE IN SPACE BELOW			
0 Charge Bargain				A. Seriousness Category				A. Relationship to CJS When Instant Count Occurred				INC			
1 Binding Plea Agreement as to Actual Sentence				V - VII				0 = None or Pending Cases				SUS			
2 Binding Plea Agreement as to Sentence Maximum or Range of				III				1 = Court or Other Criminal Justice Supervision				ACT			
3 Plea Agreement-Non-Binding Recommendation of 10 Yrs.				II				2 = Not More Than One Finding of Delinquency				CON			
4 Plea, No Agreement				I				1 = Two or More Findings Without Commitment or One Commitment				STA			
5 Other Guilty Plea				No Injury				2 = Two or More Commitments				CON			
6 Court Trial, Contested Facts (No Plea Agreement)				Injury, Non-Permanent Permanent Injury or Death				C. Prior Adult Criminal Record				PRO			
7 Court Trial, Uncontested Facts, Contested Legal Issue (No Plea Agreement)				C. Weapon Usage				0 = None				RAN			
8 Jury Trial				D. Special Vulnerability of Victim				0 = Minor				O1			
				No				3 = Moderate				O2			
				Yes				5 = Major				DA			
				No				D. Prior Adult Parole/Probation Violations				SA			
				Yes				0 = No				USE			
				1				1 = Yes							
ACTUAL SENTENCE				OFFENSE SCORE (S)				TOTAL OFFENDER SCORE							
1st Convicted Count				0 1 7				0 2							
2nd Convicted Count															
3rd Convicted Count															
OVERALL GUIDELINE RANGE (For Multiple Counts Only)															
to															
INSTITUTIONAL/PAROLE RECOMMENDATION															
STATE'S ATTORNEY				SENTENCING JUDGE				DEFENSE ATTORNEY				SIGNATURE			
WORKSHEET COMPLETED BY															

SAMPLE CASE 2

DRUG OFFENSE - SINGLE CONVICTED COUNT

OFFENDER'S NAME: R _____ C _____	DOCKET NO.: 00000002
DATE OF BIRTH: 11/10/54	DATE OF PLEA/VERDICT: 6/30/82
SEX: Female	DISPOSITION TYPE: Other Guilty Plea
RACE: White	JURISDICTION: Montgomery County
DATE OF OFFENSE: 3/7/82	CONVICTED COUNT: Possession with Intent to Distribute Marijuana 27§286(b)(3)

OFFENSE DESCRIPTION:

On 3/7/82, police serving a search warrant at defendant's home found one clear bag of marijuana, a glass jar of marijuana seeds and a scale in the living room; six plastic bags of marijuana in the master bedroom; and a green can, labelled "one oz. of grass", which contained marijuana seeds in another bedroom. The subject was arrested and eventually charged with Possession with Intent to Distribute Marijuana and simple Possession. On 6/30/82, the defendant pled guilty to one count of Possession with Intent to Distribute.

OFFENDER'S PRIOR CRIMINAL RECORD:

JUVENILE: None known.

ADULT: None known.

COMPUTATION OF THE OFFENSE AND OFFENDER SCORES  
POSSESSION WITH INTENT TO DISTRIBUTE  
MARIJUANA 27§286(b)(3)

OFFENSE SCORE:

An offense score is not computed for drug offenses.

SAMPLE CASE 2 (Continued)

OFFENDER SCORE:

A. <u>Relationship to CJS when Instant Count Occurred</u>	0 points
None.	
B. <u>Juvenile Delinquency</u>	
Defendant was over 26 years of age when the instant offense was committed.	0 points
C. <u>Prior Adult Criminal Record</u>	0 points
No record found.	
D. <u>Prior Adult Parole/Probation Violations</u>	0 points
None.	
<u>TOTAL OFFENDER SCORE</u>	0 points

GUIDELINE RANGE:

An examination of Appendix Table C.2a or C.2b shows that the guideline sentence for Possession with Intent to Distribute Marijuana by a person with an offender score of 0 is probation to 12 months.

1 Male  
2 Female

11 / 10 / 54

1 White  
2 Black  
3 Hispanic  
4 Other

JURISDICTION  
25

DATE OF OFFENSE  
03 / 07 / 82

DATE OF PLEA/VERDICT  
06 / 30 / 82

DATE OF SENTENCING  
/ /

OFFENDER NAME (Last, First, Middle)  
R C

HOW MANY CRIMINAL  
EVENTS AT THIS  
SENTENCING?  
011

HOW MANY CRIMINAL  
EVENTS AT THIS  
SENTENCING?  
011

WORKSHEET #  
1

CRIMINAL EVENT #  
1

PSI  
Yes 2 No

CONVICTED COUNT TITLE

MD. CODE, ART. & SECTION  
27§286(b)(3)

STAT. MAX.  
5 Yrs.

GUIDELINE RANGE  
P-12 Mos.

DOCKET NUMBER  
00000002

1st Count  
POSSESSION WITH INTENT TO DISTRIBUTE MARIJUANA

2nd Count

3rd Count

DISPOSITION TYPE  
(Circle Only One)  
0 Charge Bargain  
1 Binding Plea Agreement as to Actual Sentence  
2 Binding Plea Agreement as to Sentence Maximum or Range of  
3 Plea Agreement-Non-Binding Recommendation of  
4 Plea, No Agreement  
5 Other Guilty Plea  
6 Court Trial, Contested Facts (No Plea Agreement)  
7 Court Trial, Uncontested Facts, Contested Legal Issue (No Plea Agreement)  
8 Jury Trial

OFFENSE SCORE (S)  
(Offense Against a Person Only)  
N/A 1st 2nd 3rd  
Ct. 01 03 05 08 10  
= V - VII  
= IV  
= III  
= II  
= I  
B. Victim Injury  
= No Injury  
= Injury, Non-Permanent  
= Permanent Injury or Death  
C. Weapon Usage  
= No Weapon  
= Weapon Other Than Firearm  
= Firearm  
D. Special Vulnerability of Victim  
= No  
= Yes

OFFENSE SCORE (S)  
1 1 1 1 1  
2 2 2 2 2  
0 0 0 0 0  
1 1 1 1 1

OFFENDER SCORE  
A. Relationship to CJS When Instant Count Occurred  
① = None or Pending Cases  
1 = Court or Other Criminal Justice Supervision  
B. Juvenile Delinquency  
① = Not More Than One Finding of Delinquency  
1 = Two or More Findings Without Commitment or One Commitment  
2 = Two or More Commitments  
C. Prior Adult Criminal Record  
① = None  
1 = Minor  
3 = Moderate  
5 = Major  
D. Prior Adult Parole/Probation Violations  
① = No  
1 = Yes

TOTAL OFFENDER SCORE  
010

REASON IF ACTUAL SENT. DEPARTS FROM GUIDELINE RANGE/ADDITIONAL INFO.

REASON IF ACTUAL SENT. DEPARTS FROM GUIDELINE RANGE/ADDITIONAL INFO.

OVERALL GUIDELINE RANGE  
(For Multiple Counts Only)  
1st Convicted Count  
2nd Convicted Count  
3rd Convicted Count  
to

INSTITUTIONAL/PAROLE RECOMMENDATION

WORKSHEET COMPLETED BY

STATE'S ATTORNEY

SENTENCING JUDGE

SIGNATURE

JUDGE (White); AOC (Blue); DOC (Green); FILE (Yellow); PROSECUTION (Pink); DEFENSE (Gold)

SAMPLE CASE 3

PROPERTY OFFENSE - SINGLE CONVICTED COUNT

OFFENDER'S NAME: A \_\_\_\_\_ C \_\_\_\_\_  
 DATE OF BIRTH: 12/27/62  
 SEX: Male  
 RACE: Black  
 DATE OF OFFENSE: 1/17/82

DOCKET NO.: 00000003  
 DATE OF PLEA/VERDICT: 8/13/82  
 DISPOSITION TYPE: Plea/Other  
 JURISDICTION: Montgomery County  
 CONVICTED COUNT: Theft over  
 \$300.00 27\$342

OFFENSE DESCRIPTION:

On 1/17/82, defendant was observed by a security officer in a department of a large suburban store, removing seven blazers, three pairs of pants, seven skirts, and one shirt (total value - \$1,153.89). After placing the merchandise in four bags, defendant left the department, passing many cash registers without paying, went down an escalator, and was arrested as he paused to buy shopping bags. On 8/13/82, the defendant pled guilty to one count of Theft over \$300.00.

OFFENDER'S PRIOR CRIMINAL RECORD:

JUVENILE:

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
6/26/76	Shoplifting	Delinquent; 1 year probation.
12/11/76	Larceny	Delinquent, probation continued.
6/10/77	Unauthorized Use	Delinquent; Greenridge Forestry Camp for 6 months.

ADULT:

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
2/ 6/81	Petty Larceny - Violation of Bail Reform Act	Unknown.
4/ 9/81	Theft	2 years probation. (D. C.)

SAMPLE CASE 3 (Continued)

Since 8/13/82, the subject has been in the Prince George's County Detention Center. He is still on probation in the District of Columbia where in June, 1982 his probation officer took him to court for a show-cause hearing because of his unsatisfactory adjustment.

COMPUTATION OF OFFENSE AND OFFENDER SCORES  
THEFT OVER \$300.00 27\$342

OFFENSE SCORE:

An offense score is not computed for property offenses.

OFFENDER SCORE:

A. Relationship to CJS When Instant Count  
Occurred

On probation for Theft.

1 point

B. Juvenile Delinquency

Three findings of delinquency with  
one commitment.

1 point

C. Prior Adult Criminal Record

Step I - Theft - Seriousness Category VII

The number of prior convictions according to  
Seriousness Category are:

<u>SERIOUSNESS</u> <u>CATEGORY</u>	<u>NUMBER OF PRIOR</u> <u>CONVICTIONS</u>
I	0
II	0
III	0
IV	0
V	0
VI	0
VII	1



SAMPLE CASE 3 (Continued)

Step II - Since the most serious prior conviction was in Seriousness Category VII, refer to the block in Appendix Table B.1 which represents "1" Seriousness Category VII conviction. This block identifies the record as "Minor".

Step III - An offender with a minor record receives  
1 point. 1 point

NOTE: In this case, the prior Theft must be assumed to be under \$300.00 since the amount is not known. Additionally, the Petty Larceny (2/6/81) was not counted since the disposition is unknown.

D. Prior Adult Parole/Probation Violations

No adult violations prior to instant offense. 0 points

TOTAL OFFENDER SCORE 3 points

GUIDELINE RANGE:

Refer to Appendix Table C.3a or C.3b where the guideline sentence range for Theft Over \$300.00 committed by a person with an offender score of 3 is shown as 1-4 years.

[illegible]

SAMPLE CASE 4

MULTIPLE COUNTS - SAME CRIMINAL EVENT

OFFENDER'S NAME: J \_\_\_\_\_ B \_\_\_\_\_  
DATE OF BIRTH: 1/26/61  
SEX: Male  
RACE: Black  
DATE OF OFFENSE: 12/3/81

DOCKET NO.: 00000004  
DATE OF PLEA/VERDICT: 6/18/82  
DISPOSITION TYPE: Jury Trial  
JURISDICTION: Baltimore City  
CONVICTED COUNTS: Robbery with  
a Deadly Weapon 27§488  
Use of a Handgun in the Commission  
of Crime 27§36B(d)  
Possession of Marijuana 27§286

OFFENSE DESCRIPTION:

On 12/3/81, the victim and a friend had left a restaurant and were walking toward their car when they were approached by a lone, black male. The defendant grabbed the victim and pushed him against a car. After producing a small handgun, he demanded that the victim give up his wallet. The defendant fled on foot. A few minutes later, the victim's friend observed a passing patrol car and began yelling for help. During a search of the surrounding area, the victim identified a man walking across a vacant lot as his assailant. As the patrol car approached, the defendant threw an object and began to run. The defendant was apprehended by another unit circling the area, at which time a small glassine bag containing marijuana was found on his person. A search for the thrown object produced a 25 caliber automatic pistol. The victim was subsequently transported to a nearby hospital where he received treatment for a sprained wrist. On 6/18/82, a jury found the defendant guilty of Robbery with a Deadly Weapon, Handgun Violation, and Possession of Marijuana.

OFFENDER'S PRIOR CRIMINAL RECORD:

JUVENILE:

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
10/ 3/77	Malicious Destruction	Delinquent, 18 months probation.
11/20/78	Assault; Possession of Marijuana	Delinquent; probation continued.

SAMPLE CASE 4 (Continued)

ADULT:

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
10/ 5/79	Theft less than \$300.00	18 months suspended; 3 years probation.

Offender was placed on three years adult probation in 1979 for Theft less than \$300.00 and was under supervision at the time he committed the instant offense.

COMPUTATION OF THE OFFENSE AND OFFENDER SCORES  
ROBBERY WITH A DEADLY WEAPON 27\$488

OFFENSE SCORE:

A. Seriousness Category of the Instant Count

As shown in Appendix A, Robbery with a Deadly Weapon is a Category III Offense.

5 points

B. Victim Injury

Victim suffered a sprained wrist.

1 point

C. Weapon Usage

A handgun was used.

2 points

D. Special Vulnerability of Victim

Victim over 10 and under 60 years old and not mentally nor physically handicapped.

0 points

TOTAL OFFENSE SCORE

8 points

SAMPLE CASE 4 (Continued)

OFFENDER SCORE:

A. Relationship to CJS When Instant Count  
Occurred

Offender was on probation for Theft less than  
\$300.00 at the time he committed the instant  
offenses

1 point

B. Juvenile Delinquency

Offender has been found delinquent twice, once  
for Malicious Destruction and once for Assault  
and Possession of Marijuana

1 point

C. Adult Criminal Record

Step I - Theft Less than \$300.00 - Seriousness  
Category VII

The number of prior convictions according to Seriousness  
Category are:

<u>SERIOUSNESS CATEGORY</u>	<u>NUMBER OF PRIOR CONVICTIONS</u>
I	0
II	0
III	0
IV	0
V	0
VI	0
VII	1

Step II - Since the offender's only adult conviction was in  
Seriousness Category VII, refer to the block in  
Appendix Table B.1 which represents "1"  
Seriousness Category VII conviction. This block  
identifies the record as "Minor".

Step III - An offender with a minor record receives  
1 point

1 point

D. Prior Adult Parole/Probation Violations

None.

0 points

TOTAL OFFENDER SCORE

3 points

SAMPLE CASE 4 (Continued)

GUIDELINE RANGE FOR THE ROBBERY WITH A DEADLY WEAPON

An examination of Appendix Table C.1a or C.1b shows the recommended range for an offense score of 8 and an offender score of 3 would be 7-13 years.

GUIDELINE RANGE FOR THE HANDGUN VIOLATION

Since there is only one criminal event and since the Use of a Handgun in the Commission of a Felony is the same Seriousness Category as the Robbery with a Deadly Weapon, the offense and offender scores for the Handgun conviction would also be 8 and 3, respectively. The recommended guideline range for the Handgun conviction would also be 7-13 years concurrent to the RDW guideline range.

COMPUTATION OF THE OFFENSE AND OFFENDER SCORES  
POSSESSION OF MARIJUANA 27§286

OFFENSE SCORE:

An offense score is not computed for drug offenses.

OFFENDER SCORE:

Since the offenses are all from the same criminal event, the adult criminal record is not recomputed. Therefore, the offender score would be 3, the same as it was in the Robbery with a Deadly Weapon and the Handgun Violation.

TOTAL OFFENDER SCORE                      3 points

SAMPLE CASE 4 (Continued)

GUIDELINE RANGE FOR THE POSSESSION OF MARIJUANA

An examination of Appendix Table C.2a or C.2b shows the recommended range for an offender score of 3 would be probation to one month.

OVERALL GUIDELINE RANGE FOR THE SENTENCING EVENT

Following the procedure as defined on Page 16 for determining the guidelines for multiple counts, same criminal event, the overall recommended range would be the longest of the recommended ranges, i.e., 7-13 years.

## SAMPLE CASE 4

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle)		BIRTHDATE		1 Male 2 Female		1 White 2 Black 3 Hispanic 4 Other		JURISDICTION	
DATE OF OFFENSE		DATE OF PLEA/VERDICT		DATE OF SENTENCING		HOW MANY CONVICTED COUNTS AT THIS SENTENCING?		HOW MANY CRIMINAL EVENTS AT THIS SENTENCING?		WORKSHEET # 1 OF 1 CRIMINAL EVENT # 1	
12 / 03 / 81		06 / 18 / 82		01 / 26 / 61		0   3		0   1		12	
CONVICTED COUNT TITLE											
1st Count ROBBERY WITH A DEADLY WEAPON											
2nd Count USE OF A HANDGUN IN COMMISSION OF A FELONY											
3rd Count POSSESSION OF MARIJUANA											
OFFENSE SCORE (S)											
A. Relationship to CJS When Instant Count Occurred 0 = None or Pending Cases 1 = Court or Other 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. Prior Adult Criminal Record 0 = None 1 = Minor 2 = Moderate 3 = Major											
D. Prior Adult Parole/Probation Violations 0 = No 1 = Yes											
TOTAL OFFENDER SCORE 0   3											
REASON IF ACTUAL SENT. DEPARTS FROM GUIDELINE RANGE/ADDITIONAL INFO.											
OFFENSE SCORE (S)											
A. Seriousness Category V - VII I II III IV V VI VII											
B. Victim Injury 0 = No Injury 1 = Injury, Non-Permanent 2 = Permanent Injury or Death											
C. Weapon Usage 0 = No Weapon 1 = Weapon Other Than Firearm 2 = Firearm											
D. Special Vulnerability of Victim 0 = No 1 = Yes											
OFFENSE SCORE (S) 0   8 0   8 1											
ACTUAL SENTENCE											
1st Convicted Count											
2nd Convicted Count											
3rd Convicted Count											
7 Yrs.											
13 Yrs.											
INSTITUTIONAL/PAROLE RECOMMENDATION											
SENTENCING JUDGE											
DEFENSE ATTORNEY											
SIGNATURE											



SAMPLE CASE 5

OFFENSES AGAINST A PERSON - MULTIPLE COUNTS FROM CATEGORY I AND II -  
SAME CRIMINAL EVENT

OFFENDER'S NAME: R _____ D _____	DOCKET NO: 000000005
DATE OF BIRTH: 10/4/59	DATE OF PLEA/VERDICT: 9/10/82
SEX: Male	DISPOSITION TYPE: Jury Trial
RACE: White	JURISDICTION: Baltimore City
DATE OF OFFENSE: 11/22/81	CONVICTED COUNTS: First Degree
	Rape 27§462
	Assault with Intent to Murder
	27§12
	Kidnapping 27§337
	Use of a Handgun in Commission
	of a Felony 27§36B(d)

OFFENSE DESCRIPTION:

On 11/22/81, the victim was walking to her car on a shopping center parking lot when two men approached in a car. One of the men jumped out of the car, grabbed the victim and pushed her into the car. The victim was driven to a secluded area where she was raped by both men and shot. The victim managed to crawl to a road where she was noticed by a passing motorist who drove the victim to a nearby hospital. The victim suffered permanent damage to her right kidney. Based on the victim's description of the defendant and the license number of the car, the defendants were arrested the following day. On 9/10/82, a jury found the defendant guilty of First Degree Rape, Assault with Intent to Murder, Kidnapping and Use of a Handgun in the Commission of a Felony.

OFFENDER'S PRIOR CRIMINAL RECORD:

JUVENILE:

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
7/10/73	Unauthorized Use	Delinquent, 1 year probation
8/ 5/75	Shoplifting	Delinquent, 1 year probation
8/26/76	Assault with Intent	Delinquent, committed to Boys
	Rob	Village 2 months.

SAMPLE CASE 5 (Continued)

ADULT:

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
5/20/78	Driving While Intoxicated	6 months
3/ 1/80	Assault	1 year, full suspension; 1 year probation

The offender had recently completed a 1-year probation for an Assault conviction (3/1/80).

COMPUTATION OF THE OFFENSE AND OFFENDER SCORES - FIRST DEGREE RAPE 27\$462

OFFENSE SCORE:

A. Seriousness Category of Instant Count

As shown in Appendix A, First Degree Rape is a Category I Offense.	10 points
--	-----------

B. Victim Injury

Permanent injury resulting from gunshot wounds	2 points
--	----------

C. Weapon Usage

Handgun was used	2 points
------------------	----------

D. Special Vulnerability of Victim

Victim over 10 and under 60 years old and not mentally nor physically handicapped	0 points
---	----------

<u>TOTAL OFFENSE SCORE</u>	14 points
----------------------------	-----------

SAMPLE CASE 5 (Continued)

OFFENDER SCORE:

A. Relationship to CJS When Instant Count Occurred

Defendant was not under any supervision at the time of the offense.

0 points

B. Juvenile Delinquency

Offender had 3 findings and 1 commitment

1 point

C. Adult Criminal Record

Step I - Assault - Category V

Driving While Intoxicated - Category VII

The number of prior convictions according to Seriousness Category are:

<u>SERIOUSNESS CATEGORY</u>	<u>NUMBER OF PRIOR CONVICTIONS</u>
I	0
II	0
III	0
IV	0
V	1
VI	0
VII	1

Step II - Since the offender's most serious adult conviction was in Seriousness Category V, refer to the block in Appendix Table B.1 which represents "1" Seriousness Category V conviction. This block identifies the record as "Minor".

Step III - An offender with a minor record receives 1 point

1 point

D. Prior Adult Parole/Probation Violations

None

0 points

TOTAL OFFENDER SCORE

2 points

SAMPLE CASE 5 (Continued)

GUIDELINE RANGE FOR FIRST DEGREE RAPE

An examination of Appendix Table C.1a or C.1b shows that the recommended range for an offense score of 14 and an offender score of 2 would be 28 years-Life.

COMPUTATION OF THE OFFENSE AND OFFENDER SCORES - ASSAULT WITH INTENT TO MURDER 27§12

OFFENSE SCORE:

A. Seriousness Category of Instant Count

As shown in Appendix A, Assault with Intent to Murder is a Category II Offense.

8 points

B. Victim Injury

Permanent injury resulting from gunshot wounds.

2 points

C. Weapon Usage

Handgun was used.

2 points

D. Special Vulnerability of Victim

Victim over 10 and under 60 years old and not mentally nor physically handicapped.

0 points

TOTAL OFFENSE SCORE

12 points

OFFENDER SCORE:

NOTE: The offender score is unchanged from the First Degree Rape and would remain as 2 since these offenses are from the same criminal event. The offender score would remain the same for all counts.

## SAMPLE CASE 5 (Continued)

### GUIDELINE RANGE FOR ASSAULT WITH INTENT TO MURDER

An examination of Appendix Table C.1a or C.1b shows that the recommended range for an offense score of 12 and an offender score of 2 would be 18-30 years.

### GUIDELINE RANGE FOR KIDNAPPING

Since the Kidnapping conviction is the same Seriousness Category as Assault with Intent to Murder, the offense and offender scores would also be the same. Therefore, the recommended range for the Kidnapping offense would also be 18-30 years.

### GUIDELINE RANGE FOR HANDGUN VIOLATION

Because this convicted count is the fourth, a separate worksheet must be used even though all the counts are from one criminal event. A change in the scoring is required for Variable A of the offense score since Use of a Handgun in Commission of a Felony is a Category III offense. A Category III offense is scored 5 points; the offense score would be 9 and the offender score would be 2 as were the other offender scores. The recommended range for an offense score of 9 and an offender score of 2 would be 8-15 years.

### OVERALL GUIDELINE RANGE FOR THE SENTENCING EVENT

Because three of the offenses in this criminal event were in either Seriousness Category I (First Degree Rape) or Seriousness Category II (Assault with Intent to Murder and Kidnapping), the overall recommended guideline range is determined by adding together the respective lower and upper limits of the ranges of each Category I or II conviction. Following this procedure, the overall recommended sentencing range would be 64 years (28 years plus 18 years plus 18 years) or Life plus 4 years to Life plus 60 years (Life plus 30 years plus 30 years), or Life plus Life.

<u>Offense</u>	<u>Guideline Range</u>
Rape	28-Life
Assault with Intent to Murder	18-30 Years
Kidnapping	18-30 Years
Handgun Violation	<u>8-15 Years</u>
	64-Life plus 60 years

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle)		BIRTHDATE		Male Female		White Black Hispanic Other		JURISDICTION	
DATE OF OFFENSE		DATE OF PLEA/VERDICT		DATE OF SENTENCING		HOW MANY CONVICTED COUNTS AT THIS SENTENCING?		HOW MANY CRIMINAL EVENTS AT THIS SENTENCING?		WORKSHEET # OF CRIMINAL EVENT #	
11/22/81		09/10/82		09/10/82		0/4		0/1		PSI 0/Yes 2/No	
INVESTIGATOR'S TITLE											
1st Count											
FIRST DEGREE RAPE											
2nd Count											
ASSAULT WITH INTENT TO MURDER											
3rd Count											
KIDNAPPING											
OFFENDER SCORE											
A. Relationship to CJS When Instant Count Occurred											
0 = None or Pending Cases											
1 = Court or Other 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. Prior Adult Criminal Record											
0 = None											
1 = Minor											
3 = Moderate											
5 = Major											
D. Prior Adult Parole/Probation Violations											
0 = No											
1 = Yes											
TOTAL OFFENDER SCORE											
0/2											
REASON IF ACTUAL SENT. DEPARTS FROM GUIDELINE RANGE/ADDITIONAL INFO.											
OFFENSE SCORE (S)											
A. Seriousness Category											
V - VII											
B. Victim Injury											
No Injury											
Injury, Non-Permanent											
Permanent Injury or Death											
C. Weapon Usage											
No Weapon											
Weapon Other Than Firearm											
Firearm											
D. Special Vulnerability of Victim											
No											
Yes											
ACTUAL SENTENCE											
1st Convicted Count											
2nd Convicted Count											
3rd Convicted Count											
OVERALL GUIDELINE RANGE											
(For Multiple Counts Only)											
64 Yrs. (Life+4Yrs.)											
to											
Life+60Yrs. (Life+Life)											
INSTITUTIONAL/PAROLE RECOMMENDATION											
STATE'S ATTORNEY											
DEFENSE ATTORNEY											
SIGNATURE											

GUIDELINE WORKSHEET R D DATE OF OFFENSE 11/22/81 DATE OF PLEA/VERDICT 09/10/82 DATE OF SENTENCING / / 10/04/59 2 Female 2 Black 4 Other 12 PSI WORKSHEET # 2 CRIMINAL EVENT # 1 0 Yes 2 No CONVICTED COUNT TITLE 1st Count USE OF A HANDGUN IN COMMISSION OF A FELONY 27\$36B(d) 20 Yrs 8-15 Yrs. 00000005 2nd Count 3rd Count OFFENDER SCORE A. Relationship to CJS When Instant Count Occurred 1 = None or Pending Cases 2 = Court or Other 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. Prior Adult Criminal Record 0 = None 1 = Minor 2 = Moderate 3 = Major D. Prior Adult Parole/Probation Violations 0 = No 1 = Yes TOTAL OFFENDER SCORE 012 REASON IF ACTUAL SENT. DEPARTS FROM GUIDELINE RANGE/ADDITIONAL INFO. OFFENSE SCORE (S) OFFENSE AGAINST A PERSON ONLY A. Seriousness Category V - VII B. Victim Injury No Injury Injury, Non-Permanent Permanent Injury or Death C. Weapon Usage No Weapon Weapon Other Than Firearm Firearm D. Special Vulnerability of Victim No Yes ACTUAL SENTENCE 1st Convicted Count 2nd Convicted Count 3rd Convicted Count OVERALL GUIDELINE RANGE (For Multiple Counts Only) 64 Yrs. (Life+4 Yrs.) to Life+60 Yrs. (Life+Life) INSTITUTIONAL/PAROLE RECOMMENDATION STATE'S ATTORNEY DEFENSE ATTORNEY SIGNATURE WORKSHEET COMPLETED BY

SAMPLE CASE 6

MULTIPLE COUNTS - DIFFERENT CRIMINAL EVENTS

OFFENDER'S NAME: R _____ W _____	DOCKET NO.: 00000006
DATE OF BIRTH: 1/10/60	DATE OF PLEA/VERDICT: 1/5/82
SEX: Male	DISPOSITION TYPE: Binding Plea
RACE: White	Agreement as to Sentence Maximum
DATES OF OFFENSE(S): 5/10/81	JURISDICTION: Harford County
5/25/81	CONVICTED COUNTS: Distribution
	of PCP 27§286
	Assault with Intent to
	Murder 27§12

OFFENSE DESCRIPTION:

On 5/10/81, as part of a narcotics investigation, two undercover police purchased from the defendant a 2-oz. vial of a liquid which was later identified as PCP. The defendant was arrested and released on \$10,000.00 bond.

On 5/25/81, police rsponded to a report of a shooting in a shopping center parking lot. Police were informed by the victim that he was talking to a man he had met in a bar, about buying some "grass". An argument ensued and the man pulled out a gun and shot the victim, hitting him in the right arm. The victim was treated for a flesh wound and released from the hospital. Based on the information provided by the victim and witnesses at the bar, a warrant was obtained and the defendant was arrested at his home.

On 1/5/82, the defendant pled guilty to 1 count of Distribution of PCP 27§286 and 1 count of Assault with Intent to Murder 27§12.

OFFENDER'S PRIOR CRIMINAL RECORD:

JUVENILE:

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
3/23/76	Possession of Marijuana	Delinquent, 1 year probation



SAMPLE CASE 6 (Continued)

ADULT:

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
9/12/78	Possession of Cocaine Carrying a Handgun	4 years, sentence suspended 1 year, sentence suspended;  2 years probation

Offender was placed on 2 years adult probation in 1978 for Possession of Cocaine and Carrying a Handgun. Defendant successfully completed his probationary period.

COMPUTATION OF THE OFFENDER SCORE - DISTRIBUTION OF PCP 27§286

OFFENSE SCORE:

There is no offense score for drug offenses.

OFFENDER SCORE:

A. Relationship to CJS When Instant Count Occurred

Defendant was not under any supervision at the time of the instant offense.

0 points

B. Juvenile Delinquency

Offender was found delinquent for Possession of Marijuana

0 points

C. Adult Criminal Record

Step I - Possession of Cocaine - Category V  
Carrying Handgun - Category VII

SAMPLE CASE 6 (Continued)

The number of prior convictions according to Seriousness Category are:

<u>SERIOUSNESS CATEGORY</u>	<u>NUMBER OF PRIOR CONVICTIONS</u>
I	0
II	0
III	0
IV	0
V	1
VI	0
VII	1

Step II - Since the offender's most serious adult conviction was in Seriousness Category V, refer to the block in Appendix Table B.1 which represents "1" Seriousness Category V conviction. This block identifies the record as "Minor".

Step III - An offender with a minor record receives  
1 point 1 point

D. Prior Adult Parole/Probation Violations

None. 0 points

TOTAL OFFENDER SCORE 1 point

GUIDELINE RANGE FOR DISTRIBUTION OF PCP

An examination of Appendix Table C.2a or C.2b shows that the recommended range for Distribution of PCP with an offender score of 1 point is 1-3 years.

COMPUTATION OF THE OFFENSE AND OFFENDER SCORES FOR THE ASSAULT WITH  
INTENT TO MURDER 27§12

NOTE: Even though there were only two convicted counts at this sentencing, a second worksheet must be used because each convicted count was part of a separate criminal event.

OFFENSE SCORE:

A. Seriousness Category of the Instant Count

As shown in Appendix A, Assault with Intent to Murder is a Category II Offense. 8 points

SAMPLE CASE 6 (Continued)

- B. Victim Injury 1 point  
Victim was shot but not permanently injured.
- C. Weapon Usage 2 points  
Firearm was used.
- D. Special Vulnerability of Victim 0 points  
Victim over 10 and under 60 years old  
and not mentally nor physically  
handicapped.
- TOTAL OFFENSE SCORE 11 points

OFFENDER SCORE:

- A. Relationship to CJS When Instant Count Occurred 0 points  
Was on bond for a pending case.
- B. Juvenile Delinquency 0 points  
Offender has been found delinquent for  
Possession of Marijuana
- C. Adult Criminal Record  
Step I - Distribution of PCP - Category III  
Possession of Cocaine - Category V  
Carrying a Handgun - Category VII

The conviction for Distribution of PCP gets added to the adult record in accordance with the procedure on page \_\_\_\_\_. The number of prior adult convictions according to Seriousness Category are:

SAMPLE CASE 6 (Continued)

<u>SERIOUSNESS CATEGORY</u>	<u>NUMBER OF PRIOR CONVICTIONS</u>
I	0
II	0
III	1
IV	0
V	1
VI	0
VII	1

Step II - Since the offender's most serious adult conviction was in Seriousness Category III, refer to the block in Appendix Table B.1 which represents "1" Seriousness Category III conviction. This block identifies the record as "Moderate".

Step III - An offender with a moderate record receives 3 points 3 points

D. Prior Adult Parole/Probation Violations

None. 0 points

TOTAL OFFENDER SCORE 3 points

GUIDELINE RANGE FOR ASSAULT WITH INTENT TO MURDER

An examination of Appendix Table C.1a or C.1b shows that the recommended range for an offense score of 11 and an offender score of 3 is 20-30 years.

OVERALL GUIDELINE RANGE FOR THE SENTENCING EVENT

The overall guideline range for the sentencing event according to the procedure defined on page \_\_\_ would be to add the upper ranges and to add the lower ranges, resulting in a cumulative range of 21-33 years (1 year plus 20 years and 30 years plus 3 years).

<u>Criminal Event</u>	<u>Offense</u>	<u>Guideline Range</u>
1	Distribution of PCP 27§286	1 - 3 years
2	Assault with Intent to Murder 27§12	<u>20 - 30 years</u> 21 - 33 years



Sample Case 6 (Continued)

MARYLAND SENTENCING GUIDELINES WORKSHEET

OFFENDER NAME (Last, First, Middle) R W DATE OF PLEA/VERDICT 01/05/82 DATE OF SENTENCING 01/10/60 BIRTHDATE 01/10/60 JURISDICTION 22

DATE OF OFFENSE 05/25/81 WORKSHEET # 1 CRIMINAL EVENT # 2

CONVICTED COUNT TITLE 1st Count ASSAULT WITH INTENT TO MURDER 2nd Count 3rd Count

MD. CODE, ART. & SECTION 27§12 STAT. MAX. 30 Yrs. GUIDELINE RANGE 20Y-30Y DOCKET NUMBER 00000006

DISPOSITION TYPE (Circle Only One) 0 Charge Bargain 1 Binding Plea Agreement as to Actual Sentence 2 Binding Plea Agreement as to Sentence Maximum or Range of 3 Plea Agreement-Non-Binding Recommendation of 4 Plea, No Agreement 5 Other Guilty Plea 6 Court Trial, Contested Facts (No Plea Agreement) 7 Court Trial, Uncontested Facts, Contested Legal Issue (No Plea Agreement) 8 Jury Trial

OFFENSE SCORE (S) (Offense Against a Person Only) A. Seriousness Category = V - VII = IV = III = II = I B. Victim Injury = No Injury = Injury, Non-Permanent = Permanent Injury or Death C. Weapon Usage = No Weapon = Weapon Other Than Firearm = Firearm D. Special Vulnerability of Victim = No = Yes

OFFENDER SCORE A. Relationship to CJS When Instant Count Occurred 0 = None or Pending Cases 1 = Court or Other 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. Prior Adult Criminal Record 0 = None 1 = Minor 3 = Moderate 5 = Major D. Prior Adult Parole/Probation Violations 0 = No 1 = Yes

TOTAL OFFENDER SCORE 013

REASON IF ACTUAL SENT. DEPARTS FROM GUIDELINE RANGE/ADDITIONAL INFO.

ACTUAL SENTENCE 1st Convicted Count 2nd Convicted Count 3rd Convicted Count

OVERALL GUIDELINE RANGE 21 Yrs. to 33 Yrs.

INSTITUTIONAL/PAROLE RECOMMENDATION

WORKSHEET COMPLETED BY STATES ATTORNEY SENTENCING JUDGE DEFENSE ATTORNEY SIGNATURE

SAMPLE CASE 7

MULTIPLE COUNTS FROM SAME AND DIFFERENT CRIMINAL EVENTS

OFFENDER'S NAME: M _____ K _____	DOCKET NO.: 00000007
DATE OF BIRTH: 6/10/64	DATE OF PLEA/VERDICT: 2/20/82
SEX: Male	DISPOSITION TYPE: Binding Plea
RACE: Black	Agreement as to Actual Sentence
DATES OF OFFENSE(S): 9/10/81	JURISDICTION: Baltimore City
12/9/81	CONVICTED COUNTS: Robbery with a
	Deadly Weapon 27\$488
	Robbery 27\$486
	Assault CL

OFFENSE DESCRIPTION:

On 9/10/81, the victim, a 32-year old male, answered the door in his apartment, when a man wielding a revolver forced the door open and demanded money. After the victim gave up his wallet, the man forced the victim into the bedroom where he tied his hands and feet with the victim's ties. After ransacking the bedroom, the gunman told the victim not to call the police and left. After freeing himself, the victim called police and reported the incident along with a description of the defendant.

On 12/9/81, police responded to a call at an apartment house. Upon arriving, they were given custody of a man who, according to a security guard, had forced his way into a woman's apartment and tried to attack her. In questioning the victim, police learned that the woman, thinking it was her boyfriend, had opened the door and a man burst in. The victim stated that she was instructed to give him her money because he had a gun in his pocket and would use it. After handing over her purse, the man pushed her into the bedroom and told her to get undressed. The victim started to struggle when her boyfriend surprised the man. As her boyfriend and the assailant struggled, she went to the phone and called security, who helped hold the defendant. A starter pistol was found in the defendant's pocket.

On 2/20/82, the defendant pled guilty to Robbery with a Deadly Weapon from the first event and Robbery and Assault from the second event.

SAMPLE CASE 7 (Continued)

OFFENDER'S PRIOR CRIMINAL RECORD:

JUVENILE:

No juvenile record was found for the name and birthdate provided.

ADULT:

No record found

COMPUTATION OF THE OFFENSE AND OFFENDER SCORES FOR THE FIRST CRIMINAL  
EVENT - ROBBERY WITH A DEADLY WEAPON 27\$488

OFFENSE SCORE:

A. Seriousness Category of Instant Count

As shown in Appendix A, Robbery with a  
Deadly Weapon is a Category III offense.

5 points

B. Victim Injury

No injury.

0 points

C. Weapon Usage

Handgun was used.

2 points

D. Special Vulnerability of Victim

Victim over 10 and under 60 years old  
and not mentally nor physically  
handicapped.

0 points

TOTAL OFFENSE SCORE

7 points

OFFENDER SCORE:

A. Relationship to CJS When Instant Count  
Occurred

No adult supervision, no adult record.

0 points



SAMPLE CASE 7 (Continued)

B. Juvenile Delinquency

No record found. 0 points

C. Adult Criminal Record

The offender has no adult record. 0 points

D. Prior Adult Parole/Probation Violations

No adult supervision. 0 points

TOTAL OFFENDER SCORE 0 points

GUIDELINE RANGE FOR ROBBERY WITH A DEADLY WEAPON OF CRIMINAL EVENT 1

An examination of Appendix Table C.1a or C.1b shows that the recommended range for an offense score of 7 and an offender score of 0 would be 3-8 years.

COMPUTATION OF THE GUIDELINE RANGES FOR THE SECOND CRIMINAL EVENT

NOTE: A second worksheet must be used for this separate criminal event.

COMPUTATION OF THE OFFENSE AND OFFENDER SCORES FOR  
THE ROBBERY CONVICTION 27§486

OFFENSE SCORE:

A. Seriousness Category of Instant Count

As shown in Appendix A, Robbery is a Category IV Offense. 3 points

B. Victim Injury

No injury. 0 points

SAMPLE CASE 7 (Continued)

C. Weapon Usage

A starter pistol was used, therefore,  
1 point is given for weapon other than  
firearm used.

1 point

D. Special Vulnerability of Victim

Victim over 10 and under 60 years old  
and not mentally nor physically  
handicapped.

0 points

TOTAL OFFENSE SCORE

4 points

OFFENDER SCORE:

A. Relationship to CJS When Instant Count  
Occurred

No adult Criminal Justice System supervision

0 points

B. Juvenile Delinquency

No juvenile record found

0 points

C. Adult Criminal Record

NOTE: The adult criminal record must be modified  
upward to take into account the conviction from the  
first criminal event.

Step I - Robbery with a Deadly Weapon - Category III

Therefore, the number of convictions according to  
Seriousness Category is:

<u>SERIOUSNESS CATEGORY</u>	<u>NUMBER OF PRIOR CONVICTIONS</u>
I	0
II	0
III	1
IV	0
V	0
VI	0
VII	0

SAMPLE CASE 7 (Continued)

Step II - Since the only conviction is in Seriousness Category III, refer to the block in Appendix Table B.1 which represents "1" Seriousness Category III conviction. This block identifies the record as "Moderate".

Step III - An offender with a moderate record receives 3 points 3 points

D. Prior Adult Parole/Probation Violations

None. 0 points

TOTAL OFFENDER SCORE 3 points

GUIDELINES RANGE FOR ROBBERY FROM EVENT 2

An examination of Appendix Table C.1a or C.1b shows that the recommended range for an offense score of 4 and an offender score of 3 would be 2-5 years.

COMPUTATION OF THE OFFENSE AND OFFENDER SCORES FOR THE ASSAULT CONVICTION

A. Seriousness Category of the Instant Count

As shown in Appendix A, Assault is a Category V offense. 1 point

The values of the remaining variables of the offense score and the offender score are the same as for the Robbery conviction of this criminal event. Therefore, the Assault conviction would have an offense score of 2 and an offender score of 3.

GUIDELINE RANGE FOR ASSAULT FROM EVENT 2

An examination of Appendix Table C.1a or C.1b shows that the recommended range for an offense score of 2 and an offender score of 3 would be 3 months to 2 years.

SAMPLE CASE 7 (Continued)

OVERALL GUIDELINE RANGE FOR THE SENTENCING EVENT

To determine the overall guideline range for the sentencing event, add the respective lower and upper limits of the guideline ranges from each criminal event. These ranges are the highest upper and lower ranges from each event. (See Sample Case 4 and the explanation on page 16.) The overall guideline range in this instance would be 5 years (3 years plus 2 years) to 13 years (8 years plus 5 years):

<u>Criminal Event</u>	<u>Offense</u>	<u>Guideline Range</u>
1	Robbery with a Deadly Weapon	3 - 8 Years
2	Robbery	2 - 5 Years
2	Assault	<u>3M- 2 Years</u>
		5 - 13 Years

Sample Case 7

MARYLAND SENTENCING GUIDELINE WORKSHEET

OFFENDER NAME (Last, First, Middle) K M DATE OF OFFENSE 09/10/81 DATE OF PLEA/VERDICT 02/20/82 DATE OF SENTENCING / /

BIRTHDATE 06/10/64 SEX 1 Male 2 Female 3 Hispanic 4 Other 5 Other WORKSHEET # 1 CRIMINAL EVENT # 1

JURISDICTION 12

HOW MANY CRIMINAL EVENTS AT THIS SENTENCING? 013 MD. CODE, ART. & SECTION 27\$488 STAT. MAX. 20 Yrs. 3Y-8Y GUIDELINE RANGE DOCKET NUMBER 00000007

CONVICTED COUNT TITLE

1st Count ROBBERY WITH A DEADLY WEAPON

2nd Count

3rd Count

DISPOSITION TYPE (Circle Only One)	OFFENSE SCORE (S) (Offense Against a Person Only)	OFFENDER SCORE	AOC USE ONLY: DO NOT WRITE IN SPACE BELOW
0 Charge Bargain			
1 Binding Plea Agreement as to Actual Sentence	1st Ct. 01 01 03 05 08 10 0 1 2 0 1 2 0 1 0 7	A. Relationship to CJS When Instant Count Occurred 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision	INC SUS ACT STA CON PRO RAN O1 O2 DA SA USE
2 Binding Plea Agreement as to Sentence Maximum or Range of		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	
3 Plea Agreement-Non-Binding Recommendation of		C. Prior Adult Criminal Record 0 = None 1 = Minor 3 = Moderate 5 = Major	
4 Plea, No Agreement		D. Prior Adult Parole/Probation Violations 0 = No 1 = Yes	
5 Other Guilty Plea			
6 Court Trial, Contested Facts (No Plea Agreement)			
7 Court Trial, Uncontested Facts, Contested Legal Issue (No Plea Agreement)			
8 Jury Trial			

OFFENSE SCORE (S) 017 OFFENDER SCORE 010 TOTAL OFFENDER SCORE 010

REASON IF ACTUAL SENT. DEPARTS FROM GUIDELINE RANGE/ADDITIONAL INFO.

OVERALL GUIDELINE RANGE (For Multiple Counts Only) 5 Yrs. to 13 Yrs.

INSTITUTIONAL/PAROLE RECOMMENDATION

WORKSHEET COMPLETED BY STATES ATTORNEY DEFENSE ATTORNEY SENTENCING JUDGE SIGNATURE

SAMPLE CASE 7 (Continued)

[illegible]

SAMPLE CASE 8

MANDATORY MINIMUM SENTENCE

OFFENDER'S NAME: D _____ W _____	DOCKET NO.: 00000008
DATE OF BIRTH: 2/10/56	DATE OF PLEA/VERDICT: 9/1/82
SEX: Male	DISPOSITION TYPE: Jury Trial
RACE: White	JURISDICTION: Prince George's County
DATE OF OFFENSE: 7/19/82	CONVICTED COUNTS: Manufacture of PCP 27§286(b)(2)

OFFENSE DESCRIPTION:

On 7/19/82, police, acting on a search warrant, conducted a search of the defendant's home. Police found a small lab and confiscated a number of chemical compounds and three 1/2 liter bottles of suspected PCP. Later chemical tests were positive for PCP. On 9/1/82, the jury found the defendant guilty of manufacture of PCP.

OFFENDER'S PRIOR CRIMINAL RECORD:

JUVENILE:

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
12/28/71	Possession of Marijuana	Delinquent, probation
7/ 5/72	Possession of LSD	Delinquent, probation continued

ADULT:

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
1/ 6/76	Possession of LSD	6 months, all but 10 days suspended, 1 year probation
4/10/79	Daytime Housebreaking	6 months.
7/20/80	Distribution of PCP	5 years, 3 years suspended; 5 years probation.
	Carrying a Handgun	1 year concurrent

Offender is currently on probation.

SAMPLE CASE 8 (Continued)

COMPUTATION OF THE OFFENSE AND OFFENDER SCORES FOR THE MANUFACTURE OF PCP  
27§286(b)(2)

OFFENSE SCORE:

There is no offense score for drug offenses.

OFFENDER SCORE:

A. Relationship to CJS When Instant Count  
Occurred

Offender was on probation at the time he  
committed the instant offense.

1 point

B. Juvenile Delinquency

Offender is over 26 years of age.

0 points

C. Prior Adult Criminal Record

Step I - Possession of LSD - Category V  
Daytime Housebreaking - Category IV  
Distribution of PCP - Category III  
Carrying a Handgun - Category VII

The number of prior convictions according to  
Seriousness Category is:

<u>SERIOUSNESS</u> <u>CATEGORY</u>	<u>NUMBER OF PRIOR</u> <u>CONVICTIONS</u>
I	0
II	0
III	1
IV	1
V	1
VI	0
VII	1



SAMPLE CASE 8 (Continued)

Step II - Since the most serious prior conviction is in Seriousness Category III, refer to the block in Appendix Table B.1 which represents "1" Seriousness Category III conviction. This block identifies the record as "Major".

Step III - An offender with a major record receives 5 points 5 points

D. Prior Adult Parole/Probation Violations

None. 0 points

TOTAL OFFENDER SCORE 6 points

GUIDELINE RANGE

An examination of Appendix Table C.1a or C.1b shows that the recommended range for manufacture of PCP and an offense score of 6 would be 7-14 years.

Since the offender in this case is being sentenced pursuant to 286(b)(2) (previous PCP Distribution) which carries a 10-year mandatory minimum, the actual recommended range would be 10-14 years, and 10 years would be mandatory.

NOTE: If the offender were sentenced under 27§293, as a subsequent offender, the recommended guidelines range would be 14-28 years or double the usual guidelines range.

SAMPLE CASE 8

MARYLAND SENTENCING GUIDELINES WORKSHEET				OFFENDER NAME (Last, First, Middle)		BIRTHDATE		Male Female		White Black Other		JURISDICTION	
DATE OF OFFENSE		DATE OF PLEA/VERDICT		DATE OF SENTENCING		HOW MANY CONVICTED COUNTS AT THIS SENTENCING?		HOW MANY CRIMINAL EVENTS AT THIS SENTENCING?		WORKSHEET #		PSI	
07 / 19 / 82		09 / 01 / 82		W		0 / 1		0 / 1		1		1 Yes 2 No	
CONVICTED COUNT TITLE													
1st Count MANUFACTURE OF CDS (PCP)													
2nd Count													
3rd Count													
MD. CODE, ART. & SECTION													
27§286(b)(2)													
STAT. MAX.													
20 Yrs. 10Y-14Y													
DOCKET NUMBER													
00000008													
GUIDELINE RANGE													
OFFENDER SCORE													
A. Relationship to CJS When Instant Count Occurred													
0 = None or Pending Cases													
1 = Court or Other Criminal Justice Supervision													
B. Juvenile Delinquency													
1 = Not More Than One Finding of Delinquency													
1 = Two or More Findings Without Commitment or One Commitment													
2 = Two or More Commitments													
C. Prior Adult Criminal Record													
0 = None													
1 = Minor													
3 = Moderate													
5 = Major													
D. Prior Adult Parole/Probation Violations													
0 = No													
1 = Yes													
TOTAL OFFENDER SCORE													
0 / 6													
REASON IF ACTUAL SENT. DEPARTS FROM GUIDELINE RANGE/ADDITIONAL INFO.													
OFFENSE SCORE (S)													
A. Seriousness Category													
V - VII													
IV													
III													
II													
I													
B. Victim Injury													
No Injury													
Injury, Non-Permanent													
Permanent Injury or Death													
C. Weapon Usage													
No Weapon													
Weapon Other Than Firearm													
Firearm													
D. Special Vulnerability of Victim													
No													
Yes													
OFFENSE SCORE (S)													
1 / 1													
ACTUAL SENTENCE													
1st Convicted Count													
2nd Convicted Count													
3rd Convicted Count													
to													
INSTITUTIONAL/PAROLE RECOMMENDATION													
OVERALL GUIDELINE RANGE (For Multiple Counts Only)													
1st Convicted Count													
2nd Convicted Count													
3rd Convicted Count													
to													
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DEFENSE ATTORNEY													
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