

ADMINISTRATIVE OFFICE OF THE COURTS


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DEPUTY STATE COURT ADMINISTRATOR
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To: Recipients of the *Maryland Sentencing Guidelines Manual*

From: George N. Weber, Jr. 
Assistant Administrator

Subject: New Maryland Sentencing Guidelines Offenses

Date: February 8, 1995

On October 20, 1994, the Maryland Sentencing Guidelines Advisory Board incorporated additional offenses into the *Maryland Sentencing Guidelines Manual*. Enclosed is a table that lists those offenses, as well as their corresponding seriousness categories. Please include these new offenses with Appendix A of your 1987 version of the Manual.

These additions to the *Maryland Sentencing Guidelines Manual* took effect on January 3, 1995. For these specific offenses, calculate the Sentencing Guidelines by using the 1987 version of the *Maryland Sentencing Guidelines Manual* and prepare a Sentencing Guidelines worksheet if the offense date occurs after January 2, 1995.

If you have any questions or concerns regarding these new offenses, please contact me at (410) 974-2186.

cc: Honorable Robert C. Murphy, Chief Judge
Honorable Joseph H. H. Kaplan
George B. Riffin, Jr.



**NEW OFFENSES AND THEIR CORRESPONDING SERIOUSNESS CATEGORIES INCORPORATED INTO THE
MARYLAND SENTENCING GUIDELINES**

Crime	Art./Sect.	Max. Sent.	Min. Sent.	Seriousness Category	Offense Type
Reckless Endangerment	27, § 120	5Y		V	Person
Carjacking	27, § 348A(b)(1),(2)	30Y		II	Person
Possession or Use of Machine Gun	27, § 373	20Y		III	Person
1st Degree Burglary	27, § 29(a)	20Y		III	Property
2nd Degree Burglary	27, § 30(a)	15Y		IV	Property
2nd Degree Burglary, Steal or Take Firearm	27, § 30(b)	20Y		IV	Property
3rd Degree Burglary	27, § 31(a)	10Y		IV	Property
4th Degree Burglary	27, § 32(a),(b),(c)	3Y		VII	Property
Burglary w/Explosives	27, § 33(a)	20Y		III	Property
B&E Research Facility	27, § 34(b)	5Y		VI	Property
B&E Motor Vehicle	27, § 35	3Y		VII	Property
Drug Kingpin	27, § 286(g)	40Y	20Y	II	Drug
Use, etc., of a Weapon in a Drug Offense, 1st Offense	27, § 281A(b)	20Y	5Y	III	Person
Use, etc., of a Weapon in a Drug Offense, Subsequent	27, § 281A(b)	20Y	10Y	III	Person
Use, etc., of a Weapon in a Drug Offense, 1st Offense (only for certain weapons)	27, § 281A(c)	20Y	10Y	III	Person
Use, etc., of a Weapon in a Drug Offense, Subsequent (only for certain weapons)	27, § 281A(c)	20Y	20Y	III	Person

NOTE: These additions to the *Maryland Sentencing Guidelines Manual* took effect on January 3, 1995. For these specific offenses, calculate the sentence using the *Maryland Sentencing Guidelines Manual* by using the 1987 version of the *Maryland Sentencing Guidelines Manual* and prepare a Sentencing Guidelines worksheet if the offense date occurs after January 2, 1995.

**ADMINISTRATIVE OFFICE OF THE COURTS
MARYLAND SENTENCING GUIDELINES**

Annapolis, Maryland 21401



MANUAL

REVISED JULY, 1987

841-1059

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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 indicates, 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 GUIDELINES OFFENSES

Person Offenses
(Sample Case 1,
p. E-3)

Drug Offenses
(Sample Case 2,
p. E-7)

Property Offenses
(Sample Case 3,
p. E-10)

*Offenses listed in
Appendix A*

Offenses covered by the guidelines are those initiated in a circuit court. They are divided into three categories: person, drug and property. 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. Any misdemeanor which carries a possible penalty of incarceration and is not listed should be assigned to Seriousness Category VII. If a felony is not listed, call the Sentencing Guidelines Office for assistance.

New trials ordered by appellate courts should be treated as new cases.

Exclusions

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

- o Prayers for jury trial from District Court
- o Appeals from District Court
- o Parole or probation revocations
- o Crimes which carry no possible penalty of incarceration
- o First Degree Murder convictions pursuant to Article 27/413 (death penalty)¹
- o Public local laws and municipal ordinances

¹Unless Article 27/413 is invoked, the guidelines sentence for First Degree Murder is life.

1.2 GUIDELINES WORKSHEET

*One Criminal Event,
up to three Offenses
per Worksheet*

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

*Criminal Behavior
over a Period
of Time*

When two or more convictions result from criminal behavior over a period of time, each conviction is considered a separate event. At least one worksheet must be used for each. Please do not compile multiple events on a single worksheet.

Prior to any sentencing decision using the guidelines, a worksheet or worksheets should be completed, down to the section labeled "Actual Sentence." Each convicted offense for which the offender is to be sentenced should be included. The worksheet, a copy of which appears on page 3, 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 or one of the judge's staff. Regardless of who completes a worksheet, it is the responsibility of the judge to review the worksheets for completeness and accuracy.

*Presentencing
Distribution
of Worksheets*

*Additions or
Corrections to
Worksheets*

A copy of each completed worksheet should be forwarded to both the defense attorney and the prosecutor so that they will have an opportunity to review the information provided. Any disagreements they may have 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.

1.3 GUIDELINES SENTENCE

The guidelines sentence, based on the type of offense and type of offender, is given as a range.

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle)		Male 1 Female 2		Black 1 White 2		Hispanic 3 Other 4		BIRTHDATE		JURISDICTION	
PSI		DATE OF OFFENSE		DATE OF SENTENCING		1. Plea agreement - state nature of		2. Plea, no agreement		3. Court trial		4. Jury trial	
AT THIS SENTENCING NUMBER OF:		CONVICTED OFFENSES		CRIMINAL EVENTS		WORKSHEET #		OF		CRIMINAL EVENT #			
CONVICTED OFFENSE TITLE		AOC CODE		MD. CODE, ART. & SECTION		STAT. MAX.		DOCKET NUMBER				AOC USE ONLY. DO NOT WRITE IN SPACE BELOW	
1st												INC	
2nd												SUS	
3rd												ACT	
												STA CON	
												PRO RAN	
												FI	
												REST	
												CS	
												01	
												02	
												USE	
OFFENSE SCORE(S) (Offense Against a Person Only)		OFFENDER SCORE		GUIDELINES RANGE		ACTUAL SENTENCE		Imposed, suspended, time served, probation, fine, restitution, community service					
1st Off 2nd Off 3rd Off		A. Seriousness Category		A. Relationship to CJS When Instant Count Occurred		1st Convicted Offense		Subsequent offender		1 Yes 2 No			
01 01 01 = V - VII				0 = None or Pending Cases									
03 03 03 = IV				1 = Court or Other Criminal Justice Supervision									
05 05 05 = III				B. Juvenile Delinquency									
08 08 08 = II				0 = Not More Than One Finding of Delinquency or over age 25									
10 10 10 = I				1 = Two or More Findings, No or One Commitment									
				2 = Two or More Commitments									
B. Victim Injury				C. Prior Adult Criminal Record									
0 0 0 = No Injury				0 = None 1 = Minor									
1 1 1 = Injury, Non-Permanent				5 = Major 3 = Moderate									
2 2 2 = Permanent Injury or Death				D. Prior Adult Parole/Probation Violations									
				0 = No 1 = Yes									
C. Weapon Usage				OFFENDER SCORE									
0 0 0 = No Weapon													
1 1 1 = Weapon Other Than Firearm													
2 2 2 = Firearm or Explosive													
D. Special Vulnerability of Victim													
0 0 0 = No													
1 1 1 = Yes													
OFFENSE SCORE (S)													
REASON IF ACTUAL SENTENCE DEPARTS FROM GUIDELINES RANGE													
INSTITUTIONAL/PAROLE RECOMMENDATION/ADDITIONAL INFO.													
TOTALS													
TOTALN													
TF1													
REST													
TCS													
TRANGE													
TOUT1													
TOUT2													
TUSE													
WORKSHEET COMPLETED BY													
TITLE													

*Non-suspended
Incarceration*

The guidelines sentence range represents only non-suspended time. If the guidelines range for a particular case is 6 to 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 gives 6 years, all suspended, the sentence will be outside the guidelines.

If an offender is already under sentence, time remaining to be served should be indicated on the worksheet with the rest of the sentencing information. This remaining time will be counted in determining whether the new sentence or sentences are within the guidelines. If the guidelines range is 2 to 5 years and the offender has served 1 year of a previous 3 year sentence, he would have to receive at least two years of additional unsuspended time to be sentenced within guidelines. Among sentences that would be within the guidelines in this example are 4 years concurrent, 2 years consecutive or 8 years concurrent with 4 years suspended.

Probation

Within statutory limits, the length of any probation imposed is left to the discretion of the judge.

1.4 SENTENCES OUTSIDE THE GUIDELINES

*Written Reasons
for Departure
from Guidelines*

Whenever a sentence outside the recommended guidelines range is imposed, the judge should give written reasons on the guidelines worksheet. Reasons for departing from 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.

1.5 GUIDELINES WORKSHEET DISTRIBUTION

*Distribution of
Color-coded
Worksheets*

Copies of each guidelines worksheet should be distributed as follows:

White	- Sentencing Judge
Blue	- Administrative Office of the Courts (Maryland Sentencing Guidelines)

Green	<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; and</u> <u>(c) If the case is a split sentence, the preparer is to send a photocopy to the Division of Parole and Probation.</u>
Yellow	- Court File
Pink	- State's Attorney
Gold	- Defense Attorney

The sentencing judge and opposing counsel should have received or completed their copies of the worksheets 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 complete the forms.

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

After sentencing, the judge distributes the blue, green and yellow copies to the indicated recipients according to individual court practice. The Maryland Sentencing Guidelines Criteria for Prior Record form should accompany the blue worksheet sent to the Administrative Office of the Courts. In split sentence cases, the court should make a copy of the worksheet for the appropriate probation office. An institution receiving a prisoner eligible for parole will duplicate its worksheet copy for the Parole Commission.

PART 2

USING THE GUIDELINES 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, sex, ethnicity, birthdate, jurisdiction where the case was tried, whether or not a PSI was available, dates of offense and sentencing, number of convicted offenses and criminal events at the sentencing being reported, the number of the worksheet and criminal event, the title of the instant offense with its Maryland Code article and section number statutory maximum, and the case or docket 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

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle)			Male	Female	Black	White	Hispanic	Other	BIRTHDATE	JURISDICTION
		1	2	1	2	3	4					
PM	DATE OF OFFENSE	DATE OF SENTENCING	DISPOSITION TYPE									
1 Yes 2 No	CONVICTED OFFENSES	CRIMINAL EVENTS	WORKSHEET #	1. Plea agreement - state nature of				2 Plea, no agreement				
AT THIS SENTENCING NUMBER OF:			OF					3 Court trial				
			CRIMINAL EVENT #					4 Jury trial				
CONVICTED OFFENSE TITLE				AOC CODE	MD CODE, ART. & SECTION		STAT. MAX	DOCKET NUMBER				
1st												
2nd												
3rd												

*Convicted
Offenses*

In the space for the number of convicted offenses at this sentencing write the total number of offenses for which one judge must impose a specific sentence at one time and place. Merged offenses are not to be used in the calculations of guidelines. That is, those offenses considered as merged are not to be placed on the worksheet or considered in any of the worksheet computations.

*Numbering of
Worksheets*

In the space for the number of criminal events at this sentencing, write the total number of criminal events being sentenced at this time. As

defined earlier, a single criminal event is one or more offenses committed in the course of the same transaction. Multiple criminal events being sentenced together 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 offenses at a 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 offenses were part of which event.

When the offense is a single conviction, a score of one is to be placed as the number of convicted offenses and the number of convicted events (See sample case 1, p. E-3). This section is located in the upper left hand corner of the worksheet.

For multiple convicted offenses the number of convicted offenses entered on the worksheet is the total number being sentenced at this sentencing event. (See sample cases 4 thru 8, pages E-11-E-35.)

For multiple offenses from more than one criminal event, the number of criminal events is numbered chronologically by date of offense. (See sample case 6, page E-29.)

*Convicted
Offense
Title(s)*

Spaces are provided on each worksheet for listing up to three convicted offense titles for a single criminal event (whether the same or different docket numbers). Convicted offense titles and their corresponding Maryland code references may be abbreviated but should be as specific as possible. For example, the offense 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. Property offenses should include any relevant dollar categories, such as "Theft Under \$300" or "Extortion \$300 or More".

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

*The 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 2, should be marked according to the conditions described there.

*Plea
Agreement*

If the disposition resulted from plea negotiations, circle "1" and provide a brief description. Examples are: lesser charge, reduced number of charges, binding plea agreement as to actual sentence, binding plea agreement as to sentence maximum or range, State recommendation as to sentence, and agreed statement of facts.

*Plea, No
Agreement*

If the defendant pled guilty without any agreement from the prosecutor or judge to perform in a particular way, circle "2".

*Court
Trial*

If the disposition resulted from a court trial, circle "3".

*Jury
Trial*

If the disposition followed a trial by jury, circle "4".

2.2 GUIDELINES SCORING

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

2.2.1 Computation of the Offense Score

*Offense Score for
Offenses Against
Persons Only
(Sample Case 1,
p. E-3)*

The offense score for each convicted offense is derived by totaling the points given for certain factors of that offense. Items may be included if known to the judge even if not within the scope of the convicted offense, e.g., weapon usage in a robbery conviction or victim injury in a handgun violation conviction.

A firearm offense is considered a person offense under guidelines.

The four elements of the offense score appear in Table 3 below. A column of offense scores is provided on the worksheet for each of three

possible offenses within a single criminal event.

TABLE 3

OFFENSE SCORE

OFFENSE SCORE(S) (Offense Against a Person Only)			
1st Off	2nd Off	3rd Off	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 or Explosive
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)

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

*Seriousness
Category*

A. Seriousness Category of the Convicted Offense

Points are given on the basis of the seriousness category of the convicted offense. In Appendix A, Maryland criminal offenses are listed alphabetically with Seriousness Categories.

*Conspiracies,
Attempts and
Solicitations*

*Accessory
Before or After
the Fact*

A conspiracy, attempt or solicitation should be considered in the same seriousness category as the substantive offense unless placed in a different category in Appendix A or 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.

B. Victim Injury

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

In a multiple offense case, injury points are given only for the offense or offenses where a victim was injured.

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. CO₂ guns (including pellet guns), and starter pistols are also scored as weapons other than firearms and receive one point.

Ordinarily, a toy gun is not considered a weapon, Brooks V. State No. 60 (1988), and should be scored as zero. The only exception would be if the instrument was capable of being used as a bludgeon.

Not included among weapons 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.

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 for each person offense of which the defendant was convicted. The maximum offense score is 15; the minimum is 1.

2.2.2 Computation of the Offender Score

*Offender's
Criminal History*

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 4 below.

TABLE 4
OFFENDER SCORE

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 or over age 25	
1 = Two or More Findings, No or One Commitment	
2 = Two or More Commitments	
C. Prior Adult Criminal Record	
0 = None	1 = Minor
5 = Major	3 = Moderate
D. Prior Adult Parole/Probation Violations	
0 = No	1 = Yes
<div><div></div><div></div></div> OFFENDER SCORE	

Following are a description and interpretation of the scoring for each offender factor. Any prior criminal activity which the defendant admits should be included. Variables A, C and D refer only to the defendant's adult involvement with the criminal justice system.

*Offender under
Criminal Justice
Supervision*

A. Relationship to CJS When Instant Offense Occurred

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.

*Juvenile
Record*

B. Juvenile 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. Commitments refer to the court's assignment of a juvenile to a correctional facility, large or small. Suspended juvenile commitments should be counted as findings of delinquency.

An incarcerable traffic offense in which the court finds a juvenile involved should be treated as part of his or her juvenile record.

*Age 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. An 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

When determining the defendant's prior criminal adult record, Appendix B is to be used. Appendix B presents severity score criteria to calculate the adult criminal record. The Appendix provides those instructions necessary to calculate the prior adult criminal record score. If the defendant has no prior adult criminal record then a score of zero (0) is the appropriate response. However, if the defendant has a minor adult criminal record one point is issued, moderate criminal record, three points; and major criminal record, five points.

*Parole or
Probation
Violations*

D. Prior Adult Parole/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. 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. Do not give a point simply

because offender was on parole or probation at the time of the instant offense; he will already have been penalized in "A" for being under supervision when he committed this offense.

Total Offense
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".

2.3 DETERMINING THE GUIDELINES SENTENCE

Guidelines
Range

After the offense and offender scores have been calculated for each offense for which there is a conviction or other adjudication of guilt, use the appropriate matrix - person, drug, or property - to determine the guidelines range. (See Table 5.) In multiple offense cases, the overall guidelines range is determined after calculating guidelines for the individual offenses (See pages 15-20.) A sentence within the guidelines is a sentence where the net unsuspended incarceration after the expiration of any previously imposed incarceration is within the guidelines.

TABLE 5

GUIDELINES RANGE

GUIDELINES RANGE
1st Offense
_____ TO _____
2nd Offense
_____ TO _____
3rd Offense
_____ TO _____
OVERALL GUIDELINES RANGE (For Multiple Counts Only)
_____ TO _____

2.3.1 Actual Sentence

Judge Enters
Actual Sentences

At the time of sentencing, the actual sentence is entered on the worksheet by the sentencing judge. Complete sentencing information for each convicted offense includes: credit for time served, suspended time, length of probation, fine, restitution¹, and community service. (See Table 6)

TABLE 6

ACTUAL SENTENCE

ACTUAL SENTENCE Imposed, suspended, time served, probation, fine, restitution, and/or community service		
1st Convicted Offense	Subsequent Offender 1 Yes	2 No
2nd Convicted Offense	Subsequent Offender 1 Yes	2 No
3rd Convicted Offense	Subsequent Offender 1 Yes	2 No

A judge, who reconsiders his sentence within 90 days, should notify the sentencing guidelines office as to any change. Only the offender's name and docket number need to be given with the new sentence.

2.3.2 Person Offenses

Offense Against
A Person
(Sample Case 1,
P. E-3)

To find the guidelines sentence for an offense against a person, refer to Appendix Table C.1a, page C-1, or C.1b, page C-3. In Appendix C.1a, the guideline ranges are in a grid format with the offense score on the vertical axis and the offender score on the horizontal axis. The guidelines range for any given convicted offense is in the block where the two scores intersect.

¹ On May 26, 1988 the Maryland Sentencing Guidelines Advisory Board unanimously agreed that restitution should be included as a part of the Sentencing Guidelines, and that restitution should be ordered in all cases where appropriate. Article 27, Section 640 of the Annotated Code of Maryland allows the court to order the defendant, as a sentence or condition of probation or parole, to make restitution upon conviction of a crime. Restitution can be ordered for any property losses or medical expenses incurred by the victim of the crime. Furthermore, a third party payor, including an insurer that has made payment to the victim, may also be entitled to restitution.

Appendix Table C.1b is an alternative presentation. The various combinations of offense and offender scores with their respective guidelines ranges are listed for any who finds that format preferable.

*First Degree
Murder*

As was previously stated, the person offense sentencing matrix is not necessary for First Degree Murder. The guidelines sentence for First Degree Murder (unless the offender is being sentenced pursuant to Article 27/413) is life.

2.3.3 Drug Offenses

*Drug Offenses
(Sample Case 2,
p. E-7)*

To find the guidelines sentence for a drug offense, refer to Appendix Table C.2a, page C-5, or C.2b, page C-7. In Appendix Table C.2a, the guidelines range for a particular instant offense is in the block opposite the seriousness category for that offense and under the applicable offender score.

Appendix Table C.2b lists each drug seriousness category opposite the offender scores and guidelines ranges for each. When using this table, match the seriousness category of the convicted offense to the offender score to find the guidelines sentence. Possession with Intent to Distribute is considered an offense under 27/286 rather than 27/287.

The sale or possession of an unusually large amount of drugs or evidence that the offender is an upper echelon dealer are aggravating factors that should be considered as reasons for sentencing above the guidelines.

*Property Offenses
(Sample Case 3,
p. E-10)*

2.3.4 Property Offenses

To find the guidelines sentence for a property offense, refer to either Appendix Table C.3a, page C-9, or C.3b, page C-11.

In Appendix Table C.3a, the guidelines range for a particular offense is in the block opposite the seriousness category for that offense and under the applicable offender score.

Appendix Table C.3b lists the guidelines ranges by seriousness category and offender score. To use this table, match the instant offense seriousness category and the offender score to find

Single Criminal
Event, Not More
Than One Seriousness
Category I or II
Offense

the guidelines sentence range.

2.3.5 Multiple Offenses

2.3.5.1 Scoring Single Criminal Events - Not More Than One Offense from Seriousness Category I or II (See Table 7)

1. Calculate the guidelines range for each offense.

2. Determine the overall guidelines range by identifying the highest of the lower guidelines limit and the highest of the upper guidelines limit. Usually these will be the lower and upper limits of the guidelines range for one of the offenses, but there are infrequent exceptions. (See Example 3 in Table 7.)

TABLE 7

Example 1			
<u>Criminal Event</u>	<u>Offense</u>	<u>Seriousness Category</u>	<u>Guidelines Range</u>
1	Second Degree Rape	II	12-25 Yrs.
1	Handgun Violation	III	5*-8 Yrs.
Overall guidelines range			12-25 Yrs.
Example 2			
<u>Criminal Event</u>	<u>Offense</u>	<u>Seriousness Category</u>	<u>Guidelines Range</u>
1	Burglary	IV	1-4 Yrs.
1	Theft \$300 or More	V	1-3 Yrs.
1	Destroying Property	VII	6M-1 Yr.
Overall guidelines range			1-4 Yrs.
Example 3			
<u>Criminal Event</u>	<u>Offense</u>	<u>Seriousness Category</u>	<u>Guidelines Range</u>
1	Assault	V	1-5 Yrs.
1	Distribution of LSD	IV	2-3 Yrs.
Overall guidelines range			2-5 Yrs.
*Guidelines range was 3-8 years but statutory Minimum is 5 Years			

*Single Criminal
Event, Two or
More Seriousness
Category I or II
Offenses
(Sample Case 5,
p. E-20)*

3. Any combinations of sentences imposed, concurrent or consecutive, are within the guidelines when the net time to be served (i.e., the initial sentence minus suspended sentence) falls within the overall guideline range.

2.3.5.2 Scoring Single Criminal Events - Two or More Offenses from Seriousness Category I or II (See Table 8)

1. Calculate the guidelines range for each offense.

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

TABLE 8

Example 1			
<u>Criminal Event</u>	<u>Offense</u>	<u>Seriousness Category</u>	<u>Guidelines Range</u>
1	First Degree Rape	I	15-25 Yrs.
1	Kidnapping	II	7-13 Yrs.
1	Robbery	IV	<u>2- 7 Yrs.</u>
Overall guidelines range			22-38 Yrs.

Example 2			
<u>Criminal Event</u>	<u>Offense</u>	<u>Seriousness Category</u>	<u>Guidelines Range</u>
1	1st Degree Sex Offense	I	30Y-Life
1	1st Degree Sex Offense	I	30Y-Life
1	1st Degree Rape	I	<u>30Y-Life</u>
Overall guidelines range			90Y(Life +30 Yrs.)* to 3 consc Life terms

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

3. Any combinations of sentences imposed, concurrent or consecutive, are within the guidelines when the net time to be served (i.e.,

*Multiple Criminal
Events, One Offense
in Each Event*

the initial sentence minus suspended sentence) falls within the overall guideline range.

2.3.5.3 Scoring Multiple Criminal Events - One Offense in Each Event (See Table 9)

1. Arrange the offenses in chronological order beginning with the one committed first.

2. Calculate the guideline range for each event's convicted counts. The prior criminal adult record is constant throughout each event. A prior adult criminal record score reflects the defendant's criminal history on the date of sentencing. The prior adult criminal record calculated for the first event is the same for all proceeding events, as long as they are being sentenced at the same time.

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

TABLE 9

Example 1			
<u>Criminal Event</u>	<u>Offense</u>	<u>Seriousness Category</u>	<u>Guidelines Range</u>
1	RDW	III	3-8 Yrs.
2	RDW	III	3-8 Yrs.
3	RDW	III	<u>3-8 Yrs.</u>
Overall guidelines range			9-24 Yrs.

Example 2			
<u>Criminal Event</u>	<u>Offense</u>	<u>Seriousness Category</u>	<u>Guidelines Range</u>
1	Burglary	IV	10-20 Yrs.
2	Forgery	V	<u>*8-10 Yrs.</u>
Overall guidelines range			18-30 Yrs.
*Statutory Maximum is 10 Years			

4. Any combinations of sentences imposed, concurrent or consecutive, are within the guidelines when the net time to be served (i.e., the initial sentence minus suspended sentence) falls within the overall guideline range.

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

2.3.5.4 Scoring Multiple - Criminal Events More
than One Offense in One or More Events
(See Table 10)

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

TABLE 10

Example 1			
<u>Criminal Event</u>	<u>Offense</u>	<u>Seriousness Category</u>	<u>Guidelines Range</u>
1	RDW	III	6-12 Yrs.
1	Handgun Violation	III	6-12 Yrs.
2	RDW	III	6-12 Yrs.
2	Poss. of Marijuana	VII	<u>P- 1 Mo.</u>
Overall guidelines range			12-24 Yrs.

Example 2			
<u>Criminal Event</u>	<u>Offense</u>	<u>Seriousness Category</u>	<u>Guidelines Range</u>
1	Sthse-breaking	V	P-6 Mos.
2	Sthse-breaking	V	P-6 Mos.
2	Theft \$300 or More	V	P-6 Mos.
2	Assault	V	<u>P</u>
Overall guidelines range			P-1Yr.

Example 3			
<u>Criminal Event</u>	<u>Offense</u>	<u>Seriousness Category</u>	<u>Guidelines Range</u>
1	1st Degree Rape	I	10-18 Yrs.
1	Robbery	IV	P- 2 Yrs.
2	Burglary	IV	<u>P- 1 Yr.</u>
Overall guidelines range			10-19 Yrs.

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

3. Determine the overall guidelines range for the first criminal event as in 2.3.5.1 or 2.3.5.2, but do not enter it on a worksheet.

4. Follow steps two and three for each succeeding criminal event. The prior criminal adult record is constant throughout each event. A prior adult criminal record score reflects the defendant's criminal history on the date of sentencing. The prior adult criminal record calculated for the first event is the same for all proceeding events, as long as they are being sentenced at the same time.

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

6. Any combinations of sentences imposed, concurrent or consecutive, are within the guidelines when the net time to be served (i.e., the initial sentence minus suspended sentence) falls within the overall guideline range.

2.3.6 Presentence Detention

*Credit for
Time Served*

When a defendant has been incarcerated 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.

2.3.7 Mandatory Sentences

*Statutory
Maximums and
Minimums
(Sample Case 8,
p. E-43)*

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

2.3.8 Subsequent Offenses

*Second or
Subsequent
Offenses*

Enhanced punishment legislation for subsequent offenders also takes precedence over guidelines ranges if not otherwise provided for in this Manual. When the statutory penalty for a drug offense is doubled under Article 27, Section 293, the guidelines range for that offense is also doubled. The guidelines sentence is determined by doubling the appropriate sentence from the drug offense sentencing matrix except when the mandatory minimum sentence under 27/286 is invoked and takes precedence.

If sentencing is pursuant to an enhanced punishment statute, mark the box provided on the worksheet and specify the statute.

*"White Collar"
Crimes*

2.3.9 "White Collar" Offenses

The guidelines apply to white collar offenses. However, it is pointed out and emphasized that the presence of a white collar offense should 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	FL 9-304,7(a)(b) 304,7(c)	Person Person	30 Days 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
Barn, pier, shop, church, bridge, etc.	IV	27/7	Property	20 Years
Burning cross	See Burning cross or other religious symbol			
Burning goods, wares, etc., with intent to injure insurer	VII	27/9	Property	5 Years
Burning personal property of another- damage under \$1,000	VII	27/8(b)	Property	18 Months
Burning personal property of another damage \$1,000 or more	VI	27/8(c)	Property	5 Years
Dwelling 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 inmate or employee	IV	27/11E	Person	Consec. No susp.

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Assault w/deadly weapon	V	Federal Offense	Person	
Assault with intent to -				
Maim, disable, etc.	III	27/386	Person	15 Years
Murder	III	27/12	Person	30 Years
Prevent lawful apprehension	III	27/386	Person	15 Years
Rape or commit a 1st or 2nd degree sex offense	III	27/12	Person	15 Years
Rob	IV	27/12	Person	10 Years
Bad check				
Obtaining property/ services under \$300	VII	27/141, 143(b)	Property	18 Months
Obtaining property/ services worth \$300 or more	V	27/141, 143(a)	Property	15 Years
Bawdy Houses and 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 railroad car, etc. with intent to steal	VI	27/114	Property	10 Years
Breaking and entering storehouse, etc., of another	VII	27/31B	Property	6 Months
Breaking into railroad car or entering 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	27/32	Property	10 Years
Storehouse-breaking with intent to steal under \$300 or stealing under \$5	VII	27/33A	Property	18 Months
Storehouse-breaking/ stealing \$5 or more	V	27/33	Property	10 Years
Bribery to/by public officer	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 abduction	See Abduction			
Child abuse				
Physical	IV	27/35A	Person	15 Years
Sexual	IV	27/35A	Person	15 Years
Child pornography	V	27/419A	Person	10 Years
Contempt, criminal ¹	VII	CL		
Contraband, delivery in or out of institution				
To effect escape	VI	27/122A(b)	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>
Other than to effect escape	VI	27/122A(c)	Property	3 Years
Contributing to certain conditions of a child	VII	CJ3-831	Person	3 Years
Controlled dangerous substance - Importation into State	III	27/286A	Drug	25 Years
Controlled dangerous substance - unlawful manufacture, distribution, counterfeiting, etc.; manufacture, etc. of certain equipment for illegal use; keeping common nuisance				
Non-controlled substance as a CDS	IV	27/286B	Drug	5 Years
PCP	III	27/286(a)(b) (2)	Drug	20 Years (10 yrs. mandatory/ subsequent offense under this para.)
Schedule I-II narcotics (e.g., heroin, cocaine, dilaudid, methadone)	III	27/286(a)(b) (1)	Drug	20 Years (10 yrs. mandatory/ subsequent offense under this para.)
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 (2 Years mandatory/ subsequent offense under this para.)
Using minors for CDS distribution, etc.	III	27/286C	Drug	10 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 - Paraphernalia				
Delivery or sale, etc. 1st offense	VII	27/287A(d) (1)	Drug	\$500 Fine
Delivery or sale, subsequent offense	IV	27/287A(d) (1)	Drug	2 Years
Delivery or sale to juvenile by adult 3 or more years older	III	27/287A(d) (2)	Drug	8 Years
Unlawful Possession, etc. V		27/287	Drug	4 Years
Use or possession with intent to use, 1st offense	VII	27/287A(c)	Drug	\$500 Fine
Use or possession with intent to use, subsequent offense	V	27/287A(c)	Drug	2 Years
Controlled dangerous substance - Possession, etc.				
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 - fraud, theft, forgery				
Under \$300	VII	27/145	Property	18 Months
\$300 or more	V	27/145	Property	15 Years
Continuing course of conduct. - If a person commits a violation of this section pursuant to one scheme or continuing course of conduct, from the same or several sources, the conduct may be considered as one offense and the value of the money, goods, services, or anything else of value may be aggregated in determining if the offense is a felony or a misdemeanor.				

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Cruelty to animals				
Dogfighting	VI	27/59	Property	3 Years
Injuring a racehorse	VI	27/61	Property	3 Years
Daytime housebreaking	See Breaking and entering			
Deadly weapon	See Explosives, handguns and weapons			
Destroying, injuring, etc. property				
Under \$300	VII	27/111	Property	60 Days
\$300 or more	VII	27/111	Property	3 Years
Dynamiting, etc., property	III	27/119	Property	Life/ 20 Years
Escape				
From State pen., a jail, station house, etc.	IV	27/139(a)(1)(3)	Person	10 Years
Aid in escape	IV	27/139(c)	Person	10 Years
Explosives				
Destructive explosive devices, manufacture, possession, etc.	III	27/139B	Property	20 Years
Molotov cocktail	VII	27/139A	Property	5 Years
Possession without a License	VI	38A/29,34	Property	5 Years
Unlawful manufacture or dealing	VI	38A/27,34	Property	5 Years
Extortion				
By false accusation	VI	27/563	Property	2 Years
By state or local officer or employee against another employee	VI	27/562D	Property	5 Years

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
By state or local officer generally				
Under \$300	VII	27/562C	Property	6 Months
\$300 or more	V	27/562C	Property	10 Years
Generally				
Under \$300	VII	27/562B	Property	18 Months
\$300 or more	V	27/562B	Property	10 Years
Sending, etc. a threatening letter, etc.	VI	27/561	Property	10 Years
Threatening verbally	VI	27/562	Property	10 Years
Failure to appear ¹				
For a felony or pending appeal, post conviction, etc.	V	27/12B		5 Years
For a misdemeanor	VII	27/12B		1 Year
False alarm-fire, accident, rescue	V	27/156	Property	5 Years
False imprisonment	V	CL	Person	
False statements, etc.	VII	27/150,151 27/151A,151B	Property Property	6 Months 1 Year
Falsely representing self as an attorney	See Fraud			
Falsifying,destroying, concealing, accessing, etc., public records	See Forgery			
Federal income tax evasion ¹	VII			
Firearm	See Handgun			
Forgery and uttering				

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Falsifying, destroying, concealing, accessing, etc. public records	VII	27/45A	Property	3 Years
Forgery, counterfeiting, etc.	V	27/44(a)/CL	Property	10 Years
Forgery, counterfeiting, etc. of public documents	V	27/45	Property	10 Years
Uttering, etc.	V	27/44(b)/CL	Property	10 Years
Forgery, etc. physician's prescriptions, etc.	VI	27/55	Property	2 Years
Fraud				
Falsely representing self as an attorney	VII	10/33	Property	6 Months
Home improvement	VII	56/261,268	Property	6 Months
Income tax	VII	81/302	Property	1 Year
False or fraudulent return	VII	81/302	Property	1 Year
Principal = Perjury	IV	81/302(a)	Property	10 Years
Agent or Representative	VII (prior to 7/1/84 - 6 months max)	81/302(b)	Property	1 Year
Employer's failure to pay	VII	81/312,312A	Property	1 Year
Wilful failure to furnish information	VI	81/221	Property	18 Months
Medicaid				
Under \$500	VII	27/230B,C,D	Property	3 Years
\$500 or more	V	27/230B,C,D	Property	5 Years
Misappropriation of funds by attorney	V	10/44	Property	5 Years
Misappropriation By fiduciaries \$500 or more	V	27/132	Property	5 Years

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Obtaining public assistance by fraud	VII	27/230A	Property	3 Years
Unlawfully receiving fee for advice as attorney	(See "V" section for other information)			
Welfare perjury	VII	88A/62/CL	Property	10 Years
Gambling				
Betting, wagering, etc.; pools on horses, etc.	VII	27/240	Property	1 Year
Keeping gaming table or place	VII	27/237,241	Property	1 Year
Lotteries - prohibited	VII	27/356,357,358 360,361,362	Property	1 Year
Handgun				
Carrying, etc., with intent to injure or kill	V	27/36B(b)(iv)	Person	5 Years
Pistols and revolvers- restrictions on sale, transfer and possession	VI	27/445,446,447, 447A,448	Person	3 Years
Short-barrelled rifles and shotguns, unlawful poss.	VI	27/481C	Person	5 Years
Unlawful wearing, carrying, etc. 1st weapon offense	VII	27/36B(b)(i)	Person	3 Years (Mand. 90 Days if on p u b l i c s c h o o l prop.)
Unlawful wearing, carrying, etc., 2nd weapon offense	III	27/36B(b)(ii)	Person	10 Years (Mand. 1 Yr. Mand. 3 Yrs. if on p u b l i c s c h o o l prop.)

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Unlawful wearing, carrying, etc., more than 2 prior weapon offenses	III	27/36B(b)(iii)	Person	10 Years (Mand. 3 Yrs. Mand. 5 Yrs. if on public s c h o o l prop.)
Unlawful use in commission of felony or crime of violence, 1st offense	III	27/36B(d)(1) (Prior to 7/1/82 - 15 Years Maximum)	Person	20 Years (Mand. 5 Years)
Unlawful use in commission of felony or crime of violence subsequent offense	II	27/36B(d)(2)	Person	20 Years (Mand. 5 Years Consec.)
Wearing, carrying while intoxicated	VI	27/36E(1)	Person	1 Year
Hinder police officer	VI	CL	Person	
Homicide by motor vehicle while intoxicated	VI	27/388A	Person	3 Years
Incest	V	27/335	Person	10 Years
Income tax fraud		See Fraud		
Indecent exposure	VI	27/335A	Person	3 Years
Inhaling harmful substance Interference, obstruction or false representation of firefighter, rescue squad member or emergency services personnel	See Smelling or inhaling harmful substance VII	27/11D	Person	3 Years
Interfering with the rights of a mentally retarded individual	VII	HG 7- 1102	Person	2 Years
Kidnapping	II	27/337,338	Person	30 Years
Lotteries		See Gambling		

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Malfeasance, misconduct in office	V	CL	Person, Property or Drug	
Maiming				
Malicious injury to tongue, nose, eye, limb, etc.	III	27/385	Person	10 Years
Mayhem; tarring and feathering	III	27/384	Person	10 Years
Unlawful shooting, stabbing, assaulting, etc. with intent to maim, etc. or prevent lawful apprehension	III	27/386	Person	15 Years
Manslaughter				
Involuntary	IV	27/387/CL	Person	10 Years
Voluntary	IV	27/387/CL	Person	10 Years
By automobile, etc.*	IV	27/388	Person	10 Years
Medicaid Fraud			See Fraud	
Misappropriation by fiduciaries			See Fraud	
Molotov cocktail			See Explosives	
Motor Vehicle Offenses ²	VII			
But see also Manslaughter by automobile, Homicide by motor vehicle while intoxicated, & Unauthorized Use				
Murder				
Attempted	III	CL	Person	Life or 30 Years
Felony Murder ³	I	CL	Person	Life/Death
1st Degree ³	I	27/407, 412(b), 413	Person	Life/Death
2nd Degree	II	27/411, 412(c)	Person	30 Years

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* The Seriousness Category was changed from a VI to a IV effective 1/12/93.

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Solicitation	II	CL	Person	
Obstructing Justice	V	27/27	Person	3 Years
Pandering	VI	27/426	Person	12 Years
Perjury, welfare	See Fraud			
Perjury or subornation of perjury	IV	27/438,439	Person	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				
1st Offense	VII	Health	Property	1 Year
Subsequent offense	VII	Environmental	Property	2 Years
Falsification	VII	9-322,343	Property	6 Months
Prescription drugs - manufacture, distribute, etc.; obtain by fraud, etc., forge, etc. label Property, destruction	VI See Destroying property	27/300(a)-(h)	Property	2 Years
Prostitution, keeping, etc.				
Bawdy houses and houses of ill fame	VI	27/15,17	Property	1 Year
Solicitation, etc.	VII	27/15,17	Property	1 Year
Public assistance, obtaining by fraud	See Fraud, Welfare perjury			
Rape -				

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
1st Degree	I	27/462/CL	Person	Life
2nd Degree	II	27/463	Person	20 Years
Resisting arrest	VI	CL	Person	
Rioting	IV	CL	Person	
Rogue and vagabond	VII	27/490	Property	3 Years
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
Attempted	VI	27/538	Property	5 Years
Serial numbers, removing, etc.	VII	27/389	Property	1 Year
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
Short-barrelled rifles and shotguns		See Handgun		
Smelling or inhaling harmful substances	VII	27/301	Drug	6 Months
Involving minors	VII	27/301A	Drug	18 Months
Subsequent Offense	VII	27/301A	Drug	3 Years
Sodomy	V	27/553	Person	10 Years
Solicitation for prostitution		See Prostitution		
Storehouse breaking		See Breaking and Entering		
Telephone, unlawful use	VII	27/555A	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>
Theft ⁴				
Under \$300	VII	27/342(f)(2)	Property	18 Months
\$300 or more	V	27/342(f)(1)	Property	15 Years
Threatening letter, sending, etc.	See Extortion			
Traffic Offenses ²	VII			
Unauthorized use of livestock, vehicle, etc.	V	27/349	Property	4 Years
Unnatural & perverted sexual practices	See Perverted sexual practices			
Uttering	See Forgery and uttering			
Weapons	See also Explosives and Handguns			
Carrying openly with intent to injure	VII	27/36	Person	3 Years
Carrying, or wearing concealed, etc.	VII	27/36	Person	3 Years
Carrying or possessing Deadly weapon on school property	VI	27/36A	Person	3 Years
Welfare fraud	See Fraud			
Welfare perjury	See Fraud			
Wiretapping				
Breaking and entering to place or remove equipment	V	CJ10-412	Property	10 Years
Unlawful interception of communications	V	CJ10-402	Property	5 Years
Wires and conduits, un- authorized connections, etc.	VII	27/194	Property	6 Months

¹This 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.

²All those punishable by terms of incarceration. See Title 27/101-105 of the Transportation Article of the Code of Maryland.

³First Degree Murder is listed in Seriousness Category I, and offense and offender scores should be computed, but the guidelines sentence for First Degree Murder is always life, unless Article 27/413 (Death Penalty) is invoked.

⁴In 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.

APPENDIX B

CLASSIFICATION OF THE PRIOR ADULT CRIMINAL RECORD

PROCEDURES

If the offender has ever been convicted of an offense as an adult or received an adjudication of guilt, use the criteria in Table B.1 (p. B-3) or B.2 (pp. B-6-B-7) 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 (p. B-4) 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 adjudications of guilt according to the Seriousness Categories in Appendix A.
2. Taking the number of adjudications 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

Prior Adult Criminal Record

The prior adult criminal record includes all adjudications of guilt preceding the current sentencing event, whether the offense(s) was committed before or after the instant one. Probations before judgment (PBJ) and convictions under the Federal Youth Corrections Act (FYCA) are included unless expunged from the record. (If a PBJ or FYCA conviction appears in the defendant's record, it has not been expunged.) Not considered part of a prior adult criminal record are public local laws, municipal infractions, contempt, criminal non-support, and non-incarcerable traffic offenses. If the seriousness category of a Maryland offense is not in the Manual, use Seriousness Category VII.

Different Criminal Events Sentenced Together

If multiple offenses from different criminal events are being sentenced together at this sentencing event, the offender's criminal record will include any adjudication of guilt prior to

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the current sentencing and will be the same for each offense being sentenced at this time.

Convictions Out of State

If an offender has ever been convicted out of state, the offense should be matched as closely as possible to a Maryland offense. 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, Shop-lifting, 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 any adjudication of guilt, 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 placed in a different category in Appendix A or specifically addressed by separate statute (e.g., Attempted Arson, 27/10). Accessory before or after the fact is considered to be one seriousness category below the substantive offense.

CRITERIA FOR PRIOR ADULT CRIMINAL RECORD

NUMBER OF CONVICTIONS

		1	2	3	4	5-9	10 or more
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. <input type="text"/>			
Seriousness Category II No. <input type="text"/>			
Seriousness Category III No. <input type="text"/>			
Seriousness Category IV No. <input type="text"/>			
Seriousness Category V No. <input type="text"/>			
Seriousness Category VI No. <input type="text"/>			
Seriousness Category VII No. <input type="text"/>			

☐ None ☐ Minor ☐ Moderate ☐ Major

Completed By _____

APPENDIX TABLE B.2

DESCRIPTION

Major
Record

An offender who has been found guilty of one or more offenses in the past as an adult is considered to have a major adult criminal record if his or her record contains:

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

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- o Five or more Seriousness Category V offenses.
- o Ten or more adjudications of guilt from any combination of seriousness categories.

*Moderate
Record*

An offender who has been found guilty 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 whose record contains:

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

*Minor
Record*

An offender who has been found guilty 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

Offender Score

Offense 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	18M-5Y	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	5Y-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	5Y-10Y	7Y-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=Year L=Life

APPENDIX TABLE C.1b

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>
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	18M-5Y	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	5Y-10Y
4	1	6M-4Y	9	1	7Y-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

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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

OFFENSE	OFFENDER SCORE							
	0	1	2	3	4	5	6	7 or more
SERIOUSNESS CATEGORY VII	P	P	P	P-1M	P-3M	P-6M	3M-6M	6M-12M
SERIOUSNESS CATEGORY V	P-6M	P-12M	3M-12M	6M-18M	1Y-2Y	1.5Y-2.5Y	2Y-3Y	3Y-4Y
SERIOUSNESS CATEGORY IV	P-12M	P-18M	6M-18M	1Y-2Y	1.5Y-2.5Y	2Y-3Y	3Y-4Y	3.5Y-5Y
SERIOUSNESS CATEGORY III EXCEPT IMPORTATION	6M-3Y	1Y-3Y	18M-4Y	3Y-7Y	4Y-8Y	5Y-10Y	7Y-14Y	12Y-20Y
SERIOUSNESS CATEGORY III IMPORTATION	1Y-4Y	2Y-5Y	3Y-6Y	4Y-7Y	5Y-8Y	6Y-10Y	8Y-15Y	15Y-25Y

P=Probation

M=Months

Y=Years

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APPENDIX TABLE C.2b

SENTENCING GUIDELINES FOR DRUG OFFENSES

<u>SERIOUSNESS CATEGORY</u>	<u>OFFENDER SCORE</u>	<u>GUIDELINE RANGE</u>	<u>SERIOUSNESS CATEGORY</u>	<u>OFFENDER SCORE</u>	<u>GUIDELINE RANGE</u>
VII	0	P	III (Except Importation)	0	6M-3Y
	1	P		1	1Y-3Y
	2	P		2	18M-4Y
	3	P-1M		3	3Y-7Y
	4	P-3M		4	4Y-8Y
	5	P-6M		5	5Y-10Y
	6	3M-6M		6	7Y-14Y
	7+	6M-12M		7+	12Y-20Y
V	0	P-6M	III (Importation)	0	1Y-4Y
	1	P-12M		1	2Y-5Y
	2	3M-12M		2	3Y-6Y
	3	6M-18M		3	4Y-7Y
	4	1Y-2Y		4	5Y-8Y
	5	1.5Y-2.5Y		5	6Y-10Y
	6	2Y-3Y		6	8Y-15Y
	7+	3Y-4Y		7+	15Y-25Y
IV	0	P-12M			
	1	P-18M			
	2	6M-18M			
	3	1Y-2Y			
	4	1.5Y-2.5Y			
	5	2Y-3Y			
	6	3Y-4Y			
	7+	3.5Y-5Y			

APPENDIX TABLE 3C.a

SENTENCING MATRIX FOR PROPERTY OFFENSES

OFFENSE SERIOUSNESS CATEGORY	OFFENDER SCORE							
	0	1	2	3	4	5	6	7 or more
VII	P-1M	P-3M	3M-9M	6M-1Y	9M-18M	1Y-2Y	1Y-3Y	3Y-5Y
VI	P-3M	P-6M	3M-1Y	6M-2Y	1Y-3Y	2Y-5Y	3Y-6Y	5Y-10Y
V	P-6M	P-1Y	3M-2Y	1Y-3Y	18M-5Y	3Y-7Y	4Y-8Y	8Y-15Y
IV	P-1Y	3M-2Y	6M-3Y	1Y-4Y	18M-7Y	3Y-8Y	5Y-12Y	10Y-20Y
III	P-2Y	6M-3Y	9M-5Y	1Y-5Y	2Y-8Y	3Y-10Y	7Y-15Y	15Y-30Y
II	2Y-5Y	3Y-7Y	5Y-8Y	5Y-10Y	8Y-15Y	10Y-18Y	12Y-20Y	15Y-40Y

P=Probation

M=Months

Y=Years

APPENDIX TABLE C.3b

SENTENCING GUIDELINES FOR PROPERTY OFFENSES

<u>SERIOUSNESS CATEGORY</u>	<u>OFFENDER SCORE</u>	<u>GUIDELINE RANGE</u>	<u>SERIOUSNESS CATEGORY</u>	<u>OFFENDER SCORE</u>	<u>GUIDELINE RANGE</u>
VII	0	P-1M	III	0	P-2Y
	1	P-3M		1	6M-3Y
	2	3M-9M		2	9M-5Y
	3	6M-1Y		3	1Y-5Y
	4	9M-18M		4	2Y-8Y
	5	1Y-2Y		5	3Y-10Y
	6	1Y-3Y		6	7Y-15Y
VI	7+	3Y-5Y	II	7	15Y-30Y
	0	P-3M		0	2Y-5Y
	1	P-6M		1	3Y-7Y
	2	3M-1Y		2	5Y-8Y
	3	6M-2Y		3	5Y-10Y
	4	1Y-3Y		4	8Y-15Y
	5	2Y-5Y		5	10Y-18Y
V	6	3Y-6Y		6	12Y-20Y
	7+	5Y-10Y		7	15Y-40Y
	0	P-6M	I	0	P-1Y
	1	P-1Y		1	3M-2Y
	2	3M-2Y		2	6M-3Y
	3	1Y-3Y		3	1Y-4Y
	4	18M-5Y		4	18M-7Y
	5	3Y-7Y		5	3Y-8Y
	6	4Y-8Y		6	5Y-12Y
IV	7+	8Y-15Y		7+	10Y-20Y

APPENDIX D

JURISDICTION CODES

<u>CODE</u>	<u>JURISDICTION</u>
01	Allegany County
02	Anne Arundel County
24	Baltimore City
03	Baltimore County
04	Calvert County
05	Caroline County
06	Carroll County
07	Cecil County
08	Charles County
09	Dorchester County
10	Frederick County
11	Garrett County
12	Harford County
13	Howard County
14	Kent County
15	Montgomery County
16	Prince George's County
17	Queen Anne's County
18	St. Mary's County
19	Somerset County
20	Talbot County
21	Washington County
22	Wicomico County
23	Worcester County

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APPENDIX E

SAMPLE CASES

<u>Case No.</u>		<u>Page</u>
1	Offense Against a Person - Single Convicted Offense	E-3
2	Drug Offense - Single Convicted Offense	E-7
3	Property Offense - Single Convicted Offense	E-10
4	Multiple Offenses - Single Criminal Event	E-14
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7	Multiple Offenses from Single and Multiple Criminal Events	E-35
8	Mandatory Minimum Sentence	E-43

SAMPLE CASE 1

OFFENSE AGAINST A PERSON - SINGLE CONVICTED OFFENSE

OFFENDER'S NAME: P _____ B _____ DOCKET NO: 00000001
DATE OF BIRTH: 02/25/66 DATE OF PLEA/VERDICT: 01/08/87
SEX: Male DISPOSITION TYPE: Plea Agree-
RACE: White ment/Non-Binding Recom-
DATE OF OFFENSE: 09/27/86 mendation of State's Attorney
JURISDICTION: Montgomery County
CONVICTED COUNT: Robbery with a
Deadly Weapon 27/488

OFFENSE DESCRIPTION:

On 09/27/86, 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 cash 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 01/08/87.

OFFENDER'S PRIOR RECORD:

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

ADULT:

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
08/01/84	Possession of Marijuana	Fine \$100.00; Court Costs.
06/10/85	Unemployment Insurance Fraud	6 months suspended; 2 years probation; restitution.

The offender was still under supervision at the time of the instant offense.

SAMPLE CASE 1 (Continued)

COMPUTATION OF OFFENSE AND OFFENDER SCORES
ROBBERY WITH A DEADLY WEAPON 27/488

OFFENSE SCORE:

- A. Seriousness Category of Instant Offense
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 Offense
Occurred
Was on probation for Unemployment Compensation
Fraud. 1 point
- B. Juvenile Delinquency
No record found. 0 points
- C. Prior 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 indicates two 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

GUIDELINES RANGES:

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 is 5Y-10Y.

MARYLAND SENTENCING GUIDELINES WORKSHEET

OFFENDER NAME (Last, First, Middle): B P

DATE OF OFFENSE: 09/27/08

DATE OF SENTENCING: 01/10/08

CONVICTED OFFENSE TITLE: 1st RDN

CONVICTED OFFENSES: 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

DISPOSITION TYPE: 1 Plea agreement - state nature of non-binding recommendation of State's Attorney

INSTITUTIONAL/PAROLE RECOMMENDATION/ADDITIONAL INFO:

SAMPLE CASE 2

DRUG OFFENSE - SINGLE CONVICTED OFFENSE

OFFENDER'S NAME: R _____ C _____ DOCKET NO: 00000002
DATE OF BIRTH: 11/10/58 DATE OF PLEA/VERDICT: 06/30/86
SEX: Female DISPOSITION TYPE: Charge Bargain
RACE: White JURISDICTION: Montgomery County
DATE OF OFFENSE: 03/07/86 CONVICTED COUNT: Possession with
Intent to Distribute Marijuana
27/286(b)(3)

OFFENSE DESCRIPTION:

On 03/07/86, police serving a search warrant at defendant's home found one plastic bag of marijuana, a glass jar of marijuana seeds and a scale in the living room; six 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 06/30/86, the defendant pled guilty to one count of Possession with Intent to Distribute.

OFFENDER'S PRIOR RECORD:

JUVENILE: None known.

ADULT: None known.

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

OFFENSE SCORE:

There is no offense score for drug offenses.

OFFENDER SCORE:

- A. Relationship to CJS when Instant Offense Occurred
None. 0 points
- B. Juvenile Delinquency
Defendant was over 26 years of age when the
instant offense was committed. 0 points

SAMPLE CASE 2 (Continued)

C. Prior Adult Criminal Record

No record found.

0 points

D. Prior Adult Parole/Probation Violations

None.

0 points

TOTAL OFFENSE SCORE

0 points

OFFENDER SCORE:

An examination of Appendix Table C.2a or C.2b shows that the guideline sentence for Possession with intent to Distribute Marijuana (Seriousness Category IV) by a person with an offender score of 0 is P-12M.

MARIJUANA SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle) C R		Male 1 Female 2		Black 1 White 2 Hispanic 3 Other 4		BIRTHDATE 1 1 1 1 0 5 8		JURISDICTION 15	
DATE OF OFFENSE 0 3 0 7		DATE OF SENTENCING 0 1 1 0 8 7		CRIMINAL EVENTS 0 1		CRIMINAL OFFENSES 0 1		CRIMINAL EVENT # 1		DISPOSITION TYPE 2 Plea, no agreement 3 Court trial 4 Jury trial	
AT THIS SENTENCING NUMBER OF: 0 Yes 2 No		CRIMINAL OFFENSES 0 1		CRIMINAL EVENT # 1		CRIMINAL OFFENSES 0 1		CRIMINAL EVENT # 1		AOC USE ONLY. DO NOT WRITE IN SPACE BELOW INC _____ SUS _____ ACT _____ STA _____ CON _____ PRO _____ RAN _____ FI _____ REST _____ CS _____ 01 _____ 02 _____ USE _____	
CONVICTED OFFENSE TITLE 1st Possession w/i to Distribute Marijuana		AOC CODE		MD. CODE, ART. & SECTION 27/286(b)(3)		STAT. MAX 5Y		DOCKET NUMBER 00000002		AOC USE ONLY. DO NOT WRITE IN SPACE BELOW INC _____ SUS _____ ACT _____ STA _____ CON _____ PRO _____ RAN _____ FI _____ REST _____ CS _____ 01 _____ 02 _____ USE _____	
OFFENSE SCORE(S) (Offense Against a Person Only)		OFFENDER SCORE		GUIDELINES RANGE		ACTUAL SENTENCE		1st Convicted Offense		2 No	
1st Off 01 01 03 05 08 10		A. Relationship to CJS When Instant Count Occurred 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision		1st Offense P TO 12M		Imposed, suspended, time served, probation, fine, restitution, community service		Subsequent offender		1 Yes 2 No	
2nd Off 01 03 05 08 10		B. Juvenile Delinquency 0 = Not More Than One Finding of Delinquency or over age 25 1 = Two or More Findings, No or One Commitment		2nd Offense TO		2nd Convicted Offense		Subsequent offender		1 Yes 2 No	
3rd Off 01 03 05 08 10		C. Prior Adult Criminal Record 0 = None 1 = Minor 5 = Major 3 = Moderate		OVERALL GUIDELINES RANGE (For Multiple Counts Only)		3rd Convicted Offense		Subsequent offender		1 Yes 2 No	
D. Special Vulnerability of Victim 0 = No 1 = Yes		OFFENSE SCORE (S)		OFFENDER SCORE		INSTITUTIONAL/PAROLE RECOMMENDATION/ADDITIONAL INFO.		TLRANGE TURANGE TOTALI TOTALS TOTALN TF1 REST TCS TRANGE TOUT1 TOUT2 TUSE		AOC USE ONLY. DO NOT WRITE IN SPACE BELOW INC _____ SUS _____ ACT _____ STA _____ CON _____ PRO _____ RAN _____ FI _____ REST _____ CS _____ 01 _____ 02 _____ USE _____	
REASON IF ACTUAL SENTENCE DEPARTS FROM GUIDELINES RANGE		SENTENCING JUDGE		SIGNATURE		WORKSHEET COMPLETED BY A R P.A.		TITLE		AOC USE ONLY. DO NOT WRITE IN SPACE BELOW INC _____ SUS _____ ACT _____ STA _____ CON _____ PRO _____ RAN _____ FI _____ REST _____ CS _____ 01 _____ 02 _____ USE _____	

SAMPLE CASE 3

PROPERTY OFFENSE - SINGLE CONVICTED OFFENSE

OFFENDER'S NAME: A _____ C _____	DOCKET NO: 00000003
DATE OF BIRTH: 12/27/66	DATE OF PLEA/VERDICT: 08/13/86
SEX: Male	DISPOSITION TYPE: Plea/Agreed
RACE: Black	Statement of Facts
DATE OF OFFENSE: 01/17/86	JURISDICTION: Montgomery County
	CONVICTED COUNT: Theft \$300.00
	or more 27/342(f)(1)

OFFENSE DESCRIPTION:

On 01/17/86, 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, passed many cash registers without paying, went down the escalator, and was arrested as he paused to buy shopping bags. On 08/13/86, the defendant pled guilty to one count of Theft \$300.00 or more.

OFFENDER'S PRIOR RECORD:

JUVENILE:

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
06/26/80	Shoplifting	Delinquent; 1 year probation
12/11/80	Larceny	Delinquent; probation continued
06/10/81	Unauthorized Use	Delinquent; Greenridge Forestry Camp for 6 months

ADULT:

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
02/06/85	Petty Larceny - Violation of Bail Reform Act	Unknown
04/09/85	Theft	2 years probation. (D. C.)

Since 08/13/86, 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, 1986 his probation

SAMPLE CASE 3 (Continued)

officer took him to court for a show-cause hearing because of his unsatisfactory adjustment.

COMPUTATION OF OFFENSE AND OFFENDER SCORES
THEFT \$300.00 OR MORE 27/342(f)(1)

OFFENSE SCORE:

There is no offense score for property offenses.

OFFENDER SCORE:

A. Relationship to CJS When Instant Offense 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 CATEGORY</u>	<u>NUMBER OF PRIOR CONVICTIONS</u>
I	0
II	0
III	0
IV	0
V	0
VI	0
VII	1

NOTE: In this case, the prior Theft must be assumed to be under \$300.00 since the amount is not known. The Petty Larceny (02/06/85) was not counted since the disposition is unknown.

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 indicates one 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

No adult violations prior to instant offense 0 points

TOTAL OFFENDER SCORE 3 points

GUIDELINES RANGE:

An examination of Appendix Table C.3a or C.3b shows that the guideline sentence range for Theft \$300.00 or more (Seriousness Category V) committed by a person with an offender score of 3 is 1Y-3Y.

IME
YMD

MARYI SENTENCING GUIDELINES WORKSHEET. Includes sections for Offender Name, Date of Sentencing, Plea Agreement, Disposition Type, Actual Sentence, Guidelines Range, and Institutional/Parole Recommendation.

SAMPLE CASE 4

MULTIPLE COUNTS - SINGLE CRIMINAL EVENT

OFFENDER'S NAME: J _____ B _____	DOCKET NO: 00000004
DATE OF BIRTH: 01/26/65	DATE OF PLEA/VERDICT: 06/18/86
SEX: Male	DISPOSITION TYPE: Jury Trial
RACE: Black	JURISDICTION: Baltimore City
DATE OF OFFENSES: 12/03/85	CONVICTED COUNTS: Robbery with a Deadly Weapon 27/488 Use of a Handgun in the Commission of Crime 27/36B(d) Possession of Marijuana 27/287

OFFENSE DESCRIPTION:

On 12/03/85, 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 and received the victim's wallet. The defendant then fled on foot. A few minutes later, the victim's friend observed a passing patrol car and yelled 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 police 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 06/18/82, a jury found the defendant guilty of Robbery with a Deadly Weapon, Use of a Handgun in the Commission of a Felony, and Possession of Marijuana.

OFFENDER'S PRIOR RECORD:

JUVENILE:

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
10/03/81	Malicious Destruction	Delinquent, 18 months probation.
11/20/82	Assault	Delinquent; probation continued.

ADULT:

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
10/05/83	Theft under \$300.00	18 months suspended; 3 years probation.

SAMPLE CASE 4 (Continued)

Offender was placed on three years adult probation in 1983 for Theft under \$300.00 and was under supervision at the time he committed the instant offense.

COMPUTATION OF OFFENSE AND OFFENDER SCORES
ROBBERY WITH A DEADLY WEAPON 27/488

OFFENSE SCORE:

- A. Seriousness Category of Instant Offense
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 points
- 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

OFFENDER SCORE:

- A. Relationship to CJS When Instant Offense Occurred
Offender was on probation for Theft under \$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. 1 point
- C. Prior Adult Criminal Record
Step I - Theft under \$300.00 - Seriousness Category VII

SAMPLE CASE 4 (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	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 indicates one 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

GUIDELINES 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 is 7Y-13Y.

COMPUTATION OF OFFENSE AND OFFENDER SCORES
USE OF HANDGUN IN COMMISSION OF A FELONY

OFFENSE SCORE:

Since this offense is the same seriousness category as the Robbery with a Deadly Weapon and was part of the same criminal event, the offense score is the same, 8.

ME
VMD

SAMPLE CASE 4 (Continued)

OFFENDER SCORE:

The offender score is also the same as for the Robbery with a Deadly Weapon, 3.

GUIDELINES RANGE FOR USE OF A HANDGUN IN THE COMMISSION OF A FELONY

Since the offense and offender scores are 8 and 3 respectively, the recommended guideline range for the handgun conviction is 7Y-13Y.

COMPUTATION OF OFFENSE AND OFFENDER SCORES
POSSESSION OF MARIJUANA 27/286

OFFENSE SCORE:

There is no offense score for drug offenses.

OFFENDER SCORE:

The offender score is 3, the same as in the Robbery with a Deadly Weapon and Use of a Handgun in the Commission of A Felony.

TOTAL OFFENDER SCORE 3 points

GUIDELINES 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 is P-1M.

OVERALL GUIDELINES RANGE FOR THE SENTENCING EVENT

Following the procedure as defined on Page 16 for determining the guidelines for multiple counts from same criminal event, the overall recommended range is the highest of the recommended ranges, i.e., 7Y-13Y.

SAMPLE CASE 4 (Continued)

<u>Criminal Event</u>	<u>Offense</u>	<u>Guidelines Range</u>
1	Robbery with a Deadly Weapon	7-13 years
1	Use of a Handgun in the Commission of a Felony	7-13 years
1	Possession of Marijuana	P-1 month 7-13 years

MARYI SENTENCING GUIDE S WORKSHEET

OFFENDER NAME (Last, First, Middle) B J

DATE OF SENTENCING 02/13/87

AT THIS SENTENCING NUMBER OF: 03

CONVICTED OFFENSES 01

CRIMINAL EVENTS 01

CONVICTED OFFENSE TITLE

1st RDW

2nd Handgun Use in Felony

3rd Possession of Marijuana

OFFENSE SCORE(S) (Offense Against a Person Only)

1st Off 2nd Off 3rd Off

01 01 = V - VII

03 03 = IV

05 05 = III

08 08 = II

10 10 = I

B. Victim Injury

0 0 = No Injury

1 1 = Injury, Non-Permanent

2 2 = Permanent Injury or Death

C. Weapon Usage

0 0 = No Weapon

1 1 = Weapon Other Than Firearm

2 2 = Firearm or Explosive

D. Special Vulnerability of Victim

0 0 = No

1 1 = Yes

OFFENSE SCORE (S)

018 018

REASON IF ACTUAL SENTENCE DEPARTS FROM GUIDELINES RANGE

OFFENDER SCORE

013

OFFENSE SCORE

DISPOSITION TYPE

1. Plea agreement - state nature of

2 Plea, no agreement

3 Court trial

4 Jury trial

MD. CODE, ART. & SECTION

27/488

27/36B(d)

27/287

STAT. MAX.

20Y

20Y

1Y

DOCKET NUMBER

00000004

00000004

00000004

ACTUAL SENTENCE

1st Convicted Offense

2nd Convicted Offense

3rd Convicted Offense

GUIDELINES RANGE

1st Offense 2Y TO 13Y

2nd Offense 2Y TO 13Y

3rd Offense P TO 1M

OVERALL GUIDELINES RANGE (For Multiple Counts Only)

7Y TO 13Y

OFFENDER SCORE

013

OFFENSE SCORE

018

INSTITUTIONAL/PAROLE RECOMMENDATION/ADDITIONAL INFO.

INC

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TOTALI

TOTALS

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TF1

REST

TCS

TRANGE

TOUT1

TOUT2

TUSE

SENTENCING JUDGE

SIGNATURE

WORKSHEET COMPLETED BY

P.A.

TITLE

SAMPLE CASE 5

OFFENSE AGAINST A PERSON - MULTIPLE OFFENSES FROM CATEGORIES I AND II
- SINGLE CRIMINAL EVENT

OFFENDER'S NAME: B _____ D _____	DOCKET NO: 00000005
DATE OF BIRTH: 10/04/63	DATE OF PLEA/VERDICT: 09/10/86
SEX: Male	DISPOSITION TYPE: Jury Trial
RACE: White	JURISDICTION: Baltimore City
DATE OF OFFENSES: 11/22/85	CONVICTED COUNT: 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 11/22/85, 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 her and pushed her into the car. She was driven to a secluded area where she was raped by both men and shot. After managing to crawl to a road she was noticed by a passing motorist and taken to a nearby hospital. The victim suffered permanent damage to her right kidney. Using her description of the defendant and the license number of the car, police were able to arrest the defendant the following day. On 09/10/86, a jury found him 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 RECORD:

JUVENILE:

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
07/10/74	Unauthorized Use	Delinquent; 1 year probation
08/05/79	Shoplifting	Delinquent; 1 year probation
08/26/80	Assault with Intent Rob	Delinquent; committed to Boys Village for 2 months.

SAMPLE CASE 5 (Continued)

ADULT:

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
05/20/82	Driving While Intoxicated	6 months
03/01/84	Assault	1 year suspended; 1 year probation

The offender had recently completed his probation for the Assault conviction (03/01/84).

COMPUTATION OF OFFENSE AND OFFENDER SCORES
FIRST DEGREE RAPE 27/462

OFFENSE SCORE:

A. Seriousness Category of Instant Offense

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

TOTAL OFFENSE SCORE 14 points

OFFENDER SCORE:

NOTE: The offender score will be same for each offense.

SAMPLE CASE 5 (Continued)

A. Relationship to CJS When Instant Offense 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. Prior 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 prior
conviction was in Seriousness Category
V, refer to the block in Appendix Table
B.1 which indicates one 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

END

SAMPLE CASE 5 (Continued)

GUIDELINES 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 is 28Y-L.

COMPUTATION OF OFFENSE AND OFFENDER SCORES
ASSAULT WITH INTENT TO MURDER 27/12

OFFENSE SCORE:

A. Seriousness Category of Instant Offense

As shown in Appendix A, Assault with Intent to Murder is a Category III Offense. 5 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 9 points

OFFENDER SCORE:

The offender score is the same for all offenses at this sentencing event, 2.

GUIDELINES 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 9 and an offender score of 2 is 8Y-15Y.

SAMPLE CASE 5 (Continued)

COMPUTATION OF OFFENSE AND OFFENDER SCORES
KIDNAPPING, 27/337

OFFENSE SCORE:

A. Seriousness Category of Instant Offense

As shown in Appendix A, Kidnapping is a
Category II Offense.

8 points

B. Victim Injury

Permanent injury resulting from gunshot
wound.

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:

The offender score is the same for all offenses at this sentencing
event, 2.

GUIDELINES RANGE FOR KIDNAPPING

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
is 18Y-30Y.

COMPUTATION OF OFFENSE AND OFFENDER SCORE
USE OF HANDGUN IN COMMISSION OF A FELONY, 27/36B(d)

NOTE: Because this is the fourth convicted offense, a separate
worksheet must be used even though all offenses are from
one criminal event.

SAMPLE CASE 5 (Continued)

OFFENSE SCORE:

A. Seriousness Category of Instant Offense

As shown in Appendix A, Handgun Used in the Commission of a Felony is a Category III Offense.

5 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

9 points

OFFENDER SCORE:

The offender score is the same for all offenses at this sentencing event, 2.

GUIDELINES RANGE FOR HANDGUN VIOLATION

An examination of Appendix Table C.1a or C.1b shows that the recommended range for an offense score of 9 and an offender score of 2 is 8Y-15Y.

OVERALL GUIDELINES RANGE FOR THE SENTENCING EVENT

Because two of the offenses in this criminal event were in either Seriousness Category I (First Degree Rape) or Seriousness Category II (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 46 years (28 years plus 18 years) to Life plus 30 years (Life plus 30 years).

SAMPLE CASE 5 (Continued)

<u>Offense</u>	<u>Guideline Range</u>
Rape	28Y-Life
AWI Murder	8Y-15Y
Kidnapping	18Y-30Y
Use of Handgun	8Y-15Y
	46Y-Life plus 30Y

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle) D B		Male (1) Female (2)		Black (1) White (2)	Hispanic (3) Other (4)	BIRTHDATE 1 0 0 4 6 3		JURISDICTION 24	
DATE OF OFFENSE 1 1 2 2 8 5		DATE OF SENTENCING 0 3 0 4 8 7		CRIMINAL EVENTS 0 1		1. Plea agreement - state nature of 2 Plea, no agreement 3 Court trial 4 Jury trial					
AT THIS SENTENCING NUMBER OF: 0 4		WORKSHEET # 1		CRIMINAL EVENT # 1		DISPOSITION TYPE					
CONVICTED OFFENSE TITLE 1st Rape 1 st		AOC CODE		MD. CODE, ART. & SECTION		STAT. MAX.		DOCKET NUMBER			
2nd AWT/Murder				27/462		Life		00000005			
3rd Kidnapping				27/112		30Y		00000005			
OFFENSE SCORE(S) (Offense Against a Person Only)		OFFENDER SCORE		GUIDELINES RANGE		ACTUAL SENTENCE		Imposed, suspended, time served, probation, fine, restitution, community service			
1st Off 01 01 01 03 05 08 10		A. Relationship to CJS When Instant Count Occurred 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision		1st Offense 28Y TO Life		1st Convicted Offense		Subsequent offender 1 Yes 2 No			
0 0 0 1 1 2		B. Juvenile Delinquency 0 = Not More Than One Finding of Delinquency or over age 25 1 = Two or More Findings, No or One Commitment		2nd Offense 8Y TO 15Y		2nd Convicted Offense		Subsequent offender 1 Yes 2 No			
0 0 0 1 1 2		C. Prior Adult Criminal Record 0 = None 1 = Minor 5 = Major 3 = Moderate		3rd Offense 18Y TO 30Y		3rd Convicted Offense		Subsequent offender 1 Yes 2 No			
0 0 0 1 1 2		D. Special Vulnerability of Victim 0 = No 1 = Yes		OVERALL GUIDELINES RANGE (For Multiple Counts Only) 46Y TO L+30Y		INSTITUTIONAL/PAROLE RECOMMENDATION/ADDITIONAL INFO.		SUS ACT CON PRO FI REST CS TL RANGE TURANGE TOTALI TOTALS TOTALN TF1 REST TCS TRANGE TOUT1 TOUT2 TUSE			
OFFENSE SCORE (S)		OFFENDER SCORE		OFFENSE SCORE (S)		OFFENDER SCORE		INSTITUTIONAL/PAROLE RECOMMENDATION/ADDITIONAL INFO.			
1 4 0 9 1 2		0 2		0 2		0 2		M A P. A. TITLE			
REASON IF ACTUAL SENTENCE DEPARTS FROM GUIDELINES RANGE		SENTENCING JUDGE		SIGNATURE		WORKSHEET COMPLETED BY		P. A. TITLE			

SAMPLE CASE 6

MULTIPLE OFFENSES - MULTIPLE CRIMINAL EVENTS

OFFENDER'S NAME: R _____ W _____	DOCKET NO: 000000006
DATE OF BIRTH: 01/10/64	DATE OF PLEA/VERDICT: 01/05/86
SEX: Male	DISPOSITION TYPE: Binding Plea
RACE: White	Agreement as to Sentence Maximum
DATE OF OFFENSES: 05/10/85	JURISDICTION: Harford County
05/25/85	CONVICTED COUNT: Distribution of PCP
	27/286
	Assault with Intent to Murder
	27/12

OFFENSE DESCRIPTION:

On 05/10/85, as part of a narcotics investigation, two undercover policemen 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 05/25/85, police responded to a report of a shooting in a shopping center parking lot. Police were informed by the victim that he was talking about buying some "grass" with a man he had met in a bar. An argument ensued and the man pulled out a gun and shot the victim, hitting him in the right arm. The victim was treated in a hospital for a flesh wound and released. 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 01/05/86, the defendant pled guilty to one count of Distribution of PCP 27/286 and one count of Assault with Intent to Murder 27/12.

OFFENDER'S PRIOR RECORD:

JUVENILE:

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
03/23/80	Possession of Marijuana	Delinquent; 1 year probation

SAMPLE CASE 6 (Continued)

ADULT:

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
09/12/82	Possession of Cocaine Carrying a Handgun	4 years suspended 1 year suspended; 2 years probation

Offender was placed on 2 years adult probation in 1982.
He successfully completed his probationary period.

COMPUTATION OF OFFENSE AND OFFENDER SCORES
DISTRIBUTION OF PCP 27/286

OFFENSE SCORE:

There is no offense score for drug offenses.

OFFENDER SCORE:

NOTE: The offender score used in computing guidelines for multiple criminal events is the same for each event. The highest score for any event at the time of this sentencing should be used throughout.

OFFENDER SCORE:

A. Relationship to CJS When Instant Offense 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. Prior Adult Criminal Record

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

WMD

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 indicates one 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 OFFENSE SCORE 1 point

GUIDELINES 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 1Y-3Y.

COMPUTATION OF OFFENSE AND OFFENDER SCORES
ASSAULT WITH INTENT TO MURDER 27/12

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

SAMPLE CASE 6 (Continued)

OFFENSE SCORE

A. Seriousness Category of Instant Offense

As shown in Appendix A, Assault with Intent to Murder is a Category III Offense. 5 points

B. Victim Injury

Victim was shot but not permanently injured. 1 point

C. Weapon Usage

Firearm 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

OFFENSE SCORE:

The offender score is the same for all criminal events at this sentencing event, 1.

GUIDELINES 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 8 and an offender score of 1 is 5Y-10Y.

OVERALL GUIDELINES 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 6-13 years (1 year plus 5 years and 3 years plus 10 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>5-10 years</u> 6-13 years

MARY GUIDE SENTENCING WORKSHEET

OFFENDER NAME (Last, First, Middle) W R

DATE OF SENTENCING 1 2 1 1 2 8 16

DATE OF OFFENSE 0 5 1 0 8 5

CRIMINAL EVENTS 0 2

CONVICTED OFFENSES 0 2

AT THIS SENTENCING NUMBER OF: 0 2

CRIMINAL EVENT # 1

DISPOSITION TYPE

1 Plea agreement - state nature of Binding agreement as to sentence maximum

2 Plea, no agreement

3 Court trial

4 Jury trial

CONVICTED OFFENSE TITLE

1st Distribution of PCP

2nd

3rd

OFFENSE SCORE(S) (Offense Against a Person Only)

1st Off 2nd Off 3rd Off

01 01 = V - VII

03 03 = IV

05 05 = III

08 08 = II

10 10 = I

B. Victim Injury

0 0 = No Injury

1 1 = Injury, Non-Permanent

2 2 = Permanent Injury or Death

C. Weapon Usage

0 0 = No Weapon

1 1 = Weapon Other Than Firearm

2 2 = Firearm or Explosive

D. Special Vulnerability of Victim

0 0 = No

1 1 = Yes

OFFENSE SCORE (S)

OFFENDER SCORE

0 1 OFFENDER SCORE

REASON IF ACTUAL SENTENCE DEPARTS FROM GUIDELINES RANGE

OFFENSE SCORE (S)

OFFENDER SCORE

0 1 OFFENDER SCORE

INSTITUTIONAL/PAROLE RECOMMENDATION/ADDITIONAL INFO.

WORKSHEET COMPLETED BY L D Judge

TITLE

COPIES: White-Judge; Blue-AOC; Green-Attach to Commitment or Probation Order; Yellow-File; Pink-Prosecution; Gold-Defense

MARYLAND SENTENCING GUIDELINES WORKSHEET

OFFENDER NAME (LAST, FIRST, MIDDLE INITIAL) W R

DATE OF OFFENSE 01/15/2015 DATE OF SENTENCING 06/20/2016

1st Offense: 01 2nd Offense: 03 3rd Offense: 05 4th Offense: 08 5th Offense: 10

CRIMINAL EVENTS: 01 02 03 04 05 06 07 08 09 10

CRIMINAL EVENT # 2 OF 6

CONVICTED OFFENSE TITLE: AWI Murder

CONVICTED OFFENSE NUMBER: 01

AT THIS SENTENCING NUMBER OF: 01

DISPOSITION TYPE: 2 Plea agreement - state nature of Binding agreement as to sentence

3 Court trial 4 Jury trial

DOCKET NUMBER: 00000006

STAT. MAX: 30Y

MD. CODE, ART. & SECTION: 27/12

AOC CODE: 1

ACTUAL SENTENCE: 1st Convicted Offense

Imposed, suspended, time served, probation, fine, restitution, community service

Subsequent offender: 1 Yes 2 No

2nd Convicted Offense: Subsequent offender

3rd Convicted Offense: Subsequent offender

INSTITUTIONAL/PAROLE RECOMMENDATION/ADDITIONAL INFO.

REASON IF ACTUAL SENTENCE DEPARTS FROM GUIDELINES RANGE

OFFENSE SCORE(S) (Offense Against a Person Only)

1st Off: 01 2nd Off: 03 3rd Off: 05 4th Off: 08 5th Off: 10

A. Seriousness Category: 05

B. Victim Injury: 01

C. Weapon Usage: 02

D. Special Vulnerability of Victim: 01

OFFENSE SCORE (S): 018

OFFENDER SCORE: 011

SIGNATURE: L D Judge

TITLE: Judge

WORKSHEET COMPLETED BY: L D Judge

COPIES: White-Judge; Blue-AOC; Green-Attorney; Yellow-File; Pink-Prosecution; Gold-Defense

SAMPLE CASE 7
↑

MULTIPLE OFFENSES FROM SINGLE AND MULTIPLE CRIMINAL EVENTS

OFFENDER'S NAME: M _____ K _____	DOCKET NO: 00000007
DATE OF BIRTH: 06/10/68	DATE OF PLEA/VERDICT: 02/20/86
SEX: Male	DISPOSITION TYPE: Binding Plea
RACE: Black	Agreement as to Actual Sentence
DATE OF OFFENSES: 09/10/85	JURISDICTION: Baltimore City
12/09/85	CONVICTED COUNT: Robbery with a
	Deadly Weapon 27/488
	Robbery 27/486
	Assault CL

OFFENSE DESCRIPTION:

On 09/10/85, a 32-year old male, answering the door in his apartment, was confronted by a man wielding a revolver and demanding money. The victim relinquished his wallet, but the assailant forced the victim into the bedroom and tied his hands and feet with his own neckties. After ransacking the bedroom, the gunman left. As soon as he could free himself, the victim called police and reported the incident.

On 12/09/85, 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 she had opened the door thinking her boyfriend had arrived, but a strange man had 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, she was pushed into the bedroom and told to get undressed. She was resisting when her boyfriend appeared. As the boyfriend and the assailant struggled, she went to the phone and summoned security who helped to hold the defendant. A starter pistol was found in his pocket.

On 02/20/86, 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:

NOTE: The offender score used in computing guidelines for multiple criminal events is the same for each event. The highest score for any event at the time of this sentencing should be used throughout.

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

ADULT:

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
11/30/85	Theft under \$300	PBJ, 1 year probation

Offender is currently on probation.

COMPUTATION OF OFFENSE AND OFFENDER SCORES
ROBBERY WITH A DEADLY WEAPON 27/488 - CRIMINAL EVENT 1

OFFENSE SCORE:

A. Seriousness Category of Instant Offense

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

MA
 1987

SAMPLE CASE 7 (Continued)

OFFENDER SCORE:

A. Relationship to CJS When Instant Offense Occurred

The offender was on probation at the time of the second criminal event. 1 point

B. Juvenile Delinquency

No record found. 0 points

C. Prior Adult Criminal Record

Step I - theft under \$300 - 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 only conviction is in Seriousness Category VII, refer to the block in Appendix Table B.1 which indicates one 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

The offender does not get a point here because he had no violations except for the offenses of this sentencing event. He has already been penalized in "A" for committing these offenses while under supervision. 0 points

TOTAL OFFENDER SCORE 2 points

SAMPLE CASE 7 (Continued)

GUIDELINES 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 2 is 5Y-9Y.

COMPUTATION OF OFFENSE AND OFFENDER SCORES
ROBBERY 27/486 - CRIMINAL EVENT 2

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

OFFENSE SCORE:

A. Seriousness Category of Instant Offense

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

B. Victim Injury

No injury. 0 points

C. Weapon Usage

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

The offender score is the same for all offenses in this sentencing event, 2.

SAMPLE CASE 7 (Continued)

GUIDELINES RANGE FOR ROBBERY CRIMINAL 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 2 is 1Y-5Y.

COMPUTATION OF OFFENSE AND OFFENDER SCORES
ASSAULT - CRIMINAL EVENT 2

OFFENSE SCORE:

A. Seriousness Category of Instant Offense

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

B. Victim Injury

No injury. 0 points

C. Weapon Usage

A starter pistol was used; therefore, 1 point is given for a weapon other than a firearm. 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 2 points

OFFENDER SCORE:

The offender score is the same for all offenses in this sentencing event, 2.

GUIDELINES RANGE FOR ASSAULT - CRIMINAL 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 is 2 is P-18M.

SAMPLE CASE 7 (Continued)

OVERALL GUIDELINES 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 for each criminal event. These ranges are the highest upper and highest lower ranges from each event. (See Sample Case 4 and the explanation on page 16.) The overall guideline range in this instance would be 3.5 years (3 years plus 6 months) to 12 years (8 years plus 4 years):

<u>Criminal</u> <u>Event</u>	<u>Offense</u>	<u>Guideline</u> <u>Range</u>
1	Robbery with a Deadly Weapon	5-10 Years
2	Robbery	1-5 Years
2	Assault	2-18 Months 6-15 Years

MARYLAND SENTENCING GUIDELINES WORKSHEET

OFFENDER NAME (Last, First, Middle Initial): K M

DATE OF OFFENSE: 1/2/09

DATE OF SENTENCING: 1/11/08

CRIMINAL EVENTS: 02

CONVICTED OFFENSES: 03

CONVICTED OFFENSE TITLE: Robbery

1st Offense: Robbery

2nd Offense: Assault

3rd Offense:

OFFENSE SCORE(S) (Offense Against a Person Only)

1st Off: 01, 2nd Off: 03, 3rd Off: 01

01 = V - VII

03 = IV

05 = III

08 = II

10 = I

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 or Explosive

D. Special Vulnerability of Victim

0 = No

1 = Yes

OFFENSE SCORE (S): 014

OFFENDER SCORE: 02

REASON IF ACTUAL SENTENCE DEPARTS FROM GUIDELINES RANGE:

DISPOSITION TYPE

1. Plea agreement - state nature of Binding agreement as to actual sentence

2. Plea, no agreement

3. Court trial

4. Jury trial

MD. CODE, ART. & SECTION: 27/486

STAT. MAX: 10Y

DOCKET NUMBER: 000000007

CL

ACTUAL SENTENCE

1st Convicted Offense

Imposed, suspended, time served, probation, fine, restitution, community service

Subsequent offender

1 Yes

2 No

2nd Convicted Offense

Subsequent offender

1 Yes

2 No

3rd Convicted Offense

Subsequent offender

1 Yes

2 No

OVERALL GUIDELINES RANGE (For Multiple Counts Only)

6Y TO 15Y

INSTITUTIONAL/PAROLE RECOMMENDATION/ADDITIONAL INFO.

SENTENCING JUDGE: G K

SIGNATURE: S. A.

TITLE: S. A.

WORKSHEET COMPLETED BY: G K

COPIES: White-Judge; Blue-AOC; Green-Attac

Commitment or Probation Order; Yellow-File; Pink-Prosecution; Gold-Defense

SAMPLE CASE 8

MANDATORY MINIMUM SENTENCE

OFFENDER'S NAME: D _____ W _____	DOCKET NO: 00000008
DATE OF BIRTH: 02/10/60	DATE OF PLEA/VERDICT: 09/01/86
SEX: Male	DISPOSITION TYPE: Jury Trial
RACE: White	JURISDICTION: Prince George's County
DATE OF OFFENSE: 07/19/86	CONVICTED COUNTS: Manufacture of PCP 27/286(b)(2)

OFFENSE DESCRIPTION:

On 07/19/86, 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 09/01/86, the jury found the defendant guilty of manufacture of PCP.

OFFENDER'S PRIOR RECORD:

JUVENILE:

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
12/28/75	Possession of Marijuana	Delinquent; probation
07/05/76	Possession of LSD	Delinquent; probation continued

ADULT:

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
01/06/80	Possession of LSD	6 months, all but 10 days suspended; 1 year probation
04/10/83	Daytime Housebreaking	6 months
07/20/84	Distribution of PCP	5 years, 3 years suspended;
	Carrying a Handgun	1 year concurrent

Offender is currently on probation.

COMPUTATION OF OFFENSE AND OFFENDER SCORES
MANUFACTURE OF PCP 27/286(b)(2)

OFFENSE SCORE:

There is no offense score for drug offenses.

SAMPLE CASE 8 (Continued)

OFFENDER SCORE: 2

A. Relationship to CJS When Instant Offense Occurred

Offender was on probation at the time he committed the instant offense. 1 points

B. Juvenile Delinquency

Offender was over 25 years of age at the time of the instant offense. 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 CATEGORY</u>	<u>NUMBER OF PRIOR CONVICTIONS</u>
I	0
II	0
III	1
IV	1
V	1
VI	0
VII	1

Step II - Since the most serious prior conviction is in Seriousness Category III, refer to the block in Appendix Table B.1 which indicates one 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

END

SAMPLE CASE 8 (Continued)

GUIDELINES 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 is 7Y-14Y.

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 is 10-14 years, and 10 years is mandatory.

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

MARYLAND SENTENCING GUIDELINES WORKSHEET

OFFENDER NAME (Last, First, Middle): W D

DATE OF OFFENSE: 07/19/86

DATE OF SENTENCING: 03/10/87

AT THIS SENTENCING NUMBER OF: 01

CRIMINAL EVENTS: 01

WORKSHEET # OF CRIMINAL EVENT # 1

CONVICTED OFFENSE TITLE: Manufacture of PCP subsequent offender under 27/286(b)(2)

CONVICTED OFFENSE TITLE: 1st

CONVICTED OFFENSE TITLE: 2nd

CONVICTED OFFENSE TITLE: 3rd

OFFENSE SCORE(S) (Offense Against a Person Only)

1st Off 2nd Off 3rd Off

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 or Explosive

D. Special Vulnerability of Victim

0 0 0 = No

1 1 1 = Yes

OFFENSE SCORE (S)

016

OFFENDER SCORE

016

REASON IF ACTUAL SENTENCE DEPARTS FROM GUIDELINES RANGE

DISPOSITION TYPE

1. Plea agreement - state nature of

2. Plea, no agreement

3. Court trial

4. Jury trial

MD. CODE, ART. & SECTION: 27/286

STAT. MAX. 20Y

DOCKET NUMBER: 00000008

ACTUAL SENTENCE

1st Convicted Offense

2nd Convicted Offense

3rd Convicted Offense

INSTITUTIONAL/PAROLE RECOMMENDATION/ADDITIONAL INFO.

SENTENCING JUDGE

SIGNATURE

WORKSHEET COMPLETED BY: P. A.

TITLE

COPIES: White-Judge; Blue-AOC; Green-Attachment; Yellow-File; Pink-Prosecution; Gold-Defense

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