

MARYLAND SENTENCING GUIDELINES MANUAL

(Revised)

October, 1982

Administrative Office of the Courts
Courts of Appeal Building

Annapolis, Maryland 21401

MARYLAND SENTENCING GUIDELINES PROJECT

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PREFACE

The Maryland sentencing guidelines, first implemented in June, 1981, have been modified and the Manual revised after a thorough review of one year's experience by the Circuit Court judges in Baltimore City and Harford, Montgomery and Prince George's Counties. The changes made are intended to make the guidelines clearer and easier to use, as well as to reflect more closely sentences imposed and legislation enacted during the year.

The chief goals of sentencing guidelines continue to be the following:

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.

Substantial progress has been made, especially toward the last three goals, but continued refinement will be sought according to judicial and legislative direction.

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

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PART 1

GENERAL INSTRUCTIONS

1.1 GUIDELINE OFFENSES

Person Offenses
(sample case 1,
p. 65)

Drug Offenses
(sample case 2,
p. 69)

Property Offenses
(sample case 3,
p. 73)

The types of offenses covered by the guidelines are offenses against persons, drug offenses, and property offenses, tried under the jurisdiction of a Circuit Court. An offense against a person is defined as an offense involving confrontation between the offender and the victim, with bodily harm or the threat of bodily harm. Also included in this category are all weapons offenses. Drug offenses are those involving the possession or distribution of 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, p. 23. If an offense is not listed, call the Sentencing Guidelines Office for assistance or note for the judge that this conviction has been omitted from calculation of prior criminal record.

Exclusions

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

- Arson of a dwelling
- Escape
- Prayers for jury trial from District Court
- Appeals from District Court
- Parole or probation revocations
- Crimes which carry no statutory penalty of incarceration
- Mandatory sentences for crimes of violence under Article 27§643B
- First Degree Murder convictions pursuant to Article 27§413 (death penalty)¹

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

1.2 GUIDELINE WORKSHEET

*Worksheet for
Each Convicted
Count*

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

*Worksheets
Completed by*

If the judge orders a presentence investigation, each worksheet will be filled out by the Division of Parole and Probation. If the judge does not order a presentence investigation, he or she can complete the worksheet personally or delegate the task to opposing counsel, the courtroom clerk, or one of the judge's staff. To reduce errors, it is desirable that each worksheet be reviewed before or at the time of sentencing.

*Preliminary
Worksheet
Distribution*

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

*Additions or
Corrections
to Worksheets*

1.3 GUIDELINE SENTENCE

*Non-Suspended
Incarceration*

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

TABLE 1
SENTENCING GUIDELINE WORKSHEET

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle)			DOCKET NUMBER		
BIRTHDATE / /	<input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> White <input type="checkbox"/> Black	<input type="checkbox"/> Hispanic <input type="checkbox"/> Other	JURISDICTION	DATE OF OFFENSE / /	DATE OF PLEA/VERDICT / /	DATE OF SENTENCING / /
NUMBER OF CONVICTED COUNTS AT THIS SENTENCING EVENT		WORKSHEET # _____ OF _____		SENTENCING JUDGE			
		CRIMINAL EVENT # _____		PSI <input type="checkbox"/> Yes <input type="checkbox"/> No			
INSTANT COUNT TITLE					MD. CODE, ART. & SECTION		
DISPOSITION TYPE (Check Only One) <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> Plea <input type="checkbox"/> Binding Plea Agreement as to Actual Sentence <input type="checkbox"/> Binding Plea Agreement as to Sentence Maximum Or Range of _____ </div> <div style="width: 45%;"> <input type="checkbox"/> Non Binding Recommendation of _____ <input type="checkbox"/> No Plea Agreement <input type="checkbox"/> Other </div> <div style="width: 45%;"> Court Trial <input type="checkbox"/> Contested Facts, No Plea Agreement <input type="checkbox"/> Uncontested Facts, Contested Legal Issue </div> <div style="width: 45%;"> Jury Trial <input type="checkbox"/> </div> </div>							
OFFENSE SCORE (Offense Against a Person Only) A. Seriousness Category of Instant Count 1 = V - VII 3 = IV 5 = III 8 = II 10 = I B. Victim Injury 0 = No Injury 1 = Injury, Non-Permanent 2 = Permanent Injury or Death C. Weapon Usage 0 = No Weapon Used 1 = Weapon Other Than Firearm Used 2 = Firearm Used D. Special Vulnerability of Victim 0 = No 1 = Yes <input type="checkbox"/>				OFFENDER SCORE A. Relationship to CJS When Instant Count Occurred 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision B. Juvenile Delinquency 0 = Not More Than One Finding of Delinquency 1 = Two or More Findings Without Commitment or One Commitment 2 = Two or More Commitments C. Prior Adult Criminal Record 0 = None 1 = Minor 3 = Moderate 5 = Major D. Prior Adult Parole/Probation Violations 0 = No 1 = Yes <input type="checkbox"/>			
TOTAL OFFENSE SCORE				TOTAL OFFENDER SCORE			
GUIDELINE RANGE		ACTUAL SENTENCE					
OVERALL GUIDELINE RANGE							
REASONS (If Actual Sentence Differs From Guideline Sentence)							
INSTITUTIONAL/PAROLE RECOMMENDATION							
DEFENSE ATTORNEY				STATE'S ATTORNEY			
JUDGE COMPLETED BY				JUDGE'S SIGNATURE			

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

Probation

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

1.4 ACTUAL SENTENCE

Judge Enters Actual Sentence

At the time of sentencing, the actual sentence is to be entered by the sentencing judge on the worksheet. The sentence, including any suspension or period of probation, should be included in this section.

1.5 SENTENCES OUTSIDE THE GUIDELINES

Written Reasons for Departure from Guidelines

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

1.6 GUIDELINE WORKSHEET DISTRIBUTION

Copies of each guideline worksheet should be distributed as follows:

*Color
Coding*

- ° White - Sentencing Judge
- ° Blue - Administrative Office of the Courts
(Sentencing Guidelines Project)
- ° Green - Division of Parole and Probation
- ° Yellow - Court File
- ° Pink - State's Attorney
- ° Gold - Defense Counsel

*Before
Sentencing*

The sentencing judge and opposing counsel should have received or completed their copies prior to sentencing. When a presentence investigator fills in a worksheet, he should send the judge the first four copies, together with the presentence investigation (PSI). If no PSI is ordered, the judge will have decided who is to fill in the worksheets. At sentencing, the actual sentence and any changes to the worksheet should be entered by the judge and recorded by the two attorneys on their copies.

*At
Sentencing*

*After
Sentencing*

After sentencing, the judge may retain his worksheet copy, and the remaining three are then distributed to the indicated recipients according to individual court practice. The Division of Parole and Probation is responsible for sending completed copies to the Division of Corrections for any person incarcerated under the guidelines. The Sentencing Guidelines Project Office sends to the Parole Commission copies of all worksheets where the offender was sentenced to incarceration of six months or more.

PART 2

USING THE GUIDELINE WORKSHEET

2.1 CASE INFORMATION

General Information

The top section of the worksheet, as shown in Table 2, contains space for information important for purposes of both case identification and analysis. The items requested are the offender's name, case docket number, date of birth, sex, ethnicity, jurisdiction, date of the offense, date of the plea/verdict, date of sentencing, whether a presentence investigation (PSI) was ordered, the sentencing judge, and the title of the instant convicted count with its Code Article and Section numbers.

Appendix D contains a numeric code for each jurisdiction in the state. For most persons completing the worksheets, only one or two of these numbers will ever be needed.

TABLE 2
CASE INFORMATION

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle)				DOCKET NUMBER		
BIRTHDATE / /	<input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> White <input type="checkbox"/> Black	<input type="checkbox"/> Hispanic <input type="checkbox"/> Other	JURISDICTION	DATE OF OFFENSE / /	DATE OF PLEA/VERDICT / /	DATE OF SENTENCING / /	
NUMBER OF CONVICTED COUNTS AT THIS SENTENCING EVENT	[]	WORKSHEET # _____ OF _____		PSI <input type="checkbox"/> Yes <input type="checkbox"/> No	SENTENCING JUDGE			
INSTANT COUNT TITLE					MD CODE, ART. & SECTION			
CRIMINAL EVENT # _____								

Convicted Counts

The "Number of Convicted Counts at This Sentencing Event" refers to the total number of counts for which one judge must impose a specific sentence at one time and place. Merged counts should not be included as part of this total.

Numbering of Worksheets

The block for the worksheet number and criminal event number is intended to provide information as to the total number of convicted counts at a single sentencing event, the order in which offenses occurred and, in the case of more than one criminal event, which counts are part of which event.

For a single convicted count, the number of convicted counts, the convicted count number, and the criminal event number would all be "1". (See sample case 1, p. 68)

For multiple convicted counts from a single criminal event, the number of convicted counts would be the total for that criminal event. Each convicted count would be numbered consecutively, while the criminal event would always be "1". (See sample case 4, pp. 82-84.)

For multiple counts from more than one criminal event, the number of convicted counts would be the total for the whole sentencing event, and they would be numbered consecutively, but their order would be determined by the order of the criminal events which would also be numbered consecutively according to the date of occurrence. (See sample case 6, pp. 100-101.)

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

2.2 DISPOSITION TYPES

*Sentencing
Judge Should
Indicate
Disposition
Type*

The disposition type refers to the nature and circumstances of the conviction and sentencing. Since this information is not always known to probation agents, the sentencing judge should make sure it is included. The disposition box, shown in Table 3, should be marked according to the conditions described there.

TABLE 3
DISPOSITION TYPE

DISPOSITION TYPE (Check Only One)			Court Trial	Jury Trial
<input type="checkbox"/> Binding Plea Agreement as to Actual Sentence	<input type="checkbox"/> Non Binding Recommendation of _____	<input type="checkbox"/> Contested Facts, No Plea Agreement	<input type="checkbox"/>	
<input type="checkbox"/> Binding Plea Agreement as to Sentence Maximum Or Range of _____	<input type="checkbox"/> No Plea Agreement	<input type="checkbox"/> Uncontested Facts, Contested Legal Issue		
	<input type="checkbox"/> Other			

*Plea Agreement
as to Actual
Sentence*

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

*Plea Agreement
as to Maximum
or Range*

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

*Non-Binding
State
Recommendation*

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

*Plea, No
Agreement*

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

Other Pleas

If none of the above applies to a guilty plea, mark the box labeled "Other." Included in this category are court trials not meeting either of the descriptions below for disposition by court trial.

*Court Trials,
Contested Facts*

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

*Court Trials,
Contested Legal
Issue*

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

Jury Trial

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

2.3 GUIDELINE SCORING

*Offense Score:
Only for Offense
Against Persons
(sample case 1,
p. 65)*

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

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

Elements of the Offense (sample case 1, pp. 66, 68)

The offense score is derived by totaling the points represented by certain elements associated with the commission of the offense. These elements may include facts known to the judge but not necessarily within the scope of the convicted offense, e.g., weapon usage in a robbery conviction or victim injury in a handgun violation conviction. The four elements of the offense score appear in Table 4 below.

TABLE 4
OFFENSE SCORE
(OFFENSE AGAINST A PERSON ONLY)

OFFENSE SCORE (Offense Against a Person Only)	
A. Seriousness Category of Instant Count	
1 = V - VII	
3 = IV	
5 = III	
8 = II	
10 = I	
B. Victim Injury	
0 = No Injury	
1 = Injury, Non-Permanent	
2 = Permanent Injury or Death	
C. Weapon Usage	
0 = No Weapon Used	
1 = Weapon Other Than Firearm Used	
2 = Firearm Used	
D. Special Vulnerability of Victim	
0 = No	
1 = Yes	<input type="checkbox"/>
TOTAL OFFENSE SCORE	

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

Seriousness Category

A. Seriousness Category of the Instant Count

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

Conspiracies, Attempts and Solicitations

Accessory Before or After the Fact

Victim Injury

B. Victim Injury

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

Weapon Usage

C. Weapon Usage

A weapon is any article or device which reasonably appears capable of causing injury or any article that could result in conviction under the concealed weapons statute. Weapons other than firearms include explosives, incendiaries, knives, tire irons, and clubs. Not included are automobiles, unless deliberately used as weapons; or parts of the body, 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). CO₂ guns, toy pistols and starter pistols are scored as weapons other than firearms and receive one point.

Feigned Weapon

CO₂ Guns, Toy
Guns, Starter
Pistols

*Especially
Vulnerable
Victim*

D. Special Vulnerability of Victim

This item is designed to cover cases in which the relative helplessness of the victim tends to render the actions of the perpetrator all the more brutal or sadistic. An especially vulnerable victim is anyone 10 years of age or less, 60 years of age or more, or physically or mentally handicapped. *now 65*

Total Offense Score

To obtain the offense score, add the circled points in A, B, C, and D. The maximum offense score possible is 15; the minimum is 1.

2.3.2 Computation of the Offender Score (All Offenses)

*Offender's
Criminal
History
(sample cases
1, 2, 3, pp. 66,
74, 79)*

The offender score is derived by totaling the points represented by certain attributes of the offender which are considered important to the sentencing decision. These attributes are shown in Table 5 below.

TABLE 5
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
1	= Two or More Findings Without Commitment or One Commitment
2	= Two or More Commitments
C. Prior Adult Criminal Record	
0	= None
1	= Minor
3	= Moderate
5	= Major
D. Prior Adult Parole/Probation Violations	
0	= No
1	= Yes
<div style="display: flex; align-items: center; justify-content: flex-end;"> <div style="border: 1px solid black; width: 30px; height: 30px; margin-right: 10px;"></div> TOTAL OFFENDER SCORE </div>	

Following are a description and an interpretation of the scoring of each offender variable. Variables A, C, and D refer to prior involvement with the criminal justice system only as an adult.

*Offender under
Criminal Justice
Supervision*

A. Relationship to CJS When Instant Count Occurred

If the offender is under legal supervision resulting from a final conviction for a criminal offense as an adult, this factor should be scored as "1".

Juvenile Record

B. Juvenile Delinquency

*Age Factor for
Considering
Juvenile Record*

Commitments refer to the court's assignment of juvenile to an institution or other residential facility. If the offender is over 25, any juvenile record should be excluded from consideration. Hence, any offender who is 26 or older will be scored "0".

*Adult Criminal
Record*

C. Prior Adult Criminal Record

If an offender has never been convicted of a criminal offense as an adult, score "0". If an offender has any adult criminal record, it is necessary to determine its severity. Appendix B (p. 43) contains instructions for calculating whether the prior record should be considered Minor (1 point), Moderate (3 points), or Major (5 points).

D. Prior Adult Parole/Probation Violations

Score "0" if offender has never before been on adult parole or probation or has successfully completed any previous period of supervision as an adult. Score one point if, prior to the instant offense, offender was ever adjudicated in violation of parole or probation, or was convicted of an offense while on parole or probation. If offender was on parole or probation at the time of the instant offense, do not give a point here because the offender will already have been penalized in "A" above.

*Total Offender
Score*

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

PART 3

DETERMINING THE GUIDELINE SENTENCE

After the offense and offender scores have been arrived at for each convicted count at an individual sentencing event, the guideline sentence can be determined.

3.1 OFFENSE AGAINST A PERSON

*Offense Against
a Person
(sample case 1,
p. 67; Appendix
C, pp. 49-52)*

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

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

*First Degree
Murder*

The offense against persons sentencing tables are not used for First Degree Murder as was previously stated. The guideline sentence for First Degree Murder is life unless the offender is being sentenced pursuant to Article 27§413.

3.2 DRUG OFFENSES

*Guideline
Sentence for
Drug Offenses
(sample case 2,
p. 70; Appendix
C, pp. 51-54)*

To find the guideline sentence for a drug offense, refer to Appendix Table C.2a, p. 51, or C.2b, p. 53. In Appendix Table C.2a, the guideline range for a particular instant count is in the block opposite the title and under the offender score for that count.

Appendix Table C.2b lists drug offenses in five groups opposite the Offender Scores and Guideline Range for each group. When using this table, match the instant convicted count and the offender score to find the guideline sentence.

3.3 PROPERTY OFFENSES

*Guideline
Sentence for
Property
Offenses
(sample case 3,
p. 75
Appendix C,
pp. 57-59)*

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

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

3.4 MULTIPLE COUNTS

*Same Criminal
Event: Concur-
rent Ranges
(sample case 4,
pp. 80-81)*

In most cases, the guidelines will recommend concurrent ranges for multiple counts growing out of a single criminal event.¹ The highest of the guideline ranges for any of the counts is the recommended range. For example, if the convicted counts were second degree murder and a handgun violation with respective guideline ranges of 18-30 years and 8-15 years, the overall guidelines range would be 18-30 years. If the net non-suspended time given is within that range, the sentences are considered to be within the guidelines.

*Same Criminal
Event: Conse-
cutive Ranges
(sample case 5,
p. 89)*

An exception to the procedure described above is made if more than one count from the same criminal event belongs to Seriousness Category I or II. The guidelines recommend use of consecutive ranges for each of these offenses. An overall guideline range is

¹ A single criminal event is defined as one or more crimes committed in the course of the same transaction.

*Category I
and II Offenses*

determined by adding together the upper and lower limits of the guideline range for each separate Category I or II offense, resulting in a single cumulative range. As shown in Table 6, if an offender was convicted of First Degree Rape, Kidnapping, and Robbery as part of one criminal event, and if the respective guideline ranges for the Rape and Kidnapping were 15-25 years and 10-18 years (Robbery is Seriousness Category IV and hence would have a concurrent rather than a consecutive guideline range), the overall guideline range for this case would not be 15-25 years as in other multiple count cases from the same criminal event, but 25-43 years (15 plus 10 and 25 plus 18).

TABLE 6
SCORING SERIOUSNESS CATEGORY I AND II OFFENSES

Criminal Event	Convicted Count	Seriousness Category	Guideline Range
1	Rape	I	15-25 years
1	Kidnapping	II	10-18 years
1	Robbery	IV	N.A. ¹
			25-43 years

Any length of net non-suspended time between 25 and 43 years would be within the guidelines.

*Different Criminal Events:
Consecutive Ranges
(sample case 6, pp. 96-99)*

The recommended guideline range for multiple counts from more than one criminal event is determined in the same manner as Category I and II offenses which are part of a single criminal event. The upper and lower limits of the guideline range for each event are added together to get a single cumulative range. As indicated in Table 7, if an offender was convicted of two counts of Robbery with a Deadly Weapon (different events) and the guideline range for one count was 5-10 years and for the other 10-18 years, the overall guideline range would be 15-28 years (5 plus 20 and 10 plus 18). Any sentence or combination of sentences

¹ Because Robbery is a Category IV Offense, its guideline range would be concurrent.

with a total non-suspended incarceration time of 15-28 years would be within the guidelines. Two consecutive 10 years sentences, for example, would be within the guidelines, as would two 20 years concurrent sentences.

TABLE 7
SCORING DIFFERENT CRIMINAL EVENTS

Criminal Event	Convicted Count	Seriousness Category	Guideline Range
1	Robbery with a Deadly Weapon	III	5-10 years
2	Robbery with a Deadly Weapon	III	10-18 years
			15-28 years

As long as the net unsuspended time is within the overall range, the sentences would be considered within the guidelines. Remember that the adult criminal record should be adjusted upward for each additional convicted count of a multiple count case involving different criminal events.

Combination of Same/Different Criminal Events (sample case 7, pp. 104-108)

When a single sentencing event includes more than one criminal event and when at least one of these criminal events includes more than one convicted count, the overall guideline range must first be determined for each criminal event. Then the overall guideline range for the entire sentencing event is determined by adding together the upper and lower limits of the guideline ranges for each criminal event. Take for example, an offender convicted of Robbery with a Deadly Weapon and a Handgun violation (first criminal event) and Robbery with a Deadly Weapon and Possession of Marijuana (subsequent criminal event). If the recommended guideline range for the first criminal event was 6-12 years (the range for both offenses since they are in the same Seriousness Category) and the range for the second criminal event

was 12-20 years (the range for the more serious offense in that event), the overall range for the entire sentencing event, as shown in Table 8, would be 18-32 years (6 years plus 12 years and 12 years plus 20 years).

TABLE 8
SCORING SAME AND DIFFERENT CRIMINAL EVENTS

Criminal Event	Convicted Count	Seriousness Category	Guideline Range
1	Robbery with a Deadly Weapon	III	6-12 years
1	Handgun Violation	III	N.A. ¹
2	Robbery with a Deadly Weapon	III	12-20 years
2	Possession of Marijuana	VII	N.A. ²
			18-32 years

Any combination of sentences to net unsuspended incarceration of 18-32 years would be within the guidelines.

¹ Because the two offenses in this criminal event, Handgun Violation and Robbery with a Deadly Weapon, are in the same Seriousness Category, the guideline sentence ranges would be concurrent.

² Because this offense is the lesser offense in this criminal event, the guideline sentence ranges would be concurrent.

3.5 PRESENTENCE DETENTION

Credit for Time Served

If the offender was detained prior to trial or sentencing, the time spent in detention must be included as part of the net non-suspended incarceration when calculating whether a sentence is inside or outside the guidelines. For example, if the maximum guideline sentence is 6 months and the offender has been detained for 6 months, any additional incarceration would ordinarily be outside the guidelines. However, in any case where the time served exceeds the maximum guideline sentence, and the judge would otherwise have sentenced within the guidelines, this fact should be noted, and the sentence recorded as within the guidelines.

To try to avoid misunderstanding, the interpretation of presentence detention, for purposes of sentencing guidelines, will be as follows:

- (1) If a judge gives a sentence of incarceration (5 years) with credit for time served, (360 days) and suspends the remainder of the sentence, (4 years), the sentence will be recorded as an "in" decision (i.e., a sentence to incarceration).
- (2) If a judge gives a sentence of incarceration (5 years) and suspends the sentence (5 years suspended), giving credit for time served, then the sentence will be interpreted as an "out" decision (i.e., no incarceration).

If the judge would have given a period of incarceration to be served by the offender, but considered the presentence detention sufficient, it is requested that the wording of (1), above, be used; if no incarceration would have been imposed absent a period of presentence detention, it is requested that the wording of (2), above be used.

3.6 MANDATORY SENTENCES AND SUBSEQUENT OFFENSES

*Statutory
Maximums and
Minimums
(sample case 8,
p. 115)*

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

*Second or
Subsequent
Offenses*

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

3.7 "WHITE COLLAR" OFFENSES

*"White Collar"
Offenses*

Concern has been expressed that the Maryland Sentencing Guidelines do not recommend adequate punishment for "white collar" offenses. Much study was devoted to this problem by board and staff. The term "white collar" offense is difficult to define, and for the present it has been agreed that the guidelines will not apply to extremely serious offenses of theft, usually involving breaches of trust, such as large-scale embezzlements committed by persons with no or very minor criminal records. A judge who believes such a case is before him should declare this fact and note that the guidelines do not apply. The judge should then sentence, taking into account appropriately any fiduciary breach even though there may be no prior criminal record. For informational purposes, a worksheet should be completed without a guideline sentence.

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 of Child Under Twelve	III	27§2	Person	20 Years
Arson, Building	IV	27§7	Property	20 Years
Arson, Burning personal property of another-damage below \$1,000.00 (formerly Arson, Barrack, etc.)	VII	27§8	Property	18 Months
Arson, Burning personal property of another-damage over \$1,000.00	VII	27§8	Property	5 Years
Arson, Burning goods, wares, etc., with intent to injure insurer	VII	27§9	Property	5 Years
Arson, setting fire while per- petrating a crime	VII	27§11	Property	3 Years
Arson, Attempted, Property in 27§§6 or 7	V	27§10(a)	Property	10 Years
Arson, Attempted, Property in 27§§8 or 9	VII	27§10(b)	Property	2 Years
Arson, Dwelling ¹	III	27§6	Property	30 Years

¹Guidelines for Arson of a Dwelling do not exist at this time, but for purposes of prior adult criminal record, the offense has been placed in Seriousness Category III.

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<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Assault and/or Battery	V	CL	Person	
Assault with Intent to Prevent Lawful Apprehension	III	27§386	Person	10 Years
Assault /Inter- ference with Enforcement- Firemen	VI	27§11D	Person	3 Years
Assault with Intent to Maim	III	27§386	Person	10 Years
Assault with Intent to Murder	II	27§12	Person	30 Years
Assault with Intent to Rape, or to commit a 1st or 2nd degree sex offense	III	27§12	Person	15 Years
Assault with Intent to Rob	IV	27§12	Person	10 Years
Bad Check, Obtain- ing Services/Prop- erty worth \$300.00 or more	V	27§141, 143(a)	Property	15 Years
Bad Check, Obtain- ing Services/Prop- erty less than \$300.00	VII	27§141, 143(b)	Property	18 Months
Breaking and Entering Dwelling House of Another	VII	27§31A	Property	3 Years

APPENDIX A

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Breaking and Entering Store- house, etc., of Another	VII	27§31B	Property	6 Months
Breaking into Railroad Car	VI	27§114	Property	10 Years
Bribery	V	27§23	Property	12 Years
Burglary	IV	27§29, 30(a)	Property	20 Years
Burglary	IV	CL	Property	
Burglary with Explosives	II	27§34,35	Property	40 Years
Child Abduction by Relative	VII	27§12A	Person	1 Year
Child Abuse	IV	27§35A	Person	15 Years
Child Pornography	V	27§419A	Person	10 Years
Controlled Danger- ous Substance, Delivery or Sale, 1st Offense	VII	27§287A(d)	Drug	\$500.00 fine
Controlled Danger- ous Substance, Importation	III	27§286A	Drug	25 Years
Controlled Danger- ous Substances Manufacture, Dis- tribution, etc. Counterfeiting, etc. Manufacture, Posses- sion, etc. of certain equipment for illegal use; keeping common nuisance of Schedule I-II Narcotic or PCP	III	27§286(b) (1&2)	Drug	20 Years

APPENDIX A

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Controlled Dangerous Substances, Manufacture, Distribution, etc., Counterfeiting, etc., Manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance Schedule I-V Non-Narcotic	IV	27§286(b) (3)	Drug	5 Years
Controlled Dangerous Substances, except marijuana, unlawful possession or administering to another, obtaining, etc., substance or paraphernalia by fraud, forgery, misrepresentation, etc., affixing forged label, altering, etc., label; unlawful possession or distribution of controlled paraphernalia	V	27§287	Drug	4 Years
Controlled Dangerous Substances, Marijuana, unlawful possession or administering to another, obtaining, etc., substance or paraphernalia by fraud, forgery, misrepresentation, etc., affixing forged label, altering, etc., label; unlawful possession or distribution of controlled paraphernalia	VII	27§287	Drug	1 Year

APPENDIX A

<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 to juvenile by adult 3 or more years older	IV	27§287A (d)(2)	Drug	8 Years
Controlled Dangerous Substance, paraphernalia, delivery or sale, 2nd offense	IV	27§287A (d)(1)	Drug	2 Years
Controlled Dangerous Substance, 2nd offense	III	27§293	Drug	Twice that otherwise authorized
Credit Card Offense, \$300.00 or more	V	27§145	Property	15 Years
Credit Card Offense, less than \$300.00	VII	27§145	Property	18 Months
Daytime House-breaking	IV	27§30(b)	Property	10 Years
Deadly Weapon, carrying, or wearing concealed	VII	27§36	Person	3 Years
Deadly Weapon, pistol or revolver, unlawful sale or possession by a fugitive, criminal or narcotics user	VI	27§445(c), 488	Person	3 Years
Dynamiting Property	III	27§119	Property	Life/20 Years
Extortion, less than \$300.00	VII	27§562B	Person	18 Months

APPENDIX A

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Extortion, \$300.00 or more	V	27\$562B	Person	10 Years
False Imprisonment	V	CL	Person	
Forgery	V	27\$44	Property	10 Years
Forgery	V	CL	Person	
Fraud by Fiduciary	V	27\$132	Property	5 Years
Fraud, Unemployment Insurance	VII	CL	Property	
Handgun, wearing, carrying, or transporting, 2nd offense	III	27\$36B (b)11	Person	10 Years
Handgun, used in commission of felony or crime of violence	III	27\$36B(d)	Person	20 Years
Handgun, unlawful wearing, carrying, or transporting, 1st offense	VII	27\$36B (b)1	Person	3 Years
Hinder Police Officer	VII	CL	Person	
Housebreaking, Statutory Night-time	IV	27\$30(a)	Property	20 Years
Incest	V	27\$335	Person	10 Years
Kidnapping	II	27\$337	Person	30 Years
Lottery - Prohibited	VII	27\$356, 358	Property	1 Year

APPENDIX A

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Maiming, Mayhem	III	27§384	Person	10 Years
Malicious Destruction	VII	27§111	Property	3 Years
Malicious Injury	III	27§385	Person	10 Years
Manslaughter	IV	27§387	Person	10 Years
Manslaughter	IV	CL	Person	
Manslaughter by Motor Vehicle	VI	27§388	Person	5 Years
Manslaughter by Motor Vehicle while intoxicated	VI	27§388A	Person	3 Years
Medicaid Fraud, \$500.00 or more	V	27§230D(a) (2)	Property	5 Years
Medicaid Fraud, less than \$500.00	VII	27§230D(b) (2)	Property	3 Years
Molotov Cocktail	VII	27§139A(b)	Property	5 Years
Motor Vehicle Offenses ¹				
Murder, ² 1st Degree	I	27§407	Person	Life/Death
Murder, 2nd Degree	II	27§411	Person	30 Years

¹ All those punishable by terms of incarceration. See Title 27§§101-105.

² First Degree Murder is listed in Seriousness Category I for purposes of computing an offender's prior record, (Guidelines worksheet, Offender Score Item C, Prior Adult Criminal Record), but the guideline sentence for First Degree Murder is always life, unless Article 27§413 (Death Penalty) is invoked.

APPENDIX A

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Murder, Attempted	II	CL	Person	
Obstruction of Justice	V	27§27	Person	3 Years
Pandering	VI	27§426	Person	12 Years
Perverted Practice	VII	27§554	Person	10 Years
Rape, 1st Degree	I	27§462(b)	Person	Life
Rape	I	CL	Person	Life
Rape, 2nd Degree	II	27§463(b)	Person	20 Years
Rogue and Vagabond	VII	27§490	Property	3 Years
Robbery	IV	27§486	Person	10 Years
Robbery	IV	CL	Person	
Robbery with a Deadly Weapon	III	27§488	Person	20 Years
Sabotage	V	27§535,6,7	Property	10 Years
Sabotage, Attempted	VI	27§538	Property	5 Years
Sex Offense, 1st degree	I	27§464(b)	Person	Life
Sex Offense, 2nd degree	II	27§464A(b)	Person	20 Years
Sex Offense, 3rd degree	V	27§464B(b)	Person	10 Years
Sex Offense, 4th degree	VII	27§464C(b)	Person	1 Year

APPENDIX A

<u>Offense</u>	<u>Seriousness Category</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Sodomy	V	27§553	Person	10 Years
Storehouse- breaking day/ night with intent to commit a felony	V	27§32	Property	10 Years
Storehouse- breaking with intent to steal less than \$300.00 or stealing less than \$5.00	VII	27§33A	Property	18 Months
Storehouse- breaking/stealing \$5.00 or more	V	27§33	Property	10 Years
Theft, \$300.00 or more	V	27§342(f) (1)	Property	15 Years
Theft, less than \$300.00	VII	27§342(f) (2)	Property	18 Months
Unauthorized use of motor vehicle	VII	27§349	Property	4 Years
Uttering	V	CL	Property	
Welfare Fraud	VII	27§230A(b)	Property	3 Years
Welfare Perjury	VII	CL	Property	

APPENDIX A

MARYLAND CRIMINAL OFFENSES

BY SERIOUSNESS CATEGORY

Seriousness Category I

<u>Offense</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Murder, 1st Degree ¹	27§407	Person	Life/Death
Rape, 1st Degree	27§462(b)	Person	Life
Rape	CL	Person	Life
Sex Offense, 1st Degree	27§464(b)	Person	Life

Seriousness Category II

Assault with Intent to Murder	27§12	Person	30 Years
Burglary with Explosives	27§34, 35	Property	40 Years
Kidnapping	27§337	Person	30 Years
Murder, 2nd Degree	27§411	Person	30 Years
Murder, Attempted	CL	Person	
Rape, 2nd Degree	27§463(b)	Person	20 Years
Sex Offense, 2nd Degree	27§464A(b)	Person	20 Years

Seriousness Category III

Abduction of Child Under Twelve	27§2	Person	20 Years
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¹First Degree Murder is listed in Seriousness Category I for purposes of computing an offender's prior record, (Guidelines worksheet, Offender Score Item C, Prior Adult Criminal Record), but the guideline sentence for First Degree Murder is always life, unless Article 27§413 (Death Penalty) is invoked.

APPENDIX A

Seriousness Category III - Cont.

<u>Offense</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Arson, Dwelling ¹	27§6	Property	30 Years
Assault with Intent to Prevent Lawful Apprehension	27§386	Person	10 Years
Assault with Intent to Maim	27§386	Person	10 Years
Assault with Intent to Rape, or to Commit a 1st or 2nd Degree Sex Offense	27§12	Person	15 Years
Controlled Dangerous Substances, Manufacture, Distribution, etc; Counterfeiting, etc; Manufacture, Possession, etc., of certain equip- ment for illegal use; keeping common nuisance or Schedule I-II Narcotic or PCP	27§286(b) (1&2)	Drug	20 Years
Controlled Dangerous Substance, Importation	27§286A	Drug	25 Years
Controlled Dangerous Substance, 2nd Offense	27§293	Drug	Twice that otherwise authorized
Dynamiting Property	27§119	Property	Life/20 Years
Handgun, wearing, carrying or trans- porting, 2nd Offense	27§36B(b)ii	Person	10 Years

¹Guidelines for Arson of a Dwelling do not exist at this time, but for purposes of prior adult criminal record, the offense has been placed in Seriousness Category III.

APPENDIX A

Seriousness Category III - Cont.

<u>Offense</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximu Penalty</u>
Handgun, used in commission of felony or crime of violence	27§36B(d)	Person	20 Years
Maiming, Mayhem	27§384	Person	10 Years
Malicious Injury	27§385	Person	10 Years
Robbery with a Deadly Weapon	27§488	Person	20 Years

Seriousness Category IV

Arson, Building	27§7	Property	20 Years
Assault with Intent to Rob	27§12	Person	10 Years
Burglary	27§29,30(a)	Property	20 Years
Burglary	CL	Property	
Child Abuse	27§35A	Person	15 Years
Controlled Dangerous Substances, Manufacture, Distribution, etc; counterfeiting, etc., manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, Schedule I-V Non-Narcotics	27§286(b)(3)	Drug	5 Years
Controlled Dangerous Substances, Paraphernalia, delivery or sale to juvenile by adult 3 or more years older	27§287A(d)(2)	Drug	8 Years

APPENDIX A

Seriousness Category IV - Cont.

<u>Offense</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Controlled Dangerous Substances, Paraphernalia, Delivery or Sale, 2nd Offense	27§287A(d) (1)	Drug	2 Years
Daytime House-breaking	27§30(b)	Property	10 Years
Housebreaking, Statutory Night-time	27§30(a)	Property	20 Years
Manslaughter	27§387	Person	10 Years
Manslaughter	CL	Person	
Robbery	27§486	Person	10 Years
Robbery	CL	Person	

Seriousness Category V

Arson, Attempted, Property in 27§§6 or 7	27§10(a)	Property	10 Years
Assault and/or Battery	CL	Person	
Bad Check, Obtaining Services/Property worth \$300.00 or more	27§141, 143(a)	Property	15 Years
Bribery	27§23	Property	12 Years
Child Pornography	27§419A	Person	10 Years

APPENDIX A

Seriousness Category V - Cont.

<u>Offense</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Controlled Dangerous Substances, except marijuana, unlawful possession or administering to another, obtaining, etc., substance or paraphernalia by fraud, forgery, misrepresentation, etc., affixing forged label, altering, etc., label; unlawful possession or distribution of controlled paraphernalia	27§287	Drug	4 Years
Credit Card Offense, \$300.00 or more	27§145	Property	15 Years
Extortion, \$300.00 or more	27§562B	Person	10 Years
False Imprisonment	CL	Person	
Forgery	27§44	Property	10 Years
Forgery	CL	Property	
Fraud by Fiduciary	27§132	Property	5 Years
Incest	27§335	Person	10 Years
Medicaid Fraud \$500.00 or more	27§230D(a)2	Property	5 Years
Obstruction of Justice	27§27	Person	3 Years
Sabotage	27§535,6,7	Property	10 Years
Sex Offense, 3rd Degree	27§464B(b)	Person	10 Years

APPENDIX A :

Seriousness Category V - Cont.

<u>Offense</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Sodomy	27§553	Person	10 Years
Storehousebreak- ing Day/Night with intent to commit a felony	27§32	Property	10 Years
Storehousebreak- ing/Stealing \$5.00 or more	27§33	Property	10 Years
Theft, \$300.00 or more	27§342(f)(1)	Property	15 Years
Uttering	CL	Property	

Seriousness Category VI

Assault/Inter- ference with Enforcement- Firemen	27§11D	Person	3 Years
Attempted Sabotage	27§538	Property	5 Years
Breaking into Railroad Car	27§114	Property	10 Years
Deadly Weapon, pistol or re- volver, unlawful sale or possession by a fugitive, criminal or nar- cotics user	27§445(c), 488	Person	3 Years
Manslaughter by Motor Vehicle .	27§388	Person	5 Years
Manslaughter by Motor Vehicle while intoxicated	27§388A	Person	3 Years

APPENDIX A

Seriousness Category VI - Cont.

<u>Offense</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Pandering	27§426	Person	12 Years

Seriousness Category VII

Arson, Burning personal property of another - damage below \$1,000.00 (formerly Arson, Barrack, etc.)	27§8	Property	18 Months
Arson, Burning personal property of another - damage over \$1,000.00	27§8	Property	5 Years
Arson, Burning goods, wares, etc. with intent to injure insurer	27§9	Property	5 Years
Arson, setting fire while per- petrating a crime	27§11	Property	3 Years
Arson, Attempted, of property in 27§§8 or 9	27§10b	Property	2 Years
Bad Check, obtain- ing services/ property less than \$300.00	27§141, 143(b)	Property	18 Months
Breaking and Entering Dwelling House of Another	27§31A	Property	3 Years
Breaking and Entering Store- house, etc., of Another	27§31B	Property	6 Months

APPENDIX A.

Seriousness Category VII - Cont.

<u>Offense</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Child Abduction by Relative	27§12A	Person	1 Year
Controlled Dangerous Substances, Marijuana, Unlawful Possession or Administering to Another, Obtaining, etc., substance or paraphernalia by fraud, forgery, mis- representation, etc., affixing forged label, altering, etc., label; unlawful possession or distribution of controlled paraphernalia	27§287	Drug	1 Year
Controlled Dangerous Substance, Delivery or Sale, 1st Offense	27§287A(d)	Drug	\$500.00 fine
Credit Card Offense, less than \$300.00	27§145	Property	18 Months
Deadly Weapon, carry- ing, or wearing concealed	27§36	Person	3 Years
Extortion, less than \$300.00	27§562B	Person	18 Months
Fraud, Unemployment Insurance	CL	Property	
Handgun, unlawful wearing, carrying, or transporting, 1st offense	27§36B(b)i	Person	3 Years

APPENDIX A

Seriousness Category VII - Cont.

<u>Offense</u>	<u>Article and Code Section</u>	<u>Type of Offense</u>	<u>Maximum Penalty</u>
Hinder Police Officer	CL	Person	
Lottery-Prohibited	27§356,358	Property	1 Year
Malicious Destruction	27§111	Property	3 Years
Medicaid Fraud, less than \$500.00	27§230D(b)(2)	Property	3 Years
Molotov Cocktail	27§139A(b)	Property	5 Years
Motor Vehicles Offenses ¹			
Perverted Practice	27§554	Person	10 Years
Rogue and Vagabond	27§490	Property	3 Years
Sex Offense, 4th Degree	27§464C(b)	Person	1 Year
Storehousebreaking with intent to steal less than \$300.00 or stealing less than \$5.00	27§33A	Property	18 Months
Theft, less than \$300.00	27§342(f)(2)	Property	18 Months
Unauthorized use of motor vehicle	27§349	Property	4 Years
Welfare Fraud	27§230A(b)	Property	3 Years
Welfare Perjury	CL	Property	
Other Misdemeanors		Person, Drug or Property	

¹All those punishable by terms of incarceration. See
Title 27§§101-105.

APPENDIX B

CLASSIFICATION OF THE PRIOR ADULT CRIMINAL RECORD

PROCEDURES

If the offender has ever been convicted of a criminal offense as an adult, use the criteria in Table B.1 or B.2 (p. 45 and p. 47) to determine whether the prior record should be considered Minor, Moderate or Major. The procedure for the proper use of Table B.1 consists of the following steps:

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

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

ADDITIONAL INSTRUCTIONS

All Prior Adult Convictions

Prior convictions include all convictions preceding the one for which sentencing is now occurring, whether the offense was committed before or after the instant one and whether sentencing has taken place or not.

Different Criminal Events Sentenced Together

If multiple counts from different criminal events are being sentenced together at this sentencing event, the offender's criminal record should be adjusted upward for each criminal event in chronological order. This recomputation will be performed by the presentence investigator when possible, but should be closely monitored by the judge and opposing counsel. When no PSI is ordered, whoever fills out the form should recompute the record as indicated.

Convictions Out of State

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

Theft-Type Offenses

In 1978, a comprehensive theft statute replaced the previously separate designation of offenses such as Larceny, Larceny by Trick, Larceny after Trust, Embezzlement, False Pretenses, Shoplifting, and Receiving Stolen Goods. For purposes of guidelines, the old offenses should be considered "Theft under \$300" if they were misdemeanors and "Theft \$300 or more" if they were felonies.

Criminal Record Decay Factor

If an offender has lived in the community for at least ten years prior to the instant offense without parole or probation supervision and without committing any crime, his criminal record should be lowered one level, from Major to Moderate, from Moderate to Minor, or from Minor to None.

Conspiracies, Attempts and Solicitations

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

APPENDIX TABLE B.1
CRITERIA FOR PRIOR ADULT CRIMINAL RECORD

		NUMBER OF CONVICTIONS					
		1	2	3	4	5-9	10 or more
SERIOUSNESS	CATEGORY	I	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
		III	Major if combined with two or more offenses in Categories IV-VI, or any 6 offenses ----- Moderate	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
		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	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 total number of convictions is equal to or greater than 10 ----- Moderate	Major
			Minor	Minor	Minor	Moderate	Major

APPENDIX TABLE B.2

DESCRIPTION

*Major
Record*

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

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

APPENDIX TABLE B.2
(Continued)

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

*Moderate
Record*

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

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

*Minor
Record*

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

APPENDIX TABLE C.1a

SENTENCING MATRIX FOR OFFENSES AGAINST PERSONS

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

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

APPENDIX TABLE C.1b

SENTENCING GUIDELINES FOR OFFENSES AGAINST PERSONS

<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	2Y-6Y	7	6	10Y-15Y
2	7+	3Y-8Y	7	7+	12Y-20Y
3	0	P-2Y	8	0	4Y-9Y
3	1	P-2Y	8	1	5Y-10Y
3	2	6M-3Y	8	2	5Y-12Y
3	3	1Y-5Y	8	3	7Y-13Y
3	4	2Y-5Y	8	4	8Y-15Y
3	5	3Y-7Y	8	5	10Y-18Y
3	6	4Y-8Y	8	6	12Y-20Y
3	7+	5Y-10Y	8	7+	15Y-25Y
4	0	P-3Y	9	0	7Y-12Y
4	1	6M-4Y	9	1	8Y-13Y
4	2	1Y-5Y	9	2	8Y-15Y
4	3	2Y-5Y	9	3	10Y-15Y
4	4	3Y-7Y	9	4	12Y-18Y
4	5	4Y-8Y	9	5	15Y-25Y
4	6	5Y-10Y	9	6	18Y-30Y
4	7+	6Y-12Y	9	7+	20Y-30Y
5	0	3M-4Y	10	0	10Y-18Y
5	1	6M-5Y	10	1	10Y-21Y
5	2	1Y-6Y	10	2	12Y-25Y
5	3	2Y-7Y	10	3	15Y-25Y
5	4	3Y-8Y	10	4	15Y-30Y
5	5	4Y-10Y	10	5	18Y-30Y
5	6	6Y-12Y	10	6	20Y-35Y
5	7+	8Y-15Y	10	7+	20Y-L

APPENDIX TABLE C.1b
(Continued)

SENTENCING GUIDELINES FOR OFFENSES AGAINST PERSONS

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

APPENDIX TABLE C.2a

SENTENCING MATRIX FOR DRUG OFFENSES

Offender Score

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

P = Probation M = Months Y = Years

APPENDIX TABLE C.2b

SENTENCING GUIDELINES FOR DRUG OFFENSES

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

APPENDIX TABLE C.2b
(Continued)

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

APPENDIX TABLE C.3a

SENTENCING MATRIX FOR PROPERTY OFFENSES.

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

P = Probation

M = Months

Y = Years

APPENDIX TABLE C.3b

SENTENCE GUIDELINES FOR PROPERTY OFFENSES

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

APPENDIX D

JURISDICTION CODES

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

APPENDIX E

SAMPLE CASES

<u>Case No.</u>		<u>Page</u>
1	Offense Against a Person - Single Convicted Count	65
2	Drug Offense - Single Convicted Count	69
3	Property Offense - Single Convicted Count	73
4	Multiple Counts - Same Criminal Event	77
5	Offenses Against a Person - Multiple Counts from Category I and II - Same Criminal Event	85
6	Multiple Counts - Different Criminal Events	95
7	Multiple Counts from Same and Different Criminal Events	103
8	Mandatory Minimum Sentence	113

SAMPLE CASE 1

OFFENSE AGAINST A PERSON - SINGLE CONVICTED COUNT

OFFENDER'S NAME: P _____ B _____	DOCKET NO.: 00000001
DATE OF BIRTH: 2/25/60	DATE OF PLEA/VERDICT: 1/8/81
SEX: Male	DISPOSITION TYPE: Plea Agree-
RACE: White	ment/Non-Binding Recommendation
DATE OF OFFENSE: 9/27/80	JURISDICTION: Montgomery
	County
	CONVICTED COUNT: Robbery
	with a Deadly Weapon 27\$488

OFFENSE DESCRIPTION:

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

OFFENDER'S PRIOR CRIMINAL RECORD:

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

ADULT:

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

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

SAMPLE CASE 1 (Continued)

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

OFFENSE SCORE:

A. Seriousness Category of Instant Count

As shown in Appendix A, Robbery with a
Deadly Weapon is a Category III Offense. 5 points

B. Victim Injury

No injury. 0 points

C. Weapon Usage

A firearm (sawed-off shotgun) was used. 2 points

D. Special Vulnerability of Victim

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

TOTAL OFFENSE SCORE 7 points

OFFENDER SCORE:

A. Relationship to CJS When Instant Count
Occurred

Was on probation for Unemployment Compensa-
tion Fraud. 1 point

B. Juvenile Delinquency

No record found. 0 points

C. Adult Criminal Record

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

SAMPLE CASE 1 (Continued)

The number of prior convictions according to Seriousness Category are:

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

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

Step III - A minor offender is scored 1 point. 1 point

D. Prior Adult Parole/Probation Violations

None. 0 points

TOTAL OFFENDER SCORE 2 points

GUIDELINE RANGE:

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

SAMPLE CASE 1 (Continued)

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle) P _____ B _____		DOCKET NUMBER 00000001	
BIRTHDATE 2 / 25 / 60	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<input checked="" type="checkbox"/> White <input type="checkbox"/> Black	<input type="checkbox"/> Hispanic <input type="checkbox"/> Other	JURISDICTION 25	DATE OF OFFENSE 9 / 27 / 80
				DATE OF PLEA/VERDICT 1 / 8 / 81	DATE OF SENTENCING / /
NUMBER OF CONVICTED COUNTS AT THIS SENTENCING EVENT 1	WORKSHEET # 1 OF	PSI <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	SENTENCING JUDGE		
INSTANT COUNT TITLE ROBBERY WITH A DEADLY WEAPON		MD. CODE, ART. & SECTION 27§488			
DISPOSITION TYPE (Check Only One)					
Plea		Court Trial		Jury Trial	
<input type="checkbox"/> Binding Plea Agreement as to Actual Sentence		<input checked="" type="checkbox"/> Non Binding Recommendation of <u>10 years</u>		<input type="checkbox"/> Contested Facts, No Plea Agreement	
<input type="checkbox"/> Binding Plea Agreement as to Sentence Maximum Or Range of _____		<input type="checkbox"/> No Plea Agreement		<input type="checkbox"/> Uncontested Facts, Contested Legal Issue	
<input type="checkbox"/> Other					
OFFENSE SCORE (Offense Against a Person Only)			OFFENDER SCORE		
A. Seriousness Category of Instant Count 1 = V - VII 3 = IV 5 = III 8 = II 10 = I B. Victim Injury 0 = No Injury 1 = Injury, Non-Permanent 2 = Permanent Injury or Death C. Weapon Usage 0 = No Weapon Used 1 = Weapon Other Than Firearm Used 2 = Firearm Used D. Special Vulnerability of Victim 0 = No 1 = Yes			A. Relationship to CJS When Instant Count Occurred 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision B. Juvenile Delinquency 0 = Not More Than One Finding of Delinquency 1 = Two or More Findings Without Commitment or One Commitment 2 = Two or More Commitments C. Prior Adult Criminal Record 0 = None 1 = Minor 3 = Moderate 5 = Major D. Prior Adult Parole/Probation Violations 0 = No 1 = Yes		
7 TOTAL OFFENSE SCORE			2 TOTAL OFFENDER SCORE		
GUIDELINE RANGE 5-10 Years		ACTUAL SENTENCE			
OVERALL GUIDELINE RANGE 5-10 Years					
REASONS (If Actual Sentence Differs From Guideline Sentence)					
INSTITUTIONAL/PAROLE RECOMMENDATION					
DEFENSE ATTORNEY			STATE'S ATTORNEY		
WORKSHEET COMPLETED BY			JUDGE'S SIGNATURE		

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

SAMPLE CASE 2

DRUG OFFENSE - SINGLE CONVICTED COUNT

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

OFFENSE DESCRIPTION:

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

OFFENDER'S PRIOR CRIMINAL RECORD:

JUVENILE: None known.

ADULT: None known.

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

OFFENSE SCORE:

An offense score is not computed for drug offenses.

SAMPLE CASE 2 (Continued)

OFFENDER SCORE:

A. Relationship to CJS when Instant Count
Occurred

None.

0 points

B. Juvenile Delinquency

Defendant was over 25 years of age when
the instant offense was committed.

0 points

C. Prior Adult Criminal Record

No record found.

0 points

D. Prior Adult Parole/Probation Violations

None.

0 points

TOTAL OFFENDER SCORE

0 points

GUIDELINE RANGE:

An examination of Appendix Table C.2a or C.2b shows that the guideline sentence for Possession with Intent to Distribute Marijuana by a person with an offender score of 0 is probation to 18 months.

[illegible]

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

SAMPLE CASE 3

PROPERTY OFFENSE - SINGLE CONVICTED COUNT

OFFENDER'S NAME: A _____ C _____	DOCKET NO.: 00000003
DATE OF BIRTH: 12/27/62	DATE OF PLEA/VERDICT: 8/13/82
SEX: Male	DISPOSITION TYPE: Plea/Other
RACE: Black	JURISDICTION: Montgomery County
DATE OF OFFENSE: 1/17/82	CONVICTED COUNT: Theft over \$300.00 27\$342

OFFENSE DESCRIPTION:

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

OFFENDER'S PRIOR CRIMINAL RECORD:

JUVENILE:

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

ADULT:

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

SAMPLE CASE 3 (Continued)

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

COMPUTATION OF OFFENSE AND OFFENDER SCORES

THEFT OVER \$300.00 27\$342

OFFENSE SCORE:

An offense score is not computed for property offenses.

OFFENDER SCORE:

A. Relationship to CJS When Instant Count Occurred

On probation for Theft. 1 point

B. Juvenile Delinquency

Three findings of delinquency with one commitment. 1 point

C. Prior Adult Criminal Record

Step I - Theft - Seriousness Category VII

The number of prior convictions according to Seriousness Category are:

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

SAMPLE CASE 3 (Continued)

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

Step III - A minor offender is scored 1 point. 1 point

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

D. Prior Adult Parole/Probation Violations

No adult violations prior to instant offense. 0 points

TOTAL OFFENDER SCORE 3 points

GUIDELINE RANGE:

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

SAMPLE CASE 3 (Continued)

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle) A C		DOCKET NUMBER 00000003	
BIRTHDATE 12 / 27 / 62	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> White <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Black <input type="checkbox"/> Other	JURISDICTION 25	DATE OF OFFENSE 1 / 17 / 82	DATE OF PLEA/VERDICT 8 / 13 / 82
NUMBER OF CONVICTED COUNTS AT THIS SENTENCING EVENT 1		WORKSHEET # 1 OF 1 CRIMINAL EVENT # 1		PSI <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
INSTANT COUNT TITLE Theft Over \$300.00				MD. CODE, ART. & SECTION 27§342	
DISPOSITION TYPE (Check Only One)					
Plea <input type="checkbox"/> Binding Plea Agreement as to Actual Sentence <input type="checkbox"/> Binding Plea Agreement as to Sentence Maximum Or Range of _____			<input type="checkbox"/> Non Binding Recommendation of _____ <input type="checkbox"/> No Plea Agreement <input checked="" type="checkbox"/> Other		
			Court Trial <input type="checkbox"/> Contested Facts, No Plea Agreement <input type="checkbox"/> Uncontested Facts, Contested Legal Issue		
			Jury Trial <input type="checkbox"/>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>OFFENSE SCORE (Offense Against a Person Only)</p> <p>A. Seriousness Category of Instant Count 1 = V - VII 3 = IV 5 = III 8 = II 10 = I</p> <p>B. Victim Injury 0 = No Injury 1 = Injury, Non-Permanent 2 = Permanent Injury or Death</p> <p>C. Weapon Usage 0 = No Weapon Used 1 = Weapon Other Than Firearm Used 2 = Firearm Used</p> <p>D. Special Vulnerability of Victim 0 = No 1 = Yes <input type="checkbox"/></p> <p>TOTAL OFFENSE SCORE</p> </div> <div style="width: 45%;"> <p>OFFENDER SCORE</p> <p>A. Relationship to CJS When Instant Count Occurred 0 = None or Pending Cases ① = Court or Other Criminal Justice Supervision</p> <p>B. Juvenile Delinquency 0 = Not More Than One Finding of Delinquency ① = Two or More Findings Without Commitment or One Commitment 2 = Two or More Commitments</p> <p>C. Prior Adult Criminal Record 0 = None ① = Minor 3 = Moderate 5 = Major</p> <p>D. Prior Adult Parole/Probation Violations ① = No 1 = Yes <input type="checkbox"/></p> <p>TOTAL OFFENDER SCORE 3</p> </div> </div>					
GUIDELINE RANGE 1-4 Years		ACTUAL SENTENCE			
OVERALL GUIDELINE RANGE 1-4 Years					
REASONS (If Actual Sentence Differs From Guideline Sentence)					
INSTITUTIONAL/PAROLE RECOMMENDATION					
DEFENSE ATTORNEY			STATE'S ATTORNEY		
WORKSHEET COMPLETED BY			JUDGE'S SIGNATURE		

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

SAMPLE CASE 4

MULTIPLE COUNTS - SAME CRIMINAL EVENT

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

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

OFFENSE DESCRIPTION:

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

OFFENDER'S PRIOR CRIMINAL RECORD:

JUVENILE:

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

SAMPLE CASE 4 (Continued)

ADULT:

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

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

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

OFFENSE SCORE:

A. Seriousness Category of the Instant Count

As shown in Appendix A, Robbery with a
Deadly Weapon is a Category III Offense. 5 points

B. Victim Injury

Victim suffered a sprained wrist. 1 point

C. Weapon Usage

A handgun was used. 2 points

D. Special Vulnerability of Victim

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

TOTAL OFFENSE SCORE 8 points

SAMPLE CASE 4 (Continued)

OFFENDER SCORE:

A. Relationship to Criminal Justice System When
Instant Count Occurred

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

1 point

B. Juvenile Delinquency

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

1 point

C. Adult Criminal Record

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

The number of prior convictions according to Seriousness
Category are:

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

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

Step III - A minor adult record is scored as 1 point 1 point

D. Prior Adult Parole/Probation Violations

None.

0 points

TOTAL OFFENDER SCORE

3 points

SAMPLE CASE 4 (Continued)

GUIDELINE RANGE FOR THE ROBBERY WITH A DEADLY WEAPON

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

GUIDELINE RANGE FOR THE HANDGUN VIOLATION

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

NOTE: Since the offenses are from the same criminal event, the adult criminal record is not recomputed.

COMPUTATION OF THE OFFENSE AND OFFENDER SCORES
POSSESSION OF MARIJUANA 27\$286

OFFENSE SCORE:

An offense score is not computed for drug offenses.

OFFENDER SCORE:

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

TOTAL OFFENDER SCORE

3 points

SAMPLE CASE 4 (Continued)

GUIDELINE RANGE FOR THE POSSESSION OF MARIJUANA

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

OVERALL GUIDELINE RANGE FOR THE SENTENCING EVENT

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

SAMPLE CASE 4 (Continued)

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle) J _____ B _____		DOCKET NUMBER 00000004	
BIRTHDATE 1 / 26 / 61	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> White <input checked="" type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Other	JURISDICTION 12	DATE OF OFFENSE 12 / 3 / 81	DATE OF PLEA/VERDICT 6 / 18 / 82
NUMBER OF CONVICTED COUNTS AT THIS SENTENCING EVENT 3	WORKSHEET # 1 OF 1	CRIMINAL EVENT # 1	PSI <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	SENTENCING JUDGE	
INSTANT COUNT TITLE Robbery with a Deadly Weapon				MD. CODE, ART. & SECTION 27§488	
DISPOSITION TYPE (Check Only One) <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> Plea <input type="checkbox"/> Binding Plea Agreement as to Actual Sentence <input type="checkbox"/> Binding Plea Agreement as to Sentence Maximum Or Range of _____ </div> <div style="width: 30%;"> <input type="checkbox"/> Non Binding Recommendation of _____ <input type="checkbox"/> No Plea Agreement <input type="checkbox"/> Other </div> <div style="width: 30%;"> Court Trial <input type="checkbox"/> Contested Facts, No Plea Agreement <input type="checkbox"/> Uncontested Facts, Contested Legal Issue </div> <div style="width: 10%; text-align: center;"> Jury Trial <input checked="" type="checkbox"/> </div> </div>					
OFFENSE SCORE (Offense Against a Person Only) A. Seriousness Category of Instant Count 1 = V - VII 3 = IV 5 = III 8 = II 10 = I B. Victim Injury 0 = No Injury 1 = Injury, Non-Permanent 2 = Permanent Injury or Death C. Weapon Usage 0 = No Weapon Used 1 = Weapon Other Than Firearm Used 2 = Firearm Used D. Special Vulnerability of Victim 0 = No 1 = Yes			OFFENDER SCORE A. Relationship to CJS When Instant Count Occurred 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision B. Juvenile Delinquency 0 = Not More Than One Finding of Delinquency 1 = Two or More Findings Without Commitment or One Commitment 2 = Two or More Commitments C. Prior Adult Criminal Record 0 = None 1 = Minor 3 = Moderate 5 = Major D. Prior Adult Parole/Probation Violations 0 = No 1 = Yes		
8 TOTAL OFFENSE SCORE			3 TOTAL OFFENDER SCORE		
GUIDELINE RANGE 7-13 Years		ACTUAL SENTENCE			
OVERALL GUIDELINE RANGE 7-13 Years					
REASONS (If Actual Sentence Differs From Guideline Sentence)					
INSTITUTIONAL/PAROLE RECOMMENDATION					
DEFENSE ATTORNEY			STATE'S ATTORNEY		
WORKSHEET COMPLETED BY			JUDGE'S SIGNATURE		

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

SAMPLE CASE 4 (Continued)

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle) J B		DOCKET NUMBER 00000004	
BIRTHDATE 1 / 26 / 61	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> White <input checked="" type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Other	JURISDICTION 12	DATE OF OFFENSE 12 / 3 / 81	DATE OF PLEA/VERDICT 6 / 18 / 82
NUMBER OF CONVICTED COUNTS AT THIS SENTENCING EVENT 3	WORKSHEET # 2 OF 1	CRIMINAL EVENT # 1	PSI <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	SENTENCING JUDGE	
INSTANT COUNT TITLE Use of Handgun in the Commission of Crime				MD. CODE, ART. & SECTION 27§36B(d)	
DISPOSITION TYPE (Check Only One)					
Plea <input type="checkbox"/> Binding Plea Agreement as to Actual Sentence <input type="checkbox"/> Binding Plea Agreement as to Sentence Maximum Or Range of _____			<input type="checkbox"/> Non Binding Recommendation of _____ <input type="checkbox"/> No Plea Agreement <input type="checkbox"/> Other		
			Court Trial <input type="checkbox"/> Contested Facts, No Plea Agreement <input type="checkbox"/> Uncontested Facts, Contested Legal Issue		
			Jury Trial <input checked="" type="checkbox"/>		
OFFENSE SCORE (Offense Against a Person Only) A. Seriousness Category of Instant Count 1 = V - VII 3 = IV 5 = III 8 = II 10 = I B. Victim Injury 0 = No Injury 1 = Injury, Non-Permanent 2 = Permanent Injury or Death C. Weapon Usage 0 = No Weapon Used 1 = Weapon Other Than Firearm Used 2 = Firearm Used D. Special Vulnerability of Victim 0 = No 1 = Yes			OFFENDER SCORE A. Relationship to CJS When Instant Count Occurred 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision B. Juvenile Delinquency 0 = Not More Than One Finding of Delinquency 1 = Two or More Findings Without Commitment or One Commitment 2 = Two or More Commitments C. Prior Adult Criminal Record 0 = None 1 = Minor 3 = Moderate 5 = Major D. Prior Adult Parole/Probation Violations 0 = No 1 = Yes		
TOTAL OFFENSE SCORE <div style="border: 1px solid black; width: 30px; text-align: center; margin: 0 auto;">8</div>			TOTAL OFFENDER SCORE <div style="border: 1px solid black; width: 30px; text-align: center; margin: 0 auto;">3</div>		
GUIDELINE RANGE 7-13 Years		ACTUAL SENTENCE			
OVERALL GUIDELINE RANGE 7-13 Years					
REASONS (If Actual Sentence Differs From Guideline Sentence)					
INSTITUTIONAL/PAROLE RECOMMENDATION					
DEFENSE ATTORNEY			STATE'S ATTORNEY		
WORKSHEET COMPLETED BY			JUDGE'S SIGNATURE		

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

SAMPLE CASE 4 (Continued)

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle) J B		POCKET NUMBER 00000004	
BIRTHDATE 1 / 26 / 61	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> White <input checked="" type="checkbox"/> Black	<input type="checkbox"/> Hispanic <input type="checkbox"/> Other	JURISDICTION 12	DATE OF OFFENSE 12 / 3 / 81
				DATE OF PLEA/VERDICT 6 / 18 / 82	DATE OF SENTENCING / /
NUMBER OF CONVICTED COUNTS AT THIS SENTENCING EVENT 3		WORKSHEET # 3 OF CRIMINAL EVENT # 1		PSI <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
INSTANT COUNT TITLE Possession of Marijuana				MD. CODE, ART. & SECTION 27§287	
DISPOSITION TYPE (Check Only One)					
Plea <input type="checkbox"/> Binding Plea Agreement as to Actual Sentence <input type="checkbox"/> Binding Plea Agreement as to Sentence Maximum Or Range of _____ <input type="checkbox"/> Non Binding Recommendation of _____ <input type="checkbox"/> No Plea Agreement <input type="checkbox"/> Other _____			Court Trial <input type="checkbox"/> Contested Facts, No Plea Agreement <input type="checkbox"/> Uncontested Facts, Contested Legal Issue Jury Trial <input checked="" type="checkbox"/>		
OFFENSE SCORE (Offense Against a Person Only) A. Seriousness Category of Instant Count 1 = V - VII 3 = IV 5 = III 8 = II 10 = I B. Victim Injury 0 = No Injury 1 = Injury, Non-Permanent 2 = Permanent Injury or Death C. Weapon Usage 0 = No Weapon Used 1 = Weapon Other Than Firearm Used 2 = Firearm Used D. Special Vulnerability of Victim 0 = No 1 = Yes			OFFENDER SCORE A. Relationship to CJS When Instant Count Occurred 0 = None or Pending Cases ① = Court or Other Criminal Justice Supervision B. Juvenile Delinquency 0 = Not More Than One Finding of Delinquency ① = Two or More Findings Without Commitment or One Commitment 2 = Two or More Commitments C. Prior Adult Criminal Record 0 = None ① = Minor 3 = Moderate 5 = Major D. Prior Adult Parole/Probation Violations ① = No 1 = Yes		
TOTAL OFFENSE SCORE			3 TOTAL OFFENDER SCORE		
GUIDELINE RANGE Probation-1 Month		ACTUAL SENTENCE			
OVERALL GUIDELINE RANGE 7-13 Years					
REASONS (If Actual Sentence Differs From Guideline Sentence)					
INSTITUTIONAL/PAROLE RECOMMENDATION					
DEFENSE ATTORNEY			STATE'S ATTORNEY		
WORKSHEET COMPLETED BY			JUDGE'S SIGNATURE		

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

SAMPLE CASE 5

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

OFFENDER'S NAME: R _____ D _____
DATE OF BIRTH: 10/4/59
SEX: Male
RACE: White
DATE OF OFFENSE: 11/22/81

DOCKET NO.: 00000005
DATE OF PLEA/VERDICT: 9/10/82
DISPOSITION TYPE: Jury Trial
JURISDICTION: Baltimore City
CONVICTED COUNTS: First Degree
Rape 27§462
Assault with Intent to Murder
27§12
Kidnapping 27§337
Use of a Handgun in Commission
of a Crime 27§36B(d)

OFFENSE DESCRIPTION:

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

OFFENDER'S PRIOR CRIMINAL RECORD:

JUVENILE:

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

SAMPLE CASE 5 (Continued)

ADULT:

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

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

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

OFFENSE SCORE:

A. Seriousness Category of Instant Count

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

B. Victim Injury

Permanent injury resulting from gunshot wounds. 2 points

C. Weapon Usage

Handgun was used. 2 points

D. Special Vulnerability of Victim

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

TOTAL OFFENSE SCORE 14 points

SAMPLE CASE 5 (Continued)

OFFENDER SCORE:

A. Relationship to Criminal Justice System
When Instant Count Occurred

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

0 points

B. Juvenile Delinquency

Offender had 3 findings and 1 commitment.

1 point

C. Adult Criminal Record

Step I - Assault - Category V

Driving While Intoxicated - Category VII

The number of prior convictions according to Seriousness
Category are:

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

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

Step III - A minor offender is scored 1 point.

1 point

D. Prior Adult Parole/Probation Violations

None.

0 points

TOTAL OFFENDER SCORE

2 points

SAMPLE CASE 5 (Continued)

GUIDELINE RANGE FOR FIRST DEGREE RAPE

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

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

OFFENSE SCORE:

A. Seriousness Category of Instant Count

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

8 points

B. Victim Injury

Permanent injury resulting from gunshot wounds.

2 points

C. Weapon Usage

Handgun was used.

2 points

D. Special Vulnerability of Victim

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

0 points

TOTAL OFFENSE SCORE

12 points

OFFENDER SCORE:

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

SAMPLE CASE 5 (Continued)

GUIDELINE RANGE FOR ASSAULT WITH INTENT TO MURDER

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

GUIDELINE RANGE FOR KIDNAPPING

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

GUIDELINE RANGE FOR HANDGUN VIOLATION

A change in the scoring is required for Variable A of the offense score since Use of a Handgun in Commission of a Crime is a Category III offense. A Category III offense is scored 5 points; the offense score would be 9 and the offender score would be 2 as were the other offender scores. The recommended range for an offense score of 9 and an offender score of 2 would be 8-15 years.

OVERALL GUIDELINE RANGE FOR THE SENTENCING EVENT

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

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

SAMPLE CASE 5 (Continued)

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle) R _____ D _____		DOCKET NUMBER 00000005							
BIRTHDATE 10 / 4 / 59	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<input checked="" type="checkbox"/> White <input type="checkbox"/> Hispanic <input type="checkbox"/> Black <input type="checkbox"/> Other	JURISDICTION 12	DATE OF OFFENSE 11 / 22 / 81	DATE OF PLEA/VERDICT 9 / 10 / 82						
NUMBER OF CONVICTED COUNTS AT THIS SENTENCING EVENT 4		WORKSHEET # <u>1</u> OF <u>1</u>		PSI <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No							
INSTANT COUNT TITLE First Degree Rape				MD. CODE, ART. & SECTION 27§462							
DISPOSITION TYPE (Check Only One) <table style="width:100%; border:none;"> <tr> <td style="width:33%; vertical-align:top;"> Plea <input type="checkbox"/> Binding Plea Agreement as to Actual Sentence <input type="checkbox"/> Binding Plea Agreement as to Sentence Maximum Or Range of _____ </td> <td style="width:33%; vertical-align:top;"> <input type="checkbox"/> Non Binding Recommendation of _____ <input type="checkbox"/> No Plea Agreement <input type="checkbox"/> Other </td> <td style="width:33%; vertical-align:top;"> Court Trial <input type="checkbox"/> Contested Facts, No Plea Agreement <input type="checkbox"/> Uncontested Facts, Contested Legal Issue </td> </tr> <tr> <td colspan="3" style="text-align:right;"> Jury Trial <input checked="" type="checkbox"/> </td> </tr> </table>						Plea <input type="checkbox"/> Binding Plea Agreement as to Actual Sentence <input type="checkbox"/> Binding Plea Agreement as to Sentence Maximum Or Range of _____	<input type="checkbox"/> Non Binding Recommendation of _____ <input type="checkbox"/> No Plea Agreement <input type="checkbox"/> Other	Court Trial <input type="checkbox"/> Contested Facts, No Plea Agreement <input type="checkbox"/> Uncontested Facts, Contested Legal Issue	Jury Trial <input checked="" type="checkbox"/>		
Plea <input type="checkbox"/> Binding Plea Agreement as to Actual Sentence <input type="checkbox"/> Binding Plea Agreement as to Sentence Maximum Or Range of _____	<input type="checkbox"/> Non Binding Recommendation of _____ <input type="checkbox"/> No Plea Agreement <input type="checkbox"/> Other	Court Trial <input type="checkbox"/> Contested Facts, No Plea Agreement <input type="checkbox"/> Uncontested Facts, Contested Legal Issue									
Jury Trial <input checked="" type="checkbox"/>											
OFFENSE SCORE (Offense Against a Person Only) A. Seriousness Category of Instant Count 1 = V - VII 3 = IV 5 = III 8 = II <input checked="" type="radio"/> 10 = I B. Victim Injury 0 = No Injury 1 = Injury, Non-Permanent <input checked="" type="radio"/> 2 = Permanent Injury or Death C. Weapon Usage 0 = No Weapon Used 1 = Weapon Other Than Firearm Used <input checked="" type="radio"/> 2 = Firearm Used D. Special Vulnerability of Victim <input checked="" type="radio"/> 0 = No 1 = Yes			OFFENDER SCORE A. Relationship to CJS When Instant Count Occurred <input checked="" type="radio"/> 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision B. Juvenile Delinquency 0 = Not More Than One Finding of Delinquency <input checked="" type="radio"/> 1 = Two or More Findings Without Commitment or One Commitment 2 = Two or More Commitments C. Prior Adult Criminal Record 0 = None <input checked="" type="radio"/> 1 = Minor 3 = Moderate 5 = Major D. Prior Adult Parole/Probation Violations <input checked="" type="radio"/> 0 = No 1 = Yes								
TOTAL OFFENSE SCORE <div style="border:1px solid black; width:30px; text-align:center; margin:0 auto;">14</div>			TOTAL OFFENDER SCORE <div style="border:1px solid black; width:30px; text-align:center; margin:0 auto;">2</div>								
GUIDELINE RANGE 28 Years-Life		ACTUAL SENTENCE									
OVERALL GUIDELINE RANGE 64 Years- Life + 60											
REASONS (If Actual Sentence Differs From Guideline Sentence)											
INSTITUTIONAL/PAROLE RECOMMENDATION											
DEFENSE ATTORNEY			STATE'S ATTORNEY								
WORKSHEET COMPLETED BY			JUDGE'S SIGNATURE								

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

SAMPLE CASE 5 (Continued)

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle) R. D.		DOCKET NUMBER 00000005	
BIRTHDATE 10 / 4 / 59	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Other	JURISDICTION 12	DATE OF OFFENSE 11 / 22 / 81	DATE OF PLEA/VERDICT 9 / 10 / 82
NUMBER OF CONVICTED COUNTS AT THIS SENTENCING EVENT 4	WORKSHEET # 2 OF CRIMINAL EVENT # 1	PSI <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	SENTENCING JUDGE		
INSTANT COUNT TITLE Assault with Intent to Murder				MD. CODE, ART. & SECTION 27§12	
DISPOSITION TYPE (Check Only One) <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p>Plea</p> <p><input type="checkbox"/> Binding Plea Agreement as to Actual Sentence</p> <p><input type="checkbox"/> Binding Plea Agreement as to Sentence Maximum Or Range of _____</p> <p><input type="checkbox"/> Non Binding Recommendation of _____</p> <p><input type="checkbox"/> No Plea Agreement</p> <p><input type="checkbox"/> Other</p> </div> <div style="width: 35%;"> <p>Court Trial</p> <p><input type="checkbox"/> Contested Facts, No Plea Agreement</p> <p><input type="checkbox"/> Uncontested Facts, Contested Legal Issue</p> </div> <div style="width: 5%;"> <p>Jury Trial</p> <p><input checked="" type="checkbox"/></p> </div> </div>					
OFFENSE SCORE (Offense Against a Person Only) A. Seriousness Category of Instant Count 1 = V - VII 3 = IV 5 = III 8 = II 10 = I B. Victim Injury 0 = No Injury 1 = Injury, Non-Permanent 2 = Permanent Injury or Death C. Weapon Usage 0 = No Weapon Used 1 = Weapon Other Than Firearm Used 2 = Firearm Used D. Special Vulnerability of Victim 0 = No 1 = Yes			OFFENDER SCORE A. Relationship to CJS When Instant Count Occurred 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision B. Juvenile Delinquency 0 = Not More Than One Finding of Delinquency 1 = Two or More Findings Without Commitment or One Commitment 2 = Two or More Commitments C. Prior Adult Criminal Record 0 = None 1 = Minor 3 = Moderate 5 = Major D. Prior Adult Parole/Probation Violations 0 = No 1 = Yes		
TOTAL OFFENSE SCORE <div style="border: 1px solid black; width: 30px; text-align: center; margin: 0 auto;">12</div>			TOTAL OFFENDER SCORE <div style="border: 1px solid black; width: 30px; text-align: center; margin: 0 auto;">2</div>		
GUIDELINE RANGE 18-30 Years		ACTUAL SENTENCE			
OVERALL GUIDELINE RANGE 64 Years- Life + 60 Years					
REASONS (If Actual Sentence Differs From Guideline Sentence)					
INSTITUTIONAL/PAROLE RECOMMENDATION					
DEFENSE ATTORNEY			STATE'S ATTORNEY		
WORKSHEET COMPLETED BY			JUDGE'S SIGNATURE		

JUDGE (White); AQC (Blue); PROBATION (Green); FILE (Yellow); PROSECUTION (Pink); DEFENSE (Gold)

SAMPLE CASE 5 (Continued)

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle) R _____ D _____		DOCKET NUMBER -00000005	
BIRTHDATE 10 / 4 / 59	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<input checked="" type="checkbox"/> White <input type="checkbox"/> Black	<input type="checkbox"/> Hispanic <input type="checkbox"/> Other	JURISDICTION 12	DATE OF OFFENSE 11 / 22 / 81
				DATE OF PLEA/VERDICT 9 / 10 / 82	DATE OF SENTENCING / /
NUMBER OF CONVICTED COUNTS AT THIS SENTENCING EVENT 4	WORKSHEET # 3 OF 1	PSI <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	SENTENCING JUDGE		
INSTANT COUNT TITLE Kidnapping				MD. CODE, ART. & SECTION 27§337	
DISPOSITION TYPE (Check Only One)					
Plea <input type="checkbox"/> Binding Plea Agreement as to Actual Sentence <input type="checkbox"/> Binding Plea Agreement as to Sentence Maximum Or Range of _____		<input type="checkbox"/> Non Binding Recommendation of _____ <input type="checkbox"/> No Plea Agreement <input type="checkbox"/> Other		Court Trial <input type="checkbox"/> Contested Facts, No Plea Agreement <input type="checkbox"/> Uncontested Facts, Contested Legal Issue	
Jury Trial <input checked="" type="checkbox"/>					
OFFENSE SCORE (Offense Against a Person Only)			OFFENDER SCORE		
A. Seriousness Category of Instant Count 1 = V - VII 3 = IV 5 = III 8 = II 10 = I B. Victim Injury 0 = No Injury 1 = Injury, Non-Permanent 2 = Permanent Injury or Death C. Weapon Usage 0 = No Weapon Used 1 = Weapon Other Than Firearm Used 2 = Firearm Used D. Special Vulnerability of Victim 0 = No 1 = Yes			A. Relationship to CJS When Instant Count Occurred 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision B. Juvenile Delinquency 0 = Not More Than One Finding of Delinquency 1 = Two or More Findings Without Commitment or One Commitment 2 = Two or More Commitments C. Prior Adult Criminal Record 0 = None 1 = Minor 3 = Moderate 5 = Major D. Prior Adult Parole/Probation Violations 0 = No 1 = Yes		
TOTAL OFFENSE SCORE 12			TOTAL OFFENDER SCORE 2		
GUIDELINE RANGE 18-30 Years		ACTUAL SENTENCE			
OVERALL GUIDELINE RANGE 64 Years - Life + 60 Years					
REASONS (If Actual Sentence Differs From Guideline Sentence)					
INSTITUTIONAL/PAROLE RECOMMENDATION					
DEFENSE ATTORNEY			STATE'S ATTORNEY		
WORKSHEET COMPLETED BY			JUDGE'S SIGNATURE		

SAMPLE CASE 5 (Continued)

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle) R D		DOCKET NUMBER 00000005	
BIRTHDATE 10 / 4 / 59	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<input checked="" type="checkbox"/> White <input type="checkbox"/> Black	<input type="checkbox"/> Hispanic <input type="checkbox"/> Other	JURISDICTION 12	DATE OF OFFENSE 11 / 22 / 81
				DATE OF PLEA/VERDICT 9 / 10 / 82	DATE OF SENTENCING / /
NUMBER OF CONVICTED COUNTS AT THIS SENTENCING EVENT 4		WORKSHEET # 4 OF 1		PSI <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
INSTANT COUNT TITLE Use of Handgun in Commission of a Crime				MD. CODE, ART. & SECTION 27§36B(d)	
DISPOSITION TYPE (Check Only One)					
Plea <input type="checkbox"/> Binding Plea Agreement as to Actual Sentence <input type="checkbox"/> Binding Plea Agreement as to Sentence Maximum Or Range of _____			Court Trial <input type="checkbox"/> Contested Facts, No Plea Agreement <input type="checkbox"/> Uncontested Facts, Contested Legal Issue		
<input type="checkbox"/> Non Binding Recommendation of _____ <input type="checkbox"/> No Plea Agreement <input type="checkbox"/> Other			Jury Trial <input checked="" type="checkbox"/>		
OFFENSE SCORE (Offense Against a Person Only) A. Seriousness Category of Instant Count 1 = V - VII 3 = IV 5 = III 8 = II 10 = I B. Victim Injury 0 = No Injury 1 = Injury, Non-Permanent 2 = Permanent Injury or Death C. Weapon Usage 0 = No Weapon Used 1 = Weapon Other Than Firearm Used 2 = Firearm Used D. Special Vulnerability of Victim 0 = No 1 = Yes			OFFENDER SCORE A. Relationship to CJS When Instant Count Occurred 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision B. Juvenile Delinquency 0 = Not More Than One Finding of Delinquency 1 = Two or More Findings Without Commitment or One Commitment 2 = Two or More Commitments C. Prior Adult Criminal Record 0 = None 1 = Minor 3 = Moderate 5 = Major D. Prior Adult Parole/Probation Violations 0 = No 1 = Yes		
TOTAL OFFENSE SCORE <div style="border: 1px solid black; width: 30px; text-align: center; margin: 0 auto;">9</div>			TOTAL OFFENDER SCORE <div style="border: 1px solid black; width: 30px; text-align: center; margin: 0 auto;">2</div>		
GUIDELINE RANGE 8-15 Years		ACTUAL SENTENCE			
OVERALL GUIDELINE RANGE 64 Years- Life + 60 Years					
REASONS (If Actual Sentence Differs From Guideline Sentence)					
INSTITUTIONAL/PAROLE RECOMMENDATION					
DEFENSE ATTORNEY			STATE'S ATTORNEY		
WORKSHEET COMPLETED BY			JUDGE'S SIGNATURE		

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

SAMPLE CASE 6

MULTIPLE COUNTS - DIFFERENT CRIMINAL EVENTS

OFFENDER'S NAME: R _____ W _____
DATE OF BIRTH: 1/10/60
SEX: Male
RACE: White
DATES OF OFFENSE(S): 5/10/81
5/25/81

DOCKET NO.: 00000006
DATE OF PLEA/VERDICT: 1/5/82
DISPOSITION TYPE: Binding Plea
Agreement as to Sentence Maximum
JURISDICTION: Harford County
CONVICTED COUNTS: Distribution
of PCP 27§286
Assault with Intent to
Murder 27§12

OFFENSE DESCRIPTION:

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

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

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

OFFENDER'S PRIOR CRIMINAL RECORD:

JUVENILE:

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

SAMPLE CASE 6 (Continued)

ADULT:

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

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

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

OFFENSE SCORE:

There is no offense score for drug offenses.

OFFENDER SCORE:

A. Relationship to Criminal Justice System
When Instant Count Occurred

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

0 points

B. Juvenile Delinquency

Offender was found delinquent for
Possession of Marijuana

0 points

C. Adult Criminal Record

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

SAMPLE CASE 6 (Continued)

The number of prior convictions according to Seriousness Category are:

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

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

Step III - A minor adult record is scored as 1 point 1 point

D. Prior Adult Parole/Probation Violations

None. 0 points

TOTAL OFFENDER SCORE 1 point

GUIDELINE RANGE FOR DISTRIBUTION OF PCP

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

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

OFFENSE SCORE:

A. Seriousness Category of the Instant Count

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

SAMPLE CASE 6 (Continued)

B. Victim Injury

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 11 points

OFFENDER SCORE:

A. Relationship to Criminal Justice System
When Instant Count Occurred

Was on bond for a pending case. 0 points

B. Juvenile Delinquency

Offender has been found delinquent for
Possession of Marijuana. 0 points

C. Adult Criminal Record

Step I - Distribution of PCP - Category III
Possession of Cocaine - Category V
Carrying a Handgun - Category VII

The conviction for Distribution of PCP gets added to the
adult record in accordance with the procedure on p. 18. The
number of prior adult convictions according to Seriousness
Category are:

SAMPLE CASE 6 (Continued)

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

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

Step III - A moderate adult record is scored 3 points. 3 points

D. Prior Adult Parole/Probation Violations

None. 0 points

TOTAL OFFENDER SCORE 3 points

GUIDELINE RANGE FOR ASSAULT WITH INTENT TO MURDER

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

OVERALL GUIDELINE RANGE FOR THE SENTENCING EVENT

The overall guideline range for the sentencing event according to the procedure defined on p. 17 would be to add the upper ranges and to add the lower ranges, resulting in a cumulative range of 21-33 years (1 year plus 20 years and 30 years plus 3 years).

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

SAMPLE CASE 6 (Continued)

MDLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle) R _____ W _____		DOCKET NUMBER 00000006	
BIRTHDATE 1 / 10 / 60	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Other	JURISDICTION 22	DATE OF OFFENSE 5 / 25 / 81	DATE OF PLEA/VERDICT 1 / 5 / 82
NUMBER OF CONVICTED COUNTS AT THIS SENTENCING EVENT 2	WORKSHEET # 1 OF 2	CRIMINAL EVENT # 2	PSI <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	SENTENCING JUDGE	
INSTANT COUNT TITLE Assault with Intent to Murder				MD. CODE, ART. & SECTION 27§12	
DISPOSITION TYPE (Check Only One) Plea <input type="checkbox"/> Binding Plea Agreement as to Actual Sentence <input checked="" type="checkbox"/> Binding Plea Agreement as to Sentence Maximum Or Range of <u>21</u> Years <input type="checkbox"/> Non Binding Recommendation of _____ <input type="checkbox"/> No Plea Agreement <input type="checkbox"/> Other <div style="display: flex; justify-content: space-between;"> <div> Court Trial <input type="checkbox"/> Contested Facts, No Plea Agreement <input type="checkbox"/> Uncontested Facts, Contested Legal Issue </div> <div> Jury Trial <input type="checkbox"/> </div> </div>					
OFFENSE SCORE (Offense Against a Person Only) A. Seriousness Category of Instant Count 1 = V - VII 3 = IV 5 = III 8 = II 10 = I B. Victim Injury 0 = No Injury 1 = Injury, Non-Permanent 2 = Permanent Injury or Death C. Weapon Usage 0 = No Weapon Used 1 = Weapon Other Than Firearm Used 2 = Firearm Used D. Special Vulnerability of Victim 0 = No 1 = Yes			OFFENDER SCORE A. Relationship to CJS When Instant Count Occurred 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision B. Juvenile Delinquency 0 = Not More Than One Finding of Delinquency 1 = Two or More Findings Without Commitment or One Commitment 2 = Two or More Commitments C. Prior Adult Criminal Record 0 = None 1 = Minor 3 = Moderate 5 = Major D. Prior Adult Parole/Probation Violations 0 = No 1 = Yes		
TOTAL OFFENSE SCORE <div style="border: 1px solid black; padding: 2px; display: inline-block;">11</div>			TOTAL OFFENDER SCORE <div style="border: 1px solid black; padding: 2px; display: inline-block;">3</div>		
GUIDELINE RANGE 20-30 Years		ACTUAL SENTENCE			
OVERALL GUIDELINE RANGE 21-33 Years					
REASONS (If Actual Sentence Differs From Guideline Sentence)					
INSTITUTIONAL/PAROLE RECOMMENDATION					
DEFENSE ATTORNEY			STATE'S ATTORNEY		
WORKSHEET COMPLETED BY			JUDGE'S SIGNATURE		

JUDGE (White); ADC (Blue); PROBATION (Green); FILE (Yellow); PROSECUTION (Pink); DEFENSE (Gold)

SAMPLE CASE 6 (Continued)

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle) R _____ W _____		DOCKET NUMBER 00000006	
BIRTHDATE 1 / 10 / 60	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Other	JURISDICTION 22	DATE OF OFFENSE 5 / 10 / 81	DATE OF PLEA/VERDICT 1 / 5 / 82
NUMBER OF CONVICTED COUNTS AT THIS SENTENCING EVENT 2	WORKSHEET # 1 OF 1	PSI <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	SENTENCING JUDGE		
INSTANT COUNT TITLE Distribution of CDS (PCP)			MD. CODE, ART. & SECTION 27§286		
DISPOSITION TYPE (Check Only One)					
Plea <input type="checkbox"/> Binding Plea Agreement as to Actual Sentence <input checked="" type="checkbox"/> Binding Plea Agreement as to Sentence Maximum Or Range of 21 Years		<input type="checkbox"/> Non Binding Recommendation of _____ <input type="checkbox"/> No Plea Agreement <input type="checkbox"/> Other		Court Trial <input type="checkbox"/> Contested Facts, No Plea Agreement <input type="checkbox"/> Uncontested Facts, Contested Legal Issue Jury Trial <input type="checkbox"/>	
 OFFENSE SCORE (Offense Against a Person Only) A. Seriousness Category of Instant Count 1 = V - VII 3 = IV 5 = III 8 = II 10 = I B. Victim Injury 0 = No Injury 1 = Injury, Non-Permanent 2 = Permanent Injury or Death C. Weapon Usage 0 = No Weapon Used 1 = Weapon Other Than Firearm Used 2 = Firearm Used D. Special Vulnerability of Victim 0 = No 1 = Yes 			OFFENDER SCORE A. Relationship to CJS When Instant Count Occurred 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision B. Juvenile Delinquency 0 = Not More Than One Finding of Delinquency 1 = Two or More Findings Without Commitment or One Commitment 2 = Two or More Commitments C. Prior Adult Criminal Record 0 = None 1 = Minor 3 = Moderate 5 = Major D. Prior Adult Parole/Probation Violations 0 = No 1 = Yes		
TOTAL OFFENSE SCORE <div style="border: 1px solid black; width: 50px; height: 20px; margin: 0 auto;"></div>			TOTAL OFFENDER SCORE <div style="border: 1px solid black; width: 50px; height: 20px; margin: 0 auto; text-align: center;">1</div>		
GUIDELINE RANGE 1 - 3 Years		ACTUAL SENTENCE			
OVERALL GUIDELINE RANGE 21 - 33 Years					
REASONS (If Actual Sentence Differs From Guideline Sentence)					
INSTITUTIONAL/PAROLE RECOMMENDATION					
DEFENSE ATTORNEY			STATE'S ATTORNEY		
WORKSHEET COMPLETED BY			JUDGE'S SIGNATURE		

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

SAMPLE CASE 7

MULTIPLE COUNTS FROM SAME AND DIFFERENT CRIMINAL EVENTS

OFFENDER'S NAME: M _____ K _____
DATE OF BIRTH: 6/10/64
SEX: Male
RACE: Black
DATES OF OFFENSE(S): 9/10/81
12/9/81

DOCKET NO.: 00000007
DATE OF PLEA/VERDICT: 2/20/82
DISPOSITION TYPE: Plea Agree-
ment as to Actual Sentence
JURISDICTION: Baltimore City
CONVICTED COUNTS: Robbery With
Deadly Weapon 27\$488
Robbery 27\$486
Assault CL

OFFENSE DESCRIPTION:

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

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

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

SAMPLE CASE 7 (Continued)

OFFENDER'S PRIOR CRIMINAL RECORD:

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

ADULT: No record found.

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

OFFENSE SCORE:

A. Seriousness Category of Instant Count

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

5 points

B. Victim Injury

No injury.

0 points

C. Weapon Usage

Handgun was used.

2 points

D. Special Vulnerability of Victim

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

0 points

TOTAL OFFENSE SCORE

7 points

OFFENDER SCORE:

A. Relationship to Criminal Justice System When Instant Count Occurred

No adult supervision, no adult record.

0 points

SAMPLE CASE 7 (Continued)

B. Juvenile Delinquency

No record found. 0 points

C. Adult Criminal Record

The offender has no adult record. 0 points

D. Prior Adult Parole/Probation Violation

No adult supervision. 0 points

TOTAL OFFENDER SCORE 0 points

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

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

OVERALL GUIDELINE RANGE FOR CRIMINAL EVENT 1

Since only one convicted count was involved in the first criminal event, the overall range for the event would also be 3-8 years.

COMPUTATION OF THE OVERALL RANGE FOR THE SECOND CRIMINAL EVENT

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

OFFENSE SCORE:

A. Seriousness Category of Instant Count

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

B. Victim Injury

No injury. 0 points

SAMPLE CASE 7 (Continued)

C. Weapon Usage

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

1 point

D. Special Vulnerability of Victim

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

0 points

TOTAL OFFENSE SCORE

4 points

OFFENDER SCORE:

A. Relationship to Criminal Justice System
When Instant Count Occurred

No adult Criminal Justice System
supervision.

0 points

B. Juvenile Delinquency

No juvenile record found.

0 points

C. Adult Criminal Record

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

Step I - Robbery with a Deadly Weapon - Category III.

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

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

SAMPLE CASE 7 (Continued)

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

Step III - A moderate offender is scored 3 points 3 points

D. Prior Adult Parole/Probation Violations

None. 0 points

TOTAL OFFENDER SCORE 3 points

GUIDELINES RANGE FOR ROBBERY FROM EVENT 2

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

COMPUTATION OF THE OFFENSE AND OFFENDER SCORES FOR THE ASSAULT CONVICTION

A. Seriousness Category of the Instant Count

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

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

GUIDELINE RANGE FOR ASSAULT FROM EVENT 2

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

SAMPLE CASE 7 (Continued)

OVERALL GUIDELINE RANGE FOR CRIMINAL EVENT 2

The overall guideline range for this criminal event would be 2 to 5 years since the Robbery has the greater guideline range.

OVERALL GUIDELINE RANGE FOR THE SENTENCING EVENT

To determine the overall guideline range for the sentencing event, add the respective lower and upper limits of overall ranges from each criminal event. The overall guideline range in this instance would be 5 years (3 years plus 2 years) to 13 years (8 years plus 5 years):

<u>Criminal Event</u>	<u>Offense</u>	<u>Guideline Range</u>
1	Robbery With a Deadly Weapon	3- 8 Years
2	Robbery	2- 5 Years
2	Assault	<u>N.A.</u>
		5-13 Years

SAMPLE CASE 7 (Continued)

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle) M K		DOCKET NUMBER 00000007	
BIRTHDATE 6 / 10 / 64	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> White <input checked="" type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Other	JURISDICTION 12	DATE OF OFFENSE 9 / 10 / 81	DATE OF PLEA/VERDICT 2 / 20 / 82
NUMBER OF CONVICTED COUNTS AT THIS SENTENCING EVENT 3	WORKSHEET # 1 OF 1	CRIMINAL EVENT # 1	PSI <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	SENTENCING JUDGE	
INSTANT COUNT TITLE Robbery With a Deadly Weapon				MD. CODE, ART. & SECTION 27§488	
DISPOSITION TYPE (Check Only One) <div style="display: flex; justify-content: space-between;"> <div> Plea <input checked="" type="checkbox"/> Binding Plea Agreement as to Actual Sentence <input type="checkbox"/> Binding Plea Agreement as to Sentence Maximum Or Range of _____ </div> <div> <input type="checkbox"/> Non Binding Recommendation of _____ <input type="checkbox"/> No Plea Agreement <input type="checkbox"/> Other </div> <div> Court Trial <input type="checkbox"/> Contested Facts, No Plea Agreement <input type="checkbox"/> Uncontested Facts, Contested Legal Issue </div> <div> Jury Trial <input type="checkbox"/> </div> </div>					
OFFENSE SCORE (Offense Against a Person Only) A. Seriousness Category of Instant Count 1 = V - VII 3 = IV 5 = III 8 = II 10 = I B. Victim Injury 0 = No Injury 1 = Injury, Non-Permanent 2 = Permanent Injury or Death C. Weapon Usage 0 = No Weapon Used 1 = Weapon Other Than Firearm Used 2 = Firearm Used D. Special Vulnerability of Victim 0 = No 1 = Yes			OFFENDER SCORE A. Relationship to CJS When Instant Count Occurred 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision B. Juvenile Delinquency 0 = Not More Than One Finding of Delinquency 1 = Two or More Findings Without Commitment or One Commitment 2 = Two or More Commitments C. Prior Adult Criminal Record 0 = None 1 = Minor 3 = Moderate 5 = Major D. Prior Adult Parole/Probation Violations 0 = No 1 = Yes		
TOTAL OFFENSE SCORE <div style="border: 1px solid black; width: 30px; text-align: center; margin: 0 auto;">7</div>			TOTAL OFFENDER SCORE <div style="border: 1px solid black; width: 30px; text-align: center; margin: 0 auto;">0</div>		
GUIDELINE RANGE 3-8 Years		ACTUAL SENTENCE			
OVERALL GUIDELINE RANGE 5-13 Years					
REASONS (If Actual Sentence Differs From Guideline Sentence)					
INSTITUTIONAL/PAROLE RECOMMENDATION					
DEFENSE ATTORNEY			STATE'S ATTORNEY		
WORKSHEET COMPLETED BY			JUDGE'S SIGNATURE		

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

SAMPLE CASE 7 (Continued)

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle) M K		DOCKET NUMBER 00000007	
BIRTHDATE 6 / 10 / 64	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> White <input checked="" type="checkbox"/> Black	<input type="checkbox"/> Hispanic <input type="checkbox"/> Other	JURISDICTION 12	DATE OF OFFENSE 12 / 9 / 81
				DATE OF PLEA/VERDICT 2 / 20 / 82	DATE OF SENTENCING / /
NUMBER OF CONVICTED COUNTS AT THIS SENTENCING EVENT 3	WORKSHEET # 1 OF	PSI <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	SENTENCING JUDGE		
CRIMINAL EVENT # 2					
INSTANT COUNT TITLE Robbery				MD. CODE, ART. & SECTION 27§486	
DISPOSITION TYPE (Check Only One)					
Plea <input checked="" type="checkbox"/> Binding Plea Agreement as to Actual Sentence <input type="checkbox"/> Binding Plea Agreement as to Sentence Maximum Or Range of _____		<input type="checkbox"/> Non Binding Recommendation of _____ <input type="checkbox"/> No Plea Agreement <input type="checkbox"/> Other		Court Trial <input type="checkbox"/> Contested Facts, No Plea Agreement <input type="checkbox"/> Uncontested Facts, Contested Legal Issue Jury Trial <input type="checkbox"/>	
OFFENSE SCORE (Offense Against a Person Only) A. Seriousness Category of Instant Count 1 = V - VII 3 = IV 5 = III 8 = II 10 = I B. Victim Injury 0 = No Injury 1 = Injury, Non-Permanent 2 = Permanent Injury or Death C. Weapon Usage 0 = No Weapon Used 1 = Weapon Other Than Firearm Used 2 = Firearm Used D. Special Vulnerability of Victim 0 = No 1 = Yes			OFFENDER SCORE A. Relationship to CJS When Instant Count Occurred 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision B. Juvenile Delinquency 0 = Not More Than One Finding of Delinquency 1 = Two or More Findings Without Commitment or One Commitment 2 = Two or More Commitments C. Prior Adult Criminal Record 0 = None 1 = Minor 3 = Moderate 5 = Major D. Prior Adult Parole/Probation Violations 0 = No 1 = Yes		
TOTAL OFFENSE SCORE <div style="border: 1px solid black; width: 30px; text-align: center; margin: 0 auto;">4</div>			TOTAL OFFENDER SCORE <div style="border: 1px solid black; width: 30px; text-align: center; margin: 0 auto;">3</div>		
GUIDELINE RANGE 2- 5 Years		ACTUAL SENTENCE			
OVERALL GUIDELINE RANGE 5-13 Years					
REASONS (If Actual Sentence Differs From Guideline Sentence)					
INSTITUTIONAL/PAROLE RECOMMENDATION					
DEFENSE ATTORNEY			STATE'S ATTORNEY		
WORKSHEET COMPLETED BY			JUDGE'S SIGNATURE		

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

SAMPLE CASE 7 (Continued)

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle) M K		DOCKET NUMBER 000000017				
BIRTHDATE 6 / 10 / 64	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> White <input checked="" type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Other	JURISDICTION 12	DATE OF OFFENSE 12 / 9 / 81	DATE OF PLEA/VERDICT 2 / 20 / 82			
NUMBER OF CONVICTED COUNTS AT THIS SENTENCING EVENT 3	WORKSHEET # 2 OF 2	PSI <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	SENTENCING JUDGE					
INSTANT COUNT TITLE Assault				MD. CODE, ART. & SECTION CL				
DISPOSITION TYPE (Check Only One) <table style="width:100%;"> <tr> <td style="width:33%;"> Plea <input checked="" type="checkbox"/> Binding Plea Agreement as to Actual Sentence <input type="checkbox"/> Binding Plea Agreement as to Sentence Maximum Or Range of _____ </td> <td style="width:33%;"> <input type="checkbox"/> Non Binding Recommendation of _____ <input type="checkbox"/> No Plea Agreement <input type="checkbox"/> Other </td> <td style="width:33%;"> Court Trial <input type="checkbox"/> Contested Facts, No Plea Agreement <input type="checkbox"/> Uncontested Facts, Contested Legal Issue Jury Trial <input type="checkbox"/> </td> </tr> </table>						Plea <input checked="" type="checkbox"/> Binding Plea Agreement as to Actual Sentence <input type="checkbox"/> Binding Plea Agreement as to Sentence Maximum Or Range of _____	<input type="checkbox"/> Non Binding Recommendation of _____ <input type="checkbox"/> No Plea Agreement <input type="checkbox"/> Other	Court Trial <input type="checkbox"/> Contested Facts, No Plea Agreement <input type="checkbox"/> Uncontested Facts, Contested Legal Issue Jury Trial <input type="checkbox"/>
Plea <input checked="" type="checkbox"/> Binding Plea Agreement as to Actual Sentence <input type="checkbox"/> Binding Plea Agreement as to Sentence Maximum Or Range of _____	<input type="checkbox"/> Non Binding Recommendation of _____ <input type="checkbox"/> No Plea Agreement <input type="checkbox"/> Other	Court Trial <input type="checkbox"/> Contested Facts, No Plea Agreement <input type="checkbox"/> Uncontested Facts, Contested Legal Issue Jury Trial <input type="checkbox"/>						
OFFENSE SCORE (Offense Against a Person Only) A. Seriousness Category of Instant Count <input checked="" type="radio"/> V - VII 3 = IV 5 = III 8 = II 10 = I B. Victim Injury <input checked="" type="radio"/> No Injury 1 = Injury, Non-Permanent 2 = Permanent Injury or Death C. Weapon Usage 0 = No Weapon Used <input checked="" type="radio"/> Weapon Other Than Firearm Used 2 = Firearm Used D. Special Vulnerability of Victim <input checked="" type="radio"/> No 1 = Yes			OFFENDER SCORE A. Relationship to CJS When Instant Count Occurred <input checked="" type="radio"/> None or Pending Cases 1 = Court or Other Criminal Justice Supervision B. Juvenile Delinquency <input checked="" type="radio"/> Not More Than One Finding of Delinquency 1 = Two or More Findings Without Commitment or One Commitment 2 = Two or More Commitments C. Prior Adult Criminal Record 0 = None 1 = Minor <input checked="" type="radio"/> Moderate 5 = Major D. Prior Adult Parole/Probation Violations <input checked="" type="radio"/> No 1 = Yes					
TOTAL OFFENSE SCORE <div style="border: 1px solid black; width: 30px; text-align: center; margin: 0 auto;">2</div>			TOTAL OFFENDER SCORE <div style="border: 1px solid black; width: 30px; text-align: center; margin: 0 auto;">3</div>					
GUIDELINE RANGE 3 Months-2 Years		ACTUAL SENTENCE						
OVERALL GUIDELINE RANGE 5-13 Years								
REASONS (If Actual Sentence Differs From Guideline Sentence)								
INSTITUTIONAL/PAROLE RECOMMENDATION								
DEFENSE ATTORNEY			STATE'S ATTORNEY					
WORKSHEET COMPLETED BY			JUDGE'S SIGNATURE					

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

SAMPLE CASE 8

MANDATORY MINIMUM SENTENCE

OFFENDER'S NAME: D _____ W _____
DATE OF BIRTH: 2/10/56
SEX: Male
RACE: White
DATE OF OFFENSE: 7/19/82

DOCKET NO.: 00000008
DATE OF PLEA/VERDICT: 9/1/82
DISPOSITION TYPE: Jury Trial
JURISDICTION: Prince George's County
CONVICTED COUNTS: Manufacture
of PCP 27§286(b)(2)

OFFENSE DESCRIPTION:

On 7/19/82, police, acting on a search warrant, conducted a search of the defendant's home. Police found a small lab and confiscated a number of chemical compounds and 3-1/2 liter bottles of suspected PCP. Later, chemical tests proved positive on the PCP. On 9/1/82, the jury found the defendant guilty of manufacture of PCP.

OFFENDER'S PRIOR CRIMINAL RECORD:

JUVENILE:

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

ADULT:

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

Offender is currently on probation.

SAMPLE CASE 8 (Continued)

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

OFFENSE SCORE:

There is no offense score for drug offenses.

OFFENDER SCORE:

A. Relationship to Criminal Justice System
When Instant Count Occurred

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

1 point

B. Juvenile Delinquency

Offender is over 25 years of age.

0 points

C. Prior Adult Criminal Record

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

The number of prior convictions according to Seriousness
Category is:

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

SAMPLE CASE 8 (Continued)

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

Step III - A major offender is scored 5 points 5 points

D. Prior Adult Parole/Probation Violation

None. 0 points

TOTAL OFFENDER SCORE 6 points

GUIDELINE RANGE

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

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

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

SAMPLE CASE 8 (Continued)

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle) D W		DOCKET NUMBER 00000008	
BIRTHDATE 2 / 10 / 56	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<input checked="" type="checkbox"/> White <input type="checkbox"/> Black	<input type="checkbox"/> Hispanic <input type="checkbox"/> Other	JURISDICTION 26	DATE OF OFFENSE 7 / 19 / 82
DATE OF PLEA/VERDICT 9 / 1 / 82		DATE OF SENTENCING / /		SENTENCING JUDGE	
NUMBER OF CONVICTED COUNTS AT THIS SENTENCING EVENT 1	WORKSHEET # 1 OF	PSI <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	CRIMINAL EVENT # 1		
INSTANT COUNT TITLE Manufacture of CDS (PCP)				MD. CODE, ART. & SECTION 27§286(b)(2)	
DISPOSITION TYPE (Check Only One) <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p>Plea</p> <p><input type="checkbox"/> Binding Plea Agreement as to Actual Sentence</p> <p><input type="checkbox"/> Binding Plea Agreement as to Sentence Maximum Or Range of _____</p> <p><input type="checkbox"/> Non Binding Recommendation of _____</p> <p><input type="checkbox"/> No Plea Agreement</p> <p><input type="checkbox"/> Other _____</p> </div> <div style="width: 35%;"> <p>Court Trial</p> <p><input type="checkbox"/> Contested Facts, No Plea Agreement</p> <p><input type="checkbox"/> Uncontested Facts, Contested Legal Issue</p> </div> <div style="width: 5%;"> <p>Jury Trial</p> <p><input checked="" type="checkbox"/></p> </div> </div>					
OFFENSE SCORE (Offense Against a Person Only) A. Seriousness Category of Instant Count 1 = V - VII 3 = IV 5 = III 8 = II 10 = I B. Victim Injury 0 = No Injury 1 = Injury, Non-Permanent 2 = Permanent Injury or Death C. Weapon Usage 0 = No Weapon Used 1 = Weapon Other Than Firearm Used 2 = Firearm Used D. Special Vulnerability of Victim 0 = No 1 = Yes			OFFENDER SCORE A. Relationship to CJS When Instant Count Occurred 0 = None or Pending Cases ① = Court or Other Criminal Justice Supervision B. Juvenile Delinquency ① = Not More Than One Finding of Delinquency 1 = Two or More Findings Without Commitment or One Commitment 2 = Two or More Commitments C. Prior Adult Criminal Record 0 = None 1 = Minor 3 = Moderate ⑤ = Major D. Prior Adult Parole/Probation Violations ① = No 1 = Yes		
TOTAL OFFENSE SCORE			TOTAL OFFENDER SCORE 6		
GUIDELINE RANGE 10-14 Years		ACTUAL SENTENCE			
OVERALL GUIDELINE RANGE 10-14 Years					
REASONS (If Actual Sentence Differs From Guideline Sentence)					
INSTITUTIONAL/PAROLE RECOMMENDATION					
DEFENSE ATTORNEY			STATE'S ATTORNEY		
WORKSHEET COMPLETED BY			JUDGE'S SIGNATURE		

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

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