

# **Maryland Sentencing Guidelines Manual**

**Version 5.3**

**Effective June 1, 2011**

May 2010 MSGM with Updated June 1, 2011 Offense Table (Appendix A)  
November 1, 2010 Revision to Determining Whether a Sentence is Within the Guidelines (13.2, 13.7)  
December 20, 2010 Reference to Recent Court of Appeals Decisions (13.1)

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# Preface

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

The chief goals of sentencing guidelines are:

1. To increase equity in sentencing by reducing unwarranted disparity, including any racial disparity, while retaining judicial discretion to individualized 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 aid public understanding of the sentencing process.

Sentencing guidelines make it possible to take into account systematically and publicly the most common variations in offenders and their offenses, within the current sentencing framework. In cooperation with the judiciary, State's Attorneys, Public Defenders, and others in the criminal justice system, the State Commission on Criminal Sentencing Policy can help achieve systematic sentencing by identifying and assigning weights to core, objective factors for consideration by judges in making sentencing decisions. It should be emphasized that sentencing guidelines are, as the name indicates, guidelines to assist judges in sentencing. The guidelines are not mandatory. Guidelines complement rather than replace the judicial decision-making process and the proper exercise of judicial discretion.

Maryland's State Commission on Criminal Sentencing Policy ("MSCCSP" or the "Commission") welcomes interest in its activities and information resources. Since judicial use of the State's sentencing guidelines is voluntary, the MSCCSP and its staff do not provide advisory opinions or otherwise get involved in pending court cases. In any situation of confusion, refer to the judge for the ultimate decision.

\* Note: This current manual should be used in place of the previous versions. Please discard the previous versions and start using the new manual immediately upon receipt.

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## Scope

The Maryland sentencing guidelines apply to criminal cases prosecuted in a Circuit Court. The following sentencing matters handled by judges in a Circuit Court are excluded from guidelines coverage:

- Prayers for jury trial from District Court, UNLESS a pre-sentence investigation (“PSI”) is ordered;
- Appeals from District Court, UNLESS a PSI is ordered;
- Crimes that carry no possible penalty of incarceration;
- First Degree Murder convictions if the death penalty is sought under section 2-303 of the Criminal Law Article (CR), Annotated Code of Maryland;
- Public local laws and municipal ordinances.

Pursuant to Criminal Procedure Article (CP), §6-211(b), Annotated Code of Maryland, the sentencing guidelines are voluntary and may not be construed to require a court to sentence a defendant as prescribed by the guidelines.

A list of many Maryland criminal offenses and their corresponding seriousness categories appear in Appendix A. If an offense is not listed in Appendix A, the individual completing the guidelines worksheet shall use the seriousness category for the closest analogous offense. In such instances, the sentencing judge and the parties shall be notified.

Please note that the Maryland Sentencing Guidelines Manual (MSGM) is not law and it is provided for illustrative purposes only. The Guidelines are codified in Title 14, Independent Agencies, Subtitle 22, Commission on Criminal Sentencing Policy in the Code of Maryland (“COMAR”). If there is any dispute or question regarding the content contained in the Manual, the user should review the specific language under COMAR for clarification.

COMAR is provided for online viewing by the State of Maryland, Division of State Documents at <http://www.dsd.state.md.us> and by the Commission at <http://www.msccsp.org>.

For further information on the MSCCSP, including the most recent changes to the sentencing guidelines and to the Sentencing Guidelines Manual, please visit the Commission’s website.

## Definitions

**Adjudication** An adjudication includes:

- Finding of guilt by a judge or jury;
- Plea of guilt by the offender;
- Plea of nolo contendere (no contest) by the offender; or
- Sentence to probation before judgment.

**ABA Plea Agreement** A plea agreement that a court has approved relating to a particular sentence, disposition, or other judicial action. The agreement is binding on the court under Maryland Rule 4-243(c).

**Cell** The intersection of the offense score (or seriousness category) and the offender score on a two-variable guideline matrix.

**Correctional Options**

- Home detention;
- A corrections options program under law which requires the individual to participate in home detention, inpatient treatment, or other similar programs involving terms and conditions that constitute the equivalent of confinement;
- Inpatient drug or alcohol counseling under Health General Article (HG), Title 8, Subtitle 5, Annotated Code of Maryland; or
- Participation in a drug court or HIDTA substance abuse treatment program.
- Correctional Options includes programs established by the State Division of Correction, provided that the program meets the Commission's criteria, as described above.



|                           |   |
|---------------------------|---|
| <b>Departure</b>          | A judicially imposed sentence that falls outside of the recommended sentencing guidelines range. Departure does not include any sentence that complies with at least one of the requirements that deem a sentence to be within the guidelines as set forth in MSGM 13.6.  |
| <b>Drug Offense</b>       | An offense involving controlled dangerous substances or paraphernalia.  |
| <b>Economic Loss</b>      | For all offenses involving theft and related crimes under CR, Title 7, or fraud and related crimes under CR, Title 8, economic loss equals the amount of restitution ordered by a Circuit Court judge or, if not ordered, the full amount of restitution that could have been ordered.  |
| <b>Guidelines Offense</b> | <p>Offense prosecuted in a Circuit Court.</p> <p>Guidelines offenses <i><b>include</b></i> new trials AND also reconsiderations imposed on a defendant for a crime of violence (as defined in Criminal Law Article, §14-101, Annotated Code of Maryland) and reviews<sup>1</sup>.</p> <p>Guidelines offenses <i><b>do not</b></i> include:</p> <ul style="list-style-type: none"> <li>• Prayers for jury trial from District Court, UNLESS a PSI is ordered;</li> <li>• Appeals from District Court, UNLESS a PSI is ordered;</li> <li>• Offenses that carry no possible penalty of incarceration;</li> <li>• First Degree Murder offenses if the death penalty is sought under CR, §2-303;</li> <li>• Public local laws and municipal ordinances.</li> </ul> |
| <b>Guidelines Range</b>   | The recommended sentencing range for offenders who fall within a particular cell of the person, drug, and property offense sentencing matrices. The adjusted guidelines range refers to the range after adjusting for matters such as statutory maximums and mandatory minimums.  |
| <b>Judge</b>              | The trial judge who imposes or alters a sentence or a panel of trial judges who alter a sentence.   |

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<sup>1</sup> A Guidelines Worksheet should be completed for reconsiderations imposed on a defendant for a crime of violence (as defined in Criminal Law Article, §14-101, Annotated Code of Maryland) and reviews if an adjustment was made to the active, original sentence.

|  |   |
|--|---|
| <b>Multiple Criminal Events</b>        | More than one criminal transaction committed over a period of time. Multiple criminal events being sentenced together may have occurred on the same or different dates. Offenses that occur on different dates are almost always separate criminal events.  |
| <b>Offender Score</b>                  | A summary score ranging from 0 to 9 measuring an offender's prior criminal history and calculated for use in the person, drug, and property offense sentencing matrices.  |
| <b>Offense Score</b>                   | A summary score ranging from 1 to 15 measuring the seriousness of a person offense and calculated for use in the person offense sentencing matrix.  |
| <b>Person Offense</b>                  | An offense involving: <ul style="list-style-type: none"> <li>• a confrontation between the offender and the victim, including offenses with bodily harm or the threat of bodily harm to a victim; or</li> <li>• weapons.</li> </ul>   |
| <b>Property Offense</b>                | An offense where property is unlawfully damaged or taken.   |
| <b>PSI</b>                             | A pre-sentence investigation prepared in accordance with Correctional Services Article (CS), §6-112, Annotated Code of Maryland.  |
| <b>Sentencing Guidelines Worksheet</b> | The form issued by the State Commission on Criminal Sentencing Policy and used to determine the recommended sentence outcome and to record sentencing data.   |
| <b>Seriousness Category</b>            | An offense ranking ranging from I to VII, where I designates the most serious criminal offenses and VII designates the least serious criminal offenses.   |
| <b>Single Criminal Event</b>           | One or more crimes committed in the course of the same transaction.   |
| <b>Special Vulnerability of Victim</b> | Cases in which the relative status of the victim tends to render actions of the perpetrator all the more serious. A vulnerable victim is anyone: <ul style="list-style-type: none"> <li>• Younger than 11 years old;</li> <li>• 65 years old or older; or</li> <li>• Physically or mentally handicapped. The handicap may be temporary or permanent. Physically or mentally handicapped shall include any person who is either physically or mentally limited in any material way.</li> </ul> |
| <b>Victim Injury</b>                   | Physical or psychological injury to the crime victim. The cause of physical or psychological injury is directly linked to the conduct of the defendant in the commission of the convicted offense.  |

- Weapon Presence** The presence of any article or device which reasonably appears capable of causing injury or any article that could result in conviction under CR, §4-101. Specific rules regarding the application of the weapon presence enhancement are found in MSGM 6.1(C).
- ‘White Collar’ Offense** A property offense, identified as an illegal act or series of illegal acts committed by other than physical means and by concealment or guile to obtain money or property, to avoid payment or loss of money or property, or to obtain business or professional advantage.

# Sentencing Guidelines Worksheet Completion and Distribution

## 3.1 When to Complete and Submit a Guidelines Worksheet

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The Sentencing Guidelines Worksheet should be completed and submitted for all “Guidelines Offenses” as defined in chapter 2. A Guidelines offense means an offense prosecuted in a Maryland Circuit Court. Guidelines offenses include new trials, reconsiderations imposed on a defendant for a crime of violence (as defined in Criminal Law Article, §14-101, Annotated Code of Maryland), and reviews. Guidelines worksheets for reconsiderations and reviews only need to be completed when there is an **adjustment** to an active sentence.

## 3.2 Single Criminal Event

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

## 3.3 Multiple Criminal Events

---

Multiple criminal events means more than one criminal transaction committed over a period of time. Multiple criminal events being sentenced together may have occurred on the same or different dates. Offenses that occur on different dates are almost always separate criminal events.

The individual completing the worksheet is to use at least one worksheet for each event.

**\*Multiple events should not be compiled on a single worksheet.**

### 3.4 Sentencing Guidelines Worksheet Completion

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Prior to a sentencing decision using the guidelines, an individual should complete the worksheet up to the section labeled “Actual Sentence” and include each convicted offense for which the offender is to be sentenced. *Only convicted offenses are to be included on the worksheet.* Each of these convicted offenses for which the offender is to be sentenced should be included. Merged offenses should not be included on the guidelines worksheet. A blank copy of the worksheet can be found on page 9.

**If the judge orders a PSI**, an agent of the Division of Parole and Probation shall complete each worksheet up to the section labeled “Actual Sentence.” The agent should send to the court the first four copies, together with the PSI and the Maryland Sentencing Guidelines Criteria for Prior Record worksheet (found on page 28) issued by the State Commission on Criminal Sentencing Policy. The last two copies should be sent to the State’s Attorney and the defense attorney, respectively, in compliance with the “sufficient time to investigate” requirement of Maryland Rule 4-341.

**If the judge does not order a PSI**, the judge may complete the worksheet personally or delegate the task to counsel or the judge’s staff.

Regardless of who completes the worksheet, **the judge shall review the worksheets for completeness and for accuracy.** COMAR 14.22.01.03.D(4).

### 3.5 Pre-Sentencing Distribution of Sentencing Guidelines Worksheets

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The individual who completes the worksheet should forward a copy of each completed worksheet to both the State and the defense so that they have an opportunity to review the information provided. The State and the defense shall bring any disagreements between them to the judge’s attention prior to sentencing. Changes in the worksheet may be made only by or with the approval of the judge.

### 3.6 Post-Sentencing Worksheet Distribution

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After sentencing, the clerk shall distribute copies according to individual court practice. The blue copy shall be sent to the Maryland State Commission on Criminal Sentencing Policy at the address shown on the following page. If the court orders probation, the clerk shall forward a copy of the worksheet to the appropriate probation office. The clerk shall forward a copy of the worksheet to the agency that has been ordered to retain custody of the defendant. An agency receiving an inmate eligible for parole shall duplicate its worksheet and forward a copy of the worksheet to the Parole Commission. Table 3-1 on the next page provides distribution information for the worksheet copies.

**Table 3-1. Distribution of Completed Worksheets**

|        |   |
|--------|---|
| White  | Sentencing Judge  |
| Blue   | Maryland State Commission on Criminal Sentencing Policy<br>University of Maryland<br>4511 Knox Road, Suite 309<br>College Park, MD 20742  |
| Green  | Depends on the sentence: <ul style="list-style-type: none"><li>• Attach to commitment order if defendant receives any period of incarceration; <b>or</b></li><li>• Attach to probation order if defendant is put on probation immediately; <b>and</b></li><li>• If the case is a split sentence, the preparer is to send a photocopy to the Division of Parole and Probation.</li></ul> |
| Yellow | Court File  |
| Pink   | State's Attorney  |
| Gold   | Defense Attorney  |

# Maryland Sentencing Guidelines Worksheet

| MARYLAND SENTENCING GUIDELINES WORKSHEET                    |  |                    |  |                    |  |   |  |   |  | OFFENDER NAME - Last, First, Middle   |  | SID#  |  | SEX<br>M F                       |  | BIRTHDATE |  | JURISDICTION |  |                 |  |
|---|--|--------------------|--|--------------------|--|---|--|---|--|---|--|---|--|----------------------------------|--|-----------|--|--------------|--|-----------------|--|
| PSI   |  | DATE OF OFFENSE    |  | DATE OF SENTENCING |  | DISPOSITION TYPE  |  | REPRESENTATION                          |  | ETHNICITY<br>Hispanic/Latino Origin Yes No  |  | RACE<br>Black White Native Hawaiian/Pacific Islander American Indian/Alaskan Native |  | INDIGENESS<br>ESTABLISHED Yes No |  | STAT. MAX |  | MAND. MIN    |  | CASE #/DOCKET # |  |
| AT THIS SENTENCING, NUMBER OF:                              |  | CONVICTED OFFENSES |  | CRIMINAL EVENTS    |  | ABA plea agreement<br>Non-ABA plea agreement<br>Plea, no agreement<br>Court trial |  | Jury trial<br>Reconsideration<br>Review |  | Private<br>Public Defender<br>Court Appointed<br>Self   |  |   |  |                                  |  |           |  |              |  |                 |  |
| WORKSHEET #   |  | OF                 |  | CRIMINAL EVENT #   |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| CONVICTED OFFENSE TITLE                                     |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| 1 <sup>st</sup> Convicted Offense                           |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| 2 <sup>nd</sup> Convicted Offense                           |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| 3 <sup>rd</sup> Convicted Offense                           |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| OFFENSE SCORE(S) - Offense Against a Person Only            |  |                    |  |                    |  |   |  |   |  | OFFENSE SCORE   |  |   |  |                                  |  |           |  |              |  |                 |  |
| 1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off |  |                    |  |                    |  |   |  |   |  | A. Relationship to CS When Instant Offense Occurred   |  |   |  |                                  |  |           |  |              |  |                 |  |
| 1 1 1 = V - VII   |  |                    |  |                    |  |   |  |   |  | 0 = None or Pending Cases   |  |   |  |                                  |  |           |  |              |  |                 |  |
| 3 3 3 = IV  |  |                    |  |                    |  |   |  |   |  | 1 = Court or Other Criminal Justice Supervision   |  |   |  |                                  |  |           |  |              |  |                 |  |
| 5 5 5 = III   |  |                    |  |                    |  |   |  |   |  | B. Juvenile Delinquency   |  |   |  |                                  |  |           |  |              |  |                 |  |
| 8 8 8 = II  |  |                    |  |                    |  |   |  |   |  | 0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act   |  |   |  |                                  |  |           |  |              |  |                 |  |
| 10 10 10 = I  |  |                    |  |                    |  |   |  |   |  | 1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment   |  |   |  |                                  |  |           |  |              |  |                 |  |
| 1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off |  |                    |  |                    |  |   |  |   |  | 2 = Under 23 years and committed 2 or more times  |  |   |  |                                  |  |           |  |              |  |                 |  |
| 0 0 0 = No Injury   |  |                    |  |                    |  |   |  |   |  | C. Prior Adult Criminal Record  |  |   |  |                                  |  |           |  |              |  |                 |  |
| 1 1 1 = Injury, Non-Permanent                               |  |                    |  |                    |  |   |  |   |  | 0 = None 3 = Moderate   |  |   |  |                                  |  |           |  |              |  |                 |  |
| 2 2 2 = Permanent Injury or Death                           |  |                    |  |                    |  |   |  |   |  | 1 = Minor 5 = Major   |  |   |  |                                  |  |           |  |              |  |                 |  |
| 1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off |  |                    |  |                    |  |   |  |   |  | D. Prior Adult Parole/Prob Violation  |  |   |  |                                  |  |           |  |              |  |                 |  |
| 0 0 0 = No Weapon   |  |                    |  |                    |  |   |  |   |  | 0 = No 1 = Yes  |  |   |  |                                  |  |           |  |              |  |                 |  |
| 1 1 1 = Weapon Other Than Firearm                           |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| 2 2 2 = Firearm or Explosive                                |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| 1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off |  |                    |  |                    |  |   |  |   |  | D. Special Victim Vulnerability   |  |   |  |                                  |  |           |  |              |  |                 |  |
| 0 0 0 = No  |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| 1 1 1 = Yes   |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| OFFENSE SCORE(S)  |  |                    |  |                    |  |   |  |   |  | OFFENDER SCORE  |  |   |  |                                  |  |           |  |              |  |                 |  |
| VICTIM INFORMATION  |  |                    |  |                    |  |   |  |   |  | SENTENCE DEPARTURE INFORMATION  |  |   |  |                                  |  |           |  |              |  |                 |  |
| Victim Yes No   |  |                    |  |                    |  |   |  |   |  | If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable. |  |   |  |                                  |  |           |  |              |  |                 |  |
| Victim Unavailable Yes No                                   |  |                    |  |                    |  |   |  |   |  | Departure Code 9 or 18 (Please Explain):  |  |   |  |                                  |  |           |  |              |  |                 |  |
| NRF Yes No  |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| Victim Notified Date Yes No                                 |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| Victim Present Yes No                                       |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| Written VIS Yes No  |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| Oral VIS Yes No   |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| No Contact with Victim Yes No                               |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| CLCB Cost Imposed Yes No                                    |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| OFFENSE SCORE(S)  |  |                    |  |                    |  |   |  |   |  | OFFENDER SCORE  |  |   |  |                                  |  |           |  |              |  |                 |  |
| VICTIM INFORMATION  |  |                    |  |                    |  |   |  |   |  | SENTENCE DEPARTURE INFORMATION  |  |   |  |                                  |  |           |  |              |  |                 |  |
| Victim Yes No   |  |                    |  |                    |  |   |  |   |  | If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable. |  |   |  |                                  |  |           |  |              |  |                 |  |
| Victim Unavailable Yes No                                   |  |                    |  |                    |  |   |  |   |  | Departure Code 9 or 18 (Please Explain):  |  |   |  |                                  |  |           |  |              |  |                 |  |
| NRF Yes No  |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| Victim Notified Date Yes No                                 |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| Victim Present Yes No                                       |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| Written VIS Yes No  |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| Oral VIS Yes No   |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| No Contact with Victim Yes No                               |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| CLCB Cost Imposed Yes No                                    |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| OFFENSE SCORE(S)  |  |                    |  |                    |  |   |  |   |  | OFFENDER SCORE  |  |   |  |                                  |  |           |  |              |  |                 |  |
| VICTIM INFORMATION  |  |                    |  |                    |  |   |  |   |  | SENTENCE DEPARTURE INFORMATION  |  |   |  |                                  |  |           |  |              |  |                 |  |
| Victim Yes No   |  |                    |  |                    |  |   |  |   |  | If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable. |  |   |  |                                  |  |           |  |              |  |                 |  |
| Victim Unavailable Yes No                                   |  |                    |  |                    |  |   |  |   |  | Departure Code 9 or 18 (Please Explain):  |  |   |  |                                  |  |           |  |              |  |                 |  |
| NRF Yes No  |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| Victim Notified Date Yes No                                 |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| Victim Present Yes No                                       |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| Written VIS Yes No  |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| Oral VIS Yes No   |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| No Contact with Victim Yes No                               |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |
| CLCB Cost Imposed Yes No                                    |  |                    |  |                    |  |   |  |   |  |   |  |   |  |                                  |  |           |  |              |  |                 |  |

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

5/2010 (1.6)

## **Case Information**

The top section of the guidelines worksheet contains space for important case information that is essential for maintaining a statewide sentencing guidelines database. This chapter provides instructions for completing the top section as well as other portions of the worksheet.

### **4.1 Offender Name, Sex, and Birth Date**

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The “Offender Name”, “Sex”, and “Birthdate” boxes at the top of the guidelines worksheet are self-explanatory. Please complete the offender name and birthdate in a legible way and clearly indicate whether the offender was male or female.

### **4.2 State Identification (SID) Number**

---

The SID number is a unique identifier issued by the Maryland Criminal Justice Information System (CJIS) Central Repository. An SID number is assigned to every individual who is arrested or otherwise acquires a criminal history record in Maryland, and is also used as an identifier in the Department of Public Safety and Correctional Services (DPSCS) management information systems. The SID number can be easily located on each page of the Maryland Rap Sheet above the offender’s name.

### **4.3 Jurisdiction Code**

---

The person preparing the guidelines worksheet should record in the “Jurisdiction” box the numeric code that corresponds to the jurisdiction in which the case was heard. Table 4-1 on the next page contains the numeric code for each jurisdiction in the state.



**Table 4-1. Jurisdiction Codes**

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

#### **4.4 PSI, Date of Offense, and Date of Sentencing**

---

The individual completing the worksheet should clearly indicate whether a pre-sentence investigation was available for the offender, and the dates of offense and sentencing.

## 4.5 Number of Convicted Offenses

---

In the space for the number of “convicted offenses at this sentencing” write the total number of offenses for which one judge must impose a specific sentence at one time and place. If the sentencing involves more than one criminal event, the number of convicted offenses is the sum of all offenses in all events. Merged offenses shall not be placed on the worksheet and may not be considered in calculating the guidelines range or in any of the worksheet computations. If the worksheet is completed before the sentencing hearing and offenses are listed that later are merged at sentencing, the judge shall clearly indicate on the worksheet which offenses have become merged and adjust the number of convicted offenses accordingly.

## 4.6 Number of Criminal Events

---

In the space for the number of “criminal events at this sentencing” write the total number of criminal events being sentenced at this time. A single criminal event is one or more offenses committed in the course of the same transaction. Multiple criminal events being sentenced together may have occurred on the same or different dates. Offenses that occur on different dates are almost always separate criminal events. The sentencing judge shall resolve any disputes about the number of criminal events.

## 4.7 Page Numbering of Worksheets and Criminal Events

---

Multiple worksheets may be required for a single sentencing event. The worksheets should be numbered consecutively in the space provided for the worksheet number.

**When there is only one criminal event and more than three convicted offenses**, additional worksheets should be attached. These worksheets should be numbered consecutively in the “Worksheet #” space but, since there is only one criminal event, each should be marked with a “1” in the “Criminal Event #” space.

**Example:** An offender is being sentenced for five offenses, all part of the same criminal event. Two worksheets should be prepared, one containing three of the offenses and identified as WORKSHEET # 1 OF CRIMINAL EVENT # 1 and the second containing the other two offenses and identified as WORKSHEET # 2 OF CRIMINAL EVENT # 1.

**When a sentencing event consists of more than one criminal event**, the individual completing the worksheets should maintain a separate count of worksheets for *each criminal event even if there is one offense per event*. If this is the case, the individual completing the worksheets shall number “Criminal Event #” space chronologically by date of offense.

**Example:** An offender is being sentenced for five offenses, two from one criminal event and three from another event that occurred a month later. Again, two worksheets should be prepared, however the numbering will be different. The first worksheet, containing the two offenses from the first criminal event, should be identified as WORKSHEET # 1 OF CRIMINAL EVENT # 1 and the second worksheet, containing the three offenses from the second criminal event, should be identified as WORKSHEET # 1 OF CRIMINAL EVENT # 2.

## 4.8 Disposition Type

---

The disposition type refers to the nature and circumstances of the conviction and sentencing. Since the probation agent frequently lacks this information, **the sentencing judge should make sure it is included.** The “Disposition” box on the guidelines worksheet should be marked according to the conditions described in Table 4-2.

**Table 4-2. Disposition Types**

|                               |   |
|-------------------------------|---|
| <b>ABA Plea Agreement</b>     | The disposition resulted from a plea agreement that the court approved relating to a particular sentence, disposition, or other judicial action, and the agreement is binding on the court under Maryland Rule 4-243 (c). |
| <b>Non-ABA Plea Agreement</b> | The disposition resulted from a plea agreement reached by the parties but that was not approved by, and thus not binding on, the court.   |
| <b>Plea, No Agreement</b>     | The defendant pled guilty without any agreement from the prosecutor or judge to perform in a particular way.  |
| <b>Bench or Court Trial</b>   | The disposition resulted from a trial without a jury in which the judge decided the factual questions.  |
| <b>Jury Trial</b>             | The disposition resulted from a trial in which a jury decided the factual questions.  |
| <b>Reconsideration</b>        | Reconsideration of a previously imposed sentence for a crime of violence as defined in Criminal Law Article, §14-101, Annotated Code of Maryland.   |
| <b>Review</b>                 | Pursuant to Criminal Procedure Article, §8-105, a panel review of a previously imposed sentence.  |

## **4.9 Representation**

---

In the box labeled “Representation,” the person completing the worksheet should indicate whether the defendant’s representation was private, public defender, court appointed or self-represented.

## **4.10 Race and Ethnicity**

---

The “Race” box at the top of the guidelines worksheet requests information about the defendant’s racial makeup. The racial categories provided are those required by section 10-606(C) of the State Government Article (SG), Annotated Code of Maryland.

Additionally, the information in the “Ethnicity” box is requested pursuant to SG, §10-606(C)(4) which states:

A form that requires identification of individuals by race shall include a separate question about whether a respondent is of Hispanic or Latino origin, with the question preceding the racial category question.

When possible, defendants must select their own answers to the race and ethnicity questions. A separate field is provided for “unidentifiable race.”

## **4.11 Indigence Established**

---

Pursuant to Courts & Judicial Proceedings Article (CJ), §7-405, Annotated Code of Maryland and Maryland Rule 1-325, did the defendant establish indigence to waive court costs (yes/no)?

# Convicted Offense Information

## 5.1 Convicted Offense Title

---

Spaces are provided on each worksheet for listing up to three convicted offense titles for a single criminal event (whether the same or different docket numbers). Convicted offense titles may be abbreviated but should be as specific as possible.

*Example:* The offense title for a **drug** violation (even if it is a conspiracy or attempt) should include the **name of the drug** and whether possession, distribution, etc. was involved. Property offenses should include any relevant dollar amount distinctions, such as “Misdemeanor Theft” (theft under \$1,000) or “Felony Extortion” (\$1,000 or more).

## 5.2 Seriousness Category (I–VII)

---

The person completing the worksheet should record in the designated space the seriousness category assigned to the respective offense. See Appendix A – Sentencing Guidelines Offense Table (located at the end of this manual) for a list of offenses and their respective seriousness categories.

The sentencing guidelines and offense seriousness category in effect at the time of sentencing shall be used to calculate the sentencing guidelines. COMAR 14.22.01.03.B.

## 5.3 CJIS Code

---

The CJIS code that corresponds to the convicted offense should be recorded in the designated space on the worksheet. This information can be found in Appendix A (Sentencing Guidelines Offense Table). If there are multiple CJIS codes for a listed offense and it is not known which code corresponds to the specific offense, the space can be left blank.

## **5.4 Maryland Code, Article & Section**

---

The person completing the worksheet shall identify the Annotated Code of Maryland (“Maryland Code”) reference for each convicted offense. The reference should include the name or number of the article, the section number **and** any subsection letters or numbers. If the substantive offense and the penalty for the offense are in separate sections or subsections, both should be referenced.

“Common Law” should be written in this space if the source of the offense is the common law. Some common law offenses have penalty provisions in the Maryland Code. In such cases, the Maryland Code reference should also be included.

## **5.5 Statutory Maximum & Mandatory Minimum Penalties**

---

The maximum penalty prescribed for each convicted offense should be recorded in the designated space on the worksheet.

If the offense carries a mandatory minimum penalty, the penalty amount should be recorded in the designated space on the worksheet.

## **5.6 Case Number/Docket Number**

---

The person completing the worksheet shall record in the designated space the case or docket number for each convicted offense. Please record the full docket number with all “leading zeroes.”

## **Offense Score(s)**

For offenses against persons, an offense score must be computed for each offense to be sentenced. Since there are no special offense characteristics to be used in determining the guidelines sentence for drug and property offenses, an offense score should not be calculated for those offense types.

### **6.1 Computation of the Offense Score (*Offenses Against a Person Only*)**

---

The offense score for each convicted offense is derived by totaling the points given for certain factors of that offense. A judge may include factors known to the judge even if they are not within the scope of the convicted offense, such as, weapon presence in a robbery conviction or victim injury in a handgun violation conviction.

**Any firearm or weapon offense is considered a person offense under guidelines.**

The four elements of the offense score include seriousness category, victim injury, weapon presence and special victim vulnerability. Table 6-1 displays the numerical values for each element and these should be used to calculate an offense score for each person offense. A column of offense scores is provided on the worksheet for up to three offenses within a single criminal event.

**Table 6-1. Offense Score (Offenses Against a Person Only)**

| 1 <sup>st</sup> Off. | 2 <sup>nd</sup> Off. | 3 <sup>rd</sup> Off. | A. Seriousness Category     |
|----------------------|----------------------|----------------------|-----------------------------|
| 01                   | 01                   | 01                   | = V – VII                   |
| 03                   | 03                   | 03                   | = IV                        |
| 05                   | 05                   | 05                   | = III                       |
| 08                   | 08                   | 08                   | = II                        |
| 10                   | 10                   | 10                   | = I                         |
| 1 <sup>st</sup> Off. | 2 <sup>nd</sup> Off. | 3 <sup>rd</sup> Off. | B. Victim Injury            |
| 0                    | 0                    | 0                    | = No Injury                 |
| 1                    | 1                    | 1                    | = Injury, Non-Permanent     |
| 2                    | 2                    | 2                    | = Permanent Injury or Death |
| 1 <sup>st</sup> Off. | 2 <sup>nd</sup> Off. | 3 <sup>rd</sup> Off. | C. Weapon Presence          |
| 0                    | 0                    | 0                    | = No Weapon                 |
| 1                    | 1                    | 1                    | = Weapon Other than Firearm |
| 2                    | 2                    | 2                    | = Firearm or Explosive      |
| 1 <sup>st</sup> Off. | 2 <sup>nd</sup> Off. | 3 <sup>rd</sup> Off. | D. Special Vulnerability    |
| 0                    | 0                    | 0                    | = No                        |
| 1                    | 1                    | 1                    | = Yes                       |
| _____                | _____                | _____                | <b>OFFENSE SCORE(S)</b>     |

**Elements of the Offense Score:****A. Seriousness Category of the Convicted Offense**

The individual completing the worksheet shall assign points based on the seriousness category of the convicted offense. Appendix A contains a list of Maryland criminal offenses and their assigned seriousness categories.

**If an offense has not been assigned a seriousness category and the maximum penalty is more than one year**, the individual completing the worksheet should use the closest analogous offense. The sentencing judge and the parties involved should be notified if a seriousness category for an analogous offense is utilized.

**If an offense has not been assigned a seriousness category and the offense has a maximum penalty of one year or less**, the offense should be assigned a seriousness category of VII.

**Conspiracy, attempt, solicitation, or accessoryship.** Unless placed in a different category or specifically addressed by separate statute, the individual completing the worksheet shall consider a conspiracy, attempt, or solicitation in the same seriousness category as the substantive offense.



- a. The individual completing the worksheet shall consider accessory after the fact to be a seriousness category V offense if the offense has a maximum penalty of 5 years under CR, §1-301.
- b. If the accessory after the fact has a penalty of greater than 5 years under a statute other than CR, §1-301, the serious category shall be one seriousness category below the serious category of the substantive offense (e.g., a category V offense becomes a category VI offense).
- c. If the accessory after the fact has a penalty of less than 5 years, the serious category shall be the same category of the substantive offense.
- d. An accessory before the fact offense shall be one seriousness category below the substantive offense *if there was a specific verdict as to accessoryship*.

#### B. Victim Injury

Victim injury means physical or psychological injury to the crime victim, the cause of which is directly linked to the conduct of the defendant in the commission of the convicted offense. Victim injury, whether physical or psychological, shall be based on reasonable proof. Psychological injury shall be based on confirmed medical diagnosis or psychological counseling or treatment. Rape crisis hotlines, clergy conferences, and other similar services are considered psychological counseling or treatment, but the contact with a counselor must be confirmed in writing or otherwise by the counseling or treatment provider. Psychological injury is presumed not permanent unless otherwise demonstrated. Physical injury shall be more than minimal. Physical injuries such as lasting muscle damage or amputation are permanent.

The individual completing the worksheet shall assign a score of 0 if there was no victim injury. The individual completing the worksheet shall assign a score of 1 if victim injury occurred and the injury was not permanent. The individual completing the worksheet shall assign a score of 2 if victim injury occurred and the injury was permanent or resulted in the death of the victim.

#### C. Weapon Presence

Weapon presence means the presence of any article or device that reasonably appears capable of causing injury or the presence of an article that could result in conviction under CR, §4-101.

The individual completing the worksheet shall assign a score of 0 if no weapon was present. The individual completing the worksheet shall assign a score of 1 if a weapon other than a firearm was present. The individual completing the worksheet shall assign a score of 2 if a firearm or explosive was present.

The individual completing the worksheet shall apply the following rules regarding weapons.

- a. Explosives are considered the same as firearms;
- b. Weapons other than firearms include incendiaries, knives, tire irons, and clubs;
- c. Carbon dioxide (CO<sub>2</sub>) and/or air guns (including pellet guns, BB guns, and paint ball guns) and starter pistols are also scored as weapons other than firearms and receive 1 point;
- d. Except if used as a bludgeon, a toy gun is not a weapon and shall receive a weapon presence score of zero;
- e. Except if deliberately used as a weapon, automobiles are not included as weapons and shall receive a weapon presence score of zero;
- f. Unless the offender is a professional in some form of self-defense, parts of the body, such as hands or feet, are not included as weapons;
- g. If a weapon was feigned but no weapon was actually present, the score shall be 0 (no weapon present); and
- h. Any applicable guidelines points for weapon presence shall be given to an accessory before the fact, but not to an accessory after the fact.

#### D. Special Vulnerability of Victim

Special vulnerability of victim refers to cases in which the relative status of the victim tends to render the actions of the perpetrator all the more serious. A vulnerable victim is anyone:

- a. Younger than 11 years old;
- b. 65 years old or older; or
- c. Having a temporary or permanent physical or mental handicap, including an individual who is physically or mentally limited in a material way.

The individual completing the worksheet shall assign a score of 0 if the victim is not defined as a vulnerable victim. The individual completing the worksheet shall assign a score of 1 if the victim is defined as a vulnerable victim. The individual completing the worksheet shall complete the Special Vulnerability of Victim component of the offense score for each offense to be sentenced.

#### E. Total Offense Score

To obtain an offense score, the individual completing the worksheet shall add the points assigned to each element of the offense score for each person offense of which the defendant was convicted. The maximum score is 15 and the minimum score is 1.

# Offender Score

## 7.1 Computation of the Offender Score

The offender score is derived by totaling the points represented by the offender's prior criminal history. The factors comprising this history are shown in Table 7-1 below. Any prior criminal adjudication (as defined in COMAR 14.22.01.02.B(1)) shall be included. With the exception of the juvenile delinquency component of the offender score, the components of the offender score refer only to the defendant's adult involvement with the criminal justice system ("CJS"). A prior adjudication of not criminally responsible (NCR) or not guilty by reason of insanity shall not be included when calculating the offender score.

**Table 7-1. Offender Score**

|   |   |
|---|---|
| <b>A. Relationship to CJS When Instant Offense Occurred</b> |   |
| 0   | = None or Pending Cases   |
| 1   | = Court or Other Criminal Justice Supervision   |
| <b>B. Juvenile Delinquency</b>                              |   |
| 0   | = 23 years or older OR crime-free for 5 years OR no more than 1 finding of a delinquent act |
| 1   | = Under 23 years old AND: Two or more findings of a delinquent act OR one commitment        |
| 2   | = Under 23 years old AND committed two or more times  |
| <b>C. Prior Adult Criminal Record</b>                       |   |
| 0 = None  | 3 = Moderate  |
| 1 = Minor   | 5 = Major   |
| <b>D. Prior Adult CJ Violation</b>                          |   |
| 0 = No  | 1 = Yes   |
| <b>OFFENDER SCORE _____</b>                                 |   |

## Elements of the Offender Score:

### A. Relationship to the Criminal Justice System When Instant Offense Occurred

1. If the offender was in the criminal justice system as the result of an adjudication of guilt as an adult, the person completing the worksheet shall assign a score of 1.
2. The offender was in the criminal justice system if the offender was on parole, probation, incarcerated, on work release, mandatory supervision, escape, or comparable status at the time the offense was committed.
3. An offender is not considered to be in the criminal justice system if the offender was on unsupervised probation for an offense not punishable by imprisonment.

### B. Juvenile Delinquency

Findings of delinquency are counted the same as convictions would be for an adult; that is, there may be more than one as part of a single event. **Commitments** refer to a court transferring legal custody to the Maryland Department of Juvenile Services or comparable commitment to another federal or state authority. **Suspended juvenile commitments** should be counted as findings of a delinquent act.

An **incarcerable traffic offense** as a juvenile should be treated as part of the offender's juvenile record.

The individual completing the worksheet shall assign a score of **0** if:

1. an offender is 23 years or older by the date of the offense; or
2. an offender has been crime free for 5 years since the last finding of a delinquent act or last adjudication; or
3. an offender has no more than one finding of a delinquent act.

The individual completing the worksheet shall assign a score of **1** if :

1. an offender is younger than 23 years old; **and**
2. has two or more findings of a delinquent act *or* one commitment

The individual completing the worksheet shall assign a score of **2** if:

1. an offender is younger than 23 years old; **and**
2. has been committed two or more times

## C. Prior Adult Criminal Record

The prior adult criminal record includes all adjudications preceding the current sentencing event, whether the offense was committed before or after the instant one. Unless expunged from the record or proven by the defense to have been eligible for expungement prior to the date of offense pursuant to Criminal Procedure Article §§10-101 – 10-105, Annotated Code of Maryland, probations before judgment (PBJ) and convictions under the Federal Youth Corrections Act (FYCA) shall be included. The individual completing the worksheet may not consider violations of public local laws, municipal infractions, contempt, criminal non-support, and non-incarcerable traffic offenses as part of a prior adult criminal record.

### 1. Criteria

If a Maryland offense has not been assigned a seriousness category and the offense has a maximum penalty of one year or less, the offense should be assigned a seriousness category of VII.

If a Maryland offense has not been assigned a seriousness category (and the offense has a maximum penalty of more than one year) or has been repealed from the Maryland Annotated Code, the individual completing the worksheet shall use the closest analogous offense and the sentencing judge and the parties shall be notified.

The sentencing guidelines and offense table in effect at the time of the instant sentencing shall be used to determine the correct seriousness category for each adjudication included in the calculation of the prior adult criminal record.

It is appropriate to use the sentencing guidelines and offense table in effect at the time of the instant sentencing to assign seriousness categories for previously convicted offenses because the calculation of the prior adult record is not a new sanction for a previously convicted offense but rather a single metric used to suggest an appropriate sentence in the instant offense.

To determine whether a defendant's prior adjudications of guilt constitute a Minor, Moderate, or Major adult criminal record, the person completing the worksheet shall count the number of prior adjudications of guilt according to their seriousness categories. If multiple prior convictions relate to a single criminal event, the individual completing the worksheet shall score only the offense with the highest seriousness category. The Criteria for Prior Record Worksheet, found in Figure 7-2, can be used to help with the tabulation.

Once the prior adjudications are categorized by their seriousness categories, the number of adjudications in the most serious category of offenses shall be identified. Locate that number and the seriousness category in Table 7-2 or Figure 7-1 and, applying the other less serious prior adjudications, determine

whether the prior record is Minor, Moderate, or Major. If the defendant has no prior adult criminal record, the individual completing the worksheet shall assign a score of 0. If the defendant has a minor adult criminal record, the individual completing the worksheet shall assign a score of 1. If the defendant has a moderate criminal record, the individual completing the worksheet shall assign a score of 3. If the defendant has a major criminal record, the individual completing the worksheet shall assign a score of 5.

**Table 7-2. Prior Adult Criminal Record Matrix**

**Number of Convictions**

S  
e  
r  
i  
o  
u  
s  
n  
e  
s  
s  
  
C  
a  
t  
e  
g  
o  
r  
y

|            | 1   | 2   | 3   | 4  | 5-9  | 10 or more |
|------------|---|---|---|--|--|------------|
| <b>I</b>   | Major   | Major   | Major   | Major  | Major  | Major      |
| <b>II</b>  | Major if combined with any offenses in Categories III – VI or any 5 offenses<br>-----<br>Moderate                                       | Major   | Major   | Major  | Major  | Major      |
| <b>III</b> | Major if combined with two or more offenses in Categories IV – VI or any 6 offenses<br>-----<br>Moderate                                | Major   | Major   | Major  | Major  | Major      |
| <b>IV</b>  | Major if combined with 3 or more offenses from Categories V or VI, or any 7 offenses<br>-----<br>Moderate                               | Major if combined with 1 or more offenses from Categories V or VI, or any 6 offenses<br>-----<br>Moderate                               | Major   | Major  | Major  | Major      |
| <b>V</b>   | Major if combined with any 8 offenses<br>-----<br>Moderate if combined with not less than 3, nor more than 7 offenses<br>-----<br>Minor | Major if combined with any 7 offenses<br>-----<br>Moderate if combined with not less than 1, nor more than 6 offenses<br>-----<br>Minor | Major if combined with any 6 offenses<br>-----<br>Moderate  | Major if combined with any 5 offenses<br>-----<br>Moderate | Major  | Major      |
| <b>VI</b>  | Major if combined with any 9 offenses<br>-----<br>Moderate if combined with not less than 4, nor more than 8 offenses<br>-----<br>Minor | Major if combined with any 8 offenses<br>-----<br>Moderate if combined with not less than 3, nor more than 7 offenses<br>-----<br>Minor | Major if combined with any 7 offenses<br>-----<br>Moderate if combined with not less than 2, nor more than 6 offenses<br>-----<br>Minor | Major if combined with any 6 offenses<br>-----<br>Moderate | Major if total number of convictions is equal to or greater than 10<br>-----<br>Moderate | Major      |
| <b>VII</b> | Minor   | Minor   | Minor   | Minor  | Moderate   | Major      |

**Figure 7-1. Criteria for Prior Adult Criminal Record**

**MAJOR RECORD = 5 points**

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

- One or more Seriousness Category I offenses.
- One Seriousness Category II offense, combined with:
  - One or more offenses from Seriousness Category III – VI; **or**
  - Any other five offenses.
- Two or more Seriousness Category II offenses.
- One Seriousness Category III offense, combined with:
  - Two or more offenses from Seriousness Category IV – VI; **or**
  - Any other six offenses.
- Two or more Seriousness Category III offenses.
- One Seriousness Category IV offense, combined with:
  - Three or more offenses from Seriousness Category V or VI, **or**
  - Any other seven offenses.
- Two Seriousness Category IV offenses, combined with:
  - One or more offenses from Seriousness Category V or VI; **or**
  - Any other six offenses.
- Three or more Seriousness Category IV offenses.
- One Seriousness Category V offense, combined with any other eight offenses.
- Two Seriousness Category V offenses, combined with any other seven offenses.
- Three Seriousness Category V offenses, combined with any other six offenses.
- Four Seriousness Category V offenses, combined with any other five offenses.
- Five or more Seriousness Category V offenses.
- Ten or more adjudications of guilt from any combination of seriousness categories.

**MODERATE RECORD = 3 points**

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

- One Seriousness Category II offense.
- One Seriousness Category III offense.
- One or two Seriousness Category IV offenses.
- One Seriousness Category V offense, combined with not less than three and not more than seven other offenses.
- Two Seriousness Category V offenses, combined with not less than one and not more than six other offenses.
- Three or four Seriousness Category V offenses.
- One Seriousness Category VI offense, combined with not less than four and not more than eight other offenses.
- Two Seriousness Category VI offenses, combined with not less than three and not more than seven other offenses.
- Three Seriousness Category VI offenses, combined with not less than two and not more than six other offenses.
- Not less than four and not more than nine Seriousness Category VI offenses.
- Not less than five and not more than nine Seriousness Category VII offenses.

**MINOR RECORD = 1 point**

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



**Figure 7-2. Criteria for Prior Record Worksheet**

**Offender's Name:** \_\_\_\_\_ **Docket Number:** \_\_\_\_\_

| <b>JUVENILE DELINQUENCY</b>                |  |  |                        |
|--|--|--|------------------------|
| <b>Offender</b>                            | <b>Yes/No</b>  | <b>Offense Title (w/ finding of delinquency)</b> | <b>Commitment Date</b> |
| 23 or older when current offense committed |  |  |                        |
| <b>JUVENILE DELINQUENCY</b>                | <input type="checkbox"/> 1 Finding <input type="checkbox"/> 2 or More Findings/1 Commitment <input type="checkbox"/> 2 or More Commitments |  |                        |

| <b>ADULT CONVICTIONS</b>           |            |   |                         |                 |
|------------------------------------|------------|---|-------------------------|-----------------|
| <b>Seriousness Category</b>        | <b>No.</b> | <b>Offense Title (Code, Art., &amp; Sec.)</b>   | <b>Disposition Date</b> | <b>Sentence</b> |
| <b>I</b>                           |            |   |                         |                 |
| <b>II</b>                          |            |   |                         |                 |
| <b>III</b>                         |            |   |                         |                 |
| <b>IV</b>                          |            |   |                         |                 |
| <b>V</b>                           |            |   |                         |                 |
| <b>VI</b>                          |            |   |                         |                 |
| <b>VII</b>                         |            |   |                         |                 |
| <b>PRIOR ADULT CRIMINAL RECORD</b> |            | <input type="checkbox"/> None <input type="checkbox"/> Minor <input type="checkbox"/> Moderate <input type="checkbox"/> Major |                         |                 |

**Completed By:** \_\_\_\_\_

## 2. Additional Instructions

**Different Criminal Events Sentenced Together.** If multiple offenses from different criminal events are being sentenced together at this sentencing event, the offender's criminal record includes any adjudication of guilt prior to the current sentencing and is the same for each offense being sentenced at this time.

**Convictions Out of Jurisdiction.** If an offender has been convicted in another jurisdiction, the convicted offense should be matched as closely as possible to the closest analogous Maryland offense. If no Maryland analogous offense exists, the offense should be placed in the lowest seriousness category (VII), and the judge and parties shall be notified.

**Theft-Type Offenses.** A theft conviction that occurred before the enactment of the comprehensive theft statute in 1978 (such as Larceny, Larceny by Trick, or Larceny after Trust) should be considered Misdemeanor Theft if it was a misdemeanor and Felony Theft if it was a felony.

**Criminal Record Decay Factor.** If an offender has lived in the community for at least ten years prior to the instant offense without criminal justice system involvement resulting from an adjudication of guilt or a plea of nolo contendere, the criminal record should be reduced by one level: from Major to Moderate, from Moderate to Minor, or from Minor to None. An offender was in the criminal justice system if the offender was on parole, probation, incarcerated, on work release, mandatory supervision, escape, or comparable status.

### **Conspiracies, Attempts, Solicitations, and Accessoryships**

- a. The individual completing the worksheet shall place conspiracies, attempts, and solicitations in the same seriousness category as the substantive offense unless placed in a different category or specifically addressed by separate statute.
- b. Accessory before the fact is considered to be one seriousness category below the substantive offense where there was a specific verdict as to accessoryship.
- c. Accessory after the fact is considered to be one seriousness category below the substantive offense.

#### D. Prior Adult Parole/Probation Violations

Score 0 if offender has never before been on adult parole, probation or equivalent supervisory status, or has successfully completed previous periods of supervision as an adult. Score 1 if offender was ever adjudicated in violation of parole or probation or was convicted of an offense while on parole or probation, unless the adjudication or conviction arose from the offense or offenses of this sentencing event. **Do not give a point simply because offender was on parole or probation at the time of the instant offense;** the offender will already have been penalized for having a relationship to the criminal justice system when the instant offense occurred.

**The Total Offender Score** is obtained by adding the points assigned to each element of the offender score. The maximum offender score is nine; the minimum is zero.

# Determining the Guidelines Sentence Range

## 8.1 Guidelines Range

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After the offense and offender scores have been calculated for each offense for which there is a conviction or other adjudication of guilt, use the appropriate matrix – person, drug, or property – to determine the guidelines range. In multiple offense cases, the overall guidelines range is determined after calculating guidelines for the individual offenses.

## 8.2 Person Offenses

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To find the guidelines sentence for an offense against a person, refer to Table 8-1, the sentencing matrix for offenses against persons. The guidelines ranges are in a grid format with the offense score on the vertical axis and the offender score on the horizontal axis. The guidelines range for any given convicted offense is in the block where the two scores intersect.

For a **First Degree Murder** conviction, the person completing the worksheet should compute an offense and offender score even though the adjusted guidelines range for first degree murder is always a mandatory suspendable term of “life to life” and should replace the calculated guidelines range (unless the death penalty is being sought under CR, §2-303). First Degree Murder is a Seriousness Category I offense.

**Table 8-1. Sentencing Matrix for Offenses Against Persons**

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

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

## 8.3 Drug Offenses

To find the recommended guidelines sentence for a drug offense use Table 8-2, the sentencing matrix for drug offenses. The guidelines range for a particular offense is in the cell opposite the seriousness category for that offense and under the applicable offender score.

**Table 8-2. Sentencing Matrix for Drug Offenses**

| <i>Offense<br/>Seriousness<br/>Category</i>  | <i>Offender Score</i>   |         |         |         |           |           |         |           |
|--|---|---------|---------|---------|-----------|-----------|---------|-----------|
|  | 0   | 1       | 2       | 3       | 4         | 5         | 6       | 7 or more |
| <b>VII</b>   | P   | P       | P       | P-1M    | P-3M      | P-6M      | 3M-6M   | 6M-2Y     |
| <b>VI</b>  | Available for future use. There are currently no seriousness category VI drug offenses. |         |         |         |           |           |         |           |
| <b>V</b>   | P-6M  | P-12M   | 3M-12M  | 6M-18M  | 1Y-2Y     | 1.5Y-2.5Y | 2Y-3Y   | 3Y-4Y     |
| <b>IV</b>  | P-12M   | P-18M   | 6M-18M  | 1Y-2Y   | 1.5Y-2.5Y | 2Y-3Y     | 3Y-4Y   | 3.5Y-10Y  |
| <b>III-A</b><br>Marijuana import<br>45 kilograms or<br>more, and MDMA<br>750 grams or more | P-18M   | P-2Y    | 6M-2Y   | 1Y-4Y   | 2Y-6Y     | 3Y-8Y     | 4Y-12Y  | 10Y-20Y   |
| <b>III-B</b><br>Non-marijuana and<br>non-MDMA, Except<br>Import                            | 6M-3Y   | 1Y-3Y   | 18M-4Y  | 3Y-7Y   | 4Y-8Y     | 5Y-10Y    | 7Y-14Y  | 12Y-20Y   |
| <b>III-C</b><br>Non-marijuana and<br>non-MDMA,<br>Import                                   | 1Y-4Y   | 2Y-5Y   | 3Y-6Y   | 4Y-7Y   | 5Y-8Y     | 6Y-10Y    | 8Y-15Y  | 15Y-25Y   |
| <b>II</b>  | 20Y-24Y   | 22Y-26Y | 24Y-28Y | 26Y-30Y | 28Y-32Y   | 30Y-36Y   | 32Y-37Y | 35Y-40Y   |

P=Probation, M=Months, Y=Years

## 8.4 Property Offenses

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To find the recommended guidelines sentence for a property offense use Table 8-3, the sentencing matrix for property offenses. The guidelines range for a particular offense is in the cell opposite the seriousness category for that offense and under the applicable offender score.

**Table 8-3. Sentencing Matrix for Property Offenses**

| <i>Offense<br/>Seriousness<br/>Category</i> | <i>Offender Score</i> |       |       |        |        |         |         |              |
|---|-----------------------|-------|-------|--------|--------|---------|---------|--------------|
|   | 0                     | 1     | 2     | 3      | 4      | 5       | 6       | 7 or<br>more |
| <b>VII</b>                                  | P-1M                  | P-3M  | 3M-9M | 6M-1Y  | 9M-18M | 1Y-2Y   | 1Y-3Y   | 3Y-5Y        |
| <b>VI</b>                                   | P-3M                  | P-6M  | 3M-1Y | 6M-2Y  | 1Y-3Y  | 2Y-5Y   | 3Y-6Y   | 5Y-10Y       |
| <b>V</b>                                    | P-6M                  | P-1Y  | 3M-2Y | 1Y-3Y  | 18M-5Y | 3Y-7Y   | 4Y-8Y   | 8Y-15Y       |
| <b>IV</b>                                   | P-1Y                  | 3M-2Y | 6M-3Y | 1Y-4Y  | 18M-7Y | 3Y-8Y   | 5Y-12Y  | 10Y-20Y      |
| <b>III</b>                                  | P-2Y                  | 6M-3Y | 9M-5Y | 1Y-5Y  | 2Y-8Y  | 3Y-10Y  | 7Y-15Y  | 15Y-30Y      |
| <b>II</b>                                   | 2Y-5Y                 | 3Y-7Y | 5Y-8Y | 5Y-10Y | 8Y-15Y | 10Y-18Y | 12Y-20Y | 15Y-40Y      |

P=Probation, M=Months, Y=Years

## 8.5 Effect of Statutory Maximum and Mandatory Minimum Sentences on Guidelines Range

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If the guidelines range exceeds the statutory maximum for a given offense, the statutory maximum is the upper limit of the guidelines range. If the guidelines range is below the non-suspendable mandatory statutory minimum, that minimum is the lower limit of the guidelines range. The adjusted guidelines range for first degree murder is always a mandatory suspendable term of “life to life” and should replace the calculated guidelines range.

## 8.6 Subsequent Offenses

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Enhanced punishment legislation for subsequent offenders takes precedence over guidelines ranges if not otherwise provided for in this manual.

When the statutory penalty for a drug offense is doubled under CR, §5-905, the guidelines range for that offense is also doubled. In such a circumstance, the person completing the worksheet should note the seriousness category and offender score and find the corresponding cell on the drug offense sentencing matrix (Table 8-2), and then double that range. If the offender is being sentenced pursuant to CR, §5-905 and the guidelines range is doubled, the person preparing the worksheet shall mark “Yes” in the subsequent offender “Filed” and “Proven” boxes. See MSGM 10.4 for further instructions.

When a non-suspendable mandatory minimum sentence for a drug offense has been invoked pursuant to CR, §§5-607, 5-608, or 5-609, that mandatory minimum takes precedence over the lower guidelines range (and possibly the upper range if the mandatory minimum exceeds the calculated upper range). In such a circumstance, the person completing the worksheet should note the seriousness category and offender score and find the corresponding cell on the drug offense sentencing matrix (Table 8-2), and then replace the lower end of the range (and possibly the upper) with the mandatory minimum. If the offender is being sentenced with the enhanced penalty pursuant to CR, §§5-607, 5-608, or 5-609, the person preparing the worksheet shall mark “Yes” in the subsequent offender “Filed” and “Proven” boxes. See MSGM 8.5 and 10.4 for further instructions.

When a non-suspendable mandatory minimum sentence for a crime of violence has been invoked pursuant to CR, §14-101, that mandatory minimum takes precedence over the lower guidelines range (and possibly the upper range if the mandatory minimum exceeds the calculated upper range). In such a circumstance, the person completing the worksheet should note the offense score and offender score and find the corresponding cell on the person offense sentencing matrix (Table 8-1). The lower end of that range (and possibly the upper) is then replaced by the mandatory minimum. If the offender is being as sentenced with the enhanced penalty pursuant to CR, §14-401, the person preparing the worksheet shall mark “Yes” in the subsequent offender “Filed” and “Proven” boxes. See MSGM 8.5 and 10.4 for further instructions.



## Overall Guidelines Range for Multiple Counts Only

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

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1. Calculate the guidelines range for each offense.
2. Determine the overall guidelines range by identifying the highest of the lower guidelines limits and the highest of the upper guidelines limits. Usually these will be the lower and upper limits of the guidelines range for one of the offenses, but there are infrequent exceptions. (See Example 3 in Table 9-1.)
3. Any combination of sentences imposed, concurrent or consecutive, are within the guidelines when the net time to be served (i.e., the initial sentence minus suspended sentence) falls within the overall guidelines range.
4. If there are separate offenses for different victims, add together the upper range of the highest of the upper guidelines range for each victim. See MSGM 10.1 for detailed instructions and a sample worksheet for this scenario.

**Example:** An offender has been adjudicated guilty for two person offenses arising out of a single criminal event and there were two victims. The guidelines range for each offense is 3M-4Y. The upper ranges should be added (to reflect two victims) so the correct overall guidelines range is 3M-8Y.

**Table 9-1. Examples of Scoring Single Criminal Events with Not More Than One Offense from Seriousness Category I or II**

| <b>Example 1</b>   |   |                       |                             |                      |                         |
|--|---|-----------------------|-----------------------------|----------------------|-------------------------|
| <u>Criminal Event</u>  | <u>Offense</u>                                | <u>Offender Score</u> | <u>Seriousness Category</u> | <u>Offense Score</u> | <u>Guidelines Range</u> |
| 1  | Armed Carjacking                              | 2                     | II                          | 11                   | 18Y-25Y                 |
| 1  | Use of Handgun in a Felony                    | 2                     | III                         | 7                    | 5Y MM-10Y               |
| <i>Overall Guidelines Range:</i>   |   |                       |                             |                      | <b>18Y-25Y</b>          |
| <p>Note: The mandatory minimum for the handgun charge is 5 years. The guidelines range for the gun charge is calculated to be 5-10 years. The mandatory minimum should be noted on the worksheet. Regardless, the lower range and upper range of the overall guidelines are both drawn from the armed carjacking charge.</p> |   |                       |                             |                      |                         |
| <b>Example 2</b>   |   |                       |                             |                      |                         |
| <u>Criminal Event</u>  | <u>Offense</u>                                | <u>Offender Score</u> | <u>Seriousness Category</u> | <u>Offense Score</u> | <u>Guidelines Range</u> |
| 1  | Burglary 2 <sup>nd</sup> Degree               | 3                     | IV                          | N/A                  | 1Y-4Y                   |
| 1  | Theft at least \$1,000 but less than \$10,000 | 3                     | V                           | N/A                  | 1Y-3Y                   |
| 1  | Malicious Destruction > \$500                 | 3                     | VII                         | N/A                  | 6M-1Y                   |
| <i>Overall Guidelines Range:</i>   |   |                       |                             |                      | <b>1Y-4Y</b>            |
| <p>Note: The burglary and theft charges have the same lower range and the overall upper range comes from the burglary.</p>   |   |                       |                             |                      |                         |
| <b>Example 3</b>   |   |                       |                             |                      |                         |
| <u>Criminal Event</u>  | <u>Offense</u>                                | <u>Offender Score</u> | <u>Seriousness Category</u> | <u>Offense Score</u> | <u>Guidelines Range</u> |
| 1  | Assault 2 <sup>nd</sup> Degree                | 2                     | V                           | 4                    | 1Y-5Y                   |
| 1  | Distribution of LSD                           | 2                     | III-B                       | N/A                  | 18M-4Y                  |
| <i>Overall Guidelines Range:</i>   |   |                       |                             |                      | <b>18M-5Y</b>           |
| <p>Note: The overall lower range of 18 months is drawn from the drug charge but the upper range of 5 years comes from the assault charge.</p>  |   |                       |                             |                      |                         |

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

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

**Table 9-2. Examples of Scoring Single Criminal Events with Two or More Seriousness Category I or II Offenses**

| <b>Example 1</b>   |                                    |                       |                             |                      |                         |
|--|------------------------------------|-----------------------|-----------------------------|----------------------|-------------------------|
| <u>Criminal Event</u>  | <u>Offense</u>                     | <u>Offender Score</u> | <u>Seriousness Category</u> | <u>Offense Score</u> | <u>Guidelines Range</u> |
| 1  | Rape 1 <sup>st</sup> Degree        | 1                     | I                           | 11                   | 15Y-25Y                 |
| 1  | Kidnapping                         | 1                     | II                          | 9                    | 7Y-13Y                  |
| 1  | Robbery                            | 1                     | IV                          | 4                    | 6M-4Y                   |
| <i>Overall Guidelines Range:</i>   |                                    |                       |                             |                      | <b>22Y-38Y</b>          |
| Note: The upper and lower ranges for each of the category I and II offenses are added to calculate the overall range.    |                                    |                       |                             |                      |                         |
| <b>Example 2</b>   |                                    |                       |                             |                      |                         |
| <u>Criminal Event</u>  | <u>Offense</u>                     | <u>Offender Score</u> | <u>Seriousness Category</u> | <u>Offense Score</u> | <u>Guidelines Range</u> |
| 1  | Sex Offense 1 <sup>st</sup> Degree | 3                     | I                           | 14                   | 30Y-Life                |
| 1  | Sex Offense 1 <sup>st</sup> Degree | 3                     | I                           | 14                   | 30Y-Life                |
| 1  | Rape 1 <sup>st</sup> Degree        | 3                     | I                           | 14                   | 30Y-Life                |
| <i>Overall Guidelines Range:</i>   |                                    |                       |                             |                      | <b>90Y – Life x 3</b>   |
| Note: The ranges for each of the offenses are added such that the overall range is 90 years to 3 consecutive life terms. |                                    |                       |                             |                      |                         |

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

### **9.3 Multiple Criminal Events, One Offense in Each Event**

- Arrange the offenses in chronological order beginning with the one committed first.
- Calculate the guidelines range for each event's convicted counts. The prior criminal adult record is constant throughout each event. A prior adult criminal record score reflects the defendant's criminal history on the date of sentencing. The prior adult criminal record calculated for the first event is the same for all succeeding events, as long as they are being sentenced at the same time.
- Determine the overall guidelines range by adding the ranges for each event.
- Any combination of sentences imposed, concurrent or consecutive, are within the guidelines when the net time to be served (i.e., the initial sentence minus suspended sentence) falls within the overall guidelines range.

**Table 9-3. Examples of Scoring Multiple Criminal Events with One Offense In Each Event**

| <b>Example 1</b>  |                              |                       |                             |                      |                         |
|---|------------------------------|-----------------------|-----------------------------|----------------------|-------------------------|
| <u>Criminal Event</u>   | <u>Offense</u>               | <u>Offender Score</u> | <u>Seriousness Category</u> | <u>Offense Score</u> | <u>Guidelines Range</u> |
| 1   | Robbery w/<br>Deadly Weapon  | 2                     | III                         | 7                    | 5Y-10Y                  |
| 2   | Robbery w/<br>Deadly Weapon  | 2                     | III                         | 7                    | 5Y-10Y                  |
| 3   | Robbery w/<br>Deadly Weapon  | 2                     | III                         | 7                    | 5Y-10Y                  |
| <i>Overall Guidelines Range:</i>  |                              |                       |                             |                      | <b>15Y-30Y</b>          |
| Note: The overall range is calculated by adding each range.   |                              |                       |                             |                      |                         |
| <b>Example 2</b>  |                              |                       |                             |                      |                         |
| <u>Criminal Event</u>   | <u>Offense</u>               | <u>Offender Score</u> | <u>Seriousness Category</u> | <u>Offense Score</u> | <u>Guidelines Range</u> |
| 1   | Arson 2 <sup>nd</sup> Degree | 7                     | IV                          | N/A                  | 10Y-20Y                 |
| 2   | Forgery                      | 7                     | V                           | N/A                  | 8Y-10Y*                 |
| <i>Overall Guidelines Range:</i>  |                              |                       |                             |                      | <b>18Y-30Y</b>          |
| *The statutory maximum for the forgery charge is 10 years. The guidelines range is calculated to be 8-15 years, but the statutory maximum replaces the upper range. |                              |                       |                             |                      |                         |
| Note: The adjusted forgery range is added to the burglary range to calculate the overall guidelines range.  |                              |                       |                             |                      |                         |

## 9.4 Multiple Criminal Events, Multiple Offenses Within One or More of the Events

1. Arrange the events in chronological order, beginning with the offense or offenses committed in the first event.
2. Calculate the guidelines range for each offense in the first event.
3. Determine the overall guidelines range for the first criminal event as in MSGM 9.1 or 9.2, but do not enter it on a worksheet.
4. Follow steps two and three for each succeeding criminal event. The prior criminal adult record is constant throughout each event. A prior adult criminal record score reflects the defendant's criminal history on the date of sentencing. *The prior adult criminal record calculated for the first event is the same for all succeeding events, as long as they are being sentenced at the same time.*
5. After determining the overall guidelines range for each criminal event, the ranges are added to determine the overall guidelines range for the entire case.
6. Any combination of sentences imposed, concurrent or consecutive, are within the guidelines when the net time to be served (that is, the initial sentence minus suspended sentence) falls within the overall guidelines range.

**Table 9-4. Examples of Scoring Multiple Criminal Events with More than One Offense in One or More Events**

| <b>Example 1</b>   |   |                       |                             |                      |                         |
|--|---|-----------------------|-----------------------------|----------------------|-------------------------|
| <u>Criminal Event</u>  | <u>Offense</u>                                | <u>Offender Score</u> | <u>Seriousness Category</u> | <u>Offense Score</u> | <u>Guidelines Range</u> |
| 1  | Assault 1 <sup>st</sup> Degree                | 3                     | III                         | 7                    | 6Y-12Y                  |
| 1  | Use of Handgun in Felony                      | 3                     | III                         | 7                    | 6Y-12Y                  |
| <i>Range for 1:</i>  |   |                       |                             |                      | <b>6Y-12Y</b>           |
| 2  | Assault 1 <sup>st</sup> Degree                | 3                     | III                         | 7                    | 6Y-12Y                  |
| 2  | Poss. Marijuana                               | 3                     | VII                         | N/A                  | P-1M                    |
| <i>Range for 2:</i>  |   |                       |                             |                      | <b>6Y-12Y</b>           |
| <i>Overall Guidelines Range:</i>   |   |                       |                             |                      | <b>12Y-24Y</b>          |
| Note: The overall range is calculated by determining each individual event range and then adding each event range together.  |   |                       |                             |                      |                         |
| <b>Example 2</b>   |   |                       |                             |                      |                         |
| <u>Criminal Event</u>  | <u>Offense</u>                                | <u>Offender Score</u> | <u>Seriousness Category</u> | <u>Offense Score</u> | <u>Guidelines Range</u> |
| 1  | Perjury                                       | 0                     | IV                          | N/A                  | P-1Y                    |
| <i>Range for 1:</i>  |   |                       |                             |                      | <b>P-1Y</b>             |
| 2  | Forgery                                       | 0                     | V                           | N/A                  | P-6M                    |
| 2  | Theft at least \$1,000 but less than \$10,000 | 0                     | V                           | N/A                  | P-6M                    |
| 2  | WCT Handgun, 1 <sup>st</sup> offense          | 0                     | VII                         | 3                    | P-2Y                    |
| <i>Range for 2:</i>  |   |                       |                             |                      | <b>P-2Y</b>             |
| <i>Overall Guidelines Range:</i>   |   |                       |                             |                      | <b>P-3Y</b>             |
| Note: When the lower range for each event indicates probation, that is the lower range of the overall guidelines.  |   |                       |                             |                      |                         |
| <b>Example 3</b>   |   |                       |                             |                      |                         |
| <u>Criminal Event</u>  | <u>Offense</u>                                | <u>Offender Score</u> | <u>Seriousness Category</u> | <u>Offense Score</u> | <u>Guidelines Range</u> |
| 1  | Rape 1 <sup>st</sup> Degree                   | 0                     | I                           | 11                   | 12Y-20Y                 |
| 1  | Att. 1 <sup>st</sup> Degree Murder            | 0                     | II                          | 9                    | 5Y-10Y                  |
| <i>Range for 1:</i>  |   |                       |                             |                      | <b>17Y-30Y</b>          |
| 2  | Burglary 3 <sup>rd</sup> Degree               | 0                     | IV                          | N/A                  | P-1Y                    |
| <i>Range for 2:</i>  |   |                       |                             |                      | <b>P-1Y</b>             |
| <i>Overall Guidelines Range:</i>   |   |                       |                             |                      | <b>17Y-31Y</b>          |
| Note: In the first event, the range for each offense is added (because there are more than one Category I or II offenses) to calculate the range for the first event, which is then added to the range for the second event to obtain the overall range. |   |                       |                             |                      |                         |

# Special Applications in Guidelines Calculations

## 10.1 Single Criminal Event With Multiple Unique Victims, Not More Than One Seriousness Category I or II Offense (Guidelines “Stacking” Rule)

When there is a single criminal event with multiple victims and not more than one seriousness category I or II offense, the person completing the worksheet should add the upper guidelines range for each victim to find the correct overall range.

1. Calculate the guidelines range for each offense.
2. Determine the guidelines range by identifying the highest of the lower guidelines limits and the highest of the upper guidelines limits.
3. Add the highest of the upper guidelines range for each victim.

| Example 1  |                       |                      |                         |
|--|-----------------------|----------------------|-------------------------|
| <u>Offense</u>   | <u>Offender Score</u> | <u>Offense Score</u> | <u>Guidelines Range</u> |
| Assault 2 <sup>nd</sup> Degree   | 4                     | 3                    | 2Y-5Y                   |
| Assault 2 <sup>nd</sup> Degree   | 4                     | 3                    | 2Y-5Y                   |
| Assault 2 <sup>nd</sup> Degree   | 4                     | 3                    | 2Y-5Y                   |
| Overall Guidelines Range:  |                       |                      | <b>2Y-15Y*</b>          |
| *The guidelines range for each offense is calculated to be 2-5 years. Because there are three victims from one criminal event, the upper range for each offense is added together or “stacked” and the overall range is 2-15 years. See Example 10.1 on the next page.   |                       |                      |                         |
| Example 2  |                       |                      |                         |
| <u>Offense</u>   | <u>Offender Score</u> | <u>Offense Score</u> | <u>Guidelines Range</u> |
| Robbery w/ Deadly Weapon   | 2                     | 7                    | 5Y-10Y                  |
| Assault 2 <sup>nd</sup> Degree   | 2                     | 3                    | 6M-3Y                   |
| Overall Guidelines Range:  |                       |                      | <b>5Y-13Y*</b>          |
| *The guidelines range for the robbery charge is calculated to be 5-10 years. The guidelines range for the assault is calculated to be 6 months to 3 years. Because there are two victims from one criminal event, the upper range for each offense is added together or “stacked” and the overall range is 5-13 years. |                       |                      |                         |

# **Example 10.1 – Single Criminal Event with Multiple Victims (Guidelines “Stacking” Rule)**

| MARYLAND SENTENCING GUIDELINES WORKSHEET   |  |                   |  |                    |  |   |  |   |  | OFFENDER NAME - Last, First, Middle   |  | SEX   |  | BIRTHDATE    |  | JURISDICTION    |  |
|--|--|-------------------|--|--------------------|--|---|--|---|--|---|--|---|--|--------------|--|-----------------|--|
| PSI  |  | DATE OF OFFENSE   |  | DATE OF SENTENCING |  | DISPOSITION TYPE  |  | SID#  |  | ETHNICITY   |  | RACE  |  | MAND. MIN    |  | CASE #/DOCKET # |  |
| X Yes ___ No   |  | 08 01 09          |  | 02 02 10           |  | X ABA plea agreement<br>___ Non-ABA plea agreement<br>___ Plea, no agreement<br>___ Court trial |  | 551232  |  | Hispanic/Latino<br>___ Yes ___ No   |  | ___ Black ___ White ___ Native Hawaiian/Pacific Islander ___ American Indian/Alaskan Native |  | 07   07   74 |  | 14              |  |
| AT THIS SENTENCING, NUMBER OF: 3   |  | CRIMINAL EVENTS 1 |  | WORKSHEET # 1 OF 1 |  | CRIMINAL EVENT # 1  |  | REPRESENTATION<br>X Private<br>___ Public Defender<br>___ Court Appointed<br>___ Self |  | INDIGENCE ESTABLISHED<br>___ Yes ___ No   |  |   |  |              |  |                 |  |
| CONVICTED OFFENSE TITLE  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 1 <sup>st</sup> Convicted Offense  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| Assault 2nd Degree (Victim 1)  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 2 <sup>nd</sup> Convicted Offense  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| Assault 2nd Degree (Victim 2)  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 3 <sup>rd</sup> Convicted Offense  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| Assault 2nd Degree (Victim 3)  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| OFFENSE SCORE(S) – Offense Against a Person Only   |  |                   |  |                    |  |   |  |   |  | ACTUAL SENTENCE – Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)  |  |   |  |              |  |                 |  |
| OFFENSE SCORE(S)   |  |                   |  |                    |  |   |  |   |  | GUIDELINES RANGE  |  |   |  |              |  |                 |  |
| 1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off 4 <sup>th</sup> Off 5 <sup>th</sup> Off 6 <sup>th</sup> Off 7 <sup>th</sup> Off 8 <sup>th</sup> Off 9 <sup>th</sup> Off 10 <sup>th</sup> Off |  |                   |  |                    |  |   |  |   |  | 1 <sup>st</sup> Con. Off. 2Y TO 5Y  |  |   |  |              |  |                 |  |
| A. Seriousness Category  |  |                   |  |                    |  |   |  |   |  | 2 <sup>nd</sup> Con. Off. 2Y TO 5Y  |  |   |  |              |  |                 |  |
| 1 = V – VII  |  |                   |  |                    |  |   |  |   |  | 3 <sup>rd</sup> Con. Off. 2Y TO 5Y  |  |   |  |              |  |                 |  |
| 2 = V – VII  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 3 = IV   |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 4 = III  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 5 = II   |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 6 = I  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 7 = I  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 8 = I  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 9 = I  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 10 = I   |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| B. Victim Injury   |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 1 = No Injury  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 2 = Injury, Non-Permanent  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 3 = Permanent Injury or Death  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| C. Weapon Presence   |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 1 = No Weapon  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 2 = Weapon Other Than Firearm  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 3 = Firearm or Explosive   |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| D. Special Victim Vulnerability  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 1 = No   |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 2 = Yes  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 3 = Yes  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 4 = Yes  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 5 = Yes  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 6 = Yes  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 7 = Yes  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 8 = Yes  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 9 = Yes  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| 10 = Yes   |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| OFFENSE SCORE(S)   |  |                   |  |                    |  |   |  |   |  | OFFENDER SCORE  |  |   |  |              |  |                 |  |
| 3 3 3 3 3 3 3 3 3 3  |  |                   |  |                    |  |   |  |   |  | 4   |  |   |  |              |  |                 |  |
| VICTIM INFORMATION   |  |                   |  |                    |  |   |  |   |  | SENTENCE DEPARTURE INFORMATION  |  |   |  |              |  |                 |  |
| Victim X Yes ___ No  |  |                   |  |                    |  |   |  |   |  | If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable. |  |   |  |              |  |                 |  |
| Victim Unavailable X Yes ___ No  |  |                   |  |                    |  |   |  |   |  | Departure Code 9 or 18 (Please Explain):  |  |   |  |              |  |                 |  |
| NRF X Yes ___ No   |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| Victim Notified Plea X Yes ___ No  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| Victim Notified Date X Yes ___ No  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| Victim Present X Yes ___ No  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| Written VIS X Yes ___ No   |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| Oral VIS X Yes ___ No  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| No Contact with Victim X Yes ___ No  |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| CICB Cost Imposed X Yes ___ No   |  |                   |  |                    |  |   |  |   |  |   |  |   |  |              |  |                 |  |
| Overall Guidelines Range   |  |                   |  |                    |  |   |  |   |  | Additional Information or Institutional/Parole Recommendation   |  |   |  |              |  |                 |  |
| Multiple Counts Only   |  |                   |  |                    |  |   |  |   |  | Drug Court ___ Yes ___ No Other ___ Yes ___ No  |  |   |  |              |  |                 |  |
| 2Y TO 15Y  |  |                   |  |                    |  |   |  |   |  | Worksheet Completed By  |  |   |  |              |  |                 |  |
| 50% of Sentence Announced  |  |                   |  |                    |  |   |  |   |  | Title   |  |   |  |              |  |                 |  |
| Yes ___ No   |  |                   |  |                    |  |   |  |   |  | Sentencing Judge (Please Print)   |  |   |  |              |  |                 |  |
|  |  |                   |  |                    |  |   |  |   |  | Sentencing Judge's Signature  |  |   |  |              |  |                 |  |

COPIES: White – Judge; Blue – Sentencing Commission; Green – Attach to Commitment or Probation Order; Yellow – File; Pink – Prosecution; Gold – Defense

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## 10.2 Statutory Maximum Less Than Guidelines Range

If the guidelines range exceeds the statutory maximum for a given offense, the statutory maximum replaces the guidelines range. This is because a person cannot be sentenced to a term that exceeds the statutory maximum.

1. Calculate the guidelines range for each offense.
2. Determine if the lower range of the guidelines exceeds the statutory maximum. If so, replace the upper and lower guidelines range with the statutory maximum. If not, leave it unchanged.
3. Determine if the upper range of the guidelines exceeds the statutory maximum. If so, replace the upper range with the statutory maximum.

### Example 1

| <u>Offense</u>                   | <u>Offender Score</u> | <u>Seriousness Category</u> | <u>Guidelines Range</u> |
|----------------------------------|-----------------------|-----------------------------|-------------------------|
| Distribution of Marijuana        | 7                     | IV                          | 3.5Y-5Y                 |
| <i>Overall Guidelines Range:</i> |                       |                             | <b>3.5Y-5Y*</b>         |

\*The statutory maximum is 5 years. The guidelines range is calculated to be 3.5-10 years. Because the statutory maximum of 5 years is shorter than the upper range of 10 years, the upper range is replaced by the statutory maximum. See Example 10.2 on the next page.

### Example 2

| <u>Offense</u>                      | <u>Offender Score</u> | <u>Seriousness Category</u> | <u>Guidelines Range</u> |
|-------------------------------------|-----------------------|-----------------------------|-------------------------|
| False Statements to Police Officers | 4                     | VII                         | 6M-6M                   |
| <i>Overall Guidelines Range:</i>    |                       |                             | <b>6M-6M*</b>           |

\*The statutory maximum is 6 months. The guidelines range is calculated to be 9-18 months. Because the statutory maximum of 6 months is shorter than the lower range of 9 months and the upper range of 18 months, both ranges are replaced by the statutory maximum.

### Example 3

| <u>Offense</u>                                | <u>Offender Score</u> | <u>Seriousness Category</u> | <u>Guidelines Range</u> |
|---|-----------------------|-----------------------------|-------------------------|
| Theft at least \$1,000 but less than \$10,000 | 4                     | V                           | 18M-5Y                  |
| Malicious Destruction <\$500                  | 4                     | VII                         | 60D-60D*                |
| <i>Overall Guidelines Range:</i>              |                       |                             | <b>18M-5Y</b>           |

\*The statutory maximum for the malicious destruction charge is 60 days. The guidelines range for the malicious destruction charge is calculated to be 9-18 months. Because the statutory maximum of 60 days is shorter than the lower range of 9 months and the upper range of 18 months, both ranges are replaced by the statutory maximum with respect to that charge.

Note: The guidelines range for the theft charge is 18 months-5 years so the overall range is 18 months-5 years.



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### 10.3 Non-Suspendable Mandatory Minimums

If the guidelines sentence range is below a non-suspendable mandatory minimum, that minimum replaces the guidelines range. This is because a person cannot be sentenced to a term that is shorter than the mandatory minimum. Additionally, the adjusted guidelines range for first degree murder is always a mandatory suspendable term of “life to life” and should replace the calculated guidelines range.

1. Calculate the guidelines range for each offense.
2. Determine if the mandatory minimum exceeds the lower range of the guidelines. If so, replace the lower guidelines range with the mandatory minimum. If not, leave it unchanged.
3. Determine if the mandatory minimum exceeds the upper range of the guideline. If so, replace the upper guidelines range with the mandatory minimum. If not, leave it unchanged.

#### Example 1

| <u>Offense</u>                   | <u>Offender Score</u> | <u>Offense Score</u> | <u>Guidelines Range</u> |
|----------------------------------|-----------------------|----------------------|-------------------------|
| Handgun Crime of Violence        | 0                     | 7                    | 5Y MM-8Y                |
| <i>Overall Guidelines Range:</i> |                       |                      | <b>5Y MM-8Y</b>         |

\*The non-suspendable mandatory minimum is 5 years. The guidelines range is calculated to be 3-8 years. Because the mandatory minimum of 5 years exceeds the lower range of 3 years, the lower range is replaced by the mandatory minimum.

#### Example 2

| <u>Offense</u>                   | <u>Offender Score</u> | <u>Seriousness Category</u> | <u>Guidelines Range</u> |
|----------------------------------|-----------------------|-----------------------------|-------------------------|
| Dist. Cocaine-Large Amounts      | 2                     | III-B                       | 5Y MM-5Y                |
| <i>Overall Guidelines Range:</i> |                       |                             | <b>5Y MM-5Y</b>         |

\*The non-suspendable mandatory minimum is 5 years. The guidelines range is calculated to be 18 months-4 years. Because the mandatory minimum of 5 years exceeds the lower range of 18 months and the upper range of 4 years, the lower and upper range are replaced by the mandatory minimum. See Example 10.3 on the next page.

### Example 10.3 – Non-Suspendable Mandatory Minlimums

| MARYLAND SENTENCING GUIDELINES WORKSHEET   |                     |                                      |                     |  |   |   |   |   |           | OFFENDER NAME - Last, First, Middle  |          | SEX                                  |  | BIRTHDATE    |   | JURISDICTION                     |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
|--|---------------------|--------------------------------------|---------------------|--|---|---|---|---|-----------|--|----------|--------------------------------------|--|--------------|---|----------------------------------|--|--|--|--|--|--|--|--|--|---|--|--|--|---|--|-------------------------|--|--|--|-------------------------|--|--------------------|-----|--------------------------------|----|-------|-------|--------------------------------------|-------|-----|----|---------------------|---------------------|------------------------|---------------------|---------------------------|---|---|---|----------|-----------|--|----------|-----------|--|---------------------------------|---|---|---|-------|-------|-------|-------|-----------------------|-----|-----|----|------------------------------|---|---|---|---|---|---|---|---|---|---|---|----------------------|-----|----|----|---|---|---|---|---|---|---|---|---|---|---|---|----------------|-----|----|----|---|---|---|---|---|---|---|---|---|---|---|---|-------------|-----|----|----|---|---|---|---|---|---|---|---|---|---|---|---|----------|-----|----|----|---|---|---|---|---|---|---|---|---|---|---|---|------------------------|-----|----|----|---|---|---|---|---|---|---|---|---|---|---|---|-------------------|-----|----|----|---|---|---|---|---|---|---|---|---|---|---|---|
| PSI  |                     | DATE OF OFFENSE                      |                     | DATE OF SENTENCING   |   | DISPOSITION TYPE  |   | SID#  |           | ETHNICITY  |          | RACE                                 |  | 07   11   90 |   | 15                               |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| AT THIS SENTENCING, NUMBER OF:   |                     | CONVICTED OFFENSES                   |                     | WORKSHEET # 1 OF 1   |   | ABA plea agreement  |   | Private   |           | Hispanic/Latino Origin   |          | X Black                              |  | X White      |   | Unidentifiable                   |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| SENTENCING, NUMBER OF:   |                     | CONVICTED OFFENSES                   |                     | WORKSHEET # 1 OF 1   |   | Non-ABA plea agreement  |   | Public Defender   |           | Yes  |          | X No                                 |  | X No         |   | Asian                            |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| SENTENCING, NUMBER OF:   |                     | CONVICTED OFFENSES                   |                     | WORKSHEET # 1 OF 1   |   | Plea, no agreement  |   | Court Appointed   |           | No   |          | X Yes                                |  | X No         |   | Other                            |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| SENTENCING, NUMBER OF:   |                     | CONVICTED OFFENSES                   |                     | WORKSHEET # 1 OF 1   |   | Court trial   |   | Self  |           | No   |          | X Yes                                |  | X No         |   | Native Hawaiian/Pacific Islander |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| SENTENCING, NUMBER OF:   |                     | CONVICTED OFFENSES                   |                     | WORKSHEET # 1 OF 1   |   | CRIMINAL EVENT # 1  |   | Indigence Established   |           | No   |          | X Yes                                |  | X No         |   | American Indian/Alaskan Native   |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| 1 <sup>st</sup> Convicted Offense  |                     | Distribution Cocaine - Large Amounts |                     | III-B  |   | 2 0220  |   | CR, \$5-612   |           | 20Y  |          | 5Y MM                                |  | 111111C      |   |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| 2 <sup>nd</sup> Convicted Offense  |                     |                                      |                     |  |   |   |   |   |           |  |          |                                      |  |              |   |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| 3 <sup>rd</sup> Convicted Offense  |                     |                                      |                     |  |   |   |   |   |           |  |          |                                      |  |              |   |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| <table border="1"> <thead> <tr> <th colspan="4">OFFENSE SCORE(S) – Offense Against a Person Only</th> <th colspan="4">OFFENDER SCORE</th> <th colspan="2">GUIDELINES RANGE</th> <th colspan="4">ACTUAL SENTENCE – Imposed, Suspendable, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)</th> </tr> <tr> <th colspan="4">A. Seriousness Category</th> <th colspan="4">B. Juvenile Delinquency</th> <th colspan="4">C. Prior Adult Criminal Record</th> <th colspan="4">D. Prior Adult Parole/Prob Violation</th> </tr> <tr> <th>1<sup>st</sup> Off</th> <th>2<sup>nd</sup> Off</th> <th>3<sup>rd</sup> Off</th> <th>4<sup>th</sup> Off</th> <th>0 = None or Pending Cases</th> <th>1 = Court or Other Criminal Justice Supervision</th> <th>0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act</th> <th>1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment</th> <th>0 = None</th> <th>1 = Minor</th> <th>2 = Under 23 years and committed 2 or more times</th> <th>0 = None</th> <th>1 = Minor</th> <th>2 = Under 23 years and committed 2 or more times</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>1</td> <td>1</td> <td>1</td> <td>0</td> <td>1</td> <td>0</td> <td>1</td> <td>0</td> <td>1</td> <td>0</td> <td>0</td> <td>1</td> <td>0</td> </tr> <tr> <td>3</td> <td>3</td> <td>3</td> <td>3</td> <td>0</td> <td>1</td> <td>0</td> <td>1</td> <td>0</td> <td>1</td> <td>0</td> <td>0</td> <td>1</td> <td>0</td> </tr> <tr> <td>5</td> <td>5</td> <td>5</td> <td>5</td> <td>0</td> <td>1</td> <td>0</td> <td>1</td> <td>0</td> <td>1</td> <td>0</td> <td>0</td> <td>1</td> <td>0</td> </tr> <tr> <td>8</td> <td>8</td> <td>8</td> <td>8</td> <td>0</td> <td>1</td> <td>0</td> <td>1</td> <td>0</td> <td>1</td> <td>0</td> <td>0</td> <td>1</td> <td>0</td> </tr> <tr> <td>10</td> <td>10</td> <td>10</td> <td>10</td> <td>0</td> <td>1</td> <td>0</td> <td>1</td> <td>0</td> <td>1</td> <td>0</td> <td>0</td> <td>1</td> <td>0</td> </tr> </tbody> </table>  |                     |                                      |                     |  |   |   |   |   |           |  |          |                                      |  |              |   |                                  |  | OFFENSE SCORE(S) – Offense Against a Person Only |  |  |  | OFFENDER SCORE   |  |  |  | GUIDELINES RANGE  |  | ACTUAL SENTENCE – Imposed, Suspendable, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.) |  |   |  | A. Seriousness Category |  |  |  | B. Juvenile Delinquency |  |                    |     | C. Prior Adult Criminal Record |    |       |       | D. Prior Adult Parole/Prob Violation |       |     |    | 1 <sup>st</sup> Off | 2 <sup>nd</sup> Off | 3 <sup>rd</sup> Off    | 4 <sup>th</sup> Off | 0 = None or Pending Cases | 1 = Court or Other Criminal Justice Supervision | 0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act | 1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment | 0 = None | 1 = Minor | 2 = Under 23 years and committed 2 or more times | 0 = None | 1 = Minor | 2 = Under 23 years and committed 2 or more times | 1                               | 1 | 1 | 1 | 0     | 1     | 0     | 1     | 0                     | 1   | 0   | 0  | 1                            | 0 | 3 | 3 | 3 | 3 | 0 | 1 | 0 | 1 | 0 | 1 | 0                    | 0   | 1  | 0  | 5 | 5 | 5 | 5 | 0 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 1              | 0   | 8  | 8  | 8 | 8 | 0 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 10          | 10  | 10 | 10 | 0 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 0 |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| OFFENSE SCORE(S) – Offense Against a Person Only   |                     |                                      |                     | OFFENDER SCORE   |   |   |   | GUIDELINES RANGE  |           | ACTUAL SENTENCE – Imposed, Suspendable, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.) |          |                                      |  |              |   |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| A. Seriousness Category  |                     |                                      |                     | B. Juvenile Delinquency  |   |   |   | C. Prior Adult Criminal Record                                |           |  |          | D. Prior Adult Parole/Prob Violation |  |              |   |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| 1 <sup>st</sup> Off  | 2 <sup>nd</sup> Off | 3 <sup>rd</sup> Off                  | 4 <sup>th</sup> Off | 0 = None or Pending Cases  | 1 = Court or Other Criminal Justice Supervision | 0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act | 1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment | 0 = None  | 1 = Minor | 2 = Under 23 years and committed 2 or more times   | 0 = None | 1 = Minor                            | 2 = Under 23 years and committed 2 or more times |              |   |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| 1  | 1                   | 1                                    | 1                   | 0  | 1   | 0   | 1   | 0   | 1         | 0  | 0        | 1                                    | 0  |              |   |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| 3  | 3                   | 3                                    | 3                   | 0  | 1   | 0   | 1   | 0   | 1         | 0  | 0        | 1                                    | 0  |              |   |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| 5  | 5                   | 5                                    | 5                   | 0  | 1   | 0   | 1   | 0   | 1         | 0  | 0        | 1                                    | 0  |              |   |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| 8  | 8                   | 8                                    | 8                   | 0  | 1   | 0   | 1   | 0   | 1         | 0  | 0        | 1                                    | 0  |              |   |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| 10   | 10                  | 10                                   | 10                  | 0  | 1   | 0   | 1   | 0   | 1         | 0  | 0        | 1                                    | 0  |              |   |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| <table border="1"> <thead> <tr> <th colspan="4">VICTIM INFORMATION</th> <th colspan="4">OFFENSE SCORE(S)</th> <th colspan="4">SENTENCE DEPARTURE INFORMATION</th> </tr> <tr> <th colspan="4">If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.</th> <th colspan="4">Departure Code 9 or 18 (Please Explain):</th> </tr> </thead> <tbody> <tr> <td>Victim Unavailable</td> <td>Yes</td> <td>No</td> <td>No</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> </tr> <tr> <td>NRF</td> <td>Yes</td> <td>No</td> <td>No</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> </tr> <tr> <td>Victim Notified Prior</td> <td>Yes</td> <td>No</td> <td>No</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> </tr> <tr> <td>Victim Notified Date</td> <td>Yes</td> <td>No</td> <td>No</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> </tr> <tr> <td>Victim Present</td> <td>Yes</td> <td>No</td> <td>No</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> </tr> <tr> <td>Written VTS</td> <td>Yes</td> <td>No</td> <td>No</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> </tr> <tr> <td>Oral VTS</td> <td>Yes</td> <td>No</td> <td>No</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> </tr> <tr> <td>No Contact with Victim</td> <td>Yes</td> <td>No</td> <td>No</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> </tr> <tr> <td>CICB Cost Imposed</td> <td>Yes</td> <td>No</td> <td>No</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> <td>0</td> <td>1</td> <td>2</td> <td>3</td> </tr> </tbody> </table> |                     |                                      |                     |  |   |   |   |   |           |  |          |                                      |  |              |   |                                  |  | VICTIM INFORMATION                               |  |  |  | OFFENSE SCORE(S)   |  |  |  | SENTENCE DEPARTURE INFORMATION                                |  |  |  | If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable. |  |                         |  | Departure Code 9 or 18 (Please Explain): |  |                         |  | Victim Unavailable | Yes | No                             | No | 0     | 1     | 2                                    | 3     | 0   | 1  | 2                   | 3                   | 0                      | 1                   | 2                         | 3   | NRF   | Yes   | No       | No        | 0  | 1        | 2         | 3  | 0                               | 1 | 2 | 3 | 0     | 1     | 2     | 3     | Victim Notified Prior | Yes | No  | No | 0                            | 1 | 2 | 3 | 0 | 1 | 2 | 3 | 0 | 1 | 2 | 3 | Victim Notified Date | Yes | No | No | 0 | 1 | 2 | 3 | 0 | 1 | 2 | 3 | 0 | 1 | 2 | 3 | Victim Present | Yes | No | No | 0 | 1 | 2 | 3 | 0 | 1 | 2 | 3 | 0 | 1 | 2 | 3 | Written VTS | Yes | No | No | 0 | 1 | 2 | 3 | 0 | 1 | 2 | 3 | 0 | 1 | 2 | 3 | Oral VTS | Yes | No | No | 0 | 1 | 2 | 3 | 0 | 1 | 2 | 3 | 0 | 1 | 2 | 3 | No Contact with Victim | Yes | No | No | 0 | 1 | 2 | 3 | 0 | 1 | 2 | 3 | 0 | 1 | 2 | 3 | CICB Cost Imposed | Yes | No | No | 0 | 1 | 2 | 3 | 0 | 1 | 2 | 3 | 0 | 1 | 2 | 3 |
| VICTIM INFORMATION   |                     |                                      |                     | OFFENSE SCORE(S)   |   |   |   | SENTENCE DEPARTURE INFORMATION                                |           |  |          |                                      |  |              |   |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.  |                     |                                      |                     | Departure Code 9 or 18 (Please Explain):   |   |   |   |   |           |  |          |                                      |  |              |   |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| Victim Unavailable   | Yes                 | No                                   | No                  | 0  | 1   | 2   | 3   | 0   | 1         | 2  | 3        | 0                                    | 1  | 2            | 3 |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| NRF  | Yes                 | No                                   | No                  | 0  | 1   | 2   | 3   | 0   | 1         | 2  | 3        | 0                                    | 1  | 2            | 3 |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| Victim Notified Prior  | Yes                 | No                                   | No                  | 0  | 1   | 2   | 3   | 0   | 1         | 2  | 3        | 0                                    | 1  | 2            | 3 |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| Victim Notified Date   | Yes                 | No                                   | No                  | 0  | 1   | 2   | 3   | 0   | 1         | 2  | 3        | 0                                    | 1  | 2            | 3 |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| Victim Present   | Yes                 | No                                   | No                  | 0  | 1   | 2   | 3   | 0   | 1         | 2  | 3        | 0                                    | 1  | 2            | 3 |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| Written VTS  | Yes                 | No                                   | No                  | 0  | 1   | 2   | 3   | 0   | 1         | 2  | 3        | 0                                    | 1  | 2            | 3 |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| Oral VTS   | Yes                 | No                                   | No                  | 0  | 1   | 2   | 3   | 0   | 1         | 2  | 3        | 0                                    | 1  | 2            | 3 |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| No Contact with Victim   | Yes                 | No                                   | No                  | 0  | 1   | 2   | 3   | 0   | 1         | 2  | 3        | 0                                    | 1  | 2            | 3 |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| CICB Cost Imposed  | Yes                 | No                                   | No                  | 0  | 1   | 2   | 3   | 0   | 1         | 2  | 3        | 0                                    | 1  | 2            | 3 |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| <table border="1"> <thead> <tr> <th colspan="4">Overall Guidelines Range</th> <th colspan="4">Was the offender sentenced to a Corrections Options program under Commission criteria?</th> <th colspan="4">Additional Information or Institutional/Parole Recommendation</th> </tr> <tr> <th colspan="4">Multiple Counts Only</th> <th colspan="4">Drug Court</th> <th colspan="4">Title</th> </tr> </thead> <tbody> <tr> <td>5Y MM</td> <td>5Y MM</td> <td>5Y MM</td> <td>5Y MM</td> <td>Yes</td> <td>No</td> <td>Yes</td> <td>No</td> <td colspan="4">Worksheet Completed By</td> </tr> <tr> <td>5Y MM</td> <td>5Y MM</td> <td>5Y MM</td> <td>5Y MM</td> <td>Yes</td> <td>No</td> <td>Yes</td> <td>No</td> <td colspan="4">Sentencing Judge (Please Print)</td> </tr> <tr> <td>5Y MM</td> <td>5Y MM</td> <td>5Y MM</td> <td>5Y MM</td> <td>Yes</td> <td>No</td> <td>Yes</td> <td>No</td> <td colspan="4">Sentencing Judge's Signature</td> </tr> </tbody> </table>  |                     |                                      |                     |  |   |   |   |   |           |  |          |                                      |  |              |   |                                  |  | Overall Guidelines Range                         |  |  |  | Was the offender sentenced to a Corrections Options program under Commission criteria? |  |  |  | Additional Information or Institutional/Parole Recommendation |  |  |  | Multiple Counts Only  |  |                         |  | Drug Court                               |  |                         |  | Title              |     |                                |    | 5Y MM | 5Y MM | 5Y MM                                | 5Y MM | Yes | No | Yes                 | No                  | Worksheet Completed By |                     |                           |   | 5Y MM   | 5Y MM   | 5Y MM    | 5Y MM     | Yes  | No       | Yes       | No   | Sentencing Judge (Please Print) |   |   |   | 5Y MM | 5Y MM | 5Y MM | 5Y MM | Yes                   | No  | Yes | No | Sentencing Judge's Signature |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| Overall Guidelines Range   |                     |                                      |                     | Was the offender sentenced to a Corrections Options program under Commission criteria? |   |   |   | Additional Information or Institutional/Parole Recommendation |           |  |          |                                      |  |              |   |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| Multiple Counts Only   |                     |                                      |                     | Drug Court   |   |   |   | Title   |           |  |          |                                      |  |              |   |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| 5Y MM  | 5Y MM               | 5Y MM                                | 5Y MM               | Yes  | No  | Yes   | No  | Worksheet Completed By  |           |  |          |                                      |  |              |   |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| 5Y MM  | 5Y MM               | 5Y MM                                | 5Y MM               | Yes  | No  | Yes   | No  | Sentencing Judge (Please Print)                               |           |  |          |                                      |  |              |   |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |
| 5Y MM  | 5Y MM               | 5Y MM                                | 5Y MM               | Yes  | No  | Yes   | No  | Sentencing Judge's Signature                                  |           |  |          |                                      |  |              |   |                                  |  |  |  |  |  |  |  |  |  |   |  |  |  |   |  |                         |  |  |  |                         |  |                    |     |                                |    |       |       |                                      |       |     |    |                     |                     |                        |                     |                           |   |   |   |          |           |  |          |           |  |                                 |   |   |   |       |       |       |       |                       |     |     |    |                              |   |   |   |   |   |   |   |   |   |   |   |                      |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |             |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |          |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                        |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |                   |     |    |    |   |   |   |   |   |   |   |   |   |   |   |   |

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## 10.4 Subsequent Offender Sentence Enhancements

Maryland law provides for sentence enhancements for some individuals convicted of crimes as subsequent offenders. Most of these sentence enhancements provide for mandatory minimum sentences and the guidelines are calculated just like any other non-suspendable mandatory minimum. These can be referred to as “Mandatory Minimum Enhancements”. Another type of subsequent offender enhancement mandates that the statutory maximum should be doubled pursuant to CR, §5-905. This is referred to as the “Doubling Enhancement”. When the statutory maximum is doubled, the guidelines for that offense are doubled. Unlike other subsequent offender enhancements, the Doubling Enhancement does not have a mandatory minimum. Regardless of which sentence enhancement is applied, the person preparing the worksheet shall mark “Yes” in the subsequent offender “Filed” and “Proven” boxes.

### Example 1 – Mandatory Minimum Enhancement

| <u>Offense</u>   | <u>Offender Score</u> | <u>Seriousness Category</u> | <u>Guidelines Range</u> |
|--|-----------------------|-----------------------------|-------------------------|
| Distribution of Cocaine, 3 <sup>rd</sup><br>Subsequent Drug Offender   | 5                     | III-B                       | 25Y MM-25Y              |
| <i>Overall Guidelines Range:</i>   |                       |                             | <b>25Y MM-25Y</b>       |
| *Offender sentenced on a charge of drug distribution pursuant to CR, §5-608(c) as a 3 <sup>rd</sup> subsequent offender with a non-suspendable mandatory minimum of 25 years. The guidelines range is calculated to be 5-10 years. Because the mandatory minimum of 25 years exceeds the lower range of 5 years and the upper range of 10 years, the lower and upper ranges are replaced by the mandatory minimum. |                       |                             |                         |

### Example 2 – Mandatory Minimum Enhancement

| <u>Offense</u>   | <u>Offender Score</u> | <u>Offense Score</u> | <u>Guidelines Range</u> |
|--|-----------------------|----------------------|-------------------------|
| Assault 1 <sup>st</sup> Degree<br>2 <sup>nd</sup> Subsequent COV Offender  | 3                     | 7                    | 10Y MM-12Y              |
| <i>Overall Guidelines Range:</i>   |                       |                      | <b>10Y MM-12Y</b>       |
| *Offender sentenced on a charge of assault pursuant to CR, §14-101(e) as a 2 <sup>nd</sup> subsequent offender convicted of a crime of violence with a mandatory minimum of 10 years. The guidelines range is calculated to be 6-12 years. Because the mandatory minimum of 10 years exceeds the lower range of 6 years, the lower range is replaced by the mandatory minimum. See Example 10.4a on the next page. |                       |                      |                         |

### Example 3 – Doubling Enhancement

| <u>Offense</u>   | <u>Offender Score</u> | <u>Seriousness Category</u> | <u>Guidelines Range</u> |
|--|-----------------------|-----------------------------|-------------------------|
| Distribution of Cocaine,<br>CR §5-905  | 3                     | III-B                       | 6Y-14Y                  |
| <i>Overall Guidelines Range:</i>   |                       |                             | <b>6Y-14Y</b>           |
| *Offender sentenced on a charge of drug distribution pursuant to CR, §5-905. When a person is sentenced with the CR, §5-905 sentence enhancement, the guidelines range is doubled. The guidelines range is initially calculated to be 3-7 years. Because the individual is sentenced pursuant to CR, §5-905, the guidelines range is then doubled to the adjusted guidelines range of 6-14 years. See Example 10.4b. |                       |                             |                         |

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# Example 10.4b – Doubling Subsequent Offender Enhancement

| MARYLAND SENTENCING GUIDELINES WORKSHEET   |  |                    |  |                    |  |   |  |        |  | OFFENDER NAME - Last, First, Middle  |  | SEX  |  | BIRTHDATE |  | JURISDICTION    |  |
|--|--|--------------------|--|--------------------|--|---|--|--------|--|--|--|--|--|-----------|--|-----------------|--|
| PSI  |  | DATE OF OFFENSE    |  | DATE OF SENTENCING |  | DISPOSITION TYPE  |  | SID#   |  | ETHNICITY  |  | RACE   |  | BIRTHDATE |  | JURISDICTION    |  |
| AT THIS SENTENCING, NUMBER OF: 1   |  | 05/01/09           |  | 11/10/10           |  | ABA plea agreement<br>Non-ABA plea agreement<br>Plea, no agreement<br>Court trial |  | 551236 |  | Hispanic/Latino<br>Asian<br>White<br>Other   |  | Black<br>White<br>Native Hawaiian/Pacific Islander<br>American Indian/Alaskan Native   |  | 10/23/77  |  | 23              |  |
| WORKSHEET # 1 OF 1   |  | CRIMINAL EVENT # 1 |  |                    |  |   |  |        |  |  |  |  |  |           |  |                 |  |
| CONVICTED OFFENSE TITLE  |  |                    |  |                    |  |   |  |        |  | MD CODE, ART, & SECTION  |  | STAT. MAX  |  | MAND. MIN |  | CASE #/DOCKET # |  |
| 1 <sup>st</sup> Convicted Offense<br>Distribution Cocaine (Subsequent - CR, §5-905)  |  |                    |  |                    |  |   |  |        |  | CR, §§5-608, 5-905   |  | 40Y  |  |           |  | 23K10000001     |  |
| 2 <sup>nd</sup> Convicted Offense  |  |                    |  |                    |  |   |  |        |  |  |  |  |  |           |  |                 |  |
| 3 <sup>rd</sup> Convicted Offense  |  |                    |  |                    |  |   |  |        |  |  |  |  |  |           |  |                 |  |
| OFFENSE SCORE(S) – Offense Against a Person Only   |  |                    |  |                    |  |   |  |        |  | GUIDELINES RANGE   |  | ACTUAL SENTENCE – Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)   |  |           |  |                 |  |
| <p><b>A. Seriousness Category</b></p> <p>1<sup>st</sup> Off 2<sup>nd</sup> Off 3<sup>rd</sup> Off</p> <p>1 1 = V – VII</p> <p>3 3 = IV</p> <p>5 5 = III</p> <p>8 8 = II</p> <p>10 10 = I</p> <p><b>B. Victim/Injury</b></p> <p>1<sup>st</sup> Off 2<sup>nd</sup> Off 3<sup>rd</sup> Off</p> <p>0 0 = No Injury</p> <p>1 1 = Injury, Non-Permanent</p> <p>2 2 = Permanent Injury or Death</p> <p><b>C. Weapon Presence</b></p> <p>1<sup>st</sup> Off 2<sup>nd</sup> Off 3<sup>rd</sup> Off</p> <p>0 0 = No Weapon</p> <p>1 1 = Weapon Other Than Firearm</p> <p>2 2 = Firearm or Explosive</p> <p><b>D. Special Victim Vulnerability</b></p> <p>1<sup>st</sup> Off 2<sup>nd</sup> Off 3<sup>rd</sup> Off</p> <p>0 0 = No</p> <p>1 1 = Yes</p> |  |                    |  |                    |  |   |  |        |  | <p><b>1<sup>st</sup> Con. Off.</b></p> <p>3X 6Y</p> <p><b>2<sup>nd</sup> Con. Off.</b></p> <p>14Y</p> <p><b>3<sup>rd</sup> Con. Off.</b></p> <p>TO</p>   |  | <p><b>1<sup>st</sup> Convicted Offense</b></p> <p>For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested _____; Restitution Proven _____</p> <p><b>2<sup>nd</sup> Convicted Offense</b></p> <p>For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested _____; Restitution Proven _____</p> <p><b>3<sup>rd</sup> Convicted Offense</b></p> <p>For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested _____; Restitution Proven _____</p> |  |           |  |                 |  |
| OFFENSE SCORE(S)   |  |                    |  |                    |  |   |  |        |  | OFFENDER SCORE   |  | Was the offender sentenced to a Corrections Options program under Commission criteria?   |  |           |  |                 |  |
| 3  |  |                    |  |                    |  |   |  |        |  | 3  |  | Drug Court Yes No Other Yes No   |  |           |  |                 |  |
| VICTIM INFORMATION   |  |                    |  |                    |  |   |  |        |  | SENTENCE DEPARTURE INFORMATION   |  | Additional Information or Institutional/Parole Recommendation  |  |           |  |                 |  |
| <p>Victim Unavailable Yes No</p> <p>NRF Yes No</p> <p>Victim Notified Plea Yes No</p> <p>Victim Notified Date Yes No</p> <p>Victim Present Yes No</p> <p>Written VTS Yes No</p> <p>Oral VTS Yes No</p> <p>No Contact with Victim Yes No</p> <p>CICB Cost Imposed Yes No</p>  |  |                    |  |                    |  |   |  |        |  | <p>If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.</p> <p>Departure Code 9 or 18 (Please Explain):</p> |  | <p>Overall Guidelines Range</p> <p>Multiple Counts Only</p> <p>6Y</p> <p>14Y</p> <p>50% of Sentence Announced</p> <p>Yes No</p>  |  |           |  |                 |  |
| Worksheet Completed By   |  |                    |  |                    |  |   |  |        |  | Title  |  |  |  |           |  |                 |  |
| Sentencing Judge (Please Print)  |  |                    |  |                    |  |   |  |        |  | Sentencing Judge's Signature   |  |  |  |           |  |                 |  |

COPIES: White – Judge; Blue – Sentencing Commission; Green – Attach to Commitment or Probation Order; Yellow – File; Pink – Prosecution; Gold – Defense

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In the rare instance that **both** a Mandatory Minimum Enhancement and a Doubling Enhancement are applied on a single offense:

1. Calculate the guidelines range.
2. Double that range to apply the doubling penalty under CR, §5-905.
3. Replace the lower range with the mandatory minimum (if the mandatory minimum is greater than the lower range)
4. Mark “Yes” in the subsequent offender “Filed” and “Proven” boxes.

| <b>Example 1 – Doubling Enhancement and Mandatory Minimum Enhancement</b>   |                       |                             |                         |
|---|-----------------------|-----------------------------|-------------------------|
| <u>Offense</u>  | <u>Offender Score</u> | <u>Seriousness Category</u> | <u>Guidelines Range</u> |
| Distribution of Cocaine, 2 <sup>nd</sup><br>Subsequent Drug Offender &<br>CR, §5-905  | 3                     | III-B                       | 10Y MM-14Y              |
| <i>Overall Guidelines Range:</i>  |                       |                             | <b>10Y MM-14Y</b>       |
| *The mandatory minimum is 10 years (CR, §5-608). The guidelines range is calculated to be 3-7 years. The range is doubled pursuant to CR, §5-905 to 6-14 years. Because the mandatory minimum of 10 years exceeds the lower range of 6 years, the lower range is replaced by the mandatory minimum. See Example 10.4c on the next page. |                       |                             |                         |
| <b>Example 2 – Doubling Enhancement and Mandatory Minimum Enhancement</b>   |                       |                             |                         |
| <u>Offense</u>  | <u>Offender Score</u> | <u>Seriousness Category</u> | <u>Guidelines Range</u> |
| Distribution of Marijuana,<br>Subsequent Drug Offender &<br>CR, §5-905  | 5                     | IV                          | 4Y-6Y                   |
| <i>Overall Guidelines Range:</i>  |                       |                             | <b>4Y-6Y</b>            |
| *The mandatory minimum is 2 years (CR, §5-607). The guidelines range is calculated to be 2-3 years. The range is doubled pursuant to CR, §5-905 to 4-6 years. Because the mandatory minimum of 2 years is shorter than the lower range of 4 years, there is no need to replace the lower range with the mandatory minimum.              |                       |                             |                         |

# Example 10.4c – Doubling and Mandatory Minimum Subsequent Offender Enhancements

| MARYLAND SENTENCING GUIDELINES WORKSHEET   |  |                           |  |                    |  |                     |  |         |  | OFFENDER NAME - Last, First, Middle   |  | SEX   |  | BIRTHDATE    |  | JURISDICTION    |  |
|--|--|---------------------------|--|--------------------|--|---------------------|--|---------|--|---|--|---|--|--------------|--|-----------------|--|
| PSI  |  | DATE OF OFFENSE           |  | DATE OF SENTENCING |  | DISPOSITION TYPE    |  | SID#    |  | REPRESENTATION  |  | ETHNICITY   |  | RACE         |  | BIRTHDATE       |  |
| AT THIS SENTENCING, NUMBER OF:   |  | CONVICTED CRIMINAL EVENTS |  | WORKSHEET #        |  | OF CRIMINAL EVENT # |  | 5551237 |  | X Private<br>X Public Defender<br>Court Appointed<br>Self   |  | Hispanic/Latino Origin<br>Yes ___ No ___<br>Asian ___<br>Black ___<br>White ___<br>Native Hawaiian/Pacific Islander ___<br>American Indian/Alaskan Native ___   |  | 03   13   07 |  | 13              |  |
| CONVICTED OFFENSE TITLE  |  |                           |  |                    |  |                     |  |         |  | MD CODE, ART, & SECTION   |  | STAT. MAX   |  | MAND. MIN    |  | CASE #/DOCKET # |  |
| 1 <sup>st</sup> Convicted Offense<br>PWID Cocaine - 2nd Subs. Offender + CR. \$5-905   |  |                           |  |                    |  |                     |  |         |  | CR. \$55-608(b). 5-905  |  | 40Y   |  | 10Y          |  | 13K10000003     |  |
| 2 <sup>nd</sup> Convicted Offense  |  |                           |  |                    |  |                     |  |         |  |   |  |   |  |              |  |                 |  |
| 3 <sup>rd</sup> Convicted Offense  |  |                           |  |                    |  |                     |  |         |  |   |  |   |  |              |  |                 |  |
| OFFENSE SCORE(S) – Offense Against a Person Only   |  |                           |  |                    |  |                     |  |         |  | GUIDELINES RANGE  |  | ACTUAL SENTENCE – Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)  |  |              |  |                 |  |
| <p><b>A. Seriousness Category</b></p> <p>1<sup>st</sup> Off 2<sup>nd</sup> Off 3<sup>rd</sup> Off</p> <p>1 1 = V – VII</p> <p>3 3 = IV</p> <p>5 5 = III</p> <p>8 8 = II</p> <p>10 10 = I</p> <p><b>B. Victim/Injury</b></p> <p>1<sup>st</sup> Off 2<sup>nd</sup> Off 3<sup>rd</sup> Off</p> <p>0 0 = No Injury</p> <p>1 1 = Injury, Non-Permanent</p> <p>2 2 = Permanent Injury or Death</p> <p><b>C. Weapon Presence</b></p> <p>1<sup>st</sup> Off 2<sup>nd</sup> Off 3<sup>rd</sup> Off</p> <p>0 0 = No Weapon</p> <p>1 1 = Weapon Other Than Firearm</p> <p>2 2 = Firearm or Explosive</p> <p><b>D. Special Victim Vulnerability</b></p> <p>1<sup>st</sup> Off 2<sup>nd</sup> Off 3<sup>rd</sup> Off</p> <p>0 0 = No</p> <p>1 1 = Yes</p> |  |                           |  |                    |  |                     |  |         |  | <p><b>1<sup>st</sup> Con. Off.</b></p> <p>3Y x 2 TO 10Y MM</p> <p><b>2<sup>nd</sup> Con. Off.</b></p> <p>7Y x 2 TO</p> <p><b>3<sup>rd</sup> Con. Off.</b></p> <p>TO</p> |  | <p><b>OFFENDER SCORE</b></p> <p><b>A. Relationship to CJS When Instant Offense Occurred</b></p> <p>0 = None or Pending Cases</p> <p>1 = Court or Other Criminal Justice Supervision</p> <p><b>B. Juvenile Delinquency</b></p> <p>0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act</p> <p>1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment</p> <p>2 = Under 23 years and committed 2 or more times</p> <p><b>C. Prior Adult Criminal Record</b></p> <p>0 = None (3) = Moderate</p> <p>1 = Minor 5 = Major</p> <p><b>D. Prior Adult Parole/Prob Violation</b></p> <p>0 = No 1 = Yes</p> <p><b>OFFENSE SCORE(S)</b></p> <p>3</p> |  |              |  |                 |  |
| VICTIM INFORMATION   |  |                           |  |                    |  |                     |  |         |  | OFFENSE SCORE(S)  |  | SENTENCE DEPARTURE INFORMATION  |  |              |  |                 |  |
| <p><b>Victim Unavailable</b></p> <p>Yes ___ No ___</p> <p><b>NRF</b></p> <p>Yes ___ No ___</p> <p><b>Victim Notified Prior</b></p> <p>Yes ___ No ___</p> <p><b>Victim Notified Date</b></p> <p>Yes ___ No ___</p> <p><b>Victim Present</b></p> <p>Yes ___ No ___</p> <p><b>Written VTS</b></p> <p>Yes ___ No ___</p> <p><b>Oral VTS</b></p> <p>Yes ___ No ___</p> <p><b>No Contact with Victim</b></p> <p>Yes ___ No ___</p> <p><b>CICB Cost Imposed</b></p> <p>Yes ___ No ___</p>   |  |                           |  |                    |  |                     |  |         |  | <p><b>OFFENSE SCORE(S)</b></p> <p>3</p>   |  | <p>If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.</p> <p><b>Departure Code 9 or 18 (Please Explain):</b></p>   |  |              |  |                 |  |
| Overall Guidelines Range   |  |                           |  |                    |  |                     |  |         |  | Multiple Counts Only  |  | Was the offender sentenced to a Corrections Options program under Commission criteria?  |  |              |  |                 |  |
| 10Y MM TO 14Y  |  |                           |  |                    |  |                     |  |         |  | Drug Court ___ Yes ___ No ___ Other ___ Yes ___ No ___  |  | Additional Information or Institutional/Parole Recommendation   |  |              |  |                 |  |
| 50% of Sentence Announced  |  |                           |  |                    |  |                     |  |         |  | Yes ___ No ___  |  | Parole Notification ___ Yes ___ No ___  |  |              |  |                 |  |
| Worksheet Completed By   |  |                           |  |                    |  |                     |  |         |  | Title   |  | Sentencing Judge (Please Print)   |  |              |  |                 |  |
| Sentencing Judge's Signature   |  |                           |  |                    |  |                     |  |         |  | Sentencing Judge's Signature  |  |   |  |              |  |                 |  |

COPIES: White – Judge; Blue – Sentencing Commission; Green – Attach to Commitment or Probation Order; Yellow – File; Pink – Prosecution; Gold – Defense

5/2010 (1.6)



## **Victim Information**

The person completing the worksheet shall provide the victim information requested in the designated space on the worksheet. As outlined in Table 11-1, the information requested includes whether there was a victim and if they were available, whether the victim filed a notification request form (“NRF”), and whether there was a written or an oral Victim Impact Statement (“VIS”), among other information. When completing a worksheet for a Single Criminal Event with multiple victims, the victim section of the worksheet should be completed using the information relating to the victim in the most serious offense.

**Table 11-1. Victims' Rights Information**

|                               |   |
|-------------------------------|---|
| <b>Victim</b>                 | Was there a victim in this offense? Examples of offenses that do not include a victim include most drug offenses and escape.  |
| <b>Victim Unavailable</b>     | Was the victim unavailable to participate in the sentencing process? Check yes if the victim did not participate, was not located, or did not maintain contact with involved parties. |
| <b>NRF</b>                    | Was a notification request form filed by a victim?<br>Criminal Procedure Article, §11-104   |
| <b>Victim Notified Plea</b>   | Was victim notified of the terms and conditions of a plea agreement prior to entry of a plea?<br>Criminal Procedure Article, §11-104  |
| <b>Victim Notified Date</b>   | Was victim notified of the court date for sentencing?<br>Criminal Procedure Article, §11-104  |
| <b>Victim Present</b>         | Was the victim present at sentencing?<br>Criminal Procedure Article, §11-102(a); Article 47, Maryland Declaration of Rights   |
| <b>Written VIS</b>            | Was a written victim impact statement prepared?<br>Criminal Procedure Article, §11-402; Article 47, Maryland Declaration of Rights  |
| <b>Oral VIS</b>               | Did victim or State make a request for an oral VIS by victim?<br>Criminal Procedure Article, §11-401; Article 47, Maryland Declaration of Rights                                      |
| <b>No Contact with Victim</b> | Did victim or State make a request that defendant have no contact with victim?<br>Criminal Procedure Article, §11-402   |
| <b>CICB Costs Imposed</b>     | Were Criminal Injury Compensation Board (CICB) costs imposed?<br>Criminal Procedure Article, §11-819  |

**Note**

Each of these notices must be provided by the appropriate parties: the Guidelines worksheet information is for statistical purposes only and will not substitute for actual notice. For example, on the worksheet, "No Contact with Victim" refers to the fact that the victim has made that request in accordance with the proper procedures. Simply checking this box on the worksheet will not substitute for the victim's actually filling out the necessary paperwork.

## **Actual Sentence Completed By Judge**

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

### **12.1 Convicted Offense Sentence**

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Complete sentencing information for each convicted offense must be provided in the corresponding “Actual Sentence” box on the worksheet and should include information for the following:

- Incarceration time imposed;
- Amount of time suspended;
- Specific amount of credit for time served;
- Length of probation;
- Amount of home detention;
- Whether the sentence is concurrent or consecutive;
- Amount of fine and/or restitution; and
- Community service imposed.

Note: For reconsiderations imposed on a defendant for a crime of violence (as defined in Criminal Law Article, §14-101, Annotated Code of Maryland) and reviews, the worksheet should indicate how the original sentence was adjusted.

### **12.2 Subsequent Offender Filed/Proven and Restitution Requested/Proven**

---

The person completing the worksheet shall mark whether the offender was filed as a subsequent offender and whether anyone is requesting restitution from the offender. The judge shall indicate if subsequent offender was proven and the amount of restitution ordered, if any.

### **12.3 Amount of Economic Loss**

---

The individual completing the worksheet shall record in the designated space the dollar amount of the economic loss or mark “unknown amount” for all offenses involving **theft** and related crimes under Criminal Law Article, Title 7, or **fraud** and related crimes under Criminal Law Article, Title 8. The amount of economic loss equals the amount of restitution ordered by a Circuit Court judge or, if not ordered, the full amount of restitution that could have been ordered.

### **12.4 Corrections Options Program**

---

Based on the definition provided in chapter 2, the person completing the worksheet shall record if the offender was sentenced to a Corrections Options program. Please specify whether the offender participated in drug court treatment (yes/no) or any other correctional options program, such as home detention (yes/no).

### **12.5 Institutional/Parole Recommendation or Additional Information**

---

The sentencing judge shall record any recommendations or additional information in this designated area on the worksheet.

### **12.6 Announcement of 50% of Sentence**

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The individual completing the worksheet shall indicate whether or not there was an announcement regarding the mandatory serving of 50% of a sentence for violent offenses. Pursuant to CP, §6-217, when a sentence of incarceration is given for a violent crime as defined in CS, §7-101 for which a defendant will be eligible for parole under CS, §7-301(c) or (d), the court shall state in open court the minimum time the defendant must serve before becoming eligible for parole and before becoming eligible for conditional release under mandatory supervision under CS, §7-501.

### **12.7 Parole Notification**

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Pursuant to CS, §7-802, please indicate (yes/no) whether the judge at the time of sentencing made a written request for notification of a parole release hearing.

### **12.8 Signatures**

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Spaces are provided at the bottom of the worksheet for the name and signature of the sentencing judge and the name of the person or persons completing the worksheet. *Both names should be legible.* The judge’s signature indicates that the guidelines worksheet has been reviewed by the judge for accuracy and completeness. COMAR 14.22.01.03.D(4); 14.22.01.07.G.

## Determining Whether a Sentence Is Within the Guidelines Range

The recommended guidelines sentence is provided as a range. This range is determined by the seriousness of the offense and the criminal history of the offender. This chapter discusses how to determine if a sentence is within the guidelines range.

### 13.1 Suspended Time

---

Suspended time *is not* considered in determining whether the sentence falls within the recommended guidelines range. The guidelines range represents only non-suspended time.<sup>2</sup>

**Example:** If the guidelines range for a particular case is 6 to 12 years, a few examples of sentences within the guidelines are 10 years with 4 years suspended or 15 years with 5 years suspended. If, however, a judge gives 6 years, all suspended, the sentence will be outside the guidelines.

### 13.2 Credit for Time Served

---

Time served *is* considered in determining whether the sentence falls within the recommended guidelines range. If a judge sentences an offender to pre-sentence incarceration time with no additional post-sentence incarceration time and the length of credited pre-sentence incarceration exceeds the upper range, then the sentence is deemed guidelines compliant.

**Example 1:** If the guidelines range for an event is 3 months to 9 months, and an offender is sentenced to 6 months with credit for 6 months already served, the sentence is within the guidelines range.

**Example 2:** If the guidelines range for an event is Probation to 3 months, and an offender is sentenced to 6 months with credit for 6 months already served, the sentence is deemed to be compliant with the guidelines.

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<sup>2</sup> But see *Cuffley v. State*, -- Md. --, -- A.2d -- (No.136/08 Oct. 28, 2010) and *Baines v. State*, -- Md. --, -- A.2d -- (No. 135/08 Oct. 28, 2010). In *Cuffley* and *Baines*, the Court recognized that suspended time is not included in determining whether the sentence falls within the guidelines for purpose of the Maryland Sentencing Guidelines. However, the Court found that where a binding plea agreement called for a sentence “within the guidelines” without making clear on the record that such sentence applied only to actual incarceration, a trial court could not impose a sentence that included a suspended portion in excess of the maximum sentence provided in the guidelines.

### 13.3 Home Detention

---

Time served by an individual under home detention *is* considered in determining whether the sentence falls within the recommended guidelines range.

*Example 1:* If the guidelines range for an event is 6 months to 3 years, and an offender is sentenced to 4 years, suspend all, 3 years probation, 6 months home confinement, the sentence is within the guidelines range because the 6 months of home detention is considered non-suspended time.

*Example 2:* If the guidelines range for an event is Probation to 3 months, and an offender is sentenced to 6 months home detention, the sentence is above the guidelines range because the home detention time is considered non-suspended time.

### 13.4 Offender Already Under Sentence

---

If an offender is already serving one or more sentences, the time remaining to be served may be considered in determining whether the sentence or sentences are within the recommended guidelines range. The judge shall indicate whether the new sentence is consecutive to or concurrent with the existing sentence.

Note: It is important that the amount of time remaining to be served on the existing sentence is recorded on the worksheet so that a total sentence may be calculated in order to determine whether the total sentence falls within the recommended guidelines range.

### 13.5 Consecutive Versus Concurrent Sentences

---

If an offender is sentenced for more than one offense, the worksheet **must indicate** which sentences are **concurrent** and which are **consecutive**. To fall within the guidelines, the total amount of time to be served must fall within the guidelines.

*Example:* If the overall guidelines range is 3 to 6 years and the offender is sentenced to two concurrent unsuspended terms of 4 years, the sentence is within the guidelines. However, if the offender is sentenced to two consecutive terms of 4 years, the sentence exceeds the guidelines range.

### 13.6 Length of Probation

---

Subject to the statutory limit of five years, the length of any probation imposed is within the judge's discretion and is not limited by the sentencing guidelines.

### **13.7 Sentences Deemed to Be Within Guidelines**

---

Notwithstanding the actual guidelines range, the State Commission on Criminal Sentencing Policy shall deem a sentence within the guidelines range if a judge:

- Approved an ABA plea agreement and sentence agreed to by both the defendant and by the State;
- Sentenced a defendant to a period of pre-sentence incarceration time with no additional post-sentence incarceration time and the length of credited pre-sentence incarceration exceeds the upper guidelines range for the case; or
- Imposed a sentence of correctional options if the defendant's:

(1) Initial sentence plus any suspended sentence falls within or above the overall guidelines range; and

(2) Current sentence or sentences and any pending charges do not include a violation of:

- (a) A crime of violence under CR, §14-101;
- (b) Sexual child abuse under CR, §3-602;
- (c) Escape;
- (d) A law of the United States or of any other state or the District of Columbia similar to §B(2)(a)—(c) of this regulation.

If the conditions of (1) and (2) are established, then mark “Yes” on the Sentencing Guidelines Worksheet in the Corrections Options box to show that the program is consistent with Commission criteria.

# Sentences Outside the Guidelines Range

There are times when a judge may choose to impose a sentence that is outside the guidelines range. This chapter provides a list of common reasons for departure and their corresponding codes. While it is not intended to be a complete list, it does provide commonly used departure reasons and gives the sentencing judge the option of identifying other circumstances that warrant a departure.

## 14.1 Using the Departure Codes

---

The judge shall document on the guidelines worksheet the reason or reasons for imposing a sentence outside of the recommended guidelines range. The following list is a sample of some of the more common reasons for sentencing outside the range. The judge should write in the designated space on the guidelines worksheet the number(s) that corresponds to the reason(s) for departure. Where the judge's reason for sentencing outside the guidelines range is not among the sample reasons listed, the judge should write down reason number (9) or (18), depending on whether it is a downward or upward departure, and explain the "other circumstances" on which the judge has based the decision to depart from the guidelines.

## 14.2 Departure Below the Guidelines Range

---

Common reasons for departure below the guidelines range include but are not limited to:

- (1) The parties reached a plea agreement that called for a reduced sentence.
- (2) Offender's minor role in the offense.
- (3) Offender was influenced by coercion or duress.
- (4) Offender had diminished capability for judgment.
- (5) Offender made restorative efforts after the offense.
- (6) Victim's participation in the offense lessens the offender's culpability.
- (7) Offender's commitment to substance abuse treatment or other therapeutic program.
- (8) Recommendation of State's Attorney or Division of Parole and Probation.
- (9) Other circumstances of the crime and/or the offender do not warrant a sentence within the guidelines (Explain).

Please use the numerical codes in parentheses when filling out the guidelines worksheets.



### **14.3 Departure Above the Guidelines Range**

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Common reasons for departure above the guidelines range include but are not limited to:

- (10) Offender's major role in the offense.
- (11) The level of harm was excessive.
- (12) Special circumstances of the victim.
- (13) Offender exploited a position of trust.
- (14) Offender committed a "white collar" offense.
- (15) Offender's significant participation in major controlled substance offense.
- (16) The vicious or heinous nature of the conduct.
- (17) Recommendation of State's Attorney or Division of Parole and Probation.
- (18) Other circumstances of the crime and/or the offender do not warrant a sentence within the guidelines (Explain).

Please use the numerical codes in parentheses when filling out the guidelines worksheets.

**Note:** Judges, please contact the Commission staff if you would like a laminated card with these common departure reasons and their respective numerical codes to keep at your bench.

### **14.4 Interpreting the Common Reasons for Departure**

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The common reasons for departure should be read broadly so that they might encompass other, more specific reasons. For example, reason (1) regarding a plea agreement could include reasons why the agreement was reached, such as weak evidence, minimal harm or a victim who did not want to prosecute. Reason (4), which addresses an offender's diminished capacity for judgment, could apply if the offender's age (young or old), intelligence, or drug/alcohol use limited the offender's capacity for judgment. An offender's restorative efforts under reason (5) could include paying restitution, cooperation with police or the State's Attorney, or performing community service or some other benefit to the community on his own accord. An application of reason (16), the vicious or heinous nature of the conduct, could include offenses motivated by race, gender or sexual orientation, among other reasons. These examples are just some of the ways in which the departure reasons can be read broadly to encompass more specific reasons.

## Frequently Asked Questions

This chapter contains a list of frequently asked questions and their respective answers. If you have a question that does not seem to be answered below, please do not hesitate to call the Maryland State Commission on Criminal Sentencing Policy staff at (301) 403-4165 for additional assistance.

**Q: Do I have to fill out a Sentencing Guidelines Worksheet if the possibility of incarceration is less than one year?**

A: Yes. A worksheet should be completed and submitted for all Guidelines Offenses. As a practical matter, this means that a worksheet should be completed for all offenses prosecuted in a Circuit Court, including new trials and reconsiderations imposed on a defendant for a crime of violence (as defined in Criminal Law Article, §14-101, Annotated Code of Maryland) and reviews. MSGM 3.1.

**Q: Why aren't some offenses included in the offense table?**

A: There are three main reasons why an offense would not be listed in the offense table.

The first reason is that the instant offense is not a Guidelines Offense. Offenses that carry no possible penalty of incarceration, along with a few other exceptions, are not Guidelines Offenses. No worksheet should be completed for these offenses.

Another reason is that the offense satisfies the definition of a Guidelines Offense but has a maximum penalty of 1 year or less. The Commission has determined that offenses that are not otherwise listed in the offense table and are punishable by a maximum of 1 year or less should automatically be assigned an offense seriousness category VII. A worksheet should be completed using seriousness category VII for these cases.

The final reason is that the offense, though it satisfies the definition of a Guidelines Offense, is newly enacted and has yet to be included in the offense table. If this is the case, a worksheet should be completed using the closest analogous Guidelines Offense to determine the seriousness category. If you believe there is an error or omission in the Guidelines Offense Table, please contact the MSCCSP staff by e-mail at [msccsp@crim.umd.edu](mailto:msccsp@crim.umd.edu) or by phone at (301) 403-4165.

**Q: Are weapon points awarded for offenses where a weapon was present but not used?**

For example, an offender is pulled over for a motor vehicle offense and a handgun is found in the car. Should the offender be given 2 points in the Offense Score for Firearm or Explosive under Weapon Presence?

A: Yes, weapon points are awarded for any Criminal Event where a weapon is present. MSGM 6.1(C).

**Q: Should an offender be given points for Victim Injury if the offender was involved in the Criminal Event, but not in the actual injury of the victim?**

For example, two co-offenders were found guilty of robbery. The victim suffered a permanent injury during the commission of the robbery. By all accounts, offender 1 was the only offender who touched the victim. Would offender 2 be given points for victim injury?

A: Yes, if a victim is injured in a Criminal Event, any offender guilty of the offense(s) constituting that event should be given points in the Offense Score for victim injury. MSGM 6.1(B).

**Q: If an offender injures a victim during a Criminal Event involving an automobile, is the automobile considered a weapon?**

A: No, except if deliberately used as a weapon, automobiles are not included as weapons and shall receive a weapon presence score of zero. MSGM 6.1(C)(e).

**Q: Do I need to complete an Offense Score and Offender Score if the offender is charged with murder and the guidelines range is Life to Life?**

A: Yes. We ask that you still complete the entire worksheet so we can collect data on the offender's prior record and other information relevant to the case. MSGM 8.2.

**Q: How does the date of sentencing relate to changes in guidelines?**

A: The sentencing guidelines and seriousness categories in effect at the time of sentencing shall be used to calculate the guidelines. MSGM 5.2.

**Q: How many worksheets should be completed for a Single Criminal Event with multiple victims?**

A: It depends. If all of the victims were harmed during the same Criminal Event, each of the separate counts can be included on the same sheet provided that there is sufficient space. If there are more than three offenses, then at least one separate sheet should be used. When completing a worksheet for a Single Criminal Event with multiple victims, the victim section of the worksheet should be completed using the information relating to the victim in the most serious offense. MSGM 10.1

**Q: How do you calculate overall guidelines for a Single Criminal Event with multiple victims and less than two Category I or Category II offenses (i.e., “stacking rule”)?**

A: Identify the correct guidelines range for each offense. Calculate the overall upper guidelines range by adding the upper range for each victim. Calculate the overall lower guidelines range using the standard protocol. MSGM 10.1.

For example, an offender with an Offender Score of 0 has been adjudicated guilty for 2 counts of 1<sup>st</sup> degree Assault [CR, §3-202], a person offense, category III. There were two victims, neither of whom was injured, neither of whom had a special vulnerability, and there was no weapon present during the crime – making a total Offense Score of 5. The guidelines range for Offender Score 0 and Offense Score 5 for each count of Robbery is 3M-4Y. The upper ranges should be added or “stacked” (to reflect two victims) so the correct overall guidelines range is 3M-8Y.

**Q: Are there instances when the guidelines should be adjusted due to unique circumstances (e.g., multiple victims, subsequent offender status)?**

A: Yes. See MSGM, Chapter 10 for a complete discussion of how to adjust the guidelines in these circumstances.

**Q: When determining an offender’s prior adult criminal record to determine the Offense Score, is a Nolo Contendre plea or a sentence to Probation Before Judgment (PBJ) considered an adjudication of guilt?**

A: Yes, a nolo contendere plea is an adjudication of guilt, as is a PBJ (unless expunged or proven by the defense to have been eligible for expungement prior to the date of offense). MSGM 7.1(C).

**Q: When calculating an offender’s prior adult criminal record, if an offender has been convicted of another offense but not yet sentenced—should that conviction be counted in the history?**

A: Yes, as stated above, an adjudication of guilt for each Criminal Event, regardless of whether it remains to be sentenced, should be included in calculating the adult criminal record. MSGM 7.1(C).

**Q: What is the difference between seriousness categories III-A, III-B, and III-C in the drug matrix?**

A: Seriousness category III-A is used for *Distribution of MDMA (ecstasy), 750 grams or more* [CR, §5-609(a)(9)] AND *Importation of marijuana, 45 kilograms or more* [CR, §5-614(a)(1)].

Seriousness category III-B is used for non-marijuana and non-MDMA offenses that have a seriousness category III, such as *Distribution of schedule I or II narcotics or hallucinogenics (e.g., heroin, cocaine, PCP, and LSD)* [CR, §5-608; CR, §5-609] or *Distribution of large amounts of controlled dangerous substance* [CR, §5-612(a)].

Seriousness category III-C is used for *Importation of certain controlled dangerous substances, other than marijuana* [CR, §5-614(a)].

**Q: What is the seriousness category of “violation of protective order, 1st offense”?**

A: Violation of protective order, 1st offense [FL, §4-509(a)(1)], is a person offense, with a seriousness category VII and a maximum term of 90 days.

**Q: Where is “uttering” located in the offense table?**

A: Uttering is now called Counterfeit Documents [CR, §8-602(a)] and is found under the Counterfeiting heading of the offense table. The offense is a property offense with a seriousness category V and a maximum term of 10 years.

**Q: Where is “reckless endangerment” located in the offense table?**

A: Reckless endangerment [CR, §3-204(a)] is found under the Assault and Other Bodily Woundings heading of the offense table. The offense is a person offense with a seriousness category V and a maximum term of 5 years.

**Q: Where is “resisting arrest” located in the offense table?**

A: Resisting arrest [CR, §9-408] is found under the Harboring, Escape, and Contraband heading of the offense table. The offense is a person offense with a seriousness category VI and a maximum term of 3 years.

**Q: What does section A under “Offender Score” on the worksheet mean?**

A: Section A of “Offender Score” corresponds to an individual’s relationship to the criminal justice system at the time the instant offense occurred. If the individual was on probation, parole, incarcerated, on work release, mandatory supervision, escape or comparable status at the time of the instant offense, s/he should be assigned 1 point for Section A. Otherwise, assign no points. MSGM 7.1(A).

**Q: When the non-suspendable mandatory minimum and/or maximum sentence falls outside the calculable guidelines range, which controls?**

A: If the non-suspendable mandatory minimum is greater than the lower guidelines range, the non-suspendable mandatory minimum should replace the lower guidelines range. If the statutory maximum is less than the upper guidelines range, the statutory maximum should replace the upper guidelines range. MSGM 8.5., 10.3-10.4.

This is especially likely to occur for those offenses where both a non-suspendable mandatory minimum and statutory maximum are identified. For example, possession of a regulated firearm after having been convicted of a crime of violence [PS §5-133(c)], is a person offense with a seriousness category V, a mandatory minimum of five years, and a statutory maximum of five years. When completing the worksheet for this charge, the correct guidelines range is always 5Y MM-5Y, this is because the lower range can never be less than the non-suspendable mandatory minimum and the upper range can never exceed the statutory maximum.

**Q: What authority does the Maryland State Commission on Criminal Sentencing Policy have?**

A: The MSCCSP can make recommendations and offer interpretations of the manual and the worksheets, but the ultimate authority lies with the sentencing judge. *See* Preface to MSGM.

**Q: How do I order more worksheets?**

A: Visit <http://www.msccsp.org> to place an electronic request for additional worksheets. You may also contact the MSCCSP staff by e-mail at [msccsp@crim.umd.edu](mailto:msccsp@crim.umd.edu) or by phone at (301) 403-4165 to place an order. Although some exceptions may occur, the worksheets will most likely be mailed to you the next business day.

**Q: How can I get another copy of the Maryland Sentencing Guidelines Manual?**

A: You can view and download a full-text version of the manual immediately online at <http://www.msccsp.org>. Both the manual and the offense table are text searchable for your convenience.

**Q: How can I learn more about sentencing guidelines worksheet preparation?**

A: The MSCCSP staff is available to conduct worksheet training sessions at your convenience. They regularly travel throughout the state to train and assist practitioners in guidelines worksheet completion. Judges, State's Attorneys, Public Defenders, and parole/probation agents have all participated in various forms of these training sessions. If you would like to schedule a session, please contact the MSCCSP staff by e-mail at [msccsp@crim.umd.edu](mailto:msccsp@crim.umd.edu) or by phone at (301) 403-4165.

## **Sample Cases**

This chapter applies the procedures that have been described in this manual. There are discussions of eight sample cases dealing with different types of sentencing events that might occur. Each sample case provides the step-by-step procedures for calculating the guidelines ranges.

## Case Information

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|                          |   |
|--------------------------|---|
| Offender's Name:         | Clayton White                                     |
| SID:                     | 1234567   |
| Date of Birth:           | 07/07/81  |
| Sex:                     | Male  |
| Race:                    | White   |
| Ethnicity:               | Non-Hispanic                                      |
| Date of Offense:         | 01/03/10  |
| Docket No.:              | 123456C   |
| Date of Plea or Verdict: | 04/02/10  |
| Disposition Type:        | ABA Plea Agreement                                |
| Jurisdiction:            | Montgomery County                                 |
| Convicted Count(s):      | Robbery with a Deadly<br>Weapon, CR, §3-403(a)(1) |
| Date of Sentencing:      | 05/03/10  |

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## Offense Description

On January 3, 2010, police were summoned to a convenience store for a report of an armed robbery. The cashier reported that two white males had entered the store and that one of the men was armed with a sawed-off shotgun. The cashier and a clerk were instructed to lie on the floor as one of the men removed money from the cash register. The subjects fled in a car and, based on a witness's description of the vehicle, were apprehended by police 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 April 2, 2010.



## Offender's Prior Record

### JUVENILE:

| Date   | Offense | Disposition |
|--|---------|-------------|
| No juvenile record was found for the name and birth date provided. |         |             |

### ADULT:

| Date     | Offense                      | Disposition  |
|----------|------------------------------|--|
| 08/01/00 | Possession of Marijuana      | Fine \$100; Court Costs                            |
| 09/10/07 | Unemployment Insurance Fraud | 6 months suspended; 4 years probation; restitution |

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

## Computation of Guidelines Range

### 1<sup>st</sup> Convicted Offense: *Robbery with a Deadly Weapon*

#### Offense Score:

- A. Seriousness Category of Instant Offense.....5 points  
As shown in Appendix A, *Robbery with a Deadly Weapon* is a Category III Offense.
- B. Victim Injury.....0 points  
No injury.
- C. Weapon Presence.....2 points  
A firearm (sawed-off shotgun) was present.
- D. Special Vulnerability of Victim.....0 points  
Victim over 10 and under 65 years old and not mentally or physically handicapped.

**Total Offense Score    7 points**

#### Offender Score:

- A. Relationship to CJS When Instant Offense Occurred.....1 point  
Was on probation for Unemployment Compensation Fraud.
- B. Juvenile Delinquency.....0 points  
Defendant was over 23 years of age when the instant offense was committed.

C. Prior Adult Criminal Record.....1 point

**Step I:**

Possession of Marijuana – Seriousness Category VII

Unemployment Insurance Fraud – Seriousness Category VII

**Number of Prior Convictions**

**According to Seriousness Category**

| Seriousness Category | Number of Prior Convictions |
|----------------------|-----------------------------|
| 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 Table 7-2 that indicates two Seriousness Category VII convictions.

This block identifies the record as *Minor*.

**Step III:**

An offender with a minor record receives 1 point.

D. Prior Adult Parole/Probation Violations.....0 points  
None.

**Total Offender Score    2 points**

**Guidelines Range.....5Y-10Y**

An examination of Table 8-1 shows that the recommended range for an offense score of 7 and an offender score of 2 is 5Y-10Y.

## **Overall Guidelines Range for the Sentencing Event**

Since this sentencing event involves only one convicted offense, the overall guidelines range is the same as the range for the offense, 5 to 10 years.

## May 2010

COPIES: White – Judge; Blue – Sentencing Commission; Green – Attach to Commitment or Probation Order; Yellow – File; Pink – Prosecution; Gold – Defense

## Case Information

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**Offender's Name:** Jessica Heather Lawrence  
**SID:** 2234567  
**Date of Birth:** 06/13/76  
**Sex:** Female  
**Race:** White  
**Ethnicity:** Non-Hispanic  
**Date of Offense:** 10/13/09  
**Docket No.:** 123457C  
**Date of Plea or Verdict:** 01/07/10  
**Disposition Type:** ABA Plea Agreement  
**Jurisdiction:** Montgomery County  
**Convicted Count(s):** Possession with Intent to  
Distribute Marijuana,  
CR, §5-607(a)  
**Date of Sentencing:** 02/09/10

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## Offense Description

On October 13, 2009, police serving a search warrant at defendant's home found one plastic bag of marijuana, a glass jar of marijuana seeds and a scale in the living room; six bags of marijuana in the master bedroom; and a green can, labeled "one oz. of grass," which contained marijuana seeds in another bedroom. The subject was arrested and eventually charged with *Possession with Intent to Distribute Marijuana* and simple *Possession*. On January 7, 2010, the defendant pled guilty to one count of *Possession with Intent to Distribute Marijuana*.

## Offender's Prior Record

### JUVENILE:

| Date       | Offense | Disposition |
|------------|---------|-------------|
| None Known |         |             |

### ADULT:

| Date       | Offense | Disposition |
|------------|---------|-------------|
| None Known |         |             |

## Computation of Guidelines Range

**1<sup>st</sup> Convicted Offense:** *Possession with Intent to Distribute Marijuana*

### Offense Score:

*There is no offense score for drug offenses.*

### Offender Score:

- A. Relationship to CJS When Instant Offense Occurred.....0 points  
None.
- B. Juvenile Delinquency.....0 points  
Defendant was over 23 years of age when the instant offense was committed.
- C. Prior Adult Criminal Record.....0 points  
No record found.
- D. Prior Adult Parole/Probation Violations.....0 points  
None.

**Total Offender Score      0 points**

**Guidelines Range.....P-12M**

An examination of Table 8-2 shows that the recommended range for *Possession with Intent to Distribute Marijuana* (Seriousness Category IV) with an offender score of 0 is P-12M.

## Overall Guidelines Range for the Sentencing Event

Since this sentencing event involves only one convicted offense, the overall guidelines range is the same as the range for the offense, probation to 12 months.

| MARYLAND SENTENCING GUIDELINES WORKSHEET            |  |                 |  |                      |  |   |  |   |  | OFFENDER NAME - Last, First, Middle<br>Lawrence, Jessica, Heather   |  |                           |  |   |  |  |  |                                     |  | BIRTHDATE<br>06   13   87 |  | JURISDICTION<br>15 |  |
|---|--|-----------------|--|----------------------|--|---|--|---|--|---|--|---------------------------|--|---|--|--|--|-------------------------------------|--|---------------------------|--|--------------------|--|
| PSI   |  | DATE OF OFFENSE |  | DATE OF SENTENCING   |  | DISPOSITION TYPE  |  | REPRESENTATION  |  | ETHNICITY   |  | SEX                       |  | SID#  |  | RACE   |  | INDIGENOUS                          |  |                           |  |                    |  |
| AT THIS SENTENCING, NUMBER OF:                      |  | WORKSHEET #     |  | 1 OF CRIMINAL EVENTS |  | X ABA plea agreement<br>Non-ABA plea agreement<br>Plea, no agreement<br>Court trial |  | Private<br>Public Defender<br>Court Appointed<br>Self |  | Hispanic/Latino Origin<br>Yes<br>No   |  | M<br>F                    |  | 2234567   |  | Black<br>White<br>Native Hawaiian/Pacific Islander<br>American Indian/Alaskan Native |  | Indigenous Established<br>Yes<br>No |  |                           |  |                    |  |
| CONVICTED OFFENSE TITLE                             |  |                 |  |                      |  |   |  |   |  | I-VII   |  | CJIS CODE                 |  | MD CODE, ART, & SECTION   |  | STAT. MAX  |  | MAND. MIN                           |  | CASE #/DOCKET #           |  |                    |  |
| 1 <sup>st</sup> Convicted Offense<br>PWID Marijuana |  |                 |  |                      |  |   |  |   |  | IV  |  | 1 0233                    |  | CR §5-607(a)  |  | 5Y   |  |                                     |  | 123457C                   |  |                    |  |
| 2 <sup>nd</sup> Convicted Offense                   |  |                 |  |                      |  |   |  |   |  |   |  |                           |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 3 <sup>rd</sup> Convicted Offense                   |  |                 |  |                      |  |   |  |   |  |   |  |                           |  |   |  |  |  |                                     |  |                           |  |                    |  |
| OFFENSE SCORE(S) - Offense Against a Person Only    |  |                 |  |                      |  |   |  |   |  | OFFENDER SCORE  |  | GUIDELINES RANGE          |  | ACTUAL SENTENCE - Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc) |  |  |  |                                     |  |                           |  |                    |  |
| A. Seriousness Category                             |  |                 |  |                      |  |   |  |   |  | A. Relationship to CS When Instant Offense Occurred   |  | 1 <sup>st</sup> Con. Off. |  | 1 <sup>st</sup> Convicted Offense   |  |  |  |                                     |  |                           |  |                    |  |
| 1 = I = V - VII                                     |  |                 |  |                      |  |   |  |   |  | 0 = None or Pending Cases<br>1 = Court or Other Criminal Justice Supervision  |  | P                         |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 2 = II = I  |  |                 |  |                      |  |   |  |   |  | B. Juvenile Delinquency   |  | 12M                       |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 3 = III = I   |  |                 |  |                      |  |   |  |   |  | 0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act   |  | TO                        |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 4 = IV = I  |  |                 |  |                      |  |   |  |   |  | 1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment   |  | 2 <sup>nd</sup> Con. Off. |  | 2 <sup>nd</sup> Convicted Offense   |  |  |  |                                     |  |                           |  |                    |  |
| 5 = V = I   |  |                 |  |                      |  |   |  |   |  | 2 = Under 23 years and committed 2 or more times  |  | TO                        |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 6 = VI = I  |  |                 |  |                      |  |   |  |   |  | C. Prior Adult Criminal Record  |  | 3 <sup>rd</sup> Con. Off. |  | 3 <sup>rd</sup> Convicted Offense   |  |  |  |                                     |  |                           |  |                    |  |
| 7 = VII = I   |  |                 |  |                      |  |   |  |   |  | 0 = None 3 = Moderate<br>1 = Minor 5 = Major  |  |                           |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 8 = VIII = I  |  |                 |  |                      |  |   |  |   |  | D. Prior Adult Parole/Prob Violation  |  |                           |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 9 = IX = I  |  |                 |  |                      |  |   |  |   |  | 0 = No 1 = Yes  |  |                           |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 10 = X = I  |  |                 |  |                      |  |   |  |   |  | OFFENSE SCORE(S)  |  |                           |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 11 = XI = I   |  |                 |  |                      |  |   |  |   |  | OFFENDER SCORE  |  |                           |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 12 = XII = I  |  |                 |  |                      |  |   |  |   |  | SENTENCE DEPARTURE INFORMATION  |  |                           |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 13 = XIII = I                                       |  |                 |  |                      |  |   |  |   |  | If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable. |  |                           |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 14 = XIV = I  |  |                 |  |                      |  |   |  |   |  | Victim Unavailable  |  |                           |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 15 = XV = I   |  |                 |  |                      |  |   |  |   |  | Victim Notified Plea  |  |                           |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 16 = XVI = I  |  |                 |  |                      |  |   |  |   |  | Victim Notified Date  |  |                           |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 17 = XVII = I                                       |  |                 |  |                      |  |   |  |   |  | Victim Present  |  |                           |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 18 = XVIII = I                                      |  |                 |  |                      |  |   |  |   |  | Written VIS   |  |                           |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 19 = XIX = I  |  |                 |  |                      |  |   |  |   |  | Oral VIS  |  |                           |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 20 = XX = I   |  |                 |  |                      |  |   |  |   |  | No Contact with Victim  |  |                           |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 21 = XXI = I  |  |                 |  |                      |  |   |  |   |  | CIB Cost Imposed  |  |                           |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 22 = XXII = I                                       |  |                 |  |                      |  |   |  |   |  | Was the offender sentenced to a Corrections Options program under Commission criteria?  |  |                           |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 23 = XXIII = I                                      |  |                 |  |                      |  |   |  |   |  | Drug Court Yes No Other Yes No  |  |                           |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 24 = XXIV = I                                       |  |                 |  |                      |  |   |  |   |  | Additional Information or Institutional/Parole Recommendation   |  |                           |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 25 = XXV = I  |  |                 |  |                      |  |   |  |   |  | Sentencing Judge (Please Print)   |  |                           |  |   |  |  |  |                                     |  |                           |  |                    |  |
| 26 = XXVI = I                                       |  |                 |  |                      |  |   |  |   |  | Sentencing Judge's Signature  |  |                           |  |   |  |  |  |                                     |  |                           |  |                    |  |

COPIES: White – Judge; Blue – Sentencing Commission; Green – Attach to Commitment or Probation Order; Yellow – File; Pink – Prosecution; Gold – Defense

## Case Information

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|                                 |   |
|---------------------------------|---|
| <b>Offender's Name:</b>         | Damon Anthony Proctor   |
| <b>SID:</b>                     | 3234567   |
| <b>Date of Birth:</b>           | 07/27/89  |
| <b>Sex:</b>                     | Male  |
| <b>Race:</b>                    | Black   |
| <b>Ethnicity:</b>               | Hispanic  |
| <b>Date of Offense:</b>         | 08/20/09  |
| <b>Docket No.:</b>              | 123458C   |
| <b>Date of Plea or Verdict:</b> | 02/10/10  |
| <b>Disposition Type:</b>        | ABA Plea Agreement  |
| <b>Jurisdiction:</b>            | Montgomery County   |
| <b>Convicted Count(s):</b>      | Theft, at least \$1,000 but less than \$10,000<br>CR, §7-104(g)(1)(i) |
| <b>Date of Sentencing:</b>      | 04/20/10  |

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## Offense Description

On August 20, 2009, defendant was observed by a security officer in a department of a large suburban store removing seven blazers, three pairs of pants, seven skirts, and one shirt (total value - \$1,153.89). After placing the merchandise in four bags, defendant left the department, passed many cash registers without paying, went down the escalator, and was arrested as he paused to buy shopping bags. On February 10, 2010, the defendant pled guilty to one count of *Theft, at least \$1,000 but less than \$10,000*.

## Offender's Prior Record

### JUVENILE:

| Date     | Offense          | Disposition  |
|----------|------------------|--|
| 06/26/02 | Shoplifting      | Delinquent; 1 year probation                               |
| 12/11/02 | Larceny          | Delinquent; probation continued                            |
| 06/10/05 | Unauthorized Use | Delinquent; Green Ridge Regional Youth Center for 6 months |

### ADULT:

| Date     | Offense                                      | Disposition                 |
|----------|--|-----------------------------|
| 02/06/08 | Petty Larceny – Violation of Bail Reform Act | Unknown                     |
| 04/09/09 | Burglary, 4 <sup>th</sup> Degree             | 18 months probation. (D.C.) |

## Computation of Guidelines Range

**1<sup>st</sup> Convicted Offense:** *Theft, at least \$1,000 but less than \$10,000*

### Offense Score:

*There is no offense score for property offenses.*

### Offender Score:

- A. Relationship to CJS When Instant Offense Occurred.....1 point  
On probation for Burglary, 4<sup>th</sup> Degree.
- B. Juvenile Delinquency.....1 point  
Three findings of delinquency with one commitment.
- C. Prior Adult Criminal Record.....1 point

### Step I:

Burglary, 4<sup>th</sup> Degree – Seriousness Category VII\*

*\*In this case, the Petty Larceny (02/06/00) was not counted since the disposition is unknown.*



**Number of Prior Convictions  
According to Seriousness Category**

| Seriousness Category | Number of Prior Convictions |
|----------------------|-----------------------------|
| I                    | 0                           |
| II                   | 0                           |
| III                  | 0                           |
| IV                   | 0                           |
| V                    | 0                           |
| VI                   | 0                           |
| VII                  | 1                           |

**Step II:**

Since the most serious prior conviction was in Seriousness Category VII, refer to the block in Table 7-2 that indicates one Seriousness Category VII convictions. This block identifies the record as *Minor*.

**Step III:**

An offender with a minor record receives 1 point.

- D. Prior Adult Parole/Probation Violations.....0 points  
No adult violations prior to instant offense

**Total Offender Score      3 points**

**Guidelines Range.....1Y-3Y**  
An examination of Table 8-3 shows that the recommended range for *Theft, at least \$1,000 but less than \$10,000* (Seriousness Category V) with an offender score of 3 is 1Y-3Y.

## Overall Guidelines Range for the Sentencing Event

Since this sentencing event involves only one convicted offense, the overall guidelines range is the same as the range for the offense, 1 to 3 years.

### Sample Case 3

| MARYLAND SENTENCING GUIDELINES WORKSHEET  |  |  |  |  |  |  |  |  |  | OFFENDER NAME - Last, First, Middle |  |  |  |  |  |  |  |  |  | JURISDICTION    |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
|---|--|--|--|--|--|--|--|--|--|-------------------------------------|--|--|--|--|--|--|--|--|--|-----------------|--|--|--|--|--|--|--|--|--|---|--|--|--|--|--|--|--|--|--|---|--|--|--|--|--|--|--|--|--|---|--|--|--|--|--|--|--|--|--|-------------------|--|--|--|--|--|--|--|--|--|
| PSI   |  |  |  |  |  |  |  |  |  | Proctor, Damon, Anthony             |  |  |  |  |  |  |  |  |  | BIRTHDATE       |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| DATE OF OFFENSE   |  |  |  |  |  |  |  |  |  | DATE OF SENTENCING                  |  |  |  |  |  |  |  |  |  | SEX             |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| AT THIS SENTENCING, NUMBER OF:  |  |  |  |  |  |  |  |  |  | DISPOSITION TYPE                    |  |  |  |  |  |  |  |  |  | RACE            |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| CONVICTED OFFENSES  |  |  |  |  |  |  |  |  |  | X ABA plea agreement                |  |  |  |  |  |  |  |  |  | Hispanic/Latino |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| WORKSHEET #   |  |  |  |  |  |  |  |  |  | Non-ABA plea agreement              |  |  |  |  |  |  |  |  |  | Origin          |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| CRIMINAL EVENT #  |  |  |  |  |  |  |  |  |  | Court trial                         |  |  |  |  |  |  |  |  |  | X Yes           |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| 1   |  |  |  |  |  |  |  |  |  | 1                                   |  |  |  |  |  |  |  |  |  | X No            |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| CONVICTED OFFENSE TITLE   |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | MD CODE, ART. & SECTION   |  |  |  |  |  |  |  |  |  | STAT. MAX   |  |  |  |  |  |  |  |  |  | MAND. MIN   |  |  |  |  |  |  |  |  |  | CASE # / DOCKET # |  |  |  |  |  |  |  |  |  |
| 1 <sup>st</sup> Convicted Offense   |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | CR, §7-104(g)(1)(i)   |  |  |  |  |  |  |  |  |  | 10Y   |  |  |  |  |  |  |  |  |  | 123458C   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| Theft, at least \$1,000 but less than \$10,000  |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| 2 <sup>nd</sup> Convicted Offense   |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| 3 <sup>rd</sup> Convicted Offense   |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| OFFENSE SCORE(S) - Offense Against a Person Only  |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | OFFENDER SCORE  |  |  |  |  |  |  |  |  |  | GUIDELINES RANGE  |  |  |  |  |  |  |  |  |  | ACTUAL SENTENCE - Imposed, Suspended, Time Served, Probation, Restitution, Fines, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.) |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| A. Seriousness Category   |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | A. Relationship to CJS When Instant Offense Occurred  |  |  |  |  |  |  |  |  |  | 1 <sup>st</sup> Con. Off.                                     |  |  |  |  |  |  |  |  |  | 1 <sup>st</sup> Convicted Offense   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| 1 1 1 = V - VII   |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | 0 = None or Pending Cases   |  |  |  |  |  |  |  |  |  | 1Y  |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| 3 3 3 = IV  |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | (1) Court or Other Criminal Justice Supervision   |  |  |  |  |  |  |  |  |  | TO  |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| 5 5 5 = III   |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | B. Juvenile Delinquency   |  |  |  |  |  |  |  |  |  | 3Y  |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| 8 8 8 = II  |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | 0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| 10 10 10 = I  |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | (1) Under 23 years old and; 2 or more findings of a delinquent act or 1 commitment  |  |  |  |  |  |  |  |  |  | 2 <sup>nd</sup> Con. Off.                                     |  |  |  |  |  |  |  |  |  | 2 <sup>nd</sup> Convicted Offense   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| 1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off   |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | 2 = Under 23 years and committed 2 or more times  |  |  |  |  |  |  |  |  |  | TO  |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| 0 0 0 = No Injury   |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | C. Prior Adult Criminal Record  |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| 1 1 1 = Injury, Non-Permanent   |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | 0 = None 3 = Moderate   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| 2 2 2 = Permanent Injury or Death   |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | (1) Minor 5 = Major   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| 1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off   |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | D. Prior Adult Parole/Prob Violation  |  |  |  |  |  |  |  |  |  | 3 <sup>rd</sup> Con. Off.                                     |  |  |  |  |  |  |  |  |  | 3 <sup>rd</sup> Convicted Offense   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| 0 0 0 = No Weapon   |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | 0 = No 1 = Yes  |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| 1 1 1 = Weapon Other Than Firearm   |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| 2 2 2 = Firearm or Explosive  |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| 1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off   |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | D. Special Victim Vulnerability   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| 0 0 0 = No  |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| 1 1 1 = Yes   |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| OFFENSE SCORE(S)  |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | OFFENDER SCORE  |  |  |  |  |  |  |  |  |  | Overall Guidelines Range                                      |  |  |  |  |  |  |  |  |  | Was the offender sentenced to a Corrections Options program under Commission criteria?  |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
|   |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | 3   |  |  |  |  |  |  |  |  |  | Multiple Counts Only  |  |  |  |  |  |  |  |  |  | Drug Court Yes No Other Yes No  |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| SENTENCE DEPARTURE INFORMATION  |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | SENTENCE DEPARTURE INFORMATION  |  |  |  |  |  |  |  |  |  | Additional Information or Institutional/Parole Recommendation |  |  |  |  |  |  |  |  |  | Title   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable. |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable. |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  | Sentencing Judge's Signature  |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| Departure Code 9 or 18 (Please Explain):  |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | Departure Code 9 or 18 (Please Explain):  |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  | Sentencing Judge's Signature  |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| Victim Unavailable Yes No   |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | Victim Unavailable Yes No   |  |  |  |  |  |  |  |  |  | 50% of Sentence Announced                                     |  |  |  |  |  |  |  |  |  | Parole Notification Yes No  |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| Victim Notified Plea Yes No   |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | Victim Notified Plea Yes No   |  |  |  |  |  |  |  |  |  | Yes   |  |  |  |  |  |  |  |  |  | No  |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| Victim Notified Date Yes No   |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | Victim Notified Date Yes No   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| Victim Present Yes No   |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | Victim Present Yes No   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| Written VIS Yes No  |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | Written VIS Yes No  |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| Oral VIS Yes No   |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | Oral VIS Yes No   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| No Contact with Victim Yes No   |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | No Contact with Victim Yes No   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |
| CICB Cost Imposed Yes No  |  |  |  |  |  |  |  |  |  |                                     |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  | CICB Cost Imposed Yes No  |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |  |  |                   |  |  |  |  |  |  |  |  |  |

COPIES: White – Judge; Blue – Sentencing Commission; Green – Attach to Commitment or Probation Order; Yellow – File; Pink – Prosecution; Gold – Defense

## Case Information

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**Offender's Name:** Kevin Alexander Chestnut  
**SID:** 4234567  
**Date of Birth:** 12/05/89  
**Sex:** Male  
**Race:** White  
**Ethnicity:** Non-Hispanic  
**Date of Offense:** 11/25/09  
**Docket No.:** 110277010  
**Date of Plea or Verdict:** 12/28/09  
**Disposition Type:** Jury Trial  
**Jurisdiction:** Baltimore City  
**Convicted Count(s):** Robbery with a Deadly  
Weapon, CR, §3-403(a)  
Possession or Use of a  
Machine Gun in a Crime of  
Violence, CR, §4-404  
Possession of Marijuana,  
CR, §5-601(c)(2)  
**Date of Sentencing:** 4/30/10

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## Offense Description

On November 25, 2009, the victim and a friend had left a restaurant and were walking toward their car when they were approached by a lone, white male. The defendant grabbed the victim and pushed him against a car. After producing a machine gun, he demanded and received the victim's wallet. The defendant then fled on foot. A few minutes later, the victim's friend observed a passing patrol car and yelled for help. During a search of the surrounding area, the victim identified a man walking across a vacant lot as his assailant. As the patrol car approached, the defendant threw an object and began to run. The defendant was apprehended by another police unit circling the area, at which time a small bag containing marijuana was found on his person. A search for the thrown object produced a machine gun. The victim was subsequently transported to a nearby hospital where he received treatment for a sprained wrist. On December 28, 2010, a jury found the defendant guilty of *Robbery with a Deadly Weapon*, *Possession or Use of a Machine Gun in a Crime of Violence*, and *Possession of Marijuana*.

## Offender's Prior Record

### JUVENILE:

| Date     | Offense               | Disposition                     |
|----------|-----------------------|---------------------------------|
| 10/03/02 | Malicious Destruction | Delinquent; 18 months probation |
| 11/30/04 | Assault               | Delinquent; probation continued |

### ADULT:

| Date     | Offense             | Disposition                            |
|----------|---------------------|--|
| 10/05/08 | Theft under \$1,000 | 18 months suspended; 3 years probation |

Offender was placed on three years adult probation in 2000 for *Theft under \$1,000* and was under supervision at the time he committed the instant offense.

## Computation of Individual Guidelines Ranges

### 1st Convicted Offense: *Robbery with a Deadly Weapon*

#### Offense Score:

- A. Seriousness Category of Instant Offense.....5 points  
As shown in Appendix A, *Robbery with a Deadly Weapon* is a Category III Offense.
- B. Victim Injury.....1 point  
Victim suffered a sprained wrist.
- C. Weapon Presence.....2 points  
A firearm was present.

- D. Special Vulnerability of Victim.....0 points  
Victim over 10 and under 65 years old and not mentally or physically handicapped.

**Total Offense Score      8 points**

**Offender Score:**

- A. Relationship to CJS When Instant Offense Occurred.....1 point  
Offender was on probation for *Theft under \$1,000* at the time he committed the instant offenses.
- B. Juvenile Delinquency.....1 point  
Offender has been found delinquent twice, once for *Malicious Destruction* and once for *Assault*.
- C. Prior Adult Criminal Record.....1 point

**Step I:**

Theft under \$1,000 – Seriousness Category VII

**Number of Prior Convictions**

**According to Seriousness Category**

| <b>Seriousness Category</b> | <b>Number of Prior Convictions</b> |
|-----------------------------|------------------------------------|
| I                           | 0                                  |
| II                          | 0                                  |
| III                         | 0                                  |
| IV                          | 0                                  |
| V                           | 0                                  |
| VI                          | 0                                  |
| VII                         | 1                                  |

**Step II:**

Since the most serious prior conviction was in Seriousness Category VII, refer to the block in Table 7-2 that indicates one Seriousness Category VII convictions. This block identifies the record as *Minor*.

**Step III:**

An offender with a minor record receives 1 point.

- D. Prior Adult Parole/Probation Violations.....0 points  
No adult violations prior to instant offense.

**Total Offender Score      3 points**

**Guidelines Range for 1<sup>st</sup> Convicted Offense.....7Y-13Y**

An examination of Table 8-1 shows that the recommended range for an offense score of 8 and an offender score of 3 is 7Y-13Y.

## 2<sup>nd</sup> Convicted Offense: *Possession or Use of a Machine Gun in a Crime of Violence*

### Offense Score:

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

**Total Offense Score      8 points**

### Offender Score:

The offender score is the same as for *the Robbery with a Deadly Weapon* offense.

**Total Offender Score      3 points**

**Guidelines Range for 2<sup>nd</sup> Convicted Offense.....7Y-13Y**

An examination of Table 8-1 shows that the recommended range for an offense score of 8 and an offender score of 3 is 7Y-13Y.

## 3<sup>rd</sup> Convicted Offense: *Possession of Marijuana*

### Offense Score:

*There is no offense score for drug offenses.*

### Offender Score:

The offender score is 3, the same as in the *Robbery with a Deadly Weapon* and *Possession or Use of a Machine Gun in a Crime of Violence*.

**Total Offender Score      3 points**

**Guidelines Range for 3<sup>rd</sup> Convicted Offense.....P-1M**

An examination of Table 8-2 shows that the recommended range for *Possession of Marijuana* (Seriousness Category VII) with an offender score of 3 is P-1M.

## Overall Guidelines Range for the Sentencing Event

| <u>Criminal<br/>Event</u>        | <u>Offense</u>                  | <u>Seriousness<br/>Category</u> | <u>Guidelines<br/>Range</u> |
|----------------------------------|---------------------------------|---------------------------------|-----------------------------|
| 1                                | Robbery with a Deadly Weapon    | III                             | 7-13 years                  |
| 1                                | Possession/Use of a Machine Gun | III                             | <del>7-13 years</del>       |
| 1                                | Possession of Marijuana         | VII                             | <del>P-1 month</del>        |
| <i>Overall Guidelines Range:</i> |                                 |                                 | <b>7-13 years</b>           |

Following the procedure outlined in MSGM 9.1 for determining the guidelines for multiple counts from same criminal event, the overall recommended range is the highest of the recommended ranges, i.e., 7 to 13 years.

# Sample Case 4

| MARYLAND SENTENCING GUIDELINES WORKSHEET  |     |                    |    |                    |    |                        |    |                 |         | OFFENDER NAME - Last, First, Middle  |   | SEX  |    | BIRTHDATE       |    | JURISDICTION |  |
|---|-----|--------------------|----|--------------------|----|------------------------|----|-----------------|---------|--|---|--|----|-----------------|----|--------------|--|
| PSI   |     | DATE OF OFFENSE    |    | DATE OF SENTENCING |    | DISPOSITION TYPE       |    | SID#            |         | ETHNICITY  |   | RACE   |    | INDIGENCE       |    |              |  |
| X   | Yes | No                 | 11 | 25                 | 09 | 04                     | 30 | 10              | 4234567 | X  | M | F  | 12 | 05              | 89 | 24           |  |
| AT THIS SENTENCING, NUMBER OF:  |     | CONVICTED OFFENSES |    | CRIMINAL EVENTS    |    | ABA plea agreement     |    | Private         |         | Hispanic/Latino Origin   |   | Black  |    | Unidentifiable  |    |              |  |
| 3   |     | 3                  |    | 1                  |    | Non-ABA plea agreement |    | Public Defender |         | Yes  |   | White  |    | Asian           |    |              |  |
|   |     |                    |    |                    |    | Plea, no agreement     |    | Court Appointed |         | No   |   | Native Hawaiian/Pacific Islander   |    | Other           |    |              |  |
|   |     |                    |    |                    |    | CRIMINAL EVENT #       |    | Self            |         | ESTABLISHED  |   | American Indian/Alaskan Native   |    |                 |    |              |  |
|   |     |                    |    |                    |    |                        |    |                 |         | X  |   | Yes  |    | No              |    |              |  |
| CONVICTED OFFENSE TITLE   |     |                    |    |                    |    |                        |    |                 |         | STAT. MAX  |   | MAND. MIN  |    | CASE #/DOCKET # |    |              |  |
| 1 <sup>st</sup> Convicted Offense   |     |                    |    |                    |    |                        |    |                 |         | 20Y  |   |  |    | 110277010       |    |              |  |
| Robbery with a Deadly Weapon (RDW)  |     |                    |    |                    |    |                        |    |                 |         |  |   |  |    |                 |    |              |  |
| 2 <sup>nd</sup> Convicted Offense   |     |                    |    |                    |    |                        |    |                 |         | 20Y  |   |  |    | 110277010       |    |              |  |
| Possession/Use of Machine Gun in COV  |     |                    |    |                    |    |                        |    |                 |         |  |   |  |    |                 |    |              |  |
| 3 <sup>rd</sup> Convicted Offense   |     |                    |    |                    |    |                        |    |                 |         | 1Y   |   |  |    | 110277010       |    |              |  |
| Possession of MJ (marijuana)  |     |                    |    |                    |    |                        |    |                 |         |  |   |  |    |                 |    |              |  |
| OFFENSE SCORE(S) - Offense Against a Person Only  |     |                    |    |                    |    |                        |    |                 |         | ACTUAL SENTENCE - Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.) |   |  |    |                 |    |              |  |
| OFFENDER SCORE  |     |                    |    |                    |    |                        |    |                 |         | GUIDELINES RANGE   |   |  |    |                 |    |              |  |
| A. Relationship to CJS When Instant Offense Occurred  |     |                    |    |                    |    |                        |    |                 |         | 1 <sup>st</sup> Con. Off.  |   | 1 <sup>st</sup> Convicted Offense  |    |                 |    |              |  |
| 0 = None or Pending Cases   |     |                    |    |                    |    |                        |    |                 |         | 7Y   |   |  |    |                 |    |              |  |
| 1 = Court or Other Criminal Justice Supervision   |     |                    |    |                    |    |                        |    |                 |         | TO   |   |  |    |                 |    |              |  |
| B. Juvenile Delinquency   |     |                    |    |                    |    |                        |    |                 |         | 13Y  |   |  |    |                 |    |              |  |
| 0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act   |     |                    |    |                    |    |                        |    |                 |         | 2 <sup>nd</sup> Con. Off.  |   | 2 <sup>nd</sup> Convicted Offense  |    |                 |    |              |  |
| 1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment   |     |                    |    |                    |    |                        |    |                 |         | 7Y   |   |  |    |                 |    |              |  |
| 2 = Under 23 years and committed 2 or more times  |     |                    |    |                    |    |                        |    |                 |         | TO   |   |  |    |                 |    |              |  |
| C. Prior Adult Criminal Record  |     |                    |    |                    |    |                        |    |                 |         | 13Y  |   |  |    |                 |    |              |  |
| 0 = None 3 = Moderate   |     |                    |    |                    |    |                        |    |                 |         | 3 <sup>rd</sup> Con. Off.  |   | 3 <sup>rd</sup> Convicted Offense  |    |                 |    |              |  |
| 1 = Minor 5 = Major   |     |                    |    |                    |    |                        |    |                 |         | P  |   |  |    |                 |    |              |  |
| D. Prior Adult Parole/Prob Violation  |     |                    |    |                    |    |                        |    |                 |         | TO   |   |  |    |                 |    |              |  |
| 0 = No 1 = Yes  |     |                    |    |                    |    |                        |    |                 |         | 1M   |   |  |    |                 |    |              |  |
| 3   |     |                    |    |                    |    |                        |    |                 |         | Overall Guidelines Range   |   |  |    |                 |    |              |  |
| OFFENSE SCORE(S)  |     |                    |    |                    |    |                        |    |                 |         | Multiple Counts Only   |   |  |    |                 |    |              |  |
| SENTENCE DEPARTURE INFORMATION  |     |                    |    |                    |    |                        |    |                 |         | Drug Court   |   | Was the offender sentenced to a Corrections Options program under Commission criteria? |    |                 |    |              |  |
| If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable. |     |                    |    |                    |    |                        |    |                 |         | Yes  |   | No   |    | Yes             |    |              |  |
| Departure Code 9 or 18 (Please Explain):  |     |                    |    |                    |    |                        |    |                 |         | Additional Information or Institutional/Parole Recommendation  |   |  |    |                 |    |              |  |
| Victim Unavailable  |     |                    |    |                    |    |                        |    |                 |         | 7Y   |   |  |    |                 |    |              |  |
| Victim Notified Date  |     |                    |    |                    |    |                        |    |                 |         | 13Y  |   |  |    |                 |    |              |  |
| Victim Present  |     |                    |    |                    |    |                        |    |                 |         | 50% of Sentence Announced  |   |  |    |                 |    |              |  |
| Written VIS   |     |                    |    |                    |    |                        |    |                 |         | Yes  |   | No   |    |                 |    |              |  |
| Oral VIS  |     |                    |    |                    |    |                        |    |                 |         | Yes  |   | No   |    |                 |    |              |  |
| No Contact with Victim  |     |                    |    |                    |    |                        |    |                 |         | Yes  |   | No   |    |                 |    |              |  |
| CICB Cost Imposed   |     |                    |    |                    |    |                        |    |                 |         | Yes  |   | No   |    |                 |    |              |  |
| Parole Notification   |     |                    |    |                    |    |                        |    |                 |         | Yes  |   | No   |    |                 |    |              |  |
| Sentencing Judge's Signature  |     |                    |    |                    |    |                        |    |                 |         |  |   |  |    |                 |    |              |  |

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

5/2010 (1.6)



## Case Information

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**Offender's Name:** Jerome Daniel Jameson  
**SID:** 5234567  
**Date of Birth:** 07/23/89  
**Sex:** Male  
**Race:** Black  
**Ethnicity:** Non-Hispanic  
**Date of Offense:** 08/22/09  
**Docket No.:** 110290000, 110290001  
**Date of Plea or Verdict:** 04/02/10  
**Disposition Type:** Jury Trial  
**Jurisdiction:** Baltimore City  
**Convicted Count(s):** Rape First Degree,  
CR, §3-303(d)(1)  
Assault First Degree,  
CR, §3-202  
Kidnapping, CR, §3-502(a)  
Possession or Use of a  
Machine Gun in a Crime of  
Violence, CR, §4-404  
**Date of Sentencing:** 05/26/10

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## Offense Description

On August 22, 2010, the victim was walking to her car at a shopping center parking lot when two men approached in a car. One of the men jumped out of the car, grabbed her and pushed her into the car. She was driven to a secluded area where she was raped by both men and shot. After managing to crawl to a road, she was noticed by a passing motorist and taken to a nearby hospital. The victim suffered permanent damage to her right kidney. Using her description of the defendant and the license number of the car, police were able to arrest the defendant the following day. On April 2, 2010, a jury found him guilty of *First Degree Rape, First Degree Assault, Kidnapping, and Possession or Use of a Machine Gun in a Crime of Violence*.

## Offender's Prior Record

### Juvenile:

| Date     | Offense                    | Disposition  |
|----------|----------------------------|--|
| 07/10/01 | Unauthorized Use           | Delinquent; 1 year probation                       |
| 08/05/02 | Shoplifting                | Delinquent; 1 year probation                       |
| 08/26/05 | Assault with Intent to Rob | Delinquent; committed to Boys Village for 2 months |

### Adult:

| Date     | Offense                          | Disposition                        |
|----------|----------------------------------|------------------------------------|
| 10/01/07 | Driving While Intoxicated        | 6 months                           |
| 07/10/08 | Burglary, 2 <sup>nd</sup> Degree | 1 year suspended; 1 year probation |

The offender had recently completed his probation for the *Burglary* conviction (07/10/01).

## Computation of Individual Guidelines Ranges

### 1<sup>st</sup> Convicted Offense: *First Degree Rape*

#### Offense Score:

- A. Seriousness Category of Instant Offense.....10 points  
As shown in Appendix A, *First Degree Rape* is a Category I Offense.
- B. Victim Injury.....2 points  
Permanent injury resulting from gunshot wounds.
- C. Weapon Presence.....2 points  
A firearm was present.

- D. Special Vulnerability of Victim.....0 points  
Victim over 10 and under 65 years old and not mentally or physically handicapped.

**Total Offense Score      14 points**

**Offender Score:**

- A. Relationship to CJS When Instant Offense Occurred.....0 points  
Defendant was not under any supervision at the time of the offense.
- B. Juvenile Delinquency.....1 point  
Offender had three findings and one commitment.
- C. Prior Adult Criminal Record.....3 points

**Step I:**

2<sup>nd</sup> Degree Burglary – Seriousness Category IV

Driving While Intoxicated – Seriousness Category VII

**Number of Prior Convictions**

**According to Seriousness Category**

| <b>Seriousness Category</b> | <b>Number of Prior Convictions</b> |
|-----------------------------|------------------------------------|
| I                           | 0                                  |
| II                          | 0                                  |
| III                         | 0                                  |
| IV                          | 1                                  |
| V                           | 0                                  |
| VI                          | 0                                  |
| VII                         | 1                                  |

**Step II:**

Since the most serious prior conviction was in Seriousness Category IV, refer to the block in Table 7-2 that indicates one Seriousness Category IV conviction.

This block identifies the record as *Moderate*.

**Step III:**

An offender with a moderate record receives 3 points.

- D. Prior Adult Parole/Probation Violations.....0 points  
None.

**Total Offender Score      4 points**

**Guidelines Range for 1<sup>st</sup> Convicted Offense.....Life**

An examination of Table 8-1 shows that the recommended range for an offense score of 14 and an offender score of 4 is Life.

## **2<sup>nd</sup> Convicted Offense: *First Degree Assault***

### **Offense Score:**

- A. Seriousness Category of Instant Offense.....5 points  
As shown in Appendix A, *First Degree Assault* is a Category III Offense.
- B. Victim Injury.....2 points  
Permanent injury resulting from gunshot wounds.
- C. Weapon Presence.....2 points  
A weapon was present.
- D. Special Vulnerability of Victim.....0 points  
Victim over 10 and under 65 years old and not mentally or physically handicapped.

**Total Offense Score      9 points**

### **Offender Score:**

The offender score is the same for all events sentenced at this sentencing event, 4.

**Total Offender Score      4 points**

|   |
|---|
| <p><b>Guidelines Range for 2<sup>nd</sup> Convicted Offense.....12Y-18Y</b><br/>An examination of Table 8-1 shows that the recommended range for an offense score of 9 and an offender score of 4 is 12Y-18Y.</p> |
|---|

## **3<sup>rd</sup> Convicted Offense: *Kidnapping***

### **Offense Score:**

- A. Seriousness Category of Instant Offense.....8 points  
As shown in Appendix A, *Kidnapping* is a Category II Offense.
- B. Victim Injury.....2 points  
Permanent injury resulting from gunshot wound.
- C. Weapon Presence.....2 points  
A weapon was present.
- D. Special Vulnerability of Victim.....0 points  
Victim over 10 and under 65 years old and not mentally or physically handicapped.

**Total Offense Score      12 points**

**Offender Score:**

The offender score is the same for all offenses at this sentencing event, 4.

**Total Offender Score                      4 points**

**Guidelines Range for 3<sup>rd</sup> Convicted Offense.....20Y-35Y**

An examination of Table 8-1 shows that the recommended range for an offense score of 12 and an offender score of 4 is 20Y-35Y.

**4<sup>th</sup> Convicted Offense: *Possession or Use of a Machine Gun in a Crime of Violence***

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

**Offense Score:**

A. Seriousness Category of Instant Offense.....5 points

As shown in Appendix A, *Possession or Use of a Machine Gun in a Crime of Violence* is a Category III Offense.

B. Victim Injury.....2 points

Permanent injury resulting from gunshot wounds.

C. Weapon Presence.....2 points

A weapon was present.

D. Special Vulnerability of Victim.....0 points

Victim over 10 and under 65 years old and not mentally or physically handicapped.

**Total Offense Score                      9 points**

**Offender Score:**

The offender score is the same for all events sentenced at this sentencing event, 4.

**Total Offender Score                      4 points**

**Guidelines Range for 4<sup>th</sup> Convicted Offense.....12Y-18Y**

An examination of Table 8-1 shows that the recommended range for an offense score of 9 and an offender score of 4 is 12Y-18Y.

## Overall Guidelines Range for the Sentencing Event

| <u>Criminal</u>                  |                                 | <u>Seriousness</u> |                            |
|----------------------------------|---------------------------------|--------------------|----------------------------|
| <u>Event</u>                     | <u>Offense</u>                  | <u>Category</u>    | <u>Guidelines Range</u>    |
| 1                                | First Degree Rape               | I                  | Life                       |
| 1                                | First Degree Assault            | III                | <del>12-18 years</del>     |
| 1                                | Kidnapping                      | II                 | 20-35 years                |
| 1                                | Possession/Use of a Machine Gun | III                | <del>12-18 years</del>     |
|                                  |                                 |                    | <b>Life plus 20 years-</b> |
| <i>Overall Guidelines Range:</i> |                                 |                    | <b>Life plus 35 years</b>  |

Because two of the offenses in this criminal event were either Seriousness Category I (*First Degree Rape*) or Seriousness Category II (*Kidnapping*) offenses, the overall recommended guidelines 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 Life plus 20 years to Life plus 35 years.

## May 2010

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# Sample Case 5, Worksheet 2

| MARYLAND SENTENCING GUIDELINES WORKSHEET  |  |                    |  |  |  |                  |  |  |  | OFFENDER NAME - Last, First, Middle |  | SEX                             |  | BIRTHDATE       |  | JURISDICTION                   |  |  |  |
|---|--|--------------------|--|--|--|------------------|--|--|--|-------------------------------------|--|---------------------------------|--|-----------------|--|--------------------------------|--|--|--|
| PSI   |  | DATE OF OFFENSE    |  | DATE OF SENTENCING   |  | DISPOSITION TYPE |  | SID#   |  | ETHNICITY                           |  | RACE                            |  | 07   23   89    |  | 24                             |  |  |  |
| X Yes   |  | No                 |  | 08   |  | 22               |  | 05   |  | 26                                  |  | 10                              |  | Private         |  | X Black                        |  |  |  |
| AT THIS SENTENCING, NUMBER OF:  |  | CONVICTED OFFENSES |  | CRIMINAL EVENTS  |  | WORKSHEET #      |  | 2  |  | OF                                  |  | 1                               |  | Public Defender |  | X White                        |  |  |  |
| 4   |  | 1                  |  | 1  |  | 1                |  | 1  |  | 1                                   |  | 1                               |  | Court Appointed |  | Other                          |  |  |  |
| 1   |  | 1                  |  | 1  |  | 1                |  | 1  |  | 1                                   |  | 1                               |  | Self            |  | American Indian/Alaskan Native |  |  |  |
| <b>CONVICTED OFFENSE TITLE</b><br>1 <sup>st</sup> Convicted Offense<br>Possession/Use of Machine Gun in COV<br>2 <sup>nd</sup> Convicted Offense<br>3 <sup>rd</sup> Convicted Offense   |  |                    |  |  |  |                  |  |  |  |                                     |  |                                 |  |                 |  |                                |  |  |  |
| I-VII   |  |                    |  | CJS CODE   |  |                  |  | MD CODE, ART, & SECTION  |  |                                     |  | STAT. MAX                       |  |                 |  | MAND. MIN                      |  |  |  |
| III   |  |                    |  | 2  |  |                  |  | 5299   |  |                                     |  | 20Y                             |  |                 |  | 110290001                      |  |  |  |
| <b>OFFENSE SCORE(S) – Offense Against a Person Only</b><br>1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off<br>1 1 1 = V – VII<br>3 3 3 = IV<br>5 5 5 = III<br>8 8 8 = II<br>10 10 10 = I<br>1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off<br>0 0 0 = No Injury<br>1 1 1 = Injury, Non-Permanent<br>2 2 2 = Permanent Injury or Death<br>1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off<br>0 0 0 = No Weapon<br>1 1 1 = Weapon Other Than Firearm<br>2 2 2 = Firearm or Explosive<br>1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off<br>0 0 0 = No<br>1 1 1 = Yes |  |                    |  |  |  |                  |  |  |  |                                     |  |                                 |  |                 |  |                                |  |  |  |
| <b>OFFENDER SCORE</b><br>A. Relationship to CJS When Instant Offense Occurred<br>0 = None or Pending Cases<br>1 = Court or Other Criminal Justice Supervision<br>B. Juvenile Delinquency<br>0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act<br>1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment<br>2 = Under 23 years and committed 2 or more times<br>C. Prior Adult Criminal Record<br>0 = None 3 = Moderate<br>1 = Minor 5 = Major<br>D. Prior Adult Parole/Prob Violation<br>0 = No 1 = Yes                                      |  |                    |  |  |  |                  |  |  |  |                                     |  |                                 |  |                 |  |                                |  |  |  |
| <b>OFFENSE SCORE(S)</b><br>9<br><b>OFFENSE INFORMATION</b><br>Victim X Yes X No<br>Victim Unavailable X Yes X No<br>NRF X Yes X No<br>Victim Notified Plea X Yes X No<br>Victim Notified Date X Yes X No<br>Victim Present X Yes X No<br>Written VIS X Yes X No<br>Oral VIS X Yes X No<br>No Contact with Victim X Yes X No<br>CTCB Cost Imposed X Yes X No   |  |                    |  |  |  |                  |  |  |  |                                     |  |                                 |  |                 |  |                                |  |  |  |
| <b>SENTENCE DEPARTURE INFORMATION</b><br>If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.<br>Departure Code 9 or 18 (Please Explain):<br>4   |  |                    |  |  |  |                  |  |  |  |                                     |  |                                 |  |                 |  |                                |  |  |  |
| GUIDELINES RANGE  |  |                    |  | ACTUAL SENTENCE  |  |                  |  | IMPOSED, SUSPENDED, TIME SERVED, PROBATION, RESTITUTION, FINE, CORRECTIONS OPTIONS PROGRAMS (Drug Treatment Court, Home Detention, Etc.) |  |                                     |  | CASE #/DOCKET #                 |  |                 |  |                                |  |  |  |
| 1 <sup>st</sup> Con. Off.   |  |                    |  | 1 <sup>st</sup> Convicted Offense  |  |                  |  |  |  |                                     |  |                                 |  |                 |  |                                |  |  |  |
| 12Y   |  |                    |  | For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$                |  |                  |  |  |  |                                     |  | Restitution Requested           |  |                 |  |                                |  |  |  |
| TO  |  |                    |  | Subsequent Offender Proven   |  |                  |  |  |  |                                     |  | Restitution Proven              |  |                 |  |                                |  |  |  |
| 18Y   |  |                    |  | 2 <sup>nd</sup> Convicted Offense  |  |                  |  |  |  |                                     |  |                                 |  |                 |  |                                |  |  |  |
| 2 <sup>nd</sup> Con. Off.   |  |                    |  |  |  |                  |  |  |  |                                     |  |                                 |  |                 |  |                                |  |  |  |
| TO  |  |                    |  | For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$                |  |                  |  |  |  |                                     |  | Restitution Requested           |  |                 |  |                                |  |  |  |
|   |  |                    |  | Subsequent Offender Proven   |  |                  |  |  |  |                                     |  | Restitution Proven              |  |                 |  |                                |  |  |  |
| 3 <sup>rd</sup> Con. Off.   |  |                    |  | 3 <sup>rd</sup> Convicted Offense  |  |                  |  |  |  |                                     |  |                                 |  |                 |  |                                |  |  |  |
| TO  |  |                    |  | For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$                |  |                  |  |  |  |                                     |  | Restitution Requested           |  |                 |  |                                |  |  |  |
|   |  |                    |  | Subsequent Offender Proven   |  |                  |  |  |  |                                     |  | Restitution Proven              |  |                 |  |                                |  |  |  |
|   |  |                    |  |  |  |                  |  |  |  |                                     |  |                                 |  |                 |  |                                |  |  |  |
| Overall Guidelines Range  |  |                    |  | Was the offender sentenced to a Corrections Options program under Commission criteria? |  |                  |  |  |  |                                     |  |                                 |  |                 |  |                                |  |  |  |
| Multiple Counts Only  |  |                    |  | Drug Court Yes No Other Yes No   |  |                  |  |  |  |                                     |  | Julie Williams                  |  |                 |  |                                |  |  |  |
| LIFE + 20Y  |  |                    |  | Additional Information or Institutional/Parole Recommendation                          |  |                  |  |  |  |                                     |  | Senior Agent                    |  |                 |  |                                |  |  |  |
| LIFE + 30Y  |  |                    |  |  |  |                  |  |  |  |                                     |  | Title                           |  |                 |  |                                |  |  |  |
| 50% of Sentence Announced   |  |                    |  | Parole Notification Yes No   |  |                  |  |  |  |                                     |  | Sentencing Judge (Please Print) |  |                 |  |                                |  |  |  |
| Yes No  |  |                    |  |  |  |                  |  |  |  |                                     |  | Sentencing Judge's Signature    |  |                 |  |                                |  |  |  |

COPIES: White – Judge; Blue – Sentencing Commission; Green – Attach to Commitment or Probation Order; Yellow – File; Pink – Prosecution; Gold – Defense

5/2010 (1.6)



## Case Information

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**Offender's Name:** Joseph Tyler Fenwick  
**SID:** 6234567  
**Date of Birth:** 01/07/80  
**Sex:** Male  
**Race:** White  
**Ethnicity:** Non-Hispanic  
**Date of Offense:** 08/10/09  
08/25/09  
**Docket No.:** 12K10000001  
12K10000002  
**Date of Plea or Verdict:** 06/15/10  
**Disposition Type:** ABA Plea Agreement  
**Jurisdiction:** Harford County  
**Convicted Count(s):** Distribution of PCP,  
CR, §5-609(a)  
Assault First Degree,  
CR, §3-202  
**Date of Sentencing:** 07/01/10

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## Offense Description

On August 10, 2009, as part of a narcotics investigation, two undercover police officers purchased from the defendant a 2-oz. vial of a liquid that was later identified as PCP. The defendant was arrested and released on \$10,000.00 bond.

On August 25, 2009, police responded to a report of a shooting in a shopping center parking lot. Police were informed by the victim that he was talking about buying some “grass” with a man he had met in a bar. An argument ensued and the man pulled out a gun and shot the victim, hitting him in the right arm. The victim was treated in a hospital for a flesh wound and released. Based on the information provided by the victim and witnesses at the bar, a warrant was obtained and the defendant was arrested at his home.

On June 15, 2010, the defendant pled guilty to one count of *Distribution of PCP* and one count of *First Degree Assault*.

## Offender's Prior Record

### JUVENILE:

| Date     | Offense                 | Disposition                  |
|----------|-------------------------|------------------------------|
| 03/23/96 | Possession of Marijuana | Delinquent; 1 year probation |

### ADULT:

| Date     | Offense               | Disposition                         |
|----------|-----------------------|-------------------------------------|
| 09/12/99 | Possession of Cocaine | 4 years suspended                   |
| 09/12/99 | Carrying a Handgun    | 1 year suspended; 2 years probation |

The offender was placed on 2 years adult probation in 1999. He successfully completed his probationary period.

## Computation of Guidelines Ranges

### 1st Convicted Offense: *Distribution of PCP*

#### Offense Score:

*There is no offense score for drug offenses.*

#### Offender Score:

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

- A. Relationship to CJS When Instant Offense Occurred.....0 points  
Defendant was not under any supervision at the time of the offense.

- B. Juvenile Delinquency.....0 points  
Defendant was over 23 years of age when the instant offense was committed.
- C. Prior Adult Criminal Record.....1 point

**Step I:**

Possession of Cocaine – Seriousness Category V  
Carrying a Handgun – Seriousness Category VII

**Number of Prior Convictions**

**According to Seriousness Category**

| Seriousness Category | Number of Prior Convictions |
|----------------------|-----------------------------|
| I                    | 0                           |
| II                   | 0                           |
| III                  | 0                           |
| IV                   | 0                           |
| V                    | 1                           |
| VI                   | 0                           |
| VII                  | 1                           |

**Step II:**

Since the most serious prior conviction was in Seriousness Category V, refer to the block in Table 7-2 that indicates one Seriousness Category V conviction. This block identifies the record as *Minor*.

**Step III:**

An offender with a minor record receives 1 point.

- D. Prior Adult Parole/Probation Violations.....0 points  
None.

**Total Offender Score      1 point**

**Guidelines Range for 1<sup>st</sup> Convicted Offense.....1Y-3Y**

An examination of Table 8-2 shows that the recommended range for *Distribution of PCP* (Seriousness Category III-B) with an offender score of 1 is 1Y-3Y.

**2<sup>nd</sup> Convicted Offense: First Degree Assault**

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

**Offense Score:**

- A. Seriousness Category of Instant Offense.....5 points  
As shown in Appendix A, *First Degree Assault* is a Category III Offense.

- B. Victim Injury.....1 point  
Victim was shot, but not permanently injured.
- C. Weapon Presence.....2 points  
A firearm was present.
- D. Special Vulnerability of Victim.....0 points  
Victim over 10 and under 65 years old and not mentally or physically handicapped.

**Total Offense Score      8 points**

**Offender Score:**

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

**Total Offender Score      1 point**

**Guidelines Range for 2<sup>nd</sup> Convicted Offense.....5Y-10Y**  
An examination of Table 8-1 shows that the recommended range for an offense score of 8 and an offender score of 1 is 5Y-10Y.

## Overall Guidelines Range for the Sentencing Event

| <u>Criminal</u><br><u>Event</u>                       | <u>Offense</u>       | <u>Seriousness</u><br><u>Category</u> | <u>Guidelines Range</u> |
|---|----------------------|---------------------------------------|-------------------------|
| 1   | Distribution of PCP  | III-B                                 | 1-3 years               |
| 2   | First Degree Assault | III                                   | 5-10 years              |
| <i>Overall Guidelines Range:   </i> <b>6-13 years</b> |                      |                                       |                         |

The overall guideline range for the sentencing event according to the procedure discussed in MSGM 9.3 is determined by adding the lower range limits and upper range limits, resulting in a cumulative range of 6 to 13 years (1 year *plus* 5 years, and 3 years *plus* 10 years).

# Sample Case 6, Worksheet 1

| MARYLAND SENTENCING GUIDELINES WORKSHEET         |  |                                   |  |                                   |  |                                   |  |                                   |  | OFFENDER NAME - Last, First, Middle |  | SEX                 |  | BIRTHDATE           |  | JURISDICTION        |  |
|--|--|-----------------------------------|--|-----------------------------------|--|-----------------------------------|--|-----------------------------------|--|-------------------------------------|--|---------------------|--|---------------------|--|---------------------|--|
| PSI  |  | DATE OF OFFENSE                   |  | DATE OF SENTENCING                |  | DISPOSITION TYPE                  |  | SID#                              |  | ETHNICITY                           |  | RACE                |  | BIRTHDATE           |  | JURISDICTION        |  |
| X Yes  |  | No                                |  | 08                                |  | 07                                |  | 01                                |  | 07                                  |  | 01                  |  | 07                  |  | 12                  |  |
| AT THIS SENTENCING, NUMBER OF:                   |  | 2                                 |  | 2                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| CONVICTED OFFENSE TITLE                          |  | 1 <sup>st</sup> Convicted Offense |  | PWID PCP                          |  | 2 <sup>nd</sup> Convicted Offense |  | 3 <sup>rd</sup> Convicted Offense |  | MD CODE, ART, & SECTION             |  | STAT. MAX           |  | MAND. MIN           |  | CASE #/DOCKET #     |  |
| 1 <sup>st</sup> Convicted Offense                |  | PWID PCP                          |  | 2 <sup>nd</sup> Convicted Offense |  | 3 <sup>rd</sup> Convicted Offense |  | MD CODE, ART, & SECTION           |  | STAT. MAX                           |  | MAND. MIN           |  | CASE #/DOCKET #     |  | 12K10000001         |  |
| OFFENSE SCORE(S) - Offense Against a Person Only |  | OFFENSE SCORE                     |  | OFFENSE SCORE                     |  | OFFENSE SCORE                     |  | OFFENSE SCORE                     |  | OFFENSE SCORE                       |  | OFFENSE SCORE       |  | OFFENSE SCORE       |  | OFFENSE SCORE       |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 3  |  | 3                                 |  | 3                                 |  | 3                                 |  | 3                                 |  | 3                                   |  | 3                   |  | 3                   |  | 3                   |  |
| 5  |  | 5                                 |  | 5                                 |  | 5                                 |  | 5                                 |  | 5                                   |  | 5                   |  | 5                   |  | 5                   |  |
| 8  |  | 8                                 |  | 8                                 |  | 8                                 |  | 8                                 |  | 8                                   |  | 8                   |  | 8                   |  | 8                   |  |
| 10   |  | 10                                |  | 10                                |  | 10                                |  | 10                                |  | 10                                  |  | 10                  |  | 10                  |  | 10                  |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                   |  | 0                   |  | 0                   |  | 0                   |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 2  |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                   |  | 2                   |  | 2                   |  | 2                   |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                   |  | 0                   |  | 0                   |  | 0                   |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 2  |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                   |  | 2                   |  | 2                   |  | 2                   |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                   |  | 0                   |  | 0                   |  | 0                   |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 2  |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                   |  | 2                   |  | 2                   |  | 2                   |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                   |  | 0                   |  | 0                   |  | 0                   |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 2  |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                   |  | 2                   |  | 2                   |  | 2                   |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                   |  | 0                   |  | 0                   |  | 0                   |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 2  |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                   |  | 2                   |  | 2                   |  | 2                   |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                   |  | 0                   |  | 0                   |  | 0                   |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 2  |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                   |  | 2                   |  | 2                   |  | 2                   |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                   |  | 0                   |  | 0                   |  | 0                   |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 2  |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                   |  | 2                   |  | 2                   |  | 2                   |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                   |  | 0                   |  | 0                   |  | 0                   |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 2  |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                   |  | 2                   |  | 2                   |  | 2                   |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                   |  | 0                   |  | 0                   |  | 0                   |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 2  |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                   |  | 2                   |  | 2                   |  | 2                   |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                   |  | 0                   |  | 0                   |  | 0                   |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 2  |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                   |  | 2                   |  | 2                   |  | 2                   |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                   |  | 0                   |  | 0                   |  | 0                   |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 2  |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                   |  | 2                   |  | 2                   |  | 2                   |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                   |  | 0                   |  | 0                   |  | 0                   |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 2  |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                   |  | 2                   |  | 2                   |  | 2                   |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                   |  | 0                   |  | 0                   |  | 0                   |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 2  |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                   |  | 2                   |  | 2                   |  | 2                   |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                   |  | 0                   |  | 0                   |  | 0                   |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 2  |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                   |  | 2                   |  | 2                   |  | 2                   |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                   |  | 0                   |  | 0                   |  | 0                   |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 2  |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                   |  | 2                   |  | 2                   |  | 2                   |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                   |  | 0                   |  | 0                   |  | 0                   |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 2  |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                   |  | 2                   |  | 2                   |  | 2                   |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                   |  | 0                   |  | 0                   |  | 0                   |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 2  |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                   |  | 2                   |  | 2                   |  | 2                   |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                   |  | 0                   |  | 0                   |  | 0                   |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 2  |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                   |  | 2                   |  | 2                   |  | 2                   |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                   |  | 0                   |  | 0                   |  | 0                   |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 2  |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                   |  | 2                   |  | 2                   |  | 2                   |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                   |  | 0                   |  | 0                   |  | 0                   |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 2  |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                   |  | 2                   |  | 2                   |  | 2                   |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                   |  | 0                   |  | 0                   |  | 0                   |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 2  |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                   |  | 2                   |  | 2                   |  | 2                   |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                   |  | 0                   |  | 0                   |  | 0                   |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 2  |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                   |  | 2                   |  | 2                   |  | 2                   |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                 |  | 0                                   |  | 0                   |  | 0                   |  | 0                   |  |
| 1  |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                 |  | 1                                   |  | 1                   |  | 1                   |  | 1                   |  |
| 2  |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                 |  | 2                                   |  | 2                   |  | 2                   |  | 2                   |  |
| 1 <sup>st</sup> Off                              |  | 2 <sup>nd</sup> Off               |  | 3 <sup>rd</sup> Off               |  | 4 <sup>th</sup> Off               |  | 5 <sup>th</sup> Off               |  | 6 <sup>th</sup> Off                 |  | 7 <sup>th</sup> Off |  | 8 <sup>th</sup> Off |  | 9 <sup>th</sup> Off |  |
| 0  |  | 0                                 |  | 0                                 |  |                                   |  |                                   |  |                                     |  |                     |  |                     |  |                     |  |

# Sample Case 6, Worksheet 2

| MARYLAND SENTENCING GUIDELINES WORKSHEET   |  |                 |  |   |  |                        |  |  |  | OFFENDER NAME - Last, First, Middle  |  | SEX  |  | BIRTHDATE  |  | JURISDICTION  |  |  |  |  |  |                |  |   |  |                  |  |  |  |  |  |   |  |  |  |   |  |  |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |   |  |  |  |                              |  |  |  |                            |  |  |  |  |  |  |  |  |  |  |  |  |  |
|--|--|-----------------|--|---|--|------------------------|--|--|--|--|--|--|--|--|--|---|--|--|--|--|--|----------------|--|---|--|------------------|--|--|--|--|--|---|--|--|--|---|--|--|--|--|--|--|--|--|--|--|--|---|--|--|--|--|--|--|--|---|--|--|--|------------------------------|--|--|--|----------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|
| PSI  |  | DATE OF OFFENSE |  | DATE OF SENTENCING  |  | DISPOSITION TYPE       |  | SID#   |  | ETHNICITY  |  | RACE   |  | Mand. Min  |  | CASE #/DOCKET #   |  |  |  |  |  |                |  |   |  |                  |  |  |  |  |  |   |  |  |  |   |  |  |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |   |  |  |  |                              |  |  |  |                            |  |  |  |  |  |  |  |  |  |  |  |  |  |
| X Yes  |  | No              |  | 08  |  | 07                     |  | 6234567  |  | Hispanic/Latino  |  | Black  |  | 01   |  | 07  |  |  |  |  |  |                |  |   |  |                  |  |  |  |  |  |   |  |  |  |   |  |  |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |   |  |  |  |                              |  |  |  |                            |  |  |  |  |  |  |  |  |  |  |  |  |  |
| AT THIS SENTENCING, NUMBER OF:   |  | 2               |  | 10  |  | X ABA plea agreement   |  | Private  |  | Yes  |  | X White  |  | 80   |  | 12  |  |  |  |  |  |                |  |   |  |                  |  |  |  |  |  |   |  |  |  |   |  |  |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |   |  |  |  |                              |  |  |  |                            |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  | 2               |  | 1   |  | Non-ABA plea agreement |  | Public Defender  |  | No   |  | X Other  |  |  |  |   |  |  |  |  |  |                |  |   |  |                  |  |  |  |  |  |   |  |  |  |   |  |  |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |   |  |  |  |                              |  |  |  |                            |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |                 |  | 2   |  | Plea, no agreement     |  | Court Appointed  |  | No   |  | Native Hawaiian/Pacific Islander   |  |  |  |   |  |  |  |  |  |                |  |   |  |                  |  |  |  |  |  |   |  |  |  |   |  |  |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |   |  |  |  |                              |  |  |  |                            |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |                 |  | 2   |  | CRIMINAL EVENT #       |  | Self   |  | No   |  | American Indian/Alaskan Native   |  |  |  |   |  |  |  |  |  |                |  |   |  |                  |  |  |  |  |  |   |  |  |  |   |  |  |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |   |  |  |  |                              |  |  |  |                            |  |  |  |  |  |  |  |  |  |  |  |  |  |
| CONVICTED OFFENSE TITLE  |  |                 |  |   |  |                        |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |                |  |   |  |                  |  |  |  |  |  |   |  |  |  |   |  |  |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |   |  |  |  |                              |  |  |  |                            |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 1 <sup>st</sup> Convicted Offense  |  |                 |  |   |  |                        |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |                |  |   |  |                  |  |  |  |  |  |   |  |  |  |   |  |  |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |   |  |  |  |                              |  |  |  |                            |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Assault 1st Degree   |  |                 |  |   |  |                        |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |                |  |   |  |                  |  |  |  |  |  |   |  |  |  |   |  |  |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |   |  |  |  |                              |  |  |  |                            |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 2 <sup>nd</sup> Convicted Offense  |  |                 |  |   |  |                        |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |                |  |   |  |                  |  |  |  |  |  |   |  |  |  |   |  |  |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |   |  |  |  |                              |  |  |  |                            |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 3 <sup>rd</sup> Convicted Offense  |  |                 |  |   |  |                        |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |                |  |   |  |                  |  |  |  |  |  |   |  |  |  |   |  |  |  |  |  |  |  |  |  |  |  |   |  |  |  |  |  |  |  |   |  |  |  |                              |  |  |  |                            |  |  |  |  |  |  |  |  |  |  |  |  |  |
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COPIES: White – Judge; Blue – Sentencing Commission; Green – Attach to Commitment or Probation Order; Yellow – File; Pink – Prosecution; Gold – Defense

5/2010 (1.6)

## Case Information

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**Offender's Name:** Antwon James Washington  
**SID:** 7234567  
**Date of Birth:** 06/10/81  
**Sex:** Male  
**Race:** Black  
**Ethnicity:** Non-Hispanic  
**Date of Offense:** 09/10/08  
12/09/09  
**Docket No.:** 110343001  
110393002  
**Date of Plea or Verdict:** 01/29/10  
**Disposition Type:** ABA Plea Agreement  
**Jurisdiction:** Baltimore City  
**Convicted Count(s):** Robbery with a Deadly  
Weapon, CR, §3-403(a)(1)  
Robbery, CR, §3-402(a)  
Assault Second Degree,  
CR, §3-203  
**Date of Sentencing:** 03/10/10

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## Offense Description

On September 10, 2008, a 32-year old male, answering the door in his apartment, was confronted by a man wielding a revolver and demanding money. The victim relinquished his wallet, but the assailant forced the victim into the bedroom and tied his hands and feet with his own neckties. After ransacking the bedroom, the gunman left. As soon as he could free himself, the victim called police and reported the incident.

On December 9, 2009, police responded to a call at an apartment house. Upon arriving, they were given custody of a man who, according to a security guard, had forced his way into a woman's apartment and tried to attack her. In questioning the victim, police learned that she had opened the door thinking her boyfriend had arrived, but a strange man had burst in. The victim stated that she was instructed to give him her money because he had a gun in his pocket and would use it. After handing over her purse, she was pushed into the bedroom and told to get undressed. She was resisting when her boyfriend appeared. As the boyfriend and the assailant struggled, she went to the phone and summoned security who helped to hold the defendant. A starter pistol was found in his pocket.

On January 29, 2010, the defendant pled guilty to *Robbery with a Deadly Weapon* from the first event and *Robbery* and *Second Degree Assault* from the second event.

## Offender's Prior Record

### JUVENILE:

| Date   | Offense | Disposition |
|--|---------|-------------|
| No juvenile record was found for the name and birth date provided. |         |             |

### ADULT:

| Date     | Offense             | Disposition            |
|----------|---------------------|------------------------|
| 07/30/08 | Theft under \$1,000 | PBJ, 2 years probation |

Offender is currently on probation.

## Computation of Guidelines Ranges for Criminal Event #1

### 1st Convicted Offense, Criminal Event #1: *Robbery with a Deadly Weapon*

#### Offense Score:

- A. Seriousness Category of Instant Offense ----- 5 points  
As shown in Appendix A, *Robbery with a Deadly Weapon* is a Category III Offense.



- B. Victim Injury----- 0 points  
No injury.
- C. Weapon Presence----- 2 points  
A firearm was present.
- D. Special Vulnerability of Victim ----- 0 points  
Victim over 10 and under 65 years old and not mentally or physically handicapped.

**Total Offense Score      7 points**

**Offender Score:**

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

- A. Relationship to CJS When Instant Offense Occurred----- 1 point  
The offender was on probation at the time of the criminal events.
- B. Juvenile Delinquency----- 0 points  
No record found.
- C. Prior Adult Criminal Record----- 1 point

**Step I:**

Theft under \$1,000 – Seriousness Category VII

**Number of Prior Convictions**

**According to Seriousness Category**

| <b>Seriousness Category</b> | <b>Number of Prior Convictions</b> |
|-----------------------------|------------------------------------|
| I                           | 0                                  |
| II                          | 0                                  |
| III                         | 0                                  |
| IV                          | 0                                  |
| V                           | 0                                  |
| VI                          | 0                                  |
| VII                         | 1                                  |

**Step II:**

Since the most serious prior conviction was in Seriousness Category VII, refer to the block in Table 7-2 that indicates one Seriousness Category VII conviction. This block identifies the record as *Minor*.

**Step III:**

An offender with a minor record receives 1 point.

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

**Total Offender Score      2 points**

**Guidelines Range for 1<sup>st</sup> Convicted Offense.....5Y-10Y**  
An examination of Table 8-1 shows that the recommended range for an offense score of 7 and an offender score of 2 is 5Y-10Y.

## Computation of Guidelines Ranges for Criminal Event #2

### 1<sup>st</sup> Convicted Offense, Criminal Event #2: *Robbery*

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

#### Offense Score:

- A. Seriousness Category of Instant Offense ----- 3 points  
As shown in Appendix A, *Robbery* is a Category IV Offense.
- B. Victim Injury----- 0 points  
No injury.
- C. Weapon Presence----- 1 point  
A starter pistol was present; therefore 1 point is given for a weapon other than a firearm.
- D. Special Vulnerability of Victim ----- 0 points  
Victim over 10 and under 65 years old and not mentally or physically handicapped.

**Total Offense Score      4 points**

#### Offender Score:

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

**Total Offender Score      2 points**

**Guidelines Range for 1<sup>st</sup> Convicted Offense.....1Y-5Y**  
An examination of Table 8-1 shows that the recommended range for an offense score of 4 and an offender score of 2 is 1Y-5Y.

## 2<sup>nd</sup> Convicted Offense, Criminal Event #2: *Second Degree Assault*

### Offense Score:

- A. Seriousness Category of Instant Offense ----- 1 point  
As shown in Appendix A, *Second Degree Assault* is a Category V Offense.
- B. Victim Injury ----- 0 points  
No injury.
- C. Weapon Presence ----- 1 point  
A starter pistol was present; therefore 1 point is given for a weapon other than a firearm.
- D. Special Vulnerability of Victim ----- 0 points  
Victim over 10 and under 65 years old and not mentally or physically handicapped.

**Total Offense Score      2 points**

### Offender Score:

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

**Total Offender Score      2 points**

**Guidelines Range for 1<sup>st</sup> Convicted Offense ..... P-18M**  
An examination of Table 8-1 shows that the recommended range for an offense score of 2 and an offender score of 2 is P-18M.

## Overall Guidelines Range for the Sentencing Event

| <u>Criminal</u><br><u>Event</u>                | <u>Offense</u>               | <u>Seriousness</u><br><u>Category</u> | <u>Guidelines Range</u> |
|--|------------------------------|---------------------------------------|-------------------------|
| 1  | Robbery with a Deadly Weapon | III                                   | 5-10 years              |
| 2  | Robbery                      | IV                                    | 1-5 years               |
| 2  | Second Degree Assault        | IV                                    | <del>P-18 months</del>  |
| <i>Overall Guidelines Range:    6-15 years</i> |                              |                                       |                         |

To determine the overall guidelines range for the sentencing event, add the respective lower and upper limits of the guidelines ranges for each criminal event. These ranges are the highest upper and highest lower ranges from each event. The overall guidelines range in this instance would be 6 years to 15 years (5 years *plus* 1 year, and 10 years *plus* 5 years).

**Sample Case 7, Worksheet 1**

| MARYLAND SENTENCING GUIDELINES WORKSHEET |  |                 |  |                    |  |  |  |         |  | OFFENDER NAME - Last, First, Middle   |  | SEX   |  | BIRTHDATE      |  | JURISDICTION    |  |
|--|--|-----------------|--|--------------------|--|--|--|---------|--|---|--|---|--|----------------|--|-----------------|--|
| PSI                                      |  | DATE OF OFFENSE |  | DATE OF SENTENCING |  | DISPOSITION TYPE   |  | SID#    |  | ETHNICITY   |  | RACE  |  | Unidentifiable |  |                 |  |
| X Yes    No                              |  | 09    10    08  |  | 03    10    10     |  | <input checked="" type="checkbox"/> ABA plea agreement<br><input type="checkbox"/> Non-ABA plea agreement<br><input type="checkbox"/> Plea, no agreement<br><input type="checkbox"/> Court trial |  | 7234567 |  | Hispanic/Latino Origin<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>INDIGENCE ESTABLISHED<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |  | <input checked="" type="checkbox"/> Black<br><input type="checkbox"/> White<br><input type="checkbox"/> Native Hawaiian/Pacific Islander<br><input type="checkbox"/> American Indian/Alaskan Native |  | 24             |  |                 |  |
| AT THIS SENTENCING, NUMBER OF:           |  | 3               |  | 1                  |  | OF CRIMINAL EVENT # 1  |  |         |  |   |  |   |  |                |  |                 |  |
| CONVICTED OFFENSE TITLE                  |  |                 |  |                    |  |  |  |         |  | MD CODE, ART, & SECTION   |  | STAT. MAX   |  | MAND. MIN      |  | CASE #/DOCKET # |  |
| 1 <sup>st</sup> Convicted Offense        |  |                 |  |                    |  |  |  |         |  |   |  |   |  |                |  |                 |  |
| Robbery with a Deadly Weapon (RDW)       |  |                 |  |                    |  |  |  |         |  | CR. §3-403(a)(1)  |  | 20Y   |  |                |  | 110313001       |  |
| 2 <sup>nd</sup> Convicted Offense        |  |                 |  |                    |  |  |  |         |  |   |  |   |  |                |  |                 |  |
| 3 <sup>rd</sup> Convicted Offense        |  |                 |  |                    |  |  |  |         |  |   |  |   |  |                |  |                 |  |

  

| OFFENSE SCORE(S) – Offense Against a Person Only  |  |  |  |  |  |  |  |  |  | GUIDELINES RANGE  |  | ACTUAL SENTENCE – Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.) |  |   |  |
|---|--|--|--|--|--|--|--|--|--|---|--|--|--|---|--|
| <b>1<sup>st</sup> Off</b> 2 <sup>nd</sup> Off    3 <sup>rd</sup> Off    4 <sup>th</sup> Off    5 <sup>th</sup> Off    6 <sup>th</sup> Off    7 <sup>th</sup> Off    8 <sup>th</sup> Off    9 <sup>th</sup> Off    10 <sup>th</sup> Off<br><b>A. Seriousness Category</b><br>1 = I = V – VII<br>3 = 3 = IV<br>5 = 5 = III<br>8 = 8 = II<br>10 = 10 = I<br><b>B. Victim Injury</b><br>0 = 0 = No Injury<br>1 = 1 = Injury, Non-Permanent<br>2 = 2 = Permanent Injury or Death<br><b>C. Weapon Presence</b><br>0 = 0 = No Weapon<br>1 = 1 = Weapon Other Than Firearm<br>2 = 2 = Firearm or Explosive<br><b>D. Special Victim Vulnerability</b><br>0 = 0 = No<br>1 = 1 = Yes |  |  |  |  |  |  |  |  |  | <b>OFFENDER SCORE</b><br><b>A. Relationship to CJS When Instant Offense Occurred</b><br>0 = None or Pending Cases<br>1 = Court or Other Criminal Justice Supervision<br><b>B. Juvenile Delinquency</b><br>0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act<br>1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment<br>2 = Under 23 years and committed 2 or more times<br><b>C. Prior Adult Criminal Record</b><br>0 = None    3 = Moderate<br>1 = Minor    5 = Major<br><b>D. Prior Adult Parole/Prob Violation</b><br>0 = No    1 = Yes |  | <b>1<sup>st</sup> Con. Off.</b><br>5Y<br><b>2<sup>nd</sup> Con. Off.</b><br>10Y<br><b>3<sup>rd</sup> Con. Off.</b><br>TO                                   |  | <b>1<sup>st</sup> Convicted Offense</b><br>For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested _____; Restitution Proven _____<br><b>2<sup>nd</sup> Convicted Offense</b><br>For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested _____; Restitution Proven _____<br><b>3<sup>rd</sup> Convicted Offense</b><br>For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested _____; Restitution Proven _____ |  |

  

| VICTIM INFORMATION  |  | OFFENSE SCORE(S) |  | SENTENCE DEPARTURE INFORMATION   |  |
|---|--|------------------|--|--|--|
| <b>Victim</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br><b>Victim Unavailable</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>NRF <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>Victim Notified Plea <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>Victim Notified Date <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>Victim Present <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>Written VIS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>Oral VIS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>No Contact with Victim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>CTCB Cost Imposed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |  | 7<br>2           |  | If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.<br>Departure Code 9 or 18 (Please Explain):<br><div style="border: 1px solid black; height: 40px; width: 100%;"></div> |  |

  

| Overall Guidelines Range   |  | Was the offender sentenced to a Corrections Options program under Commission criteria?                                   |  |
|--|--|--|--|
| Multiple Counts Only<br>6Y<br>15Y<br><b>50% of Sentence Announced</b><br>Yes    No |  | Drug Court    Yes    No    Other    Yes    No<br>Institutional/Parole Recommendation<br>Parole Notification    Yes    No |  |

  

|  |  |
|--|--|
| Thomas Alpert<br>Worksheet Completed By<br>P&P Agent<br>Title<br>Sentencing Judge (Please Print)<br>Sentencing Judge's Signature |  |
|--|--|

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5/2010 (1.6)

## May 2010

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## Case Information

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**Offender's Name:** Antonio Lester Williams  
**SID:** 8234567  
**Date of Birth:** 02/10/77  
**Sex:** Male  
**Race:** White  
**Ethnicity:** Non-Hispanic  
**Date of Offense:** 07/19/09  
**Docket No.:** CT100595B  
**Date of Plea or Verdict:** 10/01/10  
**Disposition Type:** Jury Trial  
**Jurisdiction:** Prince George's County  
**Convicted Count(s):** Manufacture of PCP,  
CR, §5-609(b)  
**Date of Sentencing:** 12/30/10

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## Offense Description

On July 19, 2009, police, acting on a search warrant, conducted a search of the defendant's home. Police found a small lab and confiscated a number of chemical compounds and three ½ liter bottles of suspected PCP. Later chemical tests were positive for PCP. On October 1, 2010, the jury found the defendant guilty of *Manufacture of PCP*.

## Offender's Prior Record

### JUVENILE:

| Date     | Offense                 | Disposition                     |
|----------|-------------------------|---------------------------------|
| 12/28/92 | Possession of Marijuana | Delinquent; probation           |
| 07/05/93 | Possession of LSD       | Delinquent; probation continued |

### ADULT:

| Date     | Offense                          | Disposition  |
|----------|----------------------------------|--|
| 01/06/00 | Possession of LSD                | 6 months, all but 10 days<br>suspended; 1 year probation |
| 04/09/01 | Burglary, 2 <sup>nd</sup> Degree | 6 months jail  |
| 02/20/09 | Distribution of PCP              | 5 years, 3 years suspended                               |
|          | Carrying a Handgun               | 1 year concurrent; 2 years<br>probation                  |

## Computation of Guidelines Range

### 1<sup>st</sup> Convicted Offense: *Manufacture of PCP*

#### Offense Score:

*There is no offense score for drug offenses.*

#### Offender Score:

- A. Relationship to CJS When Instant Offense Occurred.....1 point  
Offender was on probation at the time he committed the instant offense.
- B. Juvenile Delinquency.....0 points  
Offender was over 23 years of age at the time of the instant offense.
- C. Prior Adult Criminal Record.....5 points

#### Step I:

Possession of LSD – Seriousness Category V  
 Burglary, 2<sup>nd</sup> Degree – Seriousness Category IV  
 Distribution of PCP – Seriousness Category III-B  
 Carrying a Handgun – Seriousness Category VII

**Number of Prior Convictions  
According to Seriousness Category**

| Seriousness Category | Number of Prior Convictions |
|----------------------|-----------------------------|
| I                    | 0                           |
| II                   | 0                           |
| III                  | 1                           |
| IV                   | 1                           |
| V                    | 1                           |
| VI                   | 0                           |
| VII                  | 1                           |

**Step II:**

Since the most serious prior conviction was in Seriousness Category III, refer to the block in Table 7-2 that indicates one Seriousness Category III conviction. This block identifies the record as *Major*, since combined with two or more category IV – VI convictions.

**Step III:**

An offender with a major record receives 5 points.

D. Prior Adult Parole/Probation Violations.....0 points  
None.

**Total Offender Score      6 points**

**Guidelines Range.....7Y-14Y**

An examination of Table 8-2 shows that the recommended range for *Manufacture of PCP* (Seriousness Category III-B) with an offender score of 6 is 7Y-14Y.

## Overall Guidelines Range for the Sentencing Event

If the offender in this case is being sentenced as a second time offender pursuant to CR, §5-609(b) (prior *PCP Distribution* conviction), which carries a 10-year mandatory minimum, the actual recommended range is 10 to 14 years because the mandatory minimum becomes the low end of the guidelines range.

If the offender was sentenced as a subsequent offender pursuant to CR §5-905, the recommended guidelines range would be double the usual guidelines range, or 14Y-28Y.



# Sample Case 8

| MARYLAND SENTENCING GUIDELINES WORKSHEET  |  |                 |  |                    |  |                        |  |                   |  | OFFENDER NAME - Last, First, Middle   |  | SEX  |  | BIRTHDATE      |  | JURISDICTION    |  |
|---|--|-----------------|--|--------------------|--|------------------------|--|-------------------|--|---|--|--|--|----------------|--|-----------------|--|
| PSI   |  | DATE OF OFFENSE |  | DATE OF SENTENCING |  | DISPOSITION TYPE       |  | SID#              |  | ETHNICITY   |  | RACE   |  | UNIDENTIFIABLE |  |                 |  |
| X Yes   |  | 07              |  | 12                 |  | ABA plea agreement     |  | 8234567           |  | Hispanic/Latino   |  | Black  |  | Unidentifiable |  |                 |  |
| AT THIS SENTENCING, NUMBER OF:  |  | 1               |  | 30                 |  | Non-ABA plea agreement |  | X Private         |  | Origin  |  | X White  |  | Asian          |  |                 |  |
|   |  | 1               |  | 10                 |  | Plea, no agreement     |  | X Public Defender |  | INDIGENCE ESTABLISHED   |  | Native Hawaiian/Pacific Islander   |  | Other          |  |                 |  |
|   |  | 1               |  | 1                  |  | Court trial            |  | Court Appointed   |  | Yes   |  | American Indian/Alaskan Native   |  |                |  |                 |  |
|   |  | 1               |  | 1                  |  | CRIMINAL EVENT #       |  | Self              |  | No  |  |  |  |                |  |                 |  |
| CONVICTED OFFENSE TITLE   |  |                 |  |                    |  |                        |  |                   |  | MD CODE, ART, & SECTION   |  | STAT. MAX  |  | MAND. MIN      |  | CASE #/DOCKET # |  |
| 1 <sup>st</sup> Convicted Offense   |  |                 |  |                    |  |                        |  |                   |  |   |  | 20Y  |  | 10Y            |  | CT100595B       |  |
| Manufacture of PCP (subsequent offender)  |  |                 |  |                    |  |                        |  |                   |  | CR, §5-609(b)   |  |  |  |                |  |                 |  |
| 2 <sup>nd</sup> Convicted Offense   |  |                 |  |                    |  |                        |  |                   |  |   |  |  |  |                |  |                 |  |
| 3 <sup>rd</sup> Convicted Offense   |  |                 |  |                    |  |                        |  |                   |  |   |  |  |  |                |  |                 |  |
| OFFENSE SCORE(S) – Offense Against a Person Only  |  |                 |  |                    |  |                        |  |                   |  | GUIDELINES RANGE  |  | ACTUAL SENTENCE – Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)   |  |                |  |                 |  |
| <p><b>A. Seriousness Category</b></p> <p>1<sup>st</sup> Off 2<sup>nd</sup> Off 3<sup>rd</sup> Off 4<sup>th</sup> Off</p> <p>1 1 1 = V – VII</p> <p>3 3 3 = IV</p> <p>5 5 5 = III</p> <p>8 8 8 = II</p> <p>10 10 10 = I</p> <p><b>B. Victim Injury</b></p> <p>1<sup>st</sup> Off 2<sup>nd</sup> Off 3<sup>rd</sup> Off 4<sup>th</sup> Off</p> <p>0 0 0 = No Injury</p> <p>1 1 1 = Injury, Non-Permanent</p> <p>2 2 2 = Permanent Injury or Death</p> <p><b>C. Weapon Presence</b></p> <p>1<sup>st</sup> Off 2<sup>nd</sup> Off 3<sup>rd</sup> Off 4<sup>th</sup> Off</p> <p>0 0 0 = No Weapon</p> <p>1 1 1 = Weapon Other Than Firearm</p> <p>2 2 2 = Firearm or Explosive</p> <p><b>D. Special Victim Vulnerability</b></p> <p>1<sup>st</sup> Off 2<sup>nd</sup> Off 3<sup>rd</sup> Off 4<sup>th</sup> Off</p> <p>0 0 0 = No</p> <p>1 1 1 = Yes</p> |  |                 |  |                    |  |                        |  |                   |  | <p><b>1<sup>st</sup> Con. Off.</b></p> <p>14Y TO 10Y MM</p> <p><b>2<sup>nd</sup> Con. Off.</b></p> <p>TO</p> <p><b>3<sup>rd</sup> Con. Off.</b></p> <p>TO</p> |  | <p><b>1<sup>st</sup> Convicted Offense</b></p> <p>For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested _____; Restitution Proven _____</p> <p><b>2<sup>nd</sup> Convicted Offense</b></p> <p>For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested _____; Restitution Proven _____</p> <p><b>3<sup>rd</sup> Convicted Offense</b></p> <p>For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested _____; Restitution Proven _____</p> |  |                |  |                 |  |
| OFFENSE SCORE(S)  |  |                 |  |                    |  |                        |  |                   |  | OFFENDER SCORE  |  | Was the offender sentenced to a Corrections Options program under Commission criteria?   |  |                |  |                 |  |
| 6   |  |                 |  |                    |  |                        |  |                   |  | 6   |  | Drug Court Yes No Other Yes No   |  |                |  |                 |  |
| VICTIM INFORMATION  |  |                 |  |                    |  |                        |  |                   |  | Overall Guidelines Range  |  | Additional Information or Institutional/Parole Recommendation  |  |                |  |                 |  |
| <p>Victim Unavailable Yes No</p> <p>NRF Yes No</p> <p>Victim Notified Plea Yes No</p> <p>Victim Notified Date Yes No</p> <p>Victim Present Yes No</p> <p>Written VTS Yes No</p> <p>Oral VTS Yes No</p> <p>No Contact with Victim Yes No</p> <p>CTCB Cost Imposed Yes No</p>   |  |                 |  |                    |  |                        |  |                   |  | <p>Multiple Counts Only</p> <p>10Y MM TO 14Y</p> <p><b>50% of Sentence Announced</b></p> <p>Yes No</p>  |  | <p>Trisha Donovan</p> <p>Worksheet Completed By</p> <p>P&amp;P Agent</p> <p>Title</p> <p>Sentencing Judge (Please Print)</p> <p>Sentencing Judge's Signature</p>   |  |                |  |                 |  |

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## **Sentencing Guidelines Offense Table (Updated 6/1/11)**

Appendix A contains a table of guidelines offenses including their CJIS code, source code, seriousness category, and penalties. If an offense has not been assigned a seriousness category and the offense has a maximum penalty of one year or less, the offense should be identified as a category VII offense. If an offense has not been assigned a seriousness category and the maximum penalty is greater than one year, the individual completing the worksheet should use the closest analogous offense and the sentencing judge and the parties should be notified. If there are any questions about how to categorize or score an offense, please call the Maryland State Commission on Criminal Sentencing Policy staff at (301) 403-4165.

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# Most Common Offenses

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|   |    |
|---|----|
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# Maryland Codes

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|          |   |
|----------|---|
| 2B.....  | Alcoholic Beverages                             |
| 83A....  | Department of Business and Economic Development |
| 88A..... | Department of Human Resources                   |
| BO.....  | Business Occupations and Professions            |
| BR.....  | Business Regulations                            |
| CJ.....  | Courts and Judicial Proceedings                 |
| CL.....  | Commercial Law                                  |
| CP.....  | Criminal Procedure                              |
| CR.....  | Criminal Law                                    |
| CS.....  | Correctional Services                           |
| EL.....  | Election Law                                    |
| EN.....  | Environment                                     |
| FI.....  | Financial Institutions                          |
| FL.....  | Family Law                                      |
| HG.....  | Health General                                  |
| HO.....  | Health Occupations                              |
| IN.....  | Insurance                                       |
| NR.....  | Natural Resources                               |
| PS.....  | Public Safety                                   |
| RP.....  | Real Property                                   |
| SF.....  | State Finance and Procurement                   |
| TG.....  | Tax General                                     |
| TR.....  | Transportation                                  |

| COMAR# | Offense Literal   | CJIS Code        | Source               | Felony or Misd. | Max Term  | Min Term | Offense Type           | Serious. Categ. | Fine     |
|--------|---|------------------|----------------------|-----------------|---|----------|------------------------|-----------------|----------|
| 1      | <b>Abuse and Other Offensive Conduct</b><br>Child Abuse—physical, with death  | 1-0335           | CR, §3-601(b)(2)(ii) | Felony          | 30Y ♦   |          | Person                 | II              |          |
| 2      | <b>Abuse and Other Offensive Conduct</b><br>Child Abuse—physical, 1 <sup>st</sup> degree                            | 1-0334           | CR, §3-601(b)(2)(i)  | Felony          | 25Y ♦   |          | Person                 | II              |          |
| 2-1    | <b>Abuse and Other Offensive Conduct</b><br>Child Abuse—physical, 2 <sup>nd</sup> degree                            | 1-0173<br>1-3802 | CR, §3-601(d)        | Felony          | 15Y   |          | Person                 | IV              |          |
| 3      | <b>Abuse and Other Offensive Conduct</b><br>Child Abuse—sexual  | 1-0322           | CR, §3-602(b)        | Felony          | 25Y ♦♦  |          | Person                 | II              |          |
| 4      | <b>Abuse and Other Offensive Conduct</b><br>Abuse, neglect of vulnerable adult by custodian, 1 <sup>st</sup> degree | 2-1138           | CR, §3-604           | Felony          | 10Y   |          | Person                 | IV              | \$10,000 |
| 4-1    | <b>Abuse and Other Offensive Conduct</b><br>Abuse, neglect of vulnerable adult by custodian, 2 <sup>nd</sup> degree | 1-0466<br>2-0350 | CR, §3-605           | Misd.           | 5Y  |          | Person                 | V               | \$5,000  |
| 5      | <b>Abuse and Other Offensive Conduct</b><br>Sell, barter, trade, etc. a child for money, property, etc.             | 1-0481           | CR, §3-603           | Misd.           | 5Y  |          | Person                 | V               | \$10,000 |
| 6      | <b>Abuse and Other Offensive Conduct</b><br>Contributing to a child being delinquent or in need of supervision      | 2-0238           | CJ, §3-8A-30         | Misd.           | 3Y  |          | Person                 | VI              | \$2,500  |
| 6-1    | <b>Abuse and Other Offensive Conduct</b><br>Contributing to a child in need of assistance                           |                  | CJ, §3-828           | Misd.           | 3Y  |          | Person                 | VI              | \$2,500  |
| 7      | <b>Abuse and Other Offensive Conduct</b><br>Interfering with rights of mentally retarded individual                 |                  | HG, §7-1102          | Misd.           | 2Y  |          | Person                 | VII             | \$5,000  |
| 8      | <b>Abuse and Other Offensive Conduct</b><br>Desertion; non-support—minor child                                      | 2-3899<br>3-3899 | FL, §10-203          | Misd.           | 3Y  |          | Person                 | VII             | \$100    |
| 9      | <b>Accessory after the Fact</b><br>Accessory after the fact to a felony   | 1-1480           | CR, §1-301           | Felony          | Lesser of 5Y or max. term penalty for the crime |          | Person, Drug, Property | V               |          |
| 9-1    | <b>Animals, Crimes Against</b><br>Aggravated Animal Cruelty   | 1-0505<br>1-0508 | CR, §10-606(b)       | Felony          | 3Y  |          | Property               | VI              | \$5,000  |

| COMAR# | Offense Literal  | CJIS Code        | Source         | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine     |
|--------|--|------------------|----------------|-----------------|----------|----------|--------------|-----------------|----------|
| 10     | <b>Animals, Crimes Against</b><br>Arranging, conducting, or using dog in dogfight  | 1-0506           | CR, §10-607(b) | Felony          | 3Y       |          | Property     | VI              | \$5,000  |
| 11     | <b>Animals, Crimes Against</b><br>Cockfight  | 1-0507           | CR, §10-608(b) | Felony          | 3Y       |          | Property     | VI              | \$5,000  |
| 11-1   | <b>Animals, Crimes Against</b><br>Attending a dogfight or cockfight  | 1-0597<br>1-0598 | CR, §10-605    | Misd.           | 1Y       |          | Property     | VII             | \$2,500  |
| 12     | <b>Animals, Crimes Against</b><br>Cruelty to Animals—injuring a racehorse  | 2-0260<br>5-7199 | CR, §10-620    | Felony          | 3Y       | 1Y       | Property     | VI              |          |
| 12-1   | <b>Animals, Crimes Against</b><br>Hunting via an internet connection   |                  | NR, §10-426(c) | Misd.           | 1Y       |          | Property     | VII             | \$10,000 |
| 13     | <b>Arson and Burning</b><br>Arson—dwelling or occupied structure (arson 1 <sup>st</sup> degree)                              | 1-6500           | CR, §6-102(a)  | Felony          | 30Y      |          | Property     | III             | \$50,000 |
| 14     | <b>Arson and Burning</b><br>Arson—Other structure (arson, 2 <sup>nd</sup> degree)  | 1-6501           | CR, §6-103(a)  | Felony          | 20Y      |          | Property     | IV              | \$30,000 |
| 15     | <b>Arson and Burning</b><br>Arson—threat of  | 1-6505           | CR, §6-107(a)  | Misd.           | 10Y      |          | Property     | V               | \$10,000 |
| 16     | <b>Arson and Burning</b><br>Burning personal property of another, \$1,000 or more (malicious burning 1 <sup>st</sup> degree) | 1-6502           | CR, §6-104(b)  | Felony          | 5Y       |          | Property     | VI              | \$5,000  |
| 17     | <b>Arson and Burning</b><br>Burning property with intent to defraud  | 1-6504           | CR, §6-106(a)  | Misd.           | 5Y       |          | Property     | VI              | \$5,000  |
| 18     | <b>Arson and Burning</b><br>Burn personal property of another less than \$1,000 (malicious burning, 2 <sup>nd</sup> degree)  | 1-6503           | CR, §6-105(b)  | Misd.           | 18M      |          | Property     | VII             | \$500    |
| 19     | <b>Arson and Burning</b><br>Arson—trash bin  | 2-2003           | CR, §6-108(a)  | Misd.           | 30D      |          | Property     | VII             | \$500    |
| 20     | <b>Assault and Other Bodily Woundings</b><br>Poisoning—attempted   | 2-0999           | CR, §3-213     | Felony          | 10Y      | 2Y       | Person       | II              |          |
| 21     | <b>Assault and Other Bodily Woundings</b><br>Poisoning—contaminating water, food, etc.                                       | 3-0999           | CR, §3-214     | Felony          | 20Y      |          | Person       | II              |          |
| 22     | <b>Assault and other Bodily Woundings</b><br>Assault, 1 <sup>st</sup> degree   | 1-1420           | CR, §3-202     | Felony          | 25Y ♦    |          | Person       | III             |          |
| 24     | <b>Assault and Other Bodily Woundings</b><br>Assault, 2 <sup>nd</sup> degree   | 1-1415           | CR, §3-203     | Misd.           | 10Y      |          | Person       | V               | \$2,500  |

| COMAR# | Offense Literal  | CJIS Code                      | Source                     | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine    |
|--------|--|--------------------------------|----------------------------|-----------------|----------|----------|--------------|-----------------|---------|
| 25     | <b>Assault and Other Bodily Woundings</b><br>Female genital mutilation—perform or consent to   | 1-0965<br>1-0970               | HG, §20-601<br>HG, §20-603 | Felony          | 5Y       |          | Person       | V               | \$5,000 |
| 25-1   | <b>Assault and Other Bodily Woundings—Other</b><br>Willfully expose others to infectious disease   |                                | HG, §18-601                | Misd.           | 1Y       |          | Person       | VII             | \$500   |
| 25-2   | <b>Assault and Other Bodily Woundings—Other</b><br>Knowingly transfer or attempt to transfer HIV virus                                       |                                | HG, §18-601.1              | Misd.           | 3Y       |          | Person       | V               | \$2,500 |
| 25-4   | <b>Assault and Other Bodily Woundings—Other</b><br>Knowingly and willfully causing another to ingest bodily fluid                            | 1-0321                         | CR, §3-215                 | Misd.           | 10Y      |          | Person       | V               | \$2,500 |
| 25-5   | <b>Assault and Other Bodily Woundings—Other</b><br>Failure to comply with or violation of protective order, 1 <sup>st</sup> offense          | 2-0254                         | FL, §4-509(a)(1)           | Misd.           | 90D      |          | Person       | VII             | \$1,000 |
| 25-6   | <b>Assault and Other Bodily Woundings—Other</b><br>Failure to comply with or violation of protective order, <b>subsequent</b>                | 2-0254                         | FL, §4-509(a)(2)           | Misd.           | 1Y       |          | Person       | VII             | \$2,500 |
| 25-7   | <b>Assault and Other Bodily Woundings—Other</b><br>Failure to comply with or violation of peace order  | 2-0105                         | CJ, §3-1508                | Misd.           | 90D      |          | Person       | VII             | \$1,000 |
| 26     | <b>Assault and Other Bodily Woundings</b><br>Reckless endangerment   | 1-1425<br>1-1430<br>(from car) | CR, §3-204(a)              | Misd.           | 5Y       |          | Person       | V               | \$5,000 |
| 27     | <b>Assault and Other Bodily Woundings</b><br>Cause a life threatening injury by motor vehicle or vessel while under the influence of alcohol | 1-0765                         | CR, §3-211(c)              | Misd.           | 3Y       |          | Person       | VI              | \$5,000 |
| 28     | <b>Assault and Other Bodily Woundings</b><br>Cause a life threatening injury by motor vehicle or vessel while impaired by alcohol            | 1-0770                         | CR, §3-211(d)              | Misd.           | 2Y       |          | Person       | VI              | \$3,000 |
| 29     | <b>Assault and Other Bodily Woundings</b><br>Cause a life-threatening injury by motor vehicle or vessel while impaired by drugs              | 1-0775                         | CR, §3-211(e)              | Misd.           | 2Y       |          | Person       | VI              | \$3,000 |



| COMAR# | Offense Literal   | CJIS Code                  | Source  | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine     |
|--------|---|----------------------------|---|-----------------|----------|----------|--------------|-----------------|----------|
| 30     | <b>Assault and Other Bodily Woundings</b><br>Cause a life-threatening injury by motor vehicle or vessel while impaired by a controlled dangerous substance                              | 1-0780                     | CR, §3-211(f)                                   | Misd.           | 2Y       |          | Person       | VI              | \$3,000  |
| 30-1   | <b>Assault and Other Bodily Woundings</b><br>Assault on law enforcement officer or parole or probation agent, 2 <sup>nd</sup> degree  | 1-1416                     | CR, §3-203(c)                                   | Felony          | 10Y      |          | Person       | V               | \$5,000  |
| 30-2   | <b>Assault and Other Bodily Woundings</b><br>Assault by inmate on employee or other inmate of State, local, or sheriff's office correctional facility, 1 <sup>st</sup> degree           | 1-1435                     | CR, §3-210                                      | Felony          | 25Y      |          | Person       | III             |          |
| 30-3   | <b>Assault and Other Bodily Woundings</b><br>Assault by inmate on employee or other inmate of State, local, or sheriff's office correctional facility, 2 <sup>nd</sup> degree           | 1-1440                     | CR, §3-210                                      | Misd.           | 10Y      |          | Person       | V               | \$2,500  |
| 30-4   | <b>Assault and Other Bodily Woundings</b><br>Inmate causing correctional employee or sheriff to come in contact with bodily fluid   | 1-0222                     | CR, §3-205                                      | Misd.           | 10Y      |          | Person       | V               | \$2,500  |
| 31     | <b>Assault Pistols</b><br>Use of assault pistol; magazine with a capacity of more than 20 rounds in the commission of a felony or crime of violence, <b>subsequent</b>                  | 3-5260                     | CR, §4-306(b)(3)                                | Misd.           | 20Y      | 10Y      | Person       | II              | \$5,000  |
| 32     | <b>Assault Pistols</b><br>Use of assault pistol; magazine with a capacity of more than 20 rounds in the commission of a felony or crime of violence, 1 <sup>st</sup> offense            | 3-5260                     | CR, §4-306(b)(2)                                |                 | 20Y      | MM*=5Y   | Person       | III             | \$5,000  |
| 33     | <b>Assault Pistols</b><br>Unlawfully possess, sell, offer to sell, transfer in, purchase, etc., an assault pistol; a detachable magazine with a capacity of more than 20 rounds of ammo | 3-5250<br>3-5255           | CR, §4-303(a)<br>CR, §4-305(b)<br>CR, §4-306(a) | Misd.           | 3Y       |          | Person       | VI              | \$5,000  |
| 34     | <b>Assisted Suicide</b><br>Coercion; provide means; participation   | 2-0175<br>2-0180<br>2-0185 | CR, §3-102<br>CR, §3-104                        | Felony          | 1Y       |          | Person       | VII             | \$10,000 |

| COMAR# | Offense Literal  | CJIS Code  | Source                           | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine              |
|--------|--|--|----------------------------------|-----------------|----------|----------|--------------|-----------------|-------------------|
| 35     | <b>Bad Check</b><br>Felony Bad Check, \$500 or greater   | 3-4040<br>3-4050<br>3-4060<br>3-4070<br>3-4080<br>2-2610<br>2-2620 | CR, §8-103<br>CR, §8-106(a), (b) | Felony          | 15Y      |          | Property     | V               | \$1,000           |
| 36     | <b>Bad Checks</b><br>Misdemeanor Bad Check, less than \$500  | 3-4045<br>3-4055<br>3-4065<br>3-4075<br>3-4085                     | CR, §8-103<br>CR, §8-106(c)      | Misd.           | 18M      |          | Property     | VII             | \$100             |
| 36-1   | <b>Bad Checks</b><br>Misdemeanor Bad Check, less than \$100  | 1-1141<br>1-1142<br>1-1143<br>1-1144                               | CR, §8-103<br>CR, §8-106(d)      | Misd.           | 90D      |          | Property     | VII             | \$500             |
| 37     | <b>Bribery</b><br>Bribery to or by public officer  | 1-5101<br>1-5103   | Common law;<br>CR, §9-201        | Misd.           | 12Y      | 2Y       | Property     | V               | \$100—<br>\$5,000 |
| 38     | <b>Bribery</b><br>Bribe juror or acceptance of bribe by juror  | 2-5100<br>2-5110   | CR, §9-202                       | Misd.           | 6Y       | 18M      | Property     | VI              |                   |
| 39     | <b>Bribery</b><br>Person or persons who bribe or attempt to bribe a participant, etc., in athletic contest | 1-5100   | CR, §9-204                       | Misd.           | 3Y       | 6M       | Property     | VI              | \$100—<br>\$5,000 |
| 40     | <b>Bribery</b><br>Bribery—athletic contestant accepts bribe  | 2-5103   | CR, §9-205                       | Misd.           | 3Y       |          | Property     | VII             | \$5,000           |
| 41     | <b>Burglary and Related Crimes</b><br>Burglary, 1 <sup>st</sup> degree                                     | 2-3000   | CR, §6-202(a)                    | Felony          | 20Y ♦    |          | Property     | III             |                   |
| 42     | <b>Burglary and Related Crimes</b><br>Burglary, with explosives  | 2-3060   | CR, §6-207(a)                    | Felony          | 20Y ♦    |          | Property     | III             |                   |
| 43     | <b>Burglary and Related Crimes</b><br>Burglary, 2 <sup>nd</sup> degree                                     | 2-3010   | CR, §6-203(a)                    | Felony          | 15Y ♦    |          | Property     | IV              |                   |
| 44     | <b>Burglary and Related Crimes</b><br>Burglary, 2 <sup>nd</sup> degree, steal or take firearm              | 2-3015   | CR, §6-203(b)                    | Felony          | 20Y ♦    |          | Property     | IV              | \$10,000          |
| 45     | <b>Burglary and Related Crimes</b><br>Burglary, 3 <sup>rd</sup> degree                                     | 2-3020   | CR, §6-204(a)                    | Felony          | 10Y ♦    |          | Property     | IV              |                   |
| 46     | <b>Burglary and Related Crimes</b><br>Breaking and entering—research facility                              | 2-3070   | CR, §6-208(b)                    | Felony          | 5Y       |          | Property     | VI              | \$5,000           |
| 47     | <b>Burglary and Related Crimes</b><br>Breaking and entering—motor vehicle (rogue and vagabond)             | 2-3080<br>2-3090   | CR, §6-206                       | Misd.           | 3Y       |          | Property     | VII             |                   |
| 48     | <b>Burglary and Related Crimes</b><br>Burglary, 4 <sup>th</sup> degree                                     | 2-3030<br>2-3040<br>2-3045<br>2-3050                               | CR, §6-205                       | Misd.           | 3Y       |          | Property     | VII             |                   |

| COMAR# | Offense Literal  | CJIS Code  | Source   | Felony or Misd. | Max Term          | Min Term                      | Offense Type | Serious. Categ. | Fine   |
|--------|--|--|--|-----------------|-------------------|-------------------------------|--------------|-----------------|--|
| 49     | <b>CDS and Paraphernalia</b><br>Drug distribution—drug kingpin   | 1-0488   | CR, §5-613   | Felony          | 40Y               | MM*=20Y                       | Drug         | II              | \$1,000,000  |
| 50     | <b>CDS and Paraphernalia</b><br>Controlled dangerous substance importation into State, non-marijuana   | 3-3550   | CR, §5-614(a)  | Felony          | 25Y               |                               | Drug         | IIIC            | \$50,000   |
| 50-1   | <b>CDS and Paraphernalia</b><br>Controlled dangerous substance importation into State, marijuana (45 kilograms or more)  | 3-3550   | CR, §5-614(a)  | Felony          | 25Y               |                               | Drug         | IIIA            | \$50,000   |
| 51     | <b>CDS and Paraphernalia</b><br>Bringing minor into State to violate drug laws   | 1-0489   | CR, §5-628(a)  | Felony          | 20Y               |                               | Drug         | IIIB            | \$20,000   |
| 52     | <b>CDS and Paraphernalia</b><br>Unlawful distribution, manufacture, etc.; counterfeiting, etc., manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, narcotics and hallucinogenics (e.g., PCP, heroin, cocaine, LSD, oxycodone, and methadone)                    | 1-0661<br>1-0662<br>1-0696<br>2-0233<br>2-0237<br>2-0300<br>2-0301<br>2-0325<br>2-0330<br>2-0696<br>3-0233<br>3-0234<br>3-0235<br>3-0236<br>3-0237 | CR, §5-608(a)<br>CR, §5-609(a)   | Felony          | 20Y               |                               | Drug         | IIIB            | CR, §5-608(a)=<br>\$25,000<br><br>CR, §5-609(a)=<br>\$20,000 |
| 53     | <b>CDS and Paraphernalia</b><br>Unlawful distribution, manufacture, etc.; counterfeiting, etc., manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, narcotics and hallucinogenics (e.g., PCP, heroin, cocaine, LSD, oxycodone, and methadone), <b>subsequent</b> | 1-0661<br>1-0662<br>1-0696<br>2-0233<br>2-0237<br>2-0300<br>2-0301<br>2-0325<br>2-0330<br>2-0696<br>3-0233<br>3-0234<br>3-0235<br>3-0236<br>3-0237 | CR, §5-608(b)<br>CR, §5-609(b)<br>CR, §5-608(c)<br>CR, §5-609(c)<br>CR, §5-608(d)<br>CR, §5-609(d) | Felony          | 20Y<br>25Y<br>40Y | MM*=10Y<br>MM*=25Y<br>MM*=40Y | Drug         | IIIB            | \$100,000  |
| 54     | <b>CDS and Paraphernalia</b><br>Manufacture, distribute, dispense, or possess certain Schedule I or II controlled dangerous substances, large amounts as specified in CR, §5-612   | 2-0220<br>2-0225<br>2-0230<br>2-0231   | CR, §5-612   | Felony          | 20Y               | MM*=5Y                        | Drug         | IIIB            | \$100,000  |

| COMAR# | Offense Literal   | CJIS Code  | Source  | Felony or Misd. | Max Term          | Min Term                      | Offense Type | Serious. Categ. | Fine      |
|--------|---|--|---|-----------------|-------------------|-------------------------------|--------------|-----------------|-----------|
| 54-1   | <b>CDS and Paraphernalia</b><br>Unlawful distribution, manufacture, etc.; counterfeiting, etc., manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, MDMA (methylenedioxymethamphetamine), 750 grams or more   | 1-0662<br>1-0696<br>2-0233<br>2-0237<br>2-0300<br>2-0301                               | CR, §5-609(a)                                   | Felony          | 20Y               |                               | Drug         | IIIA            | \$20,000  |
| 54-2   | <b>CDS and Paraphernalia</b><br>Unlawful distribution, manufacture, etc.; counterfeiting, etc., manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, MDMA (methylenedioxymethamphetamine), 750 grams or more, <b>subsequent</b>  | 1-0662<br>1-0696<br>2-0233<br>2-0237<br>2-0300<br>2-0301                               | CR, §5-609(b)<br>CR, §5-609(c)<br>CR, §5-609(d) | Felony          | 20Y<br>25Y<br>40Y | MM*=10Y<br>MM*=25Y<br>MM*=40Y | Drug         | IIIA            | \$100,000 |
| 55     | <b>CDS and Paraphernalia</b><br>Manufacture, distribute, or dispense controlled dangerous substances near schools or on school vehicles, 1 <sup>st</sup> offense  | 1-0483<br>1-0484   | CR, §5-627                                      | Felony          | 20Y               |                               | Drug         | IIIB            | \$20,000  |
| 55-1   | <b>CDS and Paraphernalia</b><br>Manufacture, distribute, or dispense controlled dangerous substances near schools or on school vehicles, <b>subsequent</b>  | 1-0483<br>1-0484   | CR, §5-627                                      | Felony          | 40Y               | MM*=5Y                        | Drug         | IIIB            | \$40,000  |
| 56     | <b>CDS and Paraphernalia</b><br>Using minors for manufacture, delivery, or distribution of controlled dangerous substances  | 1-5409   | CR, §5-628(a)(1)                                | Felony          | 20Y               |                               | Drug         | IIIB            | \$20,000  |
| 57     | <b>CDS and Paraphernalia</b><br>Controlled dangerous substance importation into State, marijuana (5 to less than 45 kilos)  | 1-0730   | CR, §5-614(b)                                   | Felony          | 10Y               |                               | Drug         | IV              | \$10,000  |
| 58     | <b>CDS and Paraphernalia</b><br>Distribution—distribution of non-controlled substance as controlled dangerous substance   | 1-0246<br>7-0000   | CR, §5-617                                      | Felony          | 5Y                |                               | Drug         | IV              | \$15,000  |
| 59     | <b>CDS and Paraphernalia</b><br>Unlawful distribution, manufacture, etc.; counterfeiting, etc.; manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, Schedules I through V non-narcotics (e.g., amphetamines, marijuana, diazepam, MDMA under 750 grams, and Valium) and buprenorphine | 1-0233<br>1-0234<br>1-0235<br>1-0236<br>1-0237<br>1-0238<br>1-0239<br>1-0660<br>2-3550 | CR, §5-607(a)                                   | Felony          | 5Y                |                               | Drug         | IV              | \$15,000  |

| COMAR# | Offense Literal   | CJIS Code  | Source                               | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine  |
|--------|---|--|--------------------------------------|-----------------|----------|----------|--------------|-----------------|---|
| 60     | <b>CDS and Paraphernalia</b><br>Unlawful distribution, manufacture, etc.; counterfeiting, etc.; manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, Schedules I through V non-narcotics (e.g., amphetamines, marijuana, diazepam, MDMA under 750 grams, and Valium), and buprenorphine, <b>subsequent</b> | 1-0233<br>1-0234<br>1-0235<br>1-0236<br>1-0237<br>1-0238<br>1-0239<br>1-0660<br>2-3550 | CR, §5-607(b)                        | Felony          | 5Y       | MM*=2Y   | Drug         | IV              | \$15,000  |
| 61     | <b>CDS and Paraphernalia</b><br>Manufacture, distribute, dispense, or possess certain Schedule I through V non-narcotics, large amounts as specified in CR, §5-612  | 2-0210<br>2-0215   | CR, §5-612                           | Felony          | 5Y       | MM*=5Y   | Drug         | IV              | \$100,000   |
| 62     | <b>CDS and Paraphernalia</b><br>Paraphernalia—delivery or sale to minor by adult who is 3 or more years older   | 7-3550   | CR, §5-619(d)(4)                     | Misd.           | 8Y       |          | Drug         | IV              | \$15,000  |
| 63     | <b>CDS and Paraphernalia</b><br>Give, sell, transfer, trace, invest, conceal, etc.; receive, acquire, engage in, etc. knowing that the proceeds were derived from CDS offense   | 1-0673<br>1-0675   | CR, §5-623(b)                        | Felony          | 5Y       |          | Drug         | IV              | 1 <sup>st</sup> =<br>\$250,000<br><br>Sub=<br>\$500,000 |
| 65     | <b>CDS and Paraphernalia</b><br>Possession—unlawful possession or administering to another; obtaining, etc., substance or paraphernalia by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering, etc., label; unlawful possession or distribution of, controlled paraphernalia—non-marijuana                                   | 4-3550<br>1-0247<br>1-0248<br>1-0249<br>1-0250<br>1-0251<br>1-0252<br>1-0255<br>1-0256 | CR, §5-601(c)(1)<br>CR, §5-620(d)(1) | Misd.           | 4Y       |          | Drug         | V               | \$25,000  |
| 66     | <b>CDS and Paraphernalia</b><br>Paraphernalia—delivery or sale generally, etc., <b>subsequent</b>   | 6-3550   | CR, §5-619(d)(2)(ii)                 | Misd.           | 2Y       |          | Drug         | VII             | \$2,000   |
| 67     | <b>CDS and Paraphernalia</b><br>Paraphernalia—use or possession, with intent to use, <b>subsequent</b>  | 5-3550   | CR, §5-619(c)(2)(ii)                 | Misd.           | 2Y       |          | Drug         | VII             | \$2,000   |
| 68     | <b>CDS and Paraphernalia</b><br>Paraphernalia—unlawfully advertise with the purpose to promote the sale and delivery of drug paraphernalia, <b>subsequent</b>   | 9-0082   | CR, §5-619(e)(2)(ii)                 | Misd.           | 2Y       |          | Drug         | VII             | \$2,000   |

| COMAR# | Offense Literal   | CJIS Code  | Source                               | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine      |
|--------|---|--|--------------------------------------|-----------------|----------|----------|--------------|-----------------|-----------|
| 69     | <b>CDS and Paraphernalia</b><br>Possession—unlawful possession or administering to another, obtaining, etc., substance or paraphernalia by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label; unlawful possession or distribution of controlled paraphernalia—marijuana | 1-0566<br>1-0567<br>1-0568<br>1-0569<br>1-0570<br>1-0571<br>1-0573 | CR, §5-601(c)(2)<br>CR, §5-620(d)(2) | Misd.           | 1Y       |          | Drug         | VII             | \$1,000   |
| 70     | <b>CDS and Paraphernalia</b><br>Possession—unsolicited mailing of certain drugs, controlled dangerous substances, medicines, etc.   | 1-0025   | CR, §5-703                           | Misd.           | 6M       |          | Drug         | VII             | \$500     |
| 71     | <b>CDS and Paraphernalia</b><br>Possession/purchase of non-CDS believed to be a controlled dangerous substance  | 1-0691   | CR, §5-618(a)                        | Misd.           | 1Y       |          | Drug         | VII             | \$500     |
| 72     | <b>CDS—Registration</b><br>CDS—deliver as a registrant a CDS of Schedule I/II without an order form   | 9-3550   | CR, §5-904(a)                        | Felony          | 10Y      |          | Drug         | IV              | \$100,000 |
| 73     | <b>CDS-Registration</b><br>CDS registration—use fictitious, etc. registration number; distribute without an order form  | 1-0263   | CR, §5-903(a)                        | Felony          | 10Y      |          | Drug         | IV              | \$100,000 |
| 74     | <b>CDS-Registration</b><br>Manufacture CDS which was not authorized by registration   | 8-3550   | CR, §5-902(b)                        | Misd.           | 2Y       |          | Drug         | VII             | \$100,000 |
| 75     | <b>CDS-Registration</b><br>CDS Registration—unlawful acts   | 1-0258<br>1-0259<br>1-0260<br>1-0261<br>1-0262                     | CR, §5-902(a)                        | Misd.           | 2Y       |          | Drug         | VII             | \$100,000 |
| 76     | <b>Cemeteries and Funerary Objects, Crimes Involving</b><br>Removal or attempted removal of human remains from a burial site  | 3-3932   | CR, §10-402(a)                       | Misd.           | 5Y       |          | Property     | VI              | \$10,000  |
| 77     | <b>Cemeteries and Funerary Objects, Crimes Involving</b><br>Destruction of funerary objects/structures placed in a cemetery   | 3-3942   | CR, §10-404(a)                       | Misd.           | 5Y       |          | Property     | VI              | \$10,000  |
| 78     | <b>Cemeteries and Funerary Objects, Crimes Involving</b><br>Destruction of graveyard plants   | 3-3946   | CR, §10-404(b)                       | Misd.           | 2Y       |          | Property     | VII             | \$500     |
| 79     | <b>Cemeteries and Funerary Objects, Crimes Involving</b><br>Disorderly conduct in cemetery  | 3-3947   | CR, §10-404(c)                       | Misd.           | 2Y       |          | Property     | VII             | \$500     |

| COMAR# | Offense Literal  | CJIS Code | Source                                     | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine      |
|--------|--|-----------|--|-----------------|----------|----------|--------------|-----------------|-----------|
| 80     | <b>Commercial Fraud, Other</b><br>False statement or false entry in records with the intent to deceive a person authorized to examine the affairs of the bank, trust company, or savings bank  |           | FI, §5-803(b)                              | Felony          | 10Y      |          | Property     | V               | \$5,000   |
| 81     | <b>Commercial Fraud, Other</b><br>Misappropriation, fraudulent conversion, or any fraudulent act in the course of engaging in the mortgage lending business  |           | FI, §11-523(c)                             | Felony          | 15Y      |          | Property     | V               | \$100,000 |
| 82     | <b>Commercial Fraud, Other</b><br>Fraudulent Insurance Acts—<br>Violation of §27-407 or any other provision of §§27-403, 27-404, 27-405, 27-406, 27-407, or 27-407.1 where the value of the fraud is \$300 or greater  |           | IN, §27-408(a)(1)                          | Felony          | 15Y      |          | Property     | V               | \$10,000  |
| 83     | <b>Commercial Fraud, Other</b><br>Fail to obtain and maintain a corporate surety bond or irrevocable letter of credit or to hold sums of money in an escrow account  |           | RP, §10-305(a)                             | Felony          | 15Y      |          | Property     | V               | \$10,000  |
| 84     | <b>Commercial Fraud, Other</b><br>Sales of property, Custom Home Protection Act—willful failure to obtain and maintain a corporate surety bond or to hold sums of money in escrow account; willful failure to make disclosure; willful commission of a breach of trust provided in §10-502 |           | RP, §10-507(b)(2)                          | Felony          | 15Y      |          | Property     | V               | \$10,000  |
| 84-1   | <b>Commercial Fraud, Other</b><br>Sales of property, Custom Home Protection Act—any other conduct that fails to comply with RP, Title 10, Subtitle 5   |           | RP, §10-507 (b)(3)                         | Misd.           | 1Y       |          | Property     | VII             | \$1,000   |
| 84-2   | <b>Commercial Fraud, Other</b><br>Commission of mortgage fraud   |           | RP, §7-407(a)                              | Felony          | 10Y      |          | Property     | V               | \$5,000   |
| 84-3   | <b>Commercial Fraud, Other</b><br>Commission of mortgage fraud involving victim who is a vulnerable adult under CR, §3-604   |           | RP, §7-407(b)                              | Felony          | 15Y      |          | Property     | V               | \$15,000  |
| 84-4   | <b>Commercial Fraud, Other</b><br>Commission of mortgage fraud, engaging in a pattern of mortgage fraud  |           | RP, §7-407(c)                              | Felony          | 20Y      |          | Property     | IV              | \$100,000 |
| 84-5   | <b>Commercial Fraud, Other</b><br>Failure of foreclosure consultant to obtain a real estate broker's license   |           | RP, §7-318.1(a)<br>RP, §7-321<br>(penalty) | Misd.           | 3Y       |          | Property     | VI              | \$10,000  |

| COMAR# | Offense Literal   | CJIS Code        | Source                                     | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine                 |
|--------|---|------------------|--|-----------------|----------|----------|--------------|-----------------|----------------------|
| 84-6   | <b>Commercial Fraud, Other</b><br>Violation of any provision of Business Occupations and Professions Article, Title 17, by foreclosure consultant |                  | RP, §7-318.1(b)<br>RP, §7-321<br>(penalty) | Misd.           | 3Y       |          | Property     | VI              | \$10,000             |
| 84-7   | <b>Commercial Fraud, Other</b><br>Violation of certain provisions of the Maryland Real Estate Brokers Act, 1 <sup>st</sup> offense                |                  | BO, §17-613(a)                             | Misd.           | 1Y       |          | Property     | VII             | \$5,000              |
| 84-8   | <b>Commercial Fraud, Other</b><br>Violation of certain provisions of the Maryland Real Estate Brokers Act, 2 <sup>nd</sup> offense                |                  | BO, §17-613(d)(1)                          | Misd.           | 2Y       |          | Property     | VII             | \$15,000             |
| 84-9   | <b>Commercial Fraud, Other</b><br>Violation of certain provisions of the Maryland Real Estate Brokers Act, 3 <sup>rd</sup> or subsequent offense  |                  | BO, §17-613(d)(2)                          | Misd.           | 3Y       |          | Property     | VI              | \$25,000             |
| 85     | <b>Commercial Fraud, Other</b><br>Fraud—breach of trust   | 1-2602           | CR, §8-406(a)                              | Misd.           | 10Y      | 1Y       | Property     | VI              | \$500-<br>\$5,000    |
| 86     | <b>Commercial Fraud, Other</b><br>Fraud—convert to own use the property of partner, make entries of a partnership transaction                     | 2-2701<br>3-2607 | CR, §8-401(a)                              | Misd.           | 10Y      |          | Property     | VI              | \$5,000              |
| 87     | <b>Commercial Fraud, Other</b><br>Fraud, misrepresentation by corporate officer   | 4-2607           | CR, §8-402(a)                              | Misd.           | 3Y       | 6M       | Property     | VI              | \$1,000-<br>\$10,000 |
| 88     | <b>Commercial Fraud, Other</b><br>False or misleading statement or omission of material fact in sale of business opportunity                      |                  | BR, §14-127(b)                             | Felony          | 5Y       |          | Property     | VI              | \$10,000             |
| 89     | <b>Commercial Fraud, Other</b><br>Offer or sale of franchise without registration   |                  | BR, §14-228(b)                             | Felony          | 5Y       |          | Property     | VI              | \$10,000             |
| 90     | <b>Commercial Fraud, Other</b><br>Untrue statements or omissions of material fact in connection with an offer to sell or sale of a franchise      |                  | BR, §14-229(b)                             | Felony          | 5Y       |          | Property     | VI              | \$10,000             |
| 91     | <b>Commercial Fraud, Other</b><br>False or misleading statement or omission in prospectus or amendment  |                  | BR, §14-230(b)                             | Felony          | 5Y       |          | Property     | VI              | \$10,000             |
| 92     | <b>Commercial Fraud, Other</b><br>Untrue statements or omissions of material fact in applications, notices, or reports in sale of franchise       |                  | BR, §14-231(b)                             | Felony          | 5Y       |          | Property     | VI              | \$10,000             |
| 93     | <b>Commercial Fraud, Other</b><br>Failure to notify Commissioner of material change in sale of franchise  |                  | BR, §14-232(b)                             | Felony          | 5Y       |          | Property     | VI              | \$10,000             |
| 94     | <b>Commercial Fraud, Other</b><br>Fraud—false advertising   | 5-2607           | CL, §14-2903                               | Misd.           | 1Y       |          | Property     | VII             | \$500                |



| COMAR# | Offense Literal   | CJIS Code                  | Source                     | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine     |
|--------|---|----------------------------|----------------------------|-----------------|----------|----------|--------------|-----------------|----------|
| 95     | <b>Commercial Fraud, Other</b><br>Fraud—pyramid, promotional scheme   | 6-2600                     | CR, §8-404(b)              | Misd.           | 1Y       |          | Property     | VII             | \$10,000 |
| 96     | <b>Commercial Fraud, Other</b><br>Fraudulent Insurance Acts—<br>Violation of §27-407 or any<br>provision of §§27-403, 27-404, 27-<br>405, 27-406, 27-407, or 27-407.1<br>where the value of the fraud is less<br>than \$300 |                            | IN, §27-408(a)(2)          | Misd.           | 18M      |          | Property     | VII             | \$10,000 |
| 98     | <b>Commercial Fraud, Other</b><br>Unlawful subleasing of motor<br>vehicle   |                            | CR, §8-408(b)              | Misd.           | 3Y       |          | Property     | VII             | \$5,000  |
| 98-1   | <b>Commercial Fraud, Other</b><br>Operation of an assisted living<br>program without a license, 1 <sup>st</sup><br>offense  |                            | HG, §19-<br>1809(a)(2)(i)  | Felony          | 5Y       |          | Property     | VII             | \$10,000 |
| 98-2   | <b>Commercial Fraud, Other</b><br>Operation of an assisted living<br>program without a license,<br><b>subsequent</b>  |                            | HG, §19-<br>1809(a)(2)(ii) | Felony          | 5Y       |          | Property     | VI              | \$20,000 |
| 98-3   | <b>Commercial Fraud, Other</b><br>Fraudulently obtaining motor<br>vehicle accident report   |                            | TR, §§20-<br>110(e)(1)     | Felony          | 15Y      |          | Property     | V               | \$10,000 |
| 98-4   | <b>Commercial Fraud, Other</b><br>Improper disclosure of motor<br>vehicle accident report by law<br>enforcement agent   |                            | TR, §§20-<br>110(e)(2)     | Felony          | 15Y      |          | Property     | V               | \$10,000 |
| 99     | <b>Consumer Protection Laws</b><br>Violation of Title 14 —<br>Miscellaneous Consumer Protection<br>Provisions, Credit Card Number<br>Protection Act   | 2-0550<br>2-0560           | CR, §8-216                 | Felony          | 15Y      |          | Property     | V               | \$1,000  |
| 100    | <b>Counterfeiting</b><br>Counterfeiting any public seal   |                            | CR, §8-607(b)              | Misd.           | 10Y      | 2Y       | Property     | V               |          |
| 101    | <b>Counterfeiting</b><br>Counterfeiting United States<br>currency   | 1-0067<br>1-0069           | CR, §8-604                 | Felony          | 10Y      |          | Property     | V               | \$10,000 |
| 102    | <b>Counterfeiting</b><br>Forgery, counterfeiting, etc.  | 1-2502                     | CR, §8-601(a)              | Felony          | 10Y      |          | Property     | V               | \$1,000  |
| 102-1  | <b>Counterfeiting</b><br>Possession of counterfeit items  | 1-1502                     | CR, §8-601(c)(2)           | Misd.           | 3Y       |          | Property     | VII             | \$1,000  |
| 103    | <b>Counterfeiting</b><br>Forgery, counterfeiting, pass forged,<br>etc. of public documents  | 1-2500<br>1-2504           | CR, §8-605(a)              | Felony          | 10Y      | 2Y       | Property     | V               |          |
| 104    | <b>Counterfeiting</b><br>Orders, etc., for money or goods   | 1-2501<br>2-2510<br>2-2520 | CR, §8-609(b)              | Felony          | 10Y      | 2Y       | Property     | V               |          |

| COMAR# | Offense Literal   | CJIS Code  | Source   | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine     |
|--------|---|--|--|-----------------|----------|----------|--------------|-----------------|----------|
| 104-1  | <b>Counterfeiting</b><br>Trademark counterfeiting, less than \$1,000, 1 <sup>st</sup> offense   | 1-2545   | CR, §8-611(d)  | Misd.           | 18M      |          | Property     | VII             | \$1,000  |
| 104-2  | <b>Counterfeiting</b><br>Trademark counterfeiting, less than \$1,000, <b>subsequent</b>   | 1-2545   | CR, §8-611(d)  | Misd.           | 18M      |          | Property     | VII             | \$5,000  |
| 105    | <b>Counterfeiting</b><br>Trademark counterfeiting, \$1,000 or greater   | 1-2540   | CR, §8-611(c)  | Felony          | 15Y      |          | Property     | V               | \$10,000 |
| 106    | <b>Counterfeiting</b><br>Issuing or publishing counterfeit documents  | 1-2513   | CR, §8-602   | Felony          | 10Y      |          | Property     | V               | \$1,000  |
| 107    | <b>Counterfeiting</b><br>Counterfeit comptroller stamp  |  | CR, §8-608(a)  | Misd.           | 10Y      | 2Y       | Property     | V               |          |
| 109    | <b>Counterfeiting</b><br>Falsifying, destroying, concealing, accessing, etc., public records  | 2-2504<br>3-2504<br>5-2504                               | CR, §8-606(b)  | Misd.           | 3Y       |          | Property     | VII             | \$1,000  |
| 110    | <b>Counterfeiting</b><br>Forge, falsify, or counterfeit the signature of a judge, court officer, or court employee; or use a document with forged signature of a court official   | 1-1698<br>1-1699   | CR, §8-606.1   | Misd.           | 5Y       |          | Property     | VI              | \$10,000 |
| 112    | <b>Counterfeiting</b><br>Possess or issue counterfeit U.S. currency   | 1-0494   | CR, §8-604.1   | Misd.           | 3Y       |          | Property     | VII             | \$1,000  |
| 113    | <b>Counterfeiting</b><br>Unlawful possession of forged, etc., motor vehicle title   | 2-0035   | CR, §8-603(a)  | Misd.           | 3Y       |          | Property     | VII             | \$1,000  |
| 114    | <b>Counterfeiting</b><br>Make, utter, forge, etc. tickets, coupons, tokens, etc. without the authority of the person or corporation issuing, selling, etc.; assist in making, uttering, forging, etc. of tickets, coupons, tokens, etc.; or utter or pass, knowing it to be so made | 3-2502<br>3-2510   | CR, §8-612(b)  | Misd.           | 1Y       |          | Property     | VII             |          |
| 114-1  | <b>Credit Card Crimes</b><br>Falsely make or emboss credit card, transfer or possess falsely made or embossed credit card, or sign credit card with intent to defraud   | 1-0196<br>1-0198   | CR, §8-205   | Felony          | 15Y      |          | Property     | V               | \$1,000  |
| 115    | <b>Credit Card Crimes</b><br>Felony credit card crimes, greater than \$500  | 1-0197<br>3-4125<br>3-4145<br>3-4155<br>3-4165<br>3-4175 | CR, §8-206(c)(1)<br>CR, §8-207(b)(1)<br>CR, §8-209(b)(1) | Felony          | 15Y      |          | Property     | V               | \$1,000  |

| COMAR# | Offense Literal  | CJIS Code  | Source   | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine    |
|--------|--|--|--|-----------------|----------|----------|--------------|-----------------|---------|
| 115-1  | <b>Credit Card Crimes</b><br>Possess incomplete credit card or knowingly possess machinery, plates, etc. to reproduce credit cards                           | 1-0199<br>1-0200   | CR, §8-208   | Felony          | 15Y      |          | Property     | V               | \$1,000 |
| 116    | <b>Credit Card Crimes</b><br>Unlawfully use or disclose credit card number or other payment device number or holder's signature                              | 2-0550<br>2-0560   | CR, §8-214<br>CR, §8-216 (penalty)                       | Felony          | 15Y      |          | Property     | V               | \$1,000 |
| 116-1  | <b>Credit Card Crimes</b><br>Make or cause to be made a false written statement with respect to identity to procure the issuance of a credit card            | 1-2607   | CR, §8-203   | Misd.           | 18M      |          | Property     | VII             | \$500   |
| 116-2  | <b>Credit Card Crimes</b><br>Steal credit card, receive stolen or lost credit card, or sell or buy credit card   | 1-2399<br>2-2803<br>1-2899<br>1-2605<br>1-2803           | CR, §8-204   | Misd.           | 18M      |          | Property     | VII             | \$500   |
| 117    | <b>Credit Card Crimes</b><br>Misdemeanor credit card crimes, \$500 or less   | 3-4120<br>3-4130<br>3-4140<br>3-4150<br>3-4160<br>3-4170 | CR, §8-206(c)(2)<br>CR, §8-207(b)(2)<br>CR, §8-209(b)(2) | Misd.           | 18M      |          | Property     | VII             | \$500   |
| 118    | <b>Credit Card Crimes</b><br>Publish or cause to be published the number or code of a telephone credit card with intent to defraud                           | 2-2605   | CR, §8-210   | Misd.           | 1Y       |          | Property     | VII             | \$500   |
| 119    | <b>Crimes Against the Person, Generally</b><br>Administered controlled dangerous substance before committing crime of violence                               | 2-0710   | CR, §5-624(b)  | Misd.           | 1Y       |          | Person       | VII             | \$2,500 |
| 119-1  | <b>Criminal Gang Offenses</b><br>Use of or threat of force to coerce participation or prevent leaving gang   | 1-1770   | CR, §9-802   | Misd.           | 2Y       |          | Person       | VII             | \$1,000 |
| 119-2  | <b>Criminal Gang Offenses</b><br>Use of or threat of force to coerce participation or prevent leaving gang in school or within 1,000 feet of school property | 1-1771   | CR, §9-803   | Misd.           | 4Y       |          | Person       | VI              | \$4,000 |

| COMAR# | Offense Literal   | CJIS Code                                      | Source                           | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ.  | Fine      |
|--------|---|--|----------------------------------|-----------------|----------|----------|--------------|--|-----------|
| 119-3  | <b>Criminal Gang Offenses</b><br>Participate as member of criminal gang in commission of crime                                  |  | CR, §9-804(c)(1)(i)              | Felony          | 10Y      |          | Person       | One category more serious than most serious underlying offense. If no conviction on underlying offense, category=IV  | \$100,000 |
| 119-4  | <b>Criminal Gang Offenses</b><br>Participate as member of criminal gang in commission of crime resulting in death of victim     |  | CR, §9-804(c)(1)(ii)             | Felony          | 20Y      |          | Person       | One category more serious than most serious underlying offense. If no conviction on underlying offense, category=III | \$100,000 |
| 119-5  | <b>Criminal Gang Offenses</b><br>Organize, supervise, finance, or manage a criminal gang  | 1-0619   | CR, §9-805                       | Felony          | 20Y      |          | Person       | III  | \$100,000 |
| 120    | <b>Destructive Devices</b><br>Explosives—sale without license with intention to use in violation of various statutes            |  | PS, §11-114(c)<br>PS, §11-116(b) | Felony          | 20Y      |          | Person       | III  | \$10,000  |
| 121    | <b>Destructive Devices</b><br>Explosives—possession without license with intention to use in violation of various statutes      |  | PS, §11-114(b)<br>PS, §11-116(a) | Felony          | 20Y      |          | Person       | III  | \$10,000  |
| 122    | <b>Destructive Devices</b><br>Firearm, explosive on aircraft  | 2-5203   | TR, §5-1008                      | Felony          | 10Y      |          | Person       | III  |           |
| 123    | <b>Destructive Devices</b><br>Manufacture, transport, possess, control, store, sell, distribute, or use a destructive device    | 1-0720   | CR, §4-503(a)(1)                 | Felony          | 25Y      |          | Person       | III  | \$250,000 |
| 124    | <b>Destructive Devices</b><br>Possess explosive, incendiary, or toxic material with the intent to create a destructive device   | 1-0725   | CR, §4-503(a)(2)                 | Felony          | 25Y      |          | Person       | III  | \$250,000 |
| 125-1  | <b>Destructive Devices</b><br>Explosives—sale without license   |  | PS, §11-114(c),<br>(g)           | Misd.           | 5Y       |          | Person       | VI   | \$5,000   |
| 126    | <b>Destructive Devices</b><br>Explosives—possession without a license   |  | PS, §11-114(b),<br>(g)           | Misd.           | 5Y       |          | Person       | VI   | \$5,000   |
| 127    | <b>Destructive Devices</b><br>Explosives—unlawful manufacture or dealing without license  |  | PS, §11-114(a),<br>(g)           | Misd.           | 5Y       |          | Person       | VI   | \$5,000   |
| 127-1  | <b>Disturbing the Peace, Disorderly Conduct, and Related Crimes</b><br>Disturbing the peace, disorderly conduct in public place | 2-0045<br>2-0050<br>2-0055<br>2-0060<br>2-0065 | CR, §10-201                      | Misd.           | 60D      |          | Person       | VII  | \$500     |
| 128    | <b>Disturbing the Peace, Disorderly Conduct, and Related Crimes</b><br>Rioting  | 3-1314   | Common law                       | Misd.           | LIFE     |          | Person       | IV   |           |

| COMAR# | Offense Literal  | CJIS Code | Source         | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine     |
|--------|--|-----------|----------------|-----------------|----------|----------|--------------|-----------------|----------|
| 129    | <b>Disturbing the Peace, Disorderly Conduct, and Related Crimes</b><br>Flag—official defacing/desecrate in a manner intended to incite or produce an imminent breach of peace or under circumstances likely to incite or produce an imminent breach of peace | 1-0671    | CR, 10-704(a)  | Misd.           | 1Y       |          | Property     | VII             | \$1,000  |
| 129-1  | <b>Disturbing the Peace, Disorderly Conduct, and Related Crimes</b><br>Willfully violate order given by Governor in time of emergency  |           | PS, §14-114    | Misd.           | 1Y       |          | Person       | VII             | \$5,000  |
| 129-2  | <b>Disturbing the Peace, Disorderly Conduct, and Related Crimes</b><br>Willfully and knowingly fail to comply with order in time of investigation of communicable disease  |           | HG, §18-907(a) | Misd.           | 1Y       |          | Person       | VII             | \$3,000  |
| 130    | <b>Election Offenses</b><br>False reports by election judge or election official   |           | EL, §16-601(b) | Felony          | 10Y      | 1Y       | Property     | V               |          |
| 131    | <b>Election Offenses</b><br>Defacing or removing election records related to voting  |           | EL, §16-701(e) | Felony          | 10Y      | 1Y       | Property     | V               | \$50,000 |
| 132    | <b>Election Offenses</b><br>Unauthorized access of the electronic voting systems; or tampering, altering the electronic voting system for the purpose of affecting the vote count  | 1-0785    | EL, §16-804(b) | Felony          | 10Y      |          | Property     | V               | \$50,000 |
| 133    | <b>Election Offenses</b><br>Voting by person convicted of infamous crime (i.e., felony)  |           | EL, §16-202(b) | Felony          | 5Y       | 1Y       | Property     | VI              |          |
| 134    | <b>Election Offenses</b><br>Tampering with election records  |           | EL, §16-302(b) | Felony          | 5Y       | 1Y       | Property     | VI              |          |
| 135    | <b>Election Offenses</b><br>Adding or deleting votes by election judge   |           | EL, §16-304(b) | Felony          | 5Y       | 1Y       | Property     | VI              |          |
| 136    | <b>Election Offenses</b><br>Destruction of voting equipment used or intended to be used on the day of election   |           | EL, §16-801(b) | Felony          | 3Y       |          | Property     | VI              |          |
| 136-1  | <b>Election Offenses</b><br>Employer attempt to influence vote of employee   |           | EL, §13-602    | Misd.           | 1Y       |          | Property     | VII             | \$1,000  |
| 137    | <b>Estates, Crimes Against</b><br>Embezzling—destroy, conceal will or codicil  | 2-2700    | CR, §8-702(a)  | Misd.           | 15Y      | 18M      | Property     | V               |          |
| 138    | <b>Extortion and Other Threats</b><br>Felony Extortion—by anyone, greater than \$500   | 3-5060    | CR, §3-701(c)  | Felony          | 10Y      |          | Property     | V               | \$5,000  |

| COMAR# | Offense Literal   | CJIS Code                  | Source            | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine     |
|--------|---|----------------------------|-------------------|-----------------|----------|----------|--------------|-----------------|----------|
| 139    | <b>Extortion and Other Threats</b><br>Felony Extortion—by State or local officer, greater than \$500                              | 3-5080                     | CR, §3-702(b)     | Felony          | 10Y      |          | Property     | V               | \$5,000  |
| 140    | <b>Extortion and Other Threats</b><br>Extortion—sending, etc. a threatening letter, etc.  | 1-1705<br>1-1706<br>1-1707 | CR, §3-706(b)     | Felony          | 10Y      |          | Property     | V               | \$10,000 |
| 141    | <b>Extortion and Other Threats</b><br>Extortion—threatening verbally  | 1-1702<br>1-1703<br>1-1704 | CR, §3-705(a)     | Felony          | 10Y      |          | Property     | V               | \$10,000 |
| 142    | <b>Extortion and Other Threats</b><br>Send threat or threaten to take the life, kidnap, or cause bodily injury to State official  | 1-0477<br>1-0478           | CR, §3-708(b),(c) | Misd.           | 3Y       |          | Person       | VI              | \$2,500  |
| 143    | <b>Extortion and Other Threats</b><br>Extortion—by false accusation   | 1-1700<br>1-1701           | CR, §3-704(a)     | Misd.           | 10Y      |          | Property     | V               | \$10,000 |
| 144    | <b>Extortion and Other Threats</b><br>Extortion—by State or local officer or employee against another employee                    | 4-2100                     | CR, §3-703(a)     | Felony          | 5Y       |          | Property     | VI              | \$5,000  |
| 145    | <b>Extortion and Other Threats</b><br>Misdemeanor Extortion—by anyone, less than \$500  | 3-5050                     | CR, §3-701(d)     | Misd.           | 18M      |          | Property     | VII             | \$500    |
| 146    | <b>Extortion and Other Threats</b><br>Misdemeanor Extortion—by State or local officer, less than \$500                            | 3-5070                     | CR, §3-702(c)     | Misd.           | 6M       |          | Property     | VII             | \$500    |
| 147    | <b>False Statements, Other</b><br>False Statement—rumor as to bomb  | 1-5300                     | CR, §9-504(b)     | Felony          | 10Y      |          | Property     | V               | \$10,000 |
| 147-1  | <b>False Statements, Other</b><br>False Statement-manufacture, possess, transport, or place a phony destructive device            | 2-5215                     | CR, §9-505        | Felony          | 10Y      |          | Property     | V               | \$10,000 |
| 148    | <b>False Statements, Other</b><br>Fraud—failure to provide or providing false information willfully or with intent to evade taxes |                            | TG, §13-1024(a)   | Misd.           | 18M      |          | Property     | VI              | \$5,000  |
| 149    | <b>False Statements, Other</b><br>Fraud—willful failure to file income tax return   |                            | TG, §13-1001(c)   | Misd.           | 5Y       |          | Property     | VI              | \$5,000  |
| 150    | <b>False Statements, Other</b><br>Fraud—willful failure to withhold income tax  |                            | TG, §13-1007(b)   | Misd.           | 5Y       |          | Property     | VI              | \$10,000 |
| 151    | <b>False Statements, Other</b><br>Fraud—willful preparation of false income tax return  |                            | TG, §13-1004      | Misd.           | 5Y       |          | Property     | VI              | \$10,000 |
| 152    | <b>False Statements, Other</b><br>False statement—on application for funds for Maryland higher education commission               | 2-5099                     | CR, §9-506(a)     | Misd.           | 1Y       |          | Property     | VII             | \$5,000  |

| COMAR# | Offense Literal   | CJIS Code  | Source                          | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine              |
|--------|---|--|---------------------------------|-----------------|----------|----------|--------------|-----------------|-------------------|
| 153    | <b>False Statements, Other</b><br>False Statement—to official or agencies of State or its subdivisions  | 1-5099   | CR, §9-503(a)                   | Misd.           | 6M       |          | Property     | VII             | \$500             |
| 154    | <b>False Statements, Other</b><br>False Statement—to peace or police officers   | 1-0207<br>1-0690<br>1-4803   | CR, §9-501(a)<br>CR, §9-502(a)  | Misd.           | 6M       |          | Property     | VII             | \$500             |
| 154-1  | <b>Fraud, Financial Crimes Against Vulnerable Adults</b><br>Obtain property of vulnerable adult or an individual at least 68 years old by deception, intimidation, or undue influence, less than \$500  | 1-0781   | CR, §8-801(c)(2)                | Misd.           | 18M      |          | Property     | VII             | \$500             |
| 154-2  | <b>Fraud, Financial Crimes Against Vulnerable Adults</b><br>Obtain property of vulnerable adult or an individual at least 68 years old by deception, intimidation, or undue influence, \$500 or greater | 1-0782   | CR, §8-801(c)(1)                | Felony          | 15Y      |          | Property     | V               | \$10,000          |
| 155    | <b>Fraud, Miscellaneous</b><br>Fraud—misuse by lawyer   |  | BO, §10-306,<br>BO, §10-606 (b) | Misd.           | 5Y       |          | Property     | V               |                   |
| 156    | <b>Fraud, Miscellaneous</b><br>Forgery—forgery, etc. of prescriptions, etc.   | 1-0180<br>2-0262<br>2-2502<br>2-2530                               | CR, §8-610(a), (b)              | Misd.           | 2Y       |          | Property     | VI              |                   |
| 157    | <b>Fraud, Miscellaneous</b><br>Fraud—failure to deliver receipts for stored grain   | 6-2610   | CR, §7-116(b)                   | Misd.           | 10Y      | 1Y       | Property     | VI              | \$500-<br>\$5,000 |
| 158    | <b>Fraud, Miscellaneous</b><br>Fraudulent actions related to cable TV for payment or offer of pay   | 2-0290<br>2-0291<br>2-0292<br>2-0293<br>2-0294<br>2-0295<br>4-0248 | CR, §7-303(c)                   | Misd.           | 5Y       |          | Property     | VI              | \$5,000           |
| 159    | <b>Fraud, Miscellaneous</b><br>Out-of-State unlicensed sellers of alcohol   |  | 2B, §16-506.1(b)                | Felony          | 2Y       |          | Property     | VI              |                   |
| 159-1  | <b>Fraud, Miscellaneous</b><br>Practicing as a Polysomnographic Technologist without authorization, etc.  |  | HO, §14-5C-23(a)                | Misd.           | 1Y       |          | Property     | VII             | \$1,000           |
| 160    | <b>Fraud, Miscellaneous</b><br>Fraud—falsely representing self as lawyer  |  | BO, §10-602<br>BO, §10-606      | Misd.           | 1Y       |          | Person       | VII             | \$5,000           |
| 160-1  | <b>Fraud, Miscellaneous</b><br>Impersonating a law enforcement officer  | 1-0604   | PS, §3-502                      | Misd.           | 2Y       |          | Person       | VII             | \$2,000           |
| 160-2  | <b>Fraud, Miscellaneous</b><br>Altering the results of a drug or alcohol screening test, 1 <sup>st</sup> offense  | 1-0284   | CR, §10-111                     | Misd.           | 1Y       |          | Property     | VI              | \$1,000           |

| COMAR# | Offense Literal   | CJIS Code        | Source             | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine                               |
|--------|---|------------------|--------------------|-----------------|----------|----------|--------------|-----------------|------------------------------------|
| 160-3  | <b>Fraud, Miscellaneous</b><br>Altering the results of a drug or alcohol screening test, <b>subsequent</b>  | 1-0284           | CR, §10-111        | Misd.           | 3Y       |          | Property     | V               | \$5,000                            |
| 161    | <b>Fraud, Miscellaneous</b><br>False advertising  |                  | CL, §14-2902(a)    | Misd.           | 1Y       |          | Property     | VII             | \$1,000                            |
| 162    | <b>Fraud, Miscellaneous</b><br>Fraudulently substituting wood alcohol for grain alcohol while in the business of making, manufacturing, etc. drugs, medicines, medicinal or chemical preparations |                  | CR, §8-802(b)      | Misd.           | 1Y       |          | Property     | VII             | \$100-\$500                        |
| 163    | <b>Fraud, Miscellaneous</b><br>Act as contractor or subcontractor without a license, <b>subsequent</b>  |                  | BR, §8-601         | Misd.           | 2Y       |          | Property     | VII             | \$5,000                            |
| 163-1  | <b>Fraud, Miscellaneous</b><br>Possession of unstamped cigarettes or other tobacco products on which tobacco tax has not been paid, more than 30 cartons  |                  | TG, §13-1014(a)(3) | Misd.           | 1Y       |          | Property     | VII             | \$1,000                            |
| 164    | <b>Fraud, Miscellaneous</b><br>Willful transportation of unstamped cigarettes or other tobacco products on which tobacco tax has not been paid  |                  | TG, §13-1015       | Felony          | 2Y       |          | Property     | VII             | Not exceeding \$50 for each carton |
| 164-1  | <b>Fraud—Telecommunication Service Providers</b><br>Telecom devices and telecom theft   | 1-0590           | CR, §7-315         | Misd.           | 3Y       |          | Property     | VI              | \$2,500                            |
| 164-2  | <b>Fraud—Telecommunication Service Providers</b><br>Telecom devices and telecom theft, over 100 devices   | 1-0591           | CR, §7-315         | Felony          | 10Y      |          | Property     | IV              | \$10,000                           |
| 166    | <b>Gambling—General Provisions</b><br>Rent place for gambling   | 2-3921           | CR, §12-104(a)     | Misd.           | 1Y       | 6M       | Property     | VII             | \$500                              |
| 167    | <b>Gambling—General Provisions</b><br>Fix horse race  | 1-0433           | CR, §12-109(a)     | Misd.           | 3Y       |          | Property     | VII             | \$5,000                            |
| 168    | <b>Gambling—General Provisions</b><br>Gambling—betting, wagering, etc.; pools on horses, etc.   | 1-3901<br>3-3921 | CR, §12-102(a)     | Misd.           | 1Y       | 6M       | Property     | VII             | \$200-\$1,000                      |
| 169    | <b>Gambling—General Provisions</b><br>Gambling—keeping gaming table or place  | 1-3908<br>1-3921 | CR, §12-104(a)     | Misd.           | 1Y       | 6M       | Property     | VII             | \$500                              |
| 170    | <b>Gambling-General Provisions</b><br>Owner/occupier of building knowingly permits gaming table to be kept  | 2-3908           | CR, §12-104(a)     | Misd.           | 1Y       | 6M       | Property     | VII             | \$500                              |
| 171    | <b>Gambling-General Provisions</b><br>Fraud—enter horse in a race under a name other than that assigned and registered; racing horse under a false or unregistered name                           | 3-2600           | CR, § 8-904        | Misd.           | 3Y       |          | Property     | VII             | \$5,000                            |



| COMAR# | Offense Literal  | CJIS Code        | Source                | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine          |
|--------|--|------------------|-----------------------|-----------------|----------|----------|--------------|-----------------|---------------|
| 172    | <b>Gambling—General Provisions</b><br>Play "thimbles", "little joker", "craps", etc. for money                                 | 1-3903           | CR, §12-103           | Misd.           | 2Y       | 6M       | Property     | VII             | \$100         |
| 173    | <b>Gambling—General Provisions</b><br>Off-shore gambling   | 6-2620           | CR, §12-105(b)        | Misd.           | 1Y       |          | Property     | VII             | \$200-\$1,000 |
| 174    | <b>Gambling—General Provisions</b><br>Keep, etc. slot machine unlawfully   | 3-3908           | CR, §12-302(a)        | Misd.           | 1Y       |          | Property     | VII             | \$1,000       |
| 175    | <b>Handguns—In General</b><br>Handgun—unlawful use in commission of felony or crime of violence, 1 <sup>st</sup> offense       | 1-5299           | CR, §4-204(b)(1)      | Misd.           | 20Y ♦    | MM*=5Y   | Person       | III             |               |
| 176    | <b>Handguns—In General</b><br>Handgun-unlawful use in commission of felony or crime of violence, <b>subsequent</b>             | 1-5299           | CR, §4-204(b)(2)      | Misd.           | 20Y ♦    | MM*=5Y   | Person       | II              |               |
| 176-1  | <b>Handguns—In General</b><br>Handgun-unlawful wearing, carrying, etc., 1 <sup>st</sup> weapon offense, generally              | 1-5212<br>1-0175 | CR, §4-203(c)(2)(i)   | Misd.           | 3Y       | 30D      | Person       | VII             | \$250-\$2,500 |
| 177    | <b>Handguns—In General</b><br>Handgun—unlawful wearing, carrying, etc., 2 <sup>nd</sup> weapon offense, generally              | 1-5212<br>1-0175 | CR, §4-203(c)(3)(i)1  | Misd.           | 10Y      | 1Y       | Person       | III             |               |
| 177-1  | <b>Handguns—In General</b><br>Handgun—unlawful wearing, carrying on school property, etc., 1 <sup>st</sup> weapon offense      | 1-5212<br>1-0175 | CR, §4-203(c)(2)(ii)  | Misd.           | 3Y       | 90D      | Person       | VII             | \$250-\$2,500 |
| 178    | <b>Handguns—In General</b><br>Handgun—unlawful wearing, carrying on school property, etc., 2 <sup>nd</sup> weapon offense      | 1-5212<br>1-0175 | CR, §4-203(c)(3)(i)2  | Misd.           | 10Y      | 3Y       | Person       | III             |               |
| 179    | <b>Handguns—In General</b><br>Handgun—unlawful wearing, carrying, etc., more than two prior weapon offenses, generally         | 1-5212<br>1-0175 | CR, §4-203(c)(4)(i)1  | Misd.           | 10Y      | 3Y       | Person       | III             |               |
| 180    | <b>Handguns—In General</b><br>Handgun—unlawful wearing, carrying on school property, etc., more than two prior weapon offenses | 1-5212<br>1-0175 | CR, §4-203(c)(4)(i)2A | Misd.           | 10Y      | 5Y       | Person       | III             |               |
| 181    | <b>Handguns—In General</b><br>Handgun—unlawful wearing, carrying, etc., with deliberate purpose to injure or kill              | 1-5212<br>1-0175 | CR, §4-203(c)(4)(i)2B | Misd.           | 10Y      | 5Y       | Person       | III             |               |
| 182    | <b>Handguns—In General</b><br>Handgun—wearing, carrying, etc, under influence  |                  | PS, §5-314            | Misd.           | 1Y       |          | Person       | VII             | \$1,000       |

| COMAR# | Offense Literal  | CJIS Code                            | Source                                | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine          |
|--------|--|--------------------------------------|---------------------------------------|-----------------|----------|----------|--------------|-----------------|---------------|
| 186    | <b>Handguns—In General</b><br>Sale of a handgun manufactured on or before 12/31/02 with no external safety lock  | 2-2020                               | PS, §5-132<br>PS, §5-143<br>(penalty) | Misd.           | 5Y       |          | Person       | VI              | \$10,000      |
| 187    | <b>Handguns-In General</b><br>Fail to return handgun permit  |                                      | PS, §5-307(a)<br>PS, §5-308           | Misd.           | 1Y       |          | Person       | VII             | \$100-\$1,000 |
| 192    | <b>Harboring, Escape, and Contraband</b><br>Contraband—deliver, possess, conceal, receive weapon   | 2-1035<br>2-1040<br>2-1045<br>2-1055 | CR, §9-414(a)                         | Felony          | 10Y      |          | Person       | IV              | \$5,000       |
| 193    | <b>Harboring, Escape, and Contraband</b><br>Contraband—deliver, possess, conceal, receive to effect an escape  | 2-1060<br>2-1065<br>2-1070<br>2-1075 | CR, §9-413(a)                         | Felony          | 10Y      |          | Person       | IV              | \$5,000       |
| 194    | <b>Harboring, Escape, and Contraband</b><br>Escape, 1 <sup>st</sup> degree   | 2-1010<br>2-1015                     | CR, §9-404(a)                         | Felony          | 10Y      |          | Person       | IV              | \$20,000      |
| 195    | <b>Harboring, Escape, and Contraband</b><br>Escape, 2 <sup>nd</sup> degree   | 2-1020<br>2-1025<br>2-1030           | CR, §9-405(a)                         | Misd.           | 3Y       |          | Person       | VI              | \$5,000       |
| 196    | <b>Harboring, Escape, and Contraband</b><br>Resisting or interfering with arrest   | 1-0600                               | CR, §9-408                            | Misd.           | 3Y       |          | Person       | VI              | \$5,000       |
| 197    | <b>Harboring, Escape, and Contraband</b><br>Contraband—delivery; possession with intent to deliver   | 2-1080<br>2-1085                     | CR, §9-412(a)                         | Misd.           | 3Y       |          | Property     | VI              | \$1,000       |
| 198    | <b>Harboring, Escape, and Contraband</b><br>Deliver alcoholic beverage to person in confinement; possess alcoholic beverage with the intent to deliver     | 2-1090<br>2-1092                     | CR, §9-415(b)                         | Misd.           | 3Y       |          | Property     | VI              | \$1,000       |
| 199    | <b>Harboring, Escape, and Contraband</b><br>Deliver controlled substance to person in confinement; possess controlled substance with the intent to deliver | 2-1095<br>2-1097                     | CR, §9-416(a)                         | Misd.           | 3Y       |          | Property     | VI              | \$1,000       |
| 199-1  | <b>Harboring, Escape, and Contraband</b><br>Possess, possess with intent to deliver, or receive telecommunication device in place of confinement           | 1-0719<br>1-0721<br>1-0722<br>1-0723 | CR, §9-417                            | Misd.           | 3Y       |          | Property     | VI              | \$1,000       |
| 200    | <b>Harboring, Escape, and Contraband</b><br>Harbor fleeing felon   | 1-4904                               | CR, §9-402                            | Misd.           | 1Y       |          | Person       | VII             | \$1,000       |
| 201    | <b>Harboring, Escape, and Contraband</b><br>Harbor felon/fugitive  | 1-0232                               | CR, §9-402                            | Misd.           | 1Y       |          | Person       | VII             | \$1,000       |

| COMAR# | Offense Literal  | CJIS Code                                      | Source  | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine     |
|--------|--|--|---|-----------------|----------|----------|--------------|-----------------|----------|
| 202    | <b>Harboring, Escape, and Contraband</b><br>Harboring—prison escapee   | 2-4904   | CR, §9-403(a)                                       | Misd.           | 1Y       |          | Person       | VII             | \$1,000  |
| 203    | <b>Harboring, Escape, and Contraband</b><br>Violate Home Detention Program   |  | CS, §3-409  | Misd.           | 1Y       |          | Person       | VII             |          |
| 204    | <b>Hate Crimes</b><br>Crimes against persons or property because of race, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness—resulting in death        | 1-0437   | CR, §10-304(2)(ii)<br>CR, §10-306(b)(2) (penalty)   | Felony          | 20Y      |          | Person       | III             | \$20,000 |
| 205    | <b>Hate Crimes</b><br>Crimes against persons or property because of race, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness—involving separate felony | 1-0437   | CR, §10-304(2)(i)<br>CR, §10-306(b)(1) (penalty)    | Felony          | 10Y      |          | Person       | IV              | \$10,000 |
| 206    | <b>Hate Crimes</b><br>Crimes against persons or property because of race, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness                           | 1-0435<br>1-0436<br>1-0437<br>2-0251<br>2-0252 | CR, §10-306(a) (penalty)                            | Misd.           | 3Y       |          | Person       | V               | \$5,000  |
| 207    | <b>Identity Fraud</b><br>Possess, obtain personally identifying information or willfully assume the identity of another. Benefit less than \$500   | 2-0071<br>2-0073<br>2-0083                     | CR, §8-301(b), (c)<br>CR, §8-301(g)(2) (penalty)    | Misd.           | 18M      |          | Property     | VII             | \$5,000  |
| 207-1  | <b>Identity Fraud</b><br>Possess, obtain personally identifying information or willfully assume the identity of another. Benefit \$500 or greater  | 1-1200<br>1-1201<br>2-0084                     | CR, §8-301(b), (c)<br>CR, §8-301(g)(1) (penalty)    | Felony          | 15Y      |          | Property     | V               | \$25,000 |
| 207-2  | <b>Identity Fraud</b><br>Intent to manufacture, distribute, or dispense personally identifying information   |  | CR, §8-301(g)(3)                                    | Felony          | 15Y      |          | Property     | V               | \$25,000 |
| 207-3  | <b>Identity Fraud</b><br>Falsely represent self as another person  | 2-0082<br>1-1305                               | CR, §8-301(c)(1), (f)<br>CR, §8-301(g)(4) (penalty) | Misd.           | 18M      |          | Property     | VII             | \$5,000  |
| 207-4  | <b>Identity Fraud</b><br>Use a re-encoder or skimming device for purpose of identity theft. Benefit less than \$500  | 1-0767<br>1-0769                               | CR, §8-301(d)<br>CR, §8-301(g)(2) (penalty)         | Misd.           | 18M      |          | Property     | VII             | \$5,000  |

| COMAR# | Offense Literal  | CJIS Code        | Source                                      | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine     |
|--------|--|------------------|---|-----------------|----------|----------|--------------|-----------------|----------|
| 207-5  | <b>Identity Fraud</b><br>Use a re-encoder or skimming device for purpose of identity theft. Benefit \$500 or greater   | 1-0768<br>1-0779 | CR, §8-301(d)<br>CR, §8-301(g)(1) (penalty) | Felony          | 15Y      |          | Property     | V               | \$25,000 |
| 207-6  | <b>Identity Fraud</b><br>Possess, obtain, or help another obtain a re-encoder or skimming device for purpose of identity theft   | 1-0778           | CR, §8-301(e)<br>CR, §8-301(g)(4) (penalty) | Misd.           | 18M      |          | Property     | VII             | \$5,000  |
| 208    | <b>Identity Fraud</b><br>Sell etc. false ID  | 1-0432           | CR, §8-302(b)                               | Misd.           | 2Y       |          | Property     | VII             | \$2,000  |
| 209    | <b>Influencing or Intimidating Judicial Process</b><br>Failure to appear in connection with a felony   | 1-1474           | CP, §5-211(b)(1)                            | Misd.           | 5Y       |          | Person       | V               | \$5,000  |
| 209 -1 | <b>Influencing or Intimidating Judicial Process</b><br>Failure to appear in connection with a misdemeanor or for appearance as witness                                       | 1-1475           | CP, §5-211(b)(2)                            | Misd.           | 1Y       |          | Person       | VII             | \$1,000  |
| 209 -2 | <b>Influencing or Intimidating Judicial Process</b><br>Induce false testimony or avoidance of a subpoena related to felony violation of Title 5 offense or crime of violence | 1-0355           | CR, §9-302(c)(2)                            | Felony          | 20Y      |          | Person       | III             |          |
| 210    | <b>Influencing or Intimidating Judicial Process</b><br>Induce false testimony (witness or victim intimidation)   | 1-0354           | CR, §9-302(a)                               | Misd.           | 5Y       |          | Person       | V               | \$5,000  |
| 211    | <b>Influencing or Intimidating Judicial Process</b><br>Intimidating or corrupting jurors, etc.; obstructing justice  | 1-0358<br>1-0362 | CR, §9-305(a)                               | Misd.           | 5Y       |          | Person       | V               | \$5,000  |
| 212    | <b>Influencing or Intimidating Judicial Process</b><br>Obstructing justice   | 2-5006           | CR, §9-306(a)                               | Misd.           | 5Y       |          | Person       | V               | \$10,000 |
| 213    | <b>Influencing or Intimidating Judicial Process</b><br>Retaliation for testimony   | 1-0356           | CR, §9-303(a)                               | Misd.           | 5Y       |          | Person       | V               | \$5,000  |
| 214    | <b>Influencing or Intimidating Judicial Process</b><br>Contempt, criminal  |                  | Common law                                  | Misd.           | LIFE     |          | Person       | VII             |          |
| 215-1  | <b>Influencing or Intimidating Judicial Process</b><br>Retaliation for testimony related to felony violation of Title 5 offense or crime of violence                         | 1-0357           | CR, §9-303(c)(2)                            | Felony          | 20Y      |          | Person       | III             |          |

| COMAR# | Offense Literal  | CJIS Code                                      | Source                                      | Felony or Misd. | Max Term | Min Term | Offense Type               | Serious. Categ. | Fine    |
|--------|--|--|---|-----------------|----------|----------|----------------------------|-----------------|---------|
| 215-2  | <b>Influencing or Intimidating Judicial Process</b><br>Intimidating or corrupting jurors in connection with a Title 5 offense or crime of violence       | 1-0359<br>1-0363                               | CR, §9-305(c)(2)                            | Felony          | 20Y      |          | Person                     | III             |         |
| 216    | <b>Interference with or Misuse of Government Operations</b><br>Malfeasance, misconduct in office   |  | Common law                                  | Misd.           | LIFE     |          | Person<br>Drug<br>Property | V               |         |
| 217    | <b>Interference with or Misuse of Government Operations</b><br>False alarms, fire ambulance or rescue squad calls  | 1-0208<br>1-5308                               | CR, §9-604(a)                               | Misd.           | 5Y       |          | Property                   | V               | \$5,000 |
| 218    | <b>Interference with or Misuse of Government Operations</b><br>Hinder police officer   | 1-0043   | Common law                                  | Misd.           | LIFE     |          | Person                     | VI              |         |
| 219    | <b>Interference with or Misuse of Government Operations</b><br>Interference, obstruction or false representation of fire or emergency services personnel | 1-0165<br>2-0249<br>4-5397<br>4-5398<br>4-5399 | PS, §6-602<br>PS, §7-402                    | Misd.           | 3Y       |          | Person                     | VII             |         |
| 220    | <b>Kidnapping and Related Crimes</b><br>Child younger than 16 years old  | 4-1005   | CR, §3-503(a)(2)                            | Felony          | 30Y ♦    |          | Person                     | II              |         |
| 221    | <b>Kidnapping and Related Crimes</b><br>Kidnapping—generally   | 3-1005   | CR, §3-502(a)                               | Felony          | 30Y ♦    |          | Person                     | II              |         |
| 222    | <b>Kidnapping and Related Crimes</b><br>False imprisonment by inmate   | 3-5730   | CS, §8-801(b)                               | Felony          | 30Y      |          | Person                     | II              |         |
| 223    | <b>Kidnapping and Related Crimes</b><br>Abduction—child younger than 12 years old  | 1-1005<br>1-0163                               | CR, §3-503(a)(1)                            | Felony          | 20Y ♦    |          | Person                     | III             |         |
| 224    | <b>Kidnapping and Related Crimes</b><br>False imprisonment   | 1-0042   | Common law                                  | Misd.           | LIFE     |          | Person                     | V               |         |
| 225    | <b>Kidnapping and Related Crimes</b><br>Abduction—child younger than 16 years old by relative in State   | 1-0364<br>1-0365<br>1-0366<br>2-1005           | FL, §9-304<br>FL, §9-307(a)<br>(penalty)    | Misd.           | 30D      |          | Person                     | VII             | \$250   |
| 226    | <b>Kidnapping and Related Crimes</b><br>Abduction—child younger than 16 years old by relative outside State 30 days or less                              | 1-0736<br>1-0737<br>1-0738<br>1-0739           | FL, §9-305(a)<br>FL, §9-307(b)<br>(penalty) | Felony          | 1Y       |          | Person                     | VII             | \$1,000 |
| 227    | <b>Kidnapping and Related Crimes</b><br>Abduction—child younger than 16 years old by relative outside State more than 30 days                            | 1-0746<br>1-0747<br>1-0748<br>1-0749           | FL, §9-305(a)<br>FL, §9-307(c)<br>(penalty) | Felony          | 3Y       |          | Person                     | VI              | \$2,500 |
| 227-1  | <b>Kidnapping and Related Crimes</b><br>Abduction—International parental kidnapping  |  | FL, §9-305(b)<br>FL, §9-307(d)<br>(penalty) | Felony          | 5Y       |          | Person                     | V               | \$5,000 |

| COMAR# | Offense Literal  | CJIS Code  | Source                    | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine              |
|--------|--|--|---------------------------|-----------------|----------|----------|--------------|-----------------|-------------------|
| 228    | <b>Lotteries</b><br>Lottery offenses, <b>subsequent</b>  | 1-0286<br>1-0287<br>1-3915<br>2-3918<br>4-3921<br>5-3921 | CR, §12-210               | Misd.           | 5Y       |          | Property     | VI              | \$5,000           |
| 229    | <b>Lotteries</b><br>Lotteries—hold lottery or sell lottery device  | 2-3925<br>2-3930   | CR, §12-203               | Misd.           | 12M      | 3M       | Property     | VII             | \$200-<br>\$1,000 |
| 230    | <b>Lotteries</b><br>Lotteries—importing lottery device or possession of lottery records or money                                       | 1-0286<br>1-0287<br>2-3918                               | CR, §12-205               | Misd.           | 1Y       |          | Property     | VII             | \$1,000           |
| 231    | <b>Lotteries</b><br>Lotteries—keep place for selling lottery device or allow property to be used for selling lottery device            | 4-3921<br>5-3921   | CR, §12-204               | Misd.           | 1Y       |          | Property     | VII             | \$1,000           |
| 234    | <b>Machine Guns</b><br>Weapons—possession or use of a machine gun in commission of a crime of violence                                 | 2-5299   | CR, §4-404                | Felony          | 20Y      |          | Person       | III             |                   |
| 235    | <b>Machine Guns</b><br>Possess, use a machine gun for an aggressive purpose  | 1-1314   | CR, §4-405                | Misd.           | 10Y      |          | Person       | IV              |                   |
| 236    | <b>Malicious Destruction and Related Crimes</b><br>Throwing missiles into occupied vehicle or instrumentality of public transportation | 1-2903   | CR, §6-302(a)             | Misd.           | 1Y       |          | Person       | VII             | \$500             |
| 237    | <b>Malicious Destruction and Related Crimes</b><br>Destruction of property, less than \$500  | 3-4025   | CR, §6-301(c)             | Misd.           | 60D      |          | Property     | VII             | \$500             |
| 238    | <b>Malicious Destruction and Related Crimes</b><br>Destruction of property, \$500 or greater   | 3-4030<br>3-4035   | CR, §6-301(b)             | Misd.           | 3Y       |          | Property     | VII             | \$2,500           |
| 239    | <b>Malicious Destruction and Related Crimes</b><br>Serial numbers, removing, etc.  | 1-0291<br>2-2800   | CR, §6-306(a)             | Misd.           | 18M      |          | Property     | VII             | \$500             |
| 239 -1 | <b>Malicious Destruction and Related Crimes</b><br>Sell or possess stolen serial number or vehicle identification plate, etc.          | 2-2810<br>2-2820   | CR, §6-307                | Misd.           | 18M      |          | Property     | VII             | \$500             |
| 240    | <b>Manslaughter and Related Crimes</b><br>Manslaughter—by vehicle or vessel  | 1-0909   | CR, §2-209(b)             | Felony          | 10Y      |          | Person       | IV              | \$5,000           |
| 241    | <b>Manslaughter and Related Crimes</b><br>Manslaughter—involuntary   | 1-0910   | Common law;<br>CR, §2-207 | Felony          | 10Y      |          | Person       | IV              | \$500             |
| 242    | <b>Manslaughter and Related Crimes</b><br>Manslaughter—voluntary   | 1-0910   | CR, §2-207                | Felony          | 10Y ♦    |          | Person       | IV              | \$500             |

| COMAR# | Offense Literal   | CJIS Code                  | Source  | Felony or Misd. | Max Term | Min Term                                      | Offense Type | Serious. Categ. | Fine    |
|--------|---|----------------------------|---|-----------------|----------|---|--------------|-----------------|---------|
| 243    | <b>Manslaughter and Related Crimes</b><br>Negligent homicide by motor vehicle or vessel while under the influence of alcohol              | 1-0900                     | CR, §2-503  | Felony          | 5Y       |   | Person       | V               | \$5,000 |
| 244    | <b>Manslaughter and Related Crimes</b><br>Negligent homicide by motor vehicle or vessel while impaired by alcohol, drugs, or CDS          | 1-0693<br>1-0755<br>1-0760 | CR, §2-504<br>CR, §2-505<br>CR, §2-506                            | Felony          | 3Y       |   | Person       | VI              | \$5,000 |
| 245    | <b>Marriage, Crimes Against Bigamy</b>  | 1-3804                     | CR, §10-502(b)  | Misd.           | 9Y       |   | Person       | VI              |         |
| 245-1  | <b>Motor Vehicle Offense</b><br>Driving while impaired by alcohol, 1 <sup>st</sup> offense  |                            | TR, §27-101(c)(23),<br>TR, §21-902(b)                             | Misd.           | 2M       |   | Person       | VII             | \$500   |
| 245-2  | <b>Motor Vehicle Offense</b><br>Driving while impaired by alcohol, <b>subsequent</b>  |                            | TR, §27-101(f)(1)(ii) 2A,<br>TR, §21-902(b)                       | Misd.           | 1Y       |   | Person       | VII             | \$500   |
| 245-3  | <b>Motor Vehicle Offense</b><br>Driving while impaired by alcohol, while transporting a minor, 1 <sup>st</sup> offense                    |                            | TR, §27-101(q)(2)(i),<br>TR, §21-902(b)                           | Misd.           | 6M       |   | Person       | VII             | \$1,000 |
| 245-4  | <b>Motor Vehicle Offense</b><br>Driving while impaired by alcohol, while transporting a minor, <b>subsequent</b>                          |                            | TR, §27-101(q)(2)(ii),<br>TR, §21-902(b)                          | Misd.           | 1Y       |   | Person       | VII             | \$2,000 |
| 245-5  | <b>Motor Vehicle Offense</b><br>Driving while impaired by drugs or drugs and alcohol, 1 <sup>st</sup> offense                             |                            | TR, §27-101(c)(24),<br>TR, §21-902(c)                             | Misd.           | 2M       |   | Person       | VII             | \$500   |
| 245-6  | <b>Motor Vehicle Offense</b><br>Driving while impaired by drugs or drugs and alcohol, <b>subsequent</b>                                   |                            | TR, §27-101(f)(1)(ii)2B,<br>TR, §21-902(c)                        | Misd.           | 1Y       |   | Person       | VII             | \$500   |
| 245-7  | <b>Motor Vehicle Offense</b><br>Driving while impaired by drugs or drugs and alcohol, while transporting a minor, 1 <sup>st</sup> offense |                            | TR, §27-101(q)(2)(i),<br>TR, §21-902(c)                           | Misd.           | 6M       |   | Person       | VII             | \$1,000 |
| 245-8  | <b>Motor Vehicle Offense</b><br>Driving while impaired by drugs or drugs and alcohol, while transporting a minor, <b>subsequent</b>       |                            | TR, §27-101(q)(2)(ii),<br>TR, §21-902(c)                          | Misd.           | 1Y       |   | Person       | VII             | \$2,000 |
| 245-9  | <b>Motor Vehicle Offense</b><br>Driving while impaired by controlled dangerous substance, 1 <sup>st</sup> offense                         |                            | TR, §27-101(k)(1)(i),<br>TR, §21-902(d)                           | Misd.           | 1Y       |   | Person       | VII             | \$1,000 |
| 245-10 | <b>Motor Vehicle Offense</b><br>Driving while impaired by controlled dangerous substance, 2 <sup>nd</sup> offense                         |                            | TR, §27-101(k)(1)(ii),<br>TR, §21-902(d),<br>TR, §27-101(j)(3)(i) | Misd.           | 2Y       | within 5 years of prior conviction —MM 5 days | Person       | VI              | \$2,000 |

| COMAR# | Offense Literal   | CJIS Code | Source  | Felony or Misd. | Max Term | Min Term  | Offense Type | Serious. Categ. | Fine    |
|--------|---|-----------|---|-----------------|----------|---|--------------|-----------------|---------|
| 245-11 | <b>Motor Vehicle Offense</b><br>Driving while impaired by controlled dangerous substance, 3 <sup>rd</sup> or subsequent offense                             |           | TR, §27-101(k)(1)(iii),<br>TR, §21-902(d),<br>TR, §27-101(j)(3)(ii) | Misd.           | 3Y       | within 5 years of prior conviction<br>—MM 10 days | Person       | V               | \$3,000 |
| 245-12 | <b>Motor Vehicle Offense</b><br>Driving while impaired by controlled dangerous substance, while transporting a minor, 1 <sup>st</sup> offense               |           | TR, §27-101(q)(1)(i),<br>TR, §21-902(d)                             | Misd.           | 2Y       |   | Person       | VI              | \$2,000 |
| 245-13 | <b>Motor Vehicle Offense</b><br>Driving while impaired by controlled dangerous substance, while transporting a minor, 2 <sup>nd</sup> offense               |           | TR, §27-101(q)(1)(ii),<br>TR, §21-902(d),<br>TR, §27-101(j)(3)(i)   | Misd.           | 3Y       | within 5 years of prior conviction<br>—MM 5 days  | Person       | V               | \$3,000 |
| 245-14 | <b>Motor Vehicle Offense</b><br>Driving while impaired by controlled dangerous substance, while transporting a minor, 3 <sup>rd</sup> or subsequent offense |           | TR, §27-101(q)(1)(iii),<br>TR, §21-902(d),<br>TR, §27-101(j)(3)(ii) | Misd.           | 4Y       | within 5 years of prior conviction<br>—MM 10 days | Person       | V               | \$4,000 |
| 245-15 | <b>Motor Vehicle Offense</b><br>Driving while under the influence of alcohol, 1 <sup>st</sup> offense   |           | TR, §27-101(k)(1)(i),<br>TR, §21-902(a)                             | Misd.           | 1Y       |   | Person       | VII             | \$1,000 |
| 245-16 | <b>Motor Vehicle Offense</b><br>Driving while under the influence of alcohol, 2 <sup>nd</sup> offense   |           | TR, §27-101(k)(1)(ii),<br>TR, §21-902(a),<br>TR, §27-101(j)(2)(i)   | Misd.           | 2Y       | Within 5 years of prior conviction<br>—MM 5 days  | Person       | VI              | \$2,000 |
| 245-17 | <b>Motor Vehicle Offense</b><br>Driving while under the influence of alcohol, 3 <sup>rd</sup> or subsequent offense   |           | TR, §27-101(k)(1)(iii),<br>TR, §21-902(a),<br>TR, §27-101(j)(2)(ii) | Misd.           | 3Y       | Within 5 years of prior conviction<br>—MM 10 days | Person       | V               | \$3,000 |
| 245-18 | <b>Motor Vehicle Offense</b><br>Driving while under the influence of alcohol, while transporting a minor, 1 <sup>st</sup> offense                           |           | TR, §27-101(q)(1)(i),<br>TR, §21-902(a)                             | Misd.           | 2Y       |   | Person       | VI              | \$2,000 |
| 245-19 | <b>Motor Vehicle Offense</b><br>Driving while under the influence of alcohol, while transporting a minor, 2 <sup>nd</sup> offense                           |           | TR, §27-101(q)(1)(ii),<br>TR, §21-902(a),<br>TR, §27-101(j)(2)(i)   | Misd.           | 3Y       | Within 5 years of prior conviction<br>—MM 5 days  | Person       | V               | \$3,000 |



| COMAR# | Offense Literal   | CJIS Code | Source  | Felony or Misd. | Max Term | Min Term                                      | Offense Type | Serious. Categ. | Fine    |
|--------|---|-----------|---|-----------------|----------|---|--------------|-----------------|---------|
| 245-20 | <b>Motor Vehicle Offense</b><br>Driving while under the influence of alcohol, while transporting a minor, 3 <sup>rd</sup> or subsequent offense   |           | TR, §27-101(q)(1)(iii),<br>TR, §21-902(a),<br>TR, §27-101(j)(2)(ii)   | Misd.           | 4Y       | Within 5 years of prior conviction—MM 10 days | Person       | V               | \$4,000 |
| 246    | <b>Motor Vehicle Offense</b><br>Fleeing or eluding police that results in a death of another person   |           | TR, §27-101(p)(3),<br>TR, §21-904(d)(2)                               | Misd.           | 10Y      |   | Person       | IV              | \$5,000 |
| 247    | <b>Motor Vehicle Offense</b><br>Fleeing or eluding police that results in bodily injury   |           | TR, §27-101(p)(2),<br>TR, §21-904(d)(1)                               | Misd.           | 3Y       |   | Person       | V               | \$5,000 |
| 248    | <b>Motor Vehicle Offense</b><br>Eluding a police officer attempting to apprehend driver for commission of crime of violence   |           | TR, §27-101(p)(4)<br>TR, §21-904(e)                                   | Misd.           | 3Y       |   | Person       | V               | \$5,000 |
| 250    | <b>Motor Vehicle Offense</b><br>Driver failing to remain at scene—accidents resulting in death of another person  |           | TR, §27-101(o)(2)<br>TR, §20-102                                      | Misd.           | 5Y       |   | Person       | V               | \$5,000 |
| 253    | <b>Motor Vehicle Offense</b><br>Fleeing or eluding police, 2 <sup>nd</sup> offense  |           | TR, §27-101(p)(1)(i),(ii)<br>TR, §21-904                              | Misd.           | 2Y       |   | Person       | VI              | \$1,000 |
| 254    | <b>Motor Vehicle Offense</b><br>Driving while license is canceled, suspended, refused, or revoked, <b>subsequent</b>  |           | TR, §27-101(h)(1),(2)<br>TR, §16-303(a), (b), (c), (d), (e), (f), (g) | Misd.           | 2Y       |   | Property     | VI              | \$1,000 |
| 254-1  | <b>Motor Vehicle Offense</b><br>Driving without having been issued a license, <b>subsequent</b>   |           | TR, §27-101(y)  | Misd.           | 1Y       |   | Property     | VII             | \$500   |
| 255    | <b>Motor Vehicle Offense</b><br>Conduct the business of an automotive dismantler and recycler or a scrap processor without a license, <b>subsequent</b>   |           | TR, §27-101(i), (2)<br>TR, §15-502(a)                                 | Misd.           | 1Y       |   | Property     | VII             | \$2,000 |
| 256    | <b>Motor Vehicle Offense</b><br>Providing false evidence of required security, <b>subsequent</b>  |           | TR, §27-101(h)(1), (2)<br>TR, §17-110                                 | Misd.           | 2Y       |   | Property     | VI              | \$1,000 |
| 257    | <b>Motor Vehicle Offense</b><br>Required security—a person who knows or has reason to know that a motor vehicle is not covered by the required security may not drive the vehicle; or, if owner, knowingly permit another person to drive it, <b>subsequent</b> |           | TR, §27-101(h)(1), (2)<br>TR, §17-107                                 | Misd.           | 2Y       |   | Property     | VI              | \$1,000 |
| 265    | <b>Motor Vehicle Offense</b><br>Driver failing to remain at scene—Accidents resulting in bodily injury to another person  |           | TR, §27-101(o)(1)<br>TR, §20-102                                      | Misd.           | 1Y       |   | Person       | VII             | \$3,000 |

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|--------|---|-----------|--|-----------------|----------|----------|--------------|-----------------|---------|
| 266    | <b>Motor Vehicle Offense</b><br>Fleeing or eluding police, 1 <sup>st</sup> offense  |           | TR, §27-101(p)(1)(i), (ii)<br>TR, §21-904                              | Misd.           | 1Y       |          | Person       | VII             | \$1,000 |
| 267    | <b>Motor Vehicle Offense</b><br>Conduct the business of a vehicle dealer without a license  |           | TR, § 27-101(v)<br>TR, §15-302   | Misd.           | 1Y       |          | Property     | VII             | \$5,000 |
| 268    | <b>Motor Vehicle Offense</b><br>Driving while license is canceled, suspended, refused, or revoked, 1 <sup>st</sup> offense  |           | TR, §27-101(h)(1), (2)<br>TR, §16-303(a), (b), (c), (d), (e), (f), (g) | Misd.           | 1Y       |          | Property     | VII             | \$1,000 |
| 268-1  | <b>Motor Vehicle Offense</b><br>Driving commercial motor vehicle while license is canceled, suspended, refused, or revoked, 1 <sup>st</sup> offense   |           | TR, §16-808(a)   | Misd.           | 5Y       |          | Property     | VI              |         |
| 268-2  | <b>Motor Vehicle Offense</b><br>Driver of commercial vehicle not in possession of license, 1 <sup>st</sup> offense  |           | TR, §16-808(b)   | Misd.           | 6M       |          | Property     | VII             |         |
| 268-3  | <b>Motor Vehicle Offense</b><br>Driver of commercial vehicle not in possession of license, 2 <sup>nd</sup> offense  |           | TR, §16-808(b)   | Misd.           | 1Y       |          | Property     | VII             |         |
| 268-4  | <b>Motor Vehicle Offense</b><br>Driver of commercial vehicle not in possession of license, 3 <sup>rd</sup> or subsequent offense  |           | TR, §16-808(b)   | Misd.           | 2Y       |          | Property     | VI              |         |
| 268-5  | <b>Motor Vehicle Offense</b><br>Obtaining commercial driver's license by misrepresentation  |           | TR, §16-813.1  | Misd.           | 5Y       |          | Property     | VI              |         |
| 269    | <b>Motor Vehicle Offense</b><br>Driver's license required, <b>subsequent</b>  |           | TR, §27-101(f)(1)(ii)1<br>TR, 16-101                                   | Misd.           | 1Y       |          | Property     | VII             | \$500   |
| 271    | <b>Motor Vehicle Offense</b><br>Providing false evidence of required security, 1 <sup>st</sup> offense  |           | TR, §27-101(h)(1), (2)<br>TR, §17-110                                  | Misd.           | 1Y       |          | Property     | VII             | \$500   |
| 272    | <b>Motor Vehicle Offense</b><br>Possession of motor vehicle master key  |           | TR, §27-101(f)(1)(i)<br>TR, §14-103                                    | Misd.           | 1Y       |          | Property     | VII             | \$1,000 |
| 273    | <b>Motor Vehicle Offense</b><br>Required security—a person who knows or has reason to know that a motor vehicle is not covered by the required security may not drive the vehicle; or, if owner, knowingly permit another person to drive it, 1 <sup>st</sup> offense |           | TR, §27-101(h)(1), (2)<br>TR, §17-107                                  | Misd.           | 1Y       |          | Property     | VII             | \$1,000 |
| 274    | <b>Motor Vehicle Offense</b><br>Transportation of hazardous materials, <b>subsequent</b>  |           | TR, §27-101(e)(1), (2)<br>TR, §21-1411                                 | Misd.           | 1Y       |          | Property     | VII             | \$2,000 |

| COMAR# | Offense Literal   | CJIS Code                                      | Source                           | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine     |
|--------|---|--|----------------------------------|-----------------|----------|----------|--------------|-----------------|----------|
| 275    | <b>Motor Vehicle Offense</b><br>Act as a vehicle salesman without a license, <b>subsequent</b>  |  | TR, §27-101(i)(2)<br>TR, §15-402 | Misd.           | 1Y       |          | Property     | VII             | \$2,000  |
| 275-1  | <b>Motor Vehicle Offense</b><br>Commit or engage another to commit a violation of motor vehicle law for the purpose of making recordings of activity without permission |  | TR, §21-1126,<br>TR, §27-101(z)  | Misd.           | 1Y       |          | Person       | VII             | \$1,000  |
| 276    | <b>Murder</b><br>1 <sup>st</sup> degree generally   | 2-0900   | CR, §2-201                       | Felony          | LIFE ♦   | LIFE     | Person       | I               |          |
| 277    | <b>Murder</b><br>1 <sup>st</sup> degree during rape, etc.   | 2-0900   | Common law;<br>CR, §2-201        | Felony          | LIFE ♦   | LIFE     | Person       | I               |          |
| 278    | <b>Murder</b><br>1 <sup>st</sup> degree perpetration of arson   | 2-0900   | Common law;<br>CR, §2-201        | Felony          | LIFE ♦   | LIFE     | Person       | I               |          |
| 279    | <b>Murder</b><br>1 <sup>st</sup> degree burning barn, tobacco house, etc.   | 2-0900   | Common law;<br>CR, §2-201        | Felony          | LIFE ♦   | LIFE     | Person       | I               |          |
| 280    | <b>Murder</b><br>1 <sup>st</sup> degree, attempted  | 2-0910   | CR, §2-205                       | Felony          | LIFE ♦   |          | Person       | II              |          |
| 280-1  | <b>Murder</b><br>1 <sup>st</sup> degree, conspiracy   |  | Common law                       | Misd.           | LIFE ♦   |          | Person       | I               |          |
| 281    | <b>Murder</b><br>1 <sup>st</sup> degree, solicitation   |  | Common law                       | Misd.           | LIFE     |          | Person       | II              |          |
| 282    | <b>Murder</b><br>2 <sup>nd</sup> degree   | 1-0999   | CR, §2-204                       | Felony          | 30Y ♦    |          | Person       | II              |          |
| 283    | <b>Murder</b><br>2 <sup>nd</sup> degree, attempted  | 2-0920   | CR, §2-206                       | Felony          | 30Y ♦    |          | Person       | III             |          |
| 284    | <b>Nudity and Related Sexual Displays</b><br>Indecent exposure  | 1-3605   | Common law;<br>CR, §11-107       | Misd.           | 3Y       |          | Person       | VI              | \$1,000  |
| 284-1  | <b>Nudity and Related Sexual Displays</b><br>Indecent exposure of an inmate to correctional officer   | 2-1133   | CS, § 8-803                      | Misd.           | 3Y       |          | Person       | VI              | \$1,000  |
| 285    | <b>Obscene Matter</b><br>Child pornography, 1 <sup>st</sup> offense   | 1-0298<br>1-0299<br>1-0300<br>1-0315<br>2-3799 | CR, §11-207(b)(1)                | Felony          | 10Y      |          | Person       | IV              | \$25,000 |
| 286    | <b>Obscene Matter</b><br>Child pornography-subsequent   | 1-0298<br>1-0299<br>1-0300<br>1-0315<br>2-3799 | CR, §11-207(b)(2)                | Felony          | 20Y      |          | Person       | III             | \$50,000 |
| 287    | <b>Obscene Matter</b><br>Sending or bringing into State for sale or distribution, publishing, etc., <b>subsequent</b>   | 1-3705<br>1-0294<br>1-0295<br>1-0296           | CR, §11-202(b)(2)                | Misd.           | 3Y       |          | Person       | VI              | \$5,000  |

| COMAR# | Offense Literal  | CJIS Code                            | Source            | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine     |
|--------|--|--------------------------------------|-------------------|-----------------|----------|----------|--------------|-----------------|----------|
| 288    | <b>Obscene Matter</b><br>Obscene performances in Anne Arundel, Charles, Howard, Somerset, Wicomico, Worcester counties, <b>subsequent</b>  |                                      | CR, §11-204(c)(2) | Misd.           | 3Y       |          | Person       | VI              | \$5,000  |
| 289    | <b>Obscene Matter</b><br>Sale or display of certain items to persons younger than 18 years old, <b>subsequent</b>  | 1-3799<br>1-0297                     | CR, §11-203(d)(2) | Misd.           | 3Y       |          | Person       | VI              | \$5,000  |
| 290    | <b>Obscene Matter</b><br>Possession of visual representations of persons younger than 16 years old engaged in certain sexual acts, <b>subsequent</b>                                 |                                      | CR, §11-208(b)(2) | Felony          | 10Y      |          | Person       | IV              | \$10,000 |
| 291    | <b>Obscene Matter</b><br>Requiring acceptance of obscene matter as condition to sale, etc.; denial of franchise, etc., for failure to accept obscene matter, <b>subsequent</b>       |                                      | CR, §11-206(b)(2) | Misd.           | 3Y       |          | Person       | VI              | \$5,000  |
| 292    | <b>Obscene Matter</b><br>Hire minor to distribute obscene material   | 3-3799                               | CR, §11-209(a)    | Misd.           | 1Y       |          | Person       | VII             | \$1,000  |
| 293    | <b>Obscene Matter</b><br>Sending or bringing into State for sale or distribution, publishing, etc., 1 <sup>st</sup> offense  | 1-3705<br>1-0294<br>1-0295<br>1-0296 | CR, §11-202(b)(1) | Misd.           | 1Y       |          | Person       | VII             | \$1,000  |
| 294    | <b>Obscene Matter</b><br>Obscene performances in Anne Arundel, Charles, Howard, Somerset, Wicomico, Worcester counties, 1 <sup>st</sup> offense                                      |                                      | CR, §11-204(c)(1) | Misd.           | 1Y       |          | Person       | VII             | \$1,000  |
| 295    | <b>Obscene Matter</b><br>Sale or display of certain items to persons younger than 18 years old, 1 <sup>st</sup> offense  | 1-3799<br>1-0297                     | CR, §11-202(d)(1) | Misd.           | 1Y       |          | Person       | VII             | \$1,000  |
| 296    | <b>Obscene Matter</b><br>Possession of visual representations of persons younger than 16 years old engaged in certain sexual acts, 1 <sup>st</sup> offense                           | 1-1776                               | CR, §11-208(b)(1) | Misd.           | 5Y       |          | Person       | V               | \$2,500  |
| 297    | <b>Obscene Matter</b><br>Requiring acceptance of obscene matter as condition to sale, etc.; denial of franchise, etc., for failure to accept obscene matter, 1 <sup>st</sup> offense |                                      | CR, §11-206(b)(1) | Misd.           | 1Y       |          | Person       | VII             | \$1,000  |
| 298    | <b>Obscene Matter</b><br>Obscene advertising, 1 <sup>st</sup> offense  |                                      | CR, §11-205(b)(1) | Misd.           | 1Y       |          | Property     | VII             | \$1,000  |
| 299    | <b>Obscene Matter</b><br>Obscene advertising, <b>subsequent</b>  |                                      | CR, §11-205(b)(2) | Misd.           | 3Y       |          | Property     | VII             | \$5,000  |

| COMAR# | Offense Literal  | CJIS Code  | Source          | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine            |
|--------|--|--|-----------------|-----------------|----------|----------|--------------|-----------------|-----------------|
| 300    | <b>Perjury</b><br>Perjury—subornation of perjury   | 1-5004   | CR, §9-102(a)   | Misd.           | 10Y      |          | Person       | IV              |                 |
| 301    | <b>Perjury</b><br>Perjury-willfully filing false income tax returns-perjury  |  | TG, §13-1002(b) | Misd.           | 10Y      |          | Property     | IV              |                 |
| 302    | <b>Perjury</b><br>Perjury  | 1-0307<br>1-0308<br>1-0309<br>1-0310<br>1-5003   | CR, §9-101(a)   | Misd.           | 10Y      |          | Property     | IV              |                 |
| 303    | <b>Perjury</b><br>Affirmation of two contradictory statements  | 2-5003   | CR, §9-101(c)   | Misd.           | 10Y      |          | Property     | IV              |                 |
| 304    | <b>Prescription Drugs and Other Substances</b><br>Harmful substances—distribution; possession with intent to distribute; instruction in the unlawful inhaling; or distribution of butane can to minor, 1 <sup>st</sup> offense | 1-0272<br>1-0273<br>1-0735<br>1-3500   | CR, §5-709      | Misd.           | 18M      |          | Drug         | VII             | \$1,000         |
| 304-1  | <b>Prescription Drugs and Other Substances</b><br>Harmful substances-distribution; possession with intent to distribute; instruction in the unlawful inhaling; or distribution of butane can to minor, <b>subsequent</b>       | 1-0272<br>1-0273<br>1-0735<br>1-3500   | CR, §5-709      | Misd.           | 18M      |          | Drug         | V               | \$1,000         |
| 305    | <b>Prescription Drugs and Other Substances</b><br>Harmful substances—smelling or inhaling harmful substances   | 1-5599   | CR, §5-708(b)   | Misd.           | 6M       |          | Drug         | VII             | \$500           |
| 306    | <b>Prescription Drugs and Other Substances</b><br>Possession—compounding or selling different drug, controlled dangerous substance, medicine, etc.   | 1-0018   | CR, §5-702      | Misd.           | 12M      | 1M       | Drug         | VII             | \$100-<br>\$500 |
| 307    | <b>Prescription Drugs and Other Substances</b><br>Possession—prescription drugs—manufacture, distribute, etc.; obtain by fraud, etc., forgery, etc., label property, destruction   | 1-0010<br>1-0264<br>1-0265<br>1-0266<br>1-0267<br>1-0268<br>1-0269<br>1-0270<br>1-0271 | CR, §5-701(d)   | Misd.           | 2Y       |          | Drug         | VII             | \$1,000         |
| 308-1  | <b>Prostitution and Related Crimes</b><br>Abduction—Persuade, entice, secrete, or harbor individual younger than 16 years old for prostitution   | 1-1091<br>1-1092   | CR, §11-305(a)  | Misd.           | 10Y ♦    |          | Person       | III             | \$5,000         |

| COMAR# | Offense Literal   | CJIS Code  | Source   | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine      |
|--------|---|--|--|-----------------|----------|----------|--------------|-----------------|-----------|
| 309-1  | <b>Prostitution and Related Crimes</b><br>Prostitution, etc.—Human trafficking, take, harbor, or unlawfully detain another for prostitution   | 1-1080<br>1-1081<br>1-1082<br>1-1083   | CR, §11-303(c)(1)  | Misd.           | 10Y      |          | Person       | III             | \$5,000   |
| 310    | <b>Prostitution and Related Crimes</b><br>Prostitution, etc.—Human trafficking, take, harbor, or unlawfully detain a minor for prostitution   | 1-0786<br>1-0787<br>1-0788<br>1-0789   | CR, §11-303(c)(2)  | Felony          | 25Y      |          | Person       | II              | \$15,000  |
| 313-1  | <b>Prostitution and Related Crimes</b><br>Prostitution, etc.—Receive money for prostitution   | 1-1090   | CR, §11-304(a)   | Misd.           | 10Y      |          | Person       | IV              | \$10,000  |
| 317-1  | <b>Prostitution and Related Crimes</b><br>Prostitution, etc.—General assignation and solicitation   | 1-1093   | CR, §11-306(a)   | Misd.           | 1Y       |          | Person       | VII             | \$500     |
| 318    | <b>Public Fraud</b><br>State Health Plan Fraud, Resulting in Death: Defraud State Health Plan; Obtain State Health Plan benefits by false representation; Defraud State Health Plan of the right to honest services; Defraud State Health Plan by false representation; Solicit, offer, make, etc., kickback, bribe in connection with State Health Plan services, etc.; Solicit, offer, make, etc., a rebate of a fee, charge, etc., in connection with State Health Plan referral; Induce false representation with respect to conditions, etc. of a facility, etc., to help such facility qualify to receive reimbursement under State Health Plan; Fraudulently obtain or aid in obtaining a drug product/medical care using State Health Plan funds; Possession of a medical or pharmacy assistance card without authorization | 2-2125<br>2-2165<br>2-2325<br>2-2365<br>2-2990<br>2-2880<br>2-2930<br>2-4125<br>2-2970 | CR, §8-509<br>CR, §8-511<br>CR, §8-512<br>CR, §8-513<br>CR, §8-514<br>CR, §8-515<br>CR, §8-516 | Felony          | LIFE     |          | Person       | II              | \$200,000 |
| 319    | <b>Public Fraud</b><br>State Health Plan Fraud, Resulting in Serious Injury Defraud State Health Plan; Obtain State Health Plan benefits by false representation; Defraud State Health Plan of the right to honest services; Defraud State Health Plan by false representation; Solicit, offer, make, etc., kickback, bribe in connection with State Health Plan services, etc.; Solicit, offer, make, etc., a rebate of a fee, charge, etc., in connection with State Health Plan referral; Induce false representation with   | 2-2120<br>2-2160<br>2-2320<br>2-2360<br>2-2985<br>2-2875<br>2-2925<br>2-4120<br>2-2965 | CR, §8-509<br>CR, §8-511<br>CR, §8-512<br>CR, §8-513<br>CR, §8-514<br>CR, §8-515<br>CR, §8-516 | Felony          | 20Y      |          | Person       | III             | \$100,000 |

| COMAR# | Offense Literal  | CJIS Code  | Source   | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine     |
|--------|--|--|--|-----------------|----------|----------|--------------|-----------------|----------|
|        | respect to conditions, etc., of a facility, etc., to help such facility qualify to receive reimbursement under State Health Plan;<br>Fraudulently obtain or aid in obtaining a drug product/medical care using State Health Plan funds;<br>Possession of a medical or pharmacy assistance card without authorization   |  |  |                 |          |          |              |                 |          |
| 320    | <b>Public Fraud</b><br>Perjury—Public Assistance fraud in application  | 2-2607   | CR, §8-504(b),<br>CR, §9-101(penalty)  | Misd.           | 10Y      |          | Property     | IV              | \$1,000  |
| 321    | <b>Public Fraud</b><br>Use, with intent to defraud, of a facsimile signature, or any reproduction of it, of any authorized officer; or use with intent to defraud, of a facsimile seal, or any reproduction of it, of the State or of any of its political subdivisions  |  | SF, §2-305(b)  | Felony          | 10Y      |          | Property     | V               | \$5,000  |
| 322    | <b>Public Fraud</b><br>Violation of Architectural and Engineering Services subtitle  |  | SF, §13-322  | Felony          | 10Y      |          | Property     | V               | \$20,000 |
| 322-1  | <b>Public Fraud</b><br>State Health Plan Fraud, less than \$500: Defraud State Health Plan; Obtain State Health Plan benefits by false representation; Defraud State Health Plan of the right to honest services; Defraud State Health Plan by false representation; Solicit, offer, make, etc., kickback, bribe in connection with State Health Plan services, etc.; Solicit, offer, make, etc., a rebate of a fee, charge, etc., in connection with State Health Plan referral; Induce false representation with respect to conditions, etc., of a facility, etc., to help the facility qualify to receive reimbursement under State Health Plan;<br>Fraudulently obtain or aid in obtaining a drug product/medical care using State Health Plan funds;<br>Possession of a medical or pharmacy assistance card without authorization | 2-2110<br>2-2150<br>2-2190<br>2-2350<br>2-2975<br>2-2865<br>2-2910<br>2-4110<br>2-2955 | CR, §8-509<br>CR, §8-511<br>CR, §8-512<br>CR, §8-513<br>CR, §8-514<br>CR, §8-515<br>CR, §8-516 | Misd.           | 3Y       |          | Property     | VII             | \$50,000 |

| COMAR# | Offense Literal  | CJIS Code  | Source   | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine      |
|--------|--|--|--|-----------------|----------|----------|--------------|-----------------|-----------|
| 323    | <b>Public Fraud</b><br>State Health Plan Fraud, \$500 or greater: Defraud State Health Plan; Obtain State Health Plan benefits by false representation; Defraud State Health Plan of the right to honest services; Defraud State Health Plan by false representation; Solicit, offer, make, etc., kickback, bribe in connection with State Health Plan services, etc.; Solicit, offer, make, etc., a rebate of a fee, charge, etc., in connection with State Health Plan referral; Induce false representation with respect to conditions, etc., of a facility, etc., to help such facility qualify to receive reimbursement under State Health Plan; Fraudulently obtain or aid in obtaining a drug product/medical care using State Health Plan funds; Possession of a medical or pharmacy assistance card without authorization | 2-2115<br>2-2155<br>2-2195<br>2-2355<br>2-2980<br>2-2870<br>2-2920<br>2-4115<br>2-2960 | CR, §8-509<br>CR, §8-511<br>CR, §8-512<br>CR, §8-513<br>CR, §8-514<br>CR, §8-515<br>CR, §8-516 | Felony          | 5Y       |          | Property     | V               | \$100,000 |
| 324    | <b>Public Fraud</b><br>Falsification, concealment, etc., of material facts in connection with a procurement contract   |  | SF, §11-205.1(c)   | Felony          | 5Y       |          | Property     | VI              | \$20,000  |
| 325    | <b>Public Fraud</b><br>Minority Business Participation-Fraudulently obtain, etc. or hold certification; aid another person in fraudulently obtaining, etc. certification; willfully obstruct, impede, etc., a State official, etc., investigating the qualifications of a business entity that has requested certification; fraud in any minority business enterprise matter under this subtitle   |  | SF, §14-308(a)(2)  | Felony          | 5Y       |          | Property     | VI              | \$20,000  |
| 326    | <b>Public Fraud</b><br>Sale or purchase of food stamp benefits; or sale or purchase of merchandise with food stamp benefits, greater than \$1,000  |  | 88A, §89(c)(1)   | Felony          | 5Y       |          | Property     | VI              | \$10,000  |
| 327    | <b>Public Fraud</b><br>Fraud—Public Assistance fraud, generally (with the exception of Medicaid fraud)   | 7-2607   | CR, §8-503(b)  | Misd.           | 3Y       |          | Property     | VII             | \$1,000   |
| 328    | <b>Public Fraud</b><br>Fraud—Falsely obtain legal representation by the Office of the Public Defender  | 6-2607   | CR, §8-521(b)  | Misd.           | 1Y       |          | Property     | VII             | \$1,000   |



| COMAR# | Offense Literal   | CJIS Code                            | Source                          | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine      |
|--------|---|--------------------------------------|---------------------------------|-----------------|----------|----------|--------------|-----------------|-----------|
| 328-1  | <b>Public Fraud</b><br>Fraud—Housing assistance fraud; Making false statements  | 1-0419                               | CR, §8-523(b)                   | Misd.           | 3Y       |          | Property     | VII             |           |
| 329    | <b>Public Fraud</b><br>Sale or purchase of food stamp benefits; or sale or purchase of merchandise with food stamp benefits, less than \$1,000  |                                      | 88A, §89(c)(2)                  | Misd.           | 3Y       |          | Property     | VII             | \$1,000   |
| 330    | <b>Public Fraud</b><br>Request or obtain info on HIV and/or AIDS under false pretenses or deception   |                                      | HG, §18-215(f)(1)(i)            | Misd.           | 5Y       |          | Property     | V               | \$100,000 |
| 330-1  | <b>Public Fraud</b><br>Request or obtain info on HIV and/or AIDS under false pretenses or deception with intent to sell   |                                      | HG, §18-215(f)(1)(ii)           | Misd.           | 10Y      |          | Property     | IV              | \$250,000 |
| 331    | <b>Public Health and Safety, Crimes Against</b><br>Endangering others   | 2-0015                               | EN, §7-265 (d)                  | Felony          | 15Y      |          | Person       | II              | \$250,000 |
| 332    | <b>Public Health and Safety, Crimes Against</b><br>Hazardous substances-storing, treating, dumping, etc., in other than hazardous substance facility; transporting for treatment, storage, etc. to any place other than hazardous substance facility; falsifying required information; authorizing, directing, etc., any offense listed in this section | 1-0012<br>2-0012<br>2-0013<br>2-0014 | EN, §7-265<br>(a)(1),(2)(3),(4) | Felony          | 5Y       |          | Person       | V               | \$100,000 |
| 333    | <b>Public Health and Safety, Crimes Against</b><br>Unlawfully cause or unlawfully dump, deposit, throw, etc., litter greater than 500 lbs. in weight or 216 cubic feet in volume or for commercial purposes   | 1-0645<br>1-0646                     | CR, §10-110(f)(2)(iii)          | Misd.           | 5Y       |          | Property     | VI              | \$30,000  |
| 334    | <b>Public Health and Safety, Crimes Against</b><br>Hazardous Substance-failure to meet requirement for generators; failure to meet standards for hauler certificate or driver certificate; violations of restrictions on transporting controlled hazardous substances   |                                      | EN, §7-265(b)                   | Misd.           | 3Y       |          | Person       | VII             | \$50,000  |
| 335    | <b>Public Health and Safety, Crimes Against</b><br>Pollutants—dispersing into State waters, 1 <sup>st</sup> offense   |                                      | EN, §9-322                      | Misd.           | 1Y       |          | Property     | VII             | \$25,000  |

| COMAR# | Offense Literal  | CJIS Code        | Source                | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine      |
|--------|--|------------------|-----------------------|-----------------|----------|----------|--------------|-----------------|-----------|
| 336    | <b>Public Health and Safety, Crimes Against</b><br>Pollutants—dispersing into State waters, <b>subsequent</b>  |                  | EN, §9-322            | Misd.           | 2Y       |          | Property     | VII             | \$50,000  |
| 337    | <b>Public Health and Safety, Crimes Against</b><br>Pollutants—dispersing into State waters, falsification  |                  | EN, §9-343(b)         | Misd.           | 6M       |          | Property     | VII             | \$10,000  |
| 338    | <b>Public Health and Safety, Crimes Against</b><br>Unlawfully cause or unlawfully dump, deposit, throw, etc., litter, greater than 100 lbs. in weight or 27 cubic feet in volume | 1-0643<br>1-0644 | CR, §10-110(f)(2)(ii) | Misd.           | 1Y       |          | Property     | VII             | \$10,000  |
| 338-1  | <b>Public Health and Safety, Crimes Against</b><br>Falsifying permits, licenses, etc., to demonstrate compliance with environmental regulatory requirements                      |                  | EN, §1-302            | Misd.           | 2Y       |          | Property     | VII             | \$50,000  |
| 338-2  | <b>Public Health and Safety, Crimes Against</b><br>Conducting or attempting to conduct human cloning, etc., 1 <sup>st</sup> offense  |                  | 83A, §5-2B-12         | Misd.           | 3Y       |          | Person       | V               | \$50,000  |
| 338-3  | <b>Public Health and Safety, Crimes Against</b><br>Conducting or attempting to conduct human cloning, etc., <b>subsequent</b>  |                  | 83A, §5-2B-13         | Felony          | 10Y      |          | Person       | IV              | \$200,000 |
| 339    | <b>Railroads, Crimes Involving</b><br>Obstruct, break, damage, etc., railroad with intent to obstruct, overthrow and direct from the tracks a railroad vehicle                   | 3-5740<br>3-5750 | CR, §6-502(b)         | Felony          | 10Y      |          | Property     | V               | \$5,000   |
| 340    | <b>Railroads, Crimes Involving</b><br>Shoot at, throw at a railroad locomotive, motor, tender, car   | 3-5312           | CR, §6-505(b)         | Misd.           | 5Y       |          | Property     | VI              | \$1,000   |
| 341    | <b>Robbery</b><br>Carjacking—armed   | 1-0826           | CR, §3-405(c)         | Felony          | 30Y ♦    |          | Person       | II              |           |
| 342    | <b>Robbery</b><br>Carjacking—unarmed   | 1-0825           | CR, §3-405(b)         | Felony          | 30Y ♦    |          | Person       | III             |           |
| 343    | <b>Robbery</b><br>Robbery  | 2-0700           | CR, §3-402            | Felony          | 15Y ♦    |          | Person       | IV              |           |
| 344    | <b>Robbery</b><br>Robbery with a dangerous weapon  | 2-0705           | CR, §3-403(a)(1)      | Felony          | 20Y ♦    |          | Person       | III             |           |
| 345    | <b>Robbery</b><br>Robbery by display of written instrument claiming possession of dangerous weapon   | 2-0705           | CR, §3-403(a)(2)      | Felony          | 20Y ♦    |          | Person       | III             |           |

| COMAR# | Offense Literal   | CJIS Code | Source           | Felony or Misd. | Max Term                       | Min Term | Offense Type | Serious. Categ. | Fine     |
|--------|---|-----------|------------------|-----------------|--------------------------------|----------|--------------|-----------------|----------|
| 345-1  | <b>Sabotage and Related Crimes</b><br>Defense related activities—<br>Intentional defective workmanship                            |           | CR, §9-703       | Felony          | 10Y                            |          | Property     | IV              | \$10,000 |
| 345-2  | <b>Sabotage and Related Crimes</b><br>Defense related activities—<br>Intentional injury or interference<br>with property          |           | CR, §9-702       | Felony          | 10Y                            |          | Property     | IV              | \$10,000 |
| 348    | <b>Sexual Crimes</b><br>Rape, 1 <sup>st</sup> degree  | 1-1102    | CR, §3-303(d)(1) | Felony          | LIFE ♦                         |          | Person       | I               |          |
| 348-1  | <b>Sexual Crimes</b><br>Rape, 1 <sup>st</sup> degree, in conjunction with<br>kidnapping child younger than 16<br>years old        | 1-1102    | CR, §3-303(d)(2) | Felony          | LIFE<br>without<br>Parole<br>♦ |          | Person       | I               |          |
| 348-2  | <b>Sexual Crimes</b><br>Rape, 1 <sup>st</sup> degree, <b>subsequent</b>   | 1-1102    | CR, §3-303(d)(3) | Felony          | LIFE<br>without<br>Parole<br>♦ |          | Person       | I               |          |
| 348-3  | <b>Sexual Crimes</b><br>Rape, 1 <sup>st</sup> degree, adult offender with<br>victim younger than 13 years old                     | 1-1102    | CR, §3-303(d)(4) | Felony          | LIFE<br>without<br>Parole<br>♦ | MM*=25Y  | Person       | I               |          |
| 349    | <b>Sexual Crimes</b><br>Sex Offense, 1 <sup>st</sup> degree   | 2-1102    | CR, §3-305(d)(1) | Felony          | LIFE ♦                         |          | Person       | I               |          |
| 349-1  | <b>Sexual Crimes</b><br>Sex Offense, 1 <sup>st</sup> degree, in<br>conjunction with kidnapping child<br>younger than 16 years old | 2-1102    | CR, §3-305(d)(2) | Felony          | LIFE<br>without<br>Parole<br>♦ |          | Person       | I               |          |
| 349-2  | <b>Sexual Crimes</b><br>Sex Offense, 1 <sup>st</sup> degree, <b>subsequent</b>  | 2-1102    | CR, §3-305(d)(3) | Felony          | LIFE<br>without<br>Parole<br>♦ |          | Person       | I               |          |
| 349-3  | <b>Sexual Crimes</b><br>Sex Offense, 1 <sup>st</sup> degree, adult<br>offender with victim younger than<br>13 years old           | 2-1102    | CR, §3-305(d)(4) | Felony          | LIFE<br>without<br>Parole<br>♦ | MM*=25Y  | Person       | I               |          |
| 350    | <b>Sexual Crimes</b><br>Attempted rape, 1 <sup>st</sup> degree  | 2-1120    | CR, §3-309(a)    | Felony          | LIFE ♦                         |          | Person       | II              |          |
| 351    | <b>Sexual Crimes</b><br>Attempted sexual offense, 1 <sup>st</sup> degree  | 2-1125    | CR, §3-311(a)    | Felony          | LIFE ♦                         |          | Person       | II              |          |
| 352    | <b>Sexual Crimes</b><br>Rape, 2 <sup>nd</sup> degree  | 2-1103    | CR, §3-304(c)(1) | Felony          | 20Y ♦                          |          | Person       | II              |          |
| 352-1  | <b>Sexual Crimes</b><br>Rape, 2 <sup>nd</sup> degree, adult offender with<br>victim younger than 13 years old                     | 2-1103    | CR, §3-304(c)(2) | Felony          | LIFE ♦                         | MM*=15Y  | Person       | II              |          |
| 353    | <b>Sexual Crimes</b><br>Sex Offense, 2 <sup>nd</sup> degree   | 2-3600    | CR, §3-306(c)(1) | Felony          | 20Y ♦                          |          | Person       | II              |          |

| COMAR# | Offense Literal   | CJIS Code        | Source   | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine     |
|--------|---|------------------|--|-----------------|----------|----------|--------------|-----------------|----------|
| 353-1  | <b>Sexual Crimes</b><br>Sex Offense, 2 <sup>nd</sup> degree, adult offender with victim younger than 13 years old   | 2-3600           | CR, §3-306(c)(2)   | Felony          | LIFE ♦   | MM*=15Y  | Person       | II              |          |
| 354    | <b>Sexual Crimes</b><br>Attempted rape, 2 <sup>nd</sup> degree  | 2-1110           | CR, §3-310(a)  | Felony          | 20Y ♦    |          | Person       | III             |          |
| 355    | <b>Sexual Crimes</b><br>Attempted sexual offense, 2 <sup>nd</sup> degree  | 2-1115           | CR, §3-312(a)  | Felony          | 20Y ♦    |          | Person       | III             |          |
| 356    | <b>Sexual Crimes</b><br>Incest  | 1-3604           | CR, §3-323   | Felony          | 10Y      | 1Y       | Person       | IV              |          |
| 356-1  | <b>Sexual Crimes</b><br>Sex Offense, 3 <sup>rd</sup> degree (a)(1) employ or display a dangerous weapon, etc.; (a) (2) with mentally defective, mentally incapacitated, or physically helpless individual | 3-3600           | CR, §3-307(a)(1)<br>CR, §3-307(a)(2)                     | Felony          | 10Y      |          | Person       | IV              |          |
| 357    | <b>Sexual Crimes</b><br>Sex Offense, 3 <sup>rd</sup> degree (a)(3), (a)(4), (a)(5) —age based elements  | 3-3600           | CR, §3-307(a)(3)<br>CR, §3-307(a)(4)<br>CR, §3-307(a)(5) | Felony          | 10Y      |          | Person       | V               |          |
| 358    | <b>Sexual Crimes</b><br>Sexual contact with inmates in correctional and juvenile facilities   | 2-1130<br>2-1132 | CR, §3-314   | Misd.           | 3Y       |          | Person       | V               | \$3,000  |
| 359    | <b>Sexual Crimes</b><br>Sodomy  | 5-3600           | CR, §3-321   | Felony          | 10Y      |          | Person       | IV              |          |
| 360    | <b>Sexual Crimes</b><br>Solicit to commit 3 <sup>rd</sup> degree sex act  |                  | Common law   | Misd.           | LIFE     |          | Person       | V               |          |
| 360-1  | <b>Sexual Crimes</b><br>Sexual Solicitation of a minor or law enforcement officer posing as a minor   | 1-1604           | CR, §3-324   | Felony          | 10Y      |          | Person       | IV              | \$25,000 |
| 361    | <b>Sexual Crimes</b><br>Sex Offender—failing to register and/or providing false information, 1 <sup>st</sup> offense  | 1-1477<br>2-1134 | CP, §11-721(b)(1)  | Misd.           | 3Y       |          | Person       | VI              | \$5,000  |
| 361-1  | <b>Sexual Crimes</b><br>Sex Offender-failing to register and/or providing false information, <b>subsequent</b>  |                  | CP, §11-721(b)(2)  | Felony          | 5Y       |          | Person       | V               | \$10,000 |
| 361-2  | <b>Sexual Crimes</b><br>Sex Offender—violation of restriction barring sex offenders from specified locations where children gather  | 1-1478           | CP, §11-722(d)   | Misd.           | 5Y       |          | Person       | V               | \$5,000  |
| 361-3  | <b>Sexual Crimes</b><br>Willfully and knowingly violating conditions of lifetime sexual offender supervision, 1 <sup>st</sup> offense   | 1-0713           | CP, §11-724(b)(1)  | Misd.           | 5Y       |          | Person       | V               | \$5,000  |

| COMAR# | Offense Literal  | CJIS Code        | Source                   | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine     |
|--------|--|------------------|--------------------------|-----------------|----------|----------|--------------|-----------------|----------|
| 361-4  | <b>Sexual Crimes</b><br>Willfully and knowingly violating conditions of lifetime sexual offender supervision, subsequent   | 1-0713           | CP, §11-724(b)(2)        | Felony          | 10Y      |          | Person       | IV              | \$10,000 |
| 362    | <b>Sexual Crimes</b><br>Perverted sexual practices   | 6-3600           | CR, §3-322               | Misd.           | 10Y      |          | Person       | VI              | \$1,000  |
| 363    | <b>Sexual Crimes</b><br>Sex Offense, 4 <sup>th</sup> degree  | 4-3600           | CR, §3-308(d)(1)         | Misd.           | 1Y       |          | Person       | VII             | \$1,000  |
| 363-1  | <b>Sexual Crimes</b><br>Continuing course of conduct which includes 3 or more acts involving 1 <sup>st</sup> , 2 <sup>nd</sup> , or 3 <sup>rd</sup> degree sex offense or 1 <sup>st</sup> or 2 <sup>nd</sup> degree rape over a period of 90 days or more, with a victim younger than 14 years old | 2-1136           | CR, §3-315               | Felony          | 30Y ♦    |          | Person       | II              |          |
| 363-2  | <b>Sexual Crimes</b><br>Sex Offense, 4 <sup>th</sup> degree, <b>subsequent</b>   | 4-3600           | CR, §3-308(d)(2)         | Misd.           | 3Y       |          | Person       | VI              | \$1,000  |
| 364    | <b>Sexual Crimes</b><br>Administered controlled dangerous substance before committing sex offense  | 2-0715           | CR, §5-624(b)            | Misd.           | 1Y       |          | Person       | VII             | \$25,000 |
| 365    | <b>Stalking and Harassment</b><br>Stalking   | 1-6525           | CR, §3-802(b)            | Misd.           | 5Y       |          | Person       | V               | \$5,000  |
| 365-1  | <b>Stalking and Harassment</b><br>Harassment   | 1-5406<br>1-0191 | CR, §3-803               | Misd.           | 90D      |          | Person       | VII             | \$500    |
| 365-2  | <b>Statewide DNA Data Base System, Crimes Involving</b><br>Improper disclosure of DNA information to a person/agency not entitled to receive the information   |                  | PS, §2-512 (a), (e)      | Felony          | 5Y       |          | Property     | V               | \$5,000  |
| 365-3  | <b>Statewide DNA Data Base System, Crimes Involving</b><br>Fraudulent obtainment of DNA information from the Statewide DNA data base/repository  |                  | PS, §2-512 (b), (e)      | Felony          | 5Y       |          | Property     | V               | \$5,000  |
| 365-4  | <b>Statewide DNA Data Base System, Crimes Involving</b><br>Willfully testing DNA for information not related to identification of individuals  |                  | PS, §2-512 (c), (e)      | Felony          | 5Y       |          | Property     | V               | \$5,000  |
| 366    | <b>Surveillance and Other Crimes Against Privacy</b><br>Breaking and entering, etc. to place or remove wiretapping or electronic surveillance or eavesdropping equipment without a court order   |                  | CJ, §10-412              | Felony          | 10Y      |          | Property     | IV              |          |
| 366-1  | <b>Surveillance and Other Crimes Against Privacy</b><br>Visual and camera surveillance, private place  | 3-5715<br>1-1759 | CR, §3-902<br>CR, §3-903 | Misd.           | 1Y       |          | Person       | VII             | \$2,500  |

| COMAR# | Offense Literal   | CJIS Code                            | Source                      | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine     |
|--------|---|--------------------------------------|-----------------------------|-----------------|----------|----------|--------------|-----------------|----------|
| 367    | <b>Surveillance and Other Crimes Against Privacy</b><br>Wiretapping-breaking and entering, etc., to place, remove, or adjust equipment  |                                      | CJ, §10-412                 | Felony          | 10Y      |          | Property     | V               |          |
| 368    | <b>Surveillance and Other Crimes Against Privacy</b><br>Wiretapping-unlawful interception of communications   |                                      | CJ, §10-402(a)              | Felony          | 5Y       |          | Property     | V               | \$10,000 |
| 369    | <b>Surveillance and Other Crimes Against Privacy</b><br>Divulging contents of communications  |                                      | CJ, §10-402(e)              | Misd.           | 5Y       |          | Property     | VI              | \$10,000 |
| 370    | <b>Surveillance and Other Crimes Against Privacy</b><br>Manufacture, possession, or sale of intercepting device   |                                      | CJ, §10-403(a)              | Felony          | 5Y       |          | Property     | VI              | \$10,000 |
| 371    | <b>Surveillance and Other Crimes Against Privacy</b><br>Giving notice of interception of wire, oral, or electronic communications in order to obstruct, impede or prevent such interception   |                                      | CJ, §10-414(b)              | Felony          | 5Y       |          | Property     | VI              | \$10,000 |
| 373    | <b>Telecommunications and Electronics, Crimes Involving</b><br>Motion Picture Theaters—prohibition against audiovisual recording  | 1-0336                               | CR, §7-308(e)<br>CR, §7-309 | Misd.           | 1Y       |          | Property     | VII             | \$2,500  |
| 373-1  | <b>Telecommunications and Electronics, Crimes Involving</b><br>Motion Picture Theaters—prohibition against audiovisual recording, <b>subsequent</b>   |                                      | CR, §7-308(e)<br>CR, §7-309 | Misd.           | 3Y       |          | Property     | VI              | \$10,000 |
| 373-2  | <b>Telecommunications and Electronics, Crimes Involving</b><br>Unlawfully access, attempt to access, cause access to, etc., a computer, computer network, etc.  | 1-2804                               | CR, §7-302(d)(1)            | Misd.           | 3Y       |          | Property     | VI              | \$1,000  |
| 374    | <b>Telecommunications and Electronics, Crimes Involving</b><br>Unlawfully access, attempt to access, cause access to, etc., a computer, computer network, etc., to cause malfunction, interruption, alteration, damage, etc.; Unlawfully possess, identify, distribute, etc., a valid access code, less than \$10,000 | 1-0470<br>1-0471<br>1-0472<br>1-0614 | CR, §7-302(d)(2)(ii)        | Misd.           | 5Y       |          | Property     | V               | \$5,000  |

| COMAR# | Offense Literal  | CJIS Code                            | Source                   | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine     |
|--------|--|--------------------------------------|--------------------------|-----------------|----------|----------|--------------|-----------------|----------|
| 375    | <b>Telecommunications and Electronics, Crimes Involving</b><br>Unlawfully access, attempt to access, cause access to, etc., a computer, computer network, etc., to cause malfunction, interruption, alteration, damage, etc.; Unlawfully possess, identify, distribute, etc., a valid access code, \$10,000 or greater | 1-0495<br>1-0496<br>1-0497<br>1-0714 | CR, §7-302(d)(2)(i)      | Felony          | 10Y      |          | Property     | IV              | \$10,000 |
| 376    | <b>Telecommunications and Electronics, Crimes Involving</b><br>Unauthorized computer access for sabotage of State government, public utilities, or other energy infrastructure, less than \$50,000   | 1-0638                               | CR, §7-302(d)(3)(ii)     | Misd.           | 5Y       |          | Property     | V               | \$25,000 |
| 376-1  | <b>Telecommunications and Electronics, Crimes Involving</b><br>Unauthorized computer access for sabotage of State government, public utilities, or other energy infrastructure, \$50,000 or greater  | 1-0639                               | CR, §7-302(d)(3)(i)      | Felony          | 10Y      |          | Property     | IV              | \$25,000 |
| 377    | <b>Telecommunications and Electronics, Crimes Involving</b><br>Sending lewd, lascivious, and obscene material by electronic mail to harass   | 2-1135                               | CR, §3-805(b)            | Misd.           | 1Y       |          | Person       | VII             | \$500    |
| 378    | <b>Telecommunications and Electronics, Crimes Involving</b><br>Record/sell, etc., unauthorized performance, 1 <sup>st</sup> offense  | 1-0330<br>1-0331<br>1-0332<br>3-2602 | CR, §7-308<br>CR, §7-309 | Misd.           | 1Y       |          | Property     | VII             | \$2,500  |
| 379    | <b>Telecommunications and Electronics, Crimes Involving</b><br>Record/sell, etc., unauthorized performance, <b>subsequent</b>  | 1-0330<br>1-0331<br>1-0332<br>3-2602 | CR, §7-308<br>CR, §7-309 | Misd.           | 3Y       |          | Property     | VII             | \$10,000 |
| 380    | <b>Telecommunications and Electronics, Crimes Involving</b><br>Telephone, unlawful use of  | 1-0340<br>1-0341<br>1-5309           | CR, §3-804(a)            | Misd.           | 3Y       |          | Property     | VII             | \$500    |
| 381    | <b>Telecommunications and Electronics, Crimes Involving</b><br>Unauthorized connections, etc.; tampering or interfering with meters, poles, wires, etc.  | 1-0215<br>1-0216<br>1-0217<br>1-2608 | CR, §6-303(c)            | Misd.           | 6M       |          | Property     | VII             | \$500    |
| 381-1  | <b>Telecommunications and Electronics, Crimes Involving</b><br>Obtaining, selling, etc., telephone record without authorization  |                                      | CR, §7-304(d)(2)         | Misd.           | 2Y       |          | Property     | VII             | \$2,000  |
| 382    | <b>Telecommunications and Electronics, Crimes Involving</b><br>Manufacture, sell, use, etc., a code grabbing device with the intent for the code to be used in the commission of a crime   |                                      | CR, §7-301(b)            | Misd.           | 1Y       |          | Property     | VII             | \$1,000  |

| COMAR# | Offense Literal   | CJIS Code                  | Source                               | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine       |
|--------|---|----------------------------|--------------------------------------|-----------------|----------|----------|--------------|-----------------|------------|
| 382-1  | <b>Telecommunications and Electronics, Crimes Involving</b><br>Electronic security system blockers  | 1-1472                     | CR, §7-301(c)                        | Misd.           | 1Y       |          | Property     | VII             | \$1,000    |
| 383    | <b>Theft, Crimes Involving</b><br>Felony theft or theft-scheme, \$100,000 or greater  | 1-0624<br>1-0634           | CR, §7-104(g)(1)(iii)                | Felony          | 25Y      |          | Property     | II              | \$25,000   |
| 384    | <b>Theft, Crimes Involving</b><br>Felony theft or theft scheme, at least \$10,000 but less than \$100,000   | 1-0623<br>1-0633           | CR, §7-104(g)(1)(ii)                 | Felony          | 15Y      |          | Property     | IV              | \$15,000   |
| 384-1  | <b>Theft, Crimes Involving</b><br>Felony theft or theft scheme, at least \$1,000 but less than \$10,000   | 1-0622<br>1-0632           | CR, §7-104(g)(1)(i)                  | Felony          | 10Y      |          | Property     | V               | \$10,000   |
| 384-2  | <b>Theft, Crimes Involving</b><br>Misdemeanor theft or theft scheme, less than \$1,000  | 1-0621<br>1-0631           | CR, §7-104(g)(2)                     | Misd.           | 18M      |          | Property     | VII             | \$500      |
| 384-3  | <b>Theft, Crimes Involving</b><br>Misdemeanor theft or theft scheme, less than \$1,000, 3 <sup>rd</sup> and subsequent                              | 1-0621<br>1-0631           | CR, §7-104(g)(4)                     | Misd.           | 5Y       |          | Property     | VI              | \$5,000    |
| 385    | <b>Theft, Crimes Involving</b><br>Misdemeanor theft or theft scheme, less than \$100  | 1-0521                     | CR, §7-104(g)(3)                     | Misd.           | 90D      |          | Property     | VII             | \$500      |
| 386    | <b>Theft, Crimes Involving</b><br>Motor vehicle—unlawful taking   | 2-0480                     | CR, §7-105                           | Felony          | 5Y       |          | Property     | V               | \$5,000    |
| 387    | <b>Theft, Crimes Involving</b><br>Embezzlement, misappropriation by fiduciaries   | 1-0460<br>1-2799           | CR, §7-113                           | Misd.           | 5Y       | 1Y       | Property     | V               |            |
| 387-1  | <b>Theft, Crimes Involving</b><br>Defalcation by officer collecting revenue due State or county   |                            | CR, §7-114                           | Misd.           | 5Y       | 1Y       | Property     | VI              |            |
| 387-2  | <b>Trespass</b><br>Trespass on posted property or private property, 1 <sup>st</sup> offense   | 2-2210<br>2-2220<br>2-2230 | CR, §6-402(b)(1)<br>CR, §6-403(c)(1) | Misd.           | 3M       |          | Property     | VII             | \$500      |
| 387-3  | <b>Trespass</b><br>Trespass on posted property or private property, 2 <sup>nd</sup> offense within 2 years after first violation                    |                            | CR, §6-402(b)(2)<br>CR, §6-403(c)(2) | Misd.           | 6M       |          | Property     | VII             | \$1,000    |
| 387-4  | <b>Trespass</b><br>Trespass on posted property or private property, 3 <sup>rd</sup> and subsequent offense within 2 years after preceding violation |                            | CR, §6-402(b)(3)<br>CR, §6-403(c)(3) | Misd.           | 1Y       |          | Property     | VII             | \$2,500    |
| 388-1  | <b>Trespass</b><br>Trespass on railroad vehicle   |                            | CR, §6-503(c)                        | Misd.           | 6M       |          | Property     | VII             |            |
| 388-2  | <b>Unlawful Use of Goods</b><br>Unauthorized removal of property  | 2-2411                     | CR, §7-203                           | Misd.           | 4Y       | 6M       | Property     | VI              | \$50—\$100 |
| 388-3  | <b>Unlawful Use of Goods</b><br>Fraud—abandoning or refusing to return leased motor vehicle   | 1-0220                     | CR, §7-205(a)                        | Misd.           | 1Y       |          | Property     | VII             | \$500      |



| COMAR# | Offense Literal  | CJIS Code                  | Source                               | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine    |
|--------|--|----------------------------|--------------------------------------|-----------------|----------|----------|--------------|-----------------|---------|
| 389    | <b>Weapons Crimes—In General</b><br>Possess, use, wear, carry, or transport a firearm in a drug offense, 1 <sup>st</sup> offense                                       | 1-0493<br>1-0487           | CR, §5-621(c)                        | Felony          | 20Y      | MM*=5Y   | Person       | III             |         |
| 390    | <b>Weapons Crimes—In General</b><br>Possess, use, wear, carry, or transport a firearm in a drug offense, <b>subsequent</b>   | 1-0493<br>1-0487           | CR, §5-621(c)                        | Felony          | 20Y      | MM*=10Y  | Person       | III             |         |
| 391    | <b>Weapons Crimes—In General</b><br>Possess, use, wear, carry, or transport a firearm in a drug offense, 1 <sup>st</sup> offense (select firearms)                     | 1-0493<br>1-0487           | CR, §5-621(d)                        | Felony          | 20Y      | MM*=5Y   | Person       | III             |         |
| 392    | <b>Weapons Crimes—In General</b><br>Possess, use, wear, carry, or transport a firearm in a drug offense, <b>subsequent</b> (select firearms)                           | 1-0493<br>1-0487           | CR, §5-621(d)                        | Felony          | 20Y      | MM*=20Y  | Person       | III             |         |
| 393    | <b>Weapons Crimes—In General</b><br>Carrying or possessing firearm, knife, or deadly weapon on school property, other than handgun                                     | 1-5203                     | CR, §4-102(b)<br>PS, §5-141          | Misd.           | 3Y       |          | Person       | VI              | \$1,000 |
| 394    | <b>Weapons Crimes—In General</b><br>Wear or carry concealed dangerous weapon; concealed possession of pepper mace by a minor   | 1-5202                     | CR, §4-101(c)(1)<br>CR, §4-101(d)(1) | Misd.           | 3Y       |          | Person       | VII             | \$1,000 |
| 395    | <b>Weapons Crimes—In General</b><br>Wear or carry dangerous weapon, mace, or tear gas device openly with intent to injure; openly wear or carry pepper mace by a minor | 1-5200<br>2-5200           | CR, §4-101(c)(2)<br>CR, §4-101(d)(1) | Misd.           | 3Y       |          | Person       | VII             | \$1,000 |
| 396    | <b>Weapons Crimes—In General</b><br>Wear or carry dangerous weapon openly or concealed with deliberate intent to kill or injure  | 1-5202<br>1-5200<br>2-5200 | CR, §4-101(d)(2)                     | Misd.           | 3Y       | 3Y       | Person       | VI              | \$1,000 |
| 397    | <b>Weapons Crimes—In General</b><br>Minor carrying dangerous weapon between 1 hour after sunset and 1 hour before sunrise, whether concealed or not (select counties)  |                            | CR, §4-101(c)(3)                     | Misd.           | 3Y       |          | Person       | VII             | \$1,000 |
| 397-1  | <b>Weapons Crimes—In General</b><br>Illegal possession of electronic control device (e.g., stun gun, taser) while committing a separate crime of violence              | 1-0596                     | CR, §4-109(e)(2)                     | Felony          | 3Y       |          | Person       | VI              | \$5,000 |
| 398    | <b>Weapons Crimes—In General</b><br>Possession of firearm at a demonstration in a public place   | 3-5299                     | CR, §4-208(b)                        | Misd.           | 1Y       |          | Person       | VII             | \$1,000 |
| 399    | <b>Weapons Crimes—In General</b><br>Unlawful possession of short-barreled rifle or shotgun   | 2-5212                     | PS, §5-203(a)                        | Misd.           | 5Y       |          | Person       | VI              | \$5,000 |

| COMAR# | Offense Literal  | CJIS Code        | Source                                | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine     |
|--------|--|------------------|---------------------------------------|-----------------|----------|----------|--------------|-----------------|----------|
| 400    | <b>Weapons Crimes—In General</b><br>Rifle/shotgun possession by someone suffering from a mental disorder   | 1-0439           | PS, §5-205                            | Misd.           | 3Y       |          | Person       | VI              | \$1,000  |
| 401    | <b>Weapons Crimes—In General</b><br>Possess, own, carry, or transport a firearm after conviction of a Title 5 (CDS) offense  | 1-0692           | CR, §5-622(b)                         | Felony          | 5Y       |          | Person       | VI              | \$10,000 |
| 402    | <b>Weapons Crimes—In General</b><br>Possession of regulated firearm by restricted person (convicted of a disqualifying crime, fugitive, habitual drunkard, etc.)   | 1-1106           | PS, §5-133(b)<br>PS, §5-143 (penalty) | Misd.           | 5Y       |          | Person       | VI              | \$10,000 |
| 403    | <b>Weapons Crimes—In General</b><br>Possession of regulated firearm after having been convicted of a crime of violence or select drug crimes   | 2-2030           | PS, §5-133(c)<br>PS, §5-143 (penalty) | Felony          | 5Y       | MM*=5Y   | Person       | V               | \$10,000 |
| 404    | <b>Weapons Crimes—In General</b><br>Possession of regulated firearm or ammunition by person younger than 21 years old  | 1-5285           | PS, §5-133(d)<br>PS, §5-143 (penalty) | Misd.           | 5Y       |          | Person       | VI              | \$10,000 |
| 405    | <b>Weapons Crimes—In General</b><br>Sell, rent, or transfer regulated firearm to restricted person (younger than 21 years old, convicted of a disqualifying crime, fugitive, habitual drunkard, etc.)                      | 1-1105           | PS, §5-134(b)<br>PS, §5-143 (penalty) | Misd.           | 5Y       |          | Person       | VI              | \$10,000 |
| 406    | <b>Weapons Crimes—In General</b><br>Sell, rent, or transfer regulated firearm ammo to a person younger than 21 years old; or firearm other than regulated firearm, firearm ammo, mace, or another deadly weapon to a minor | 1-5270<br>1-5280 | PS, §5-134(d)(1)                      | Misd.           | 1Y       |          | Person       | VII             | \$1,000  |
| 407    | <b>Weapons Crimes—In General</b><br>Sell, rent, or transfer a regulated firearm before the expiration of 7 days-dealer   | 1-5230           | PS, §5-123<br>PS, §5-143 (penalty)    | Misd.           | 5Y       |          | Person       | VI              | \$10,000 |
| 408    | <b>Weapons Crimes—In General</b><br>Sell, rent, transfer, or purchase a regulated firearm before the expiration of 7 days-person   | 1-5240           | PS, §5-124<br>PS, §5-143 (penalty)    | Misd.           | 5Y       |          | Person       | VI              | \$10,000 |
| 409    | <b>Weapons Crimes—In General</b><br>Sell, rent, or transfer a regulated firearm to an applicant whose application is placed on hold  | 1-5250           | PS, §5-125<br>PS, §5-143 (penalty)    | Misd.           | 5Y       |          | Person       | VI              | \$10,000 |
| 410    | <b>Weapons Crimes—In General</b><br>Possess, sell, transfer, or otherwise dispose of stolen regulated firearm  | 1-2801           | PS, §5-138<br>PS, §5-143 (penalty)    | Misd.           | 5Y       |          | Person       | VI              | \$10,000 |

| COMAR# | Offense Literal   | CJIS Code | Source                                | Felony or Misd. | Max Term | Min Term | Offense Type | Serious. Categ. | Fine       |
|--------|---|-----------|---------------------------------------|-----------------|----------|----------|--------------|-----------------|------------|
| 411    | <b>Weapons Crimes—In General</b><br>Transport regulated firearm into State for purpose of unlawfully selling or trafficking                       | 1-5295    | PS, §5-140                            | Misd.           | 10Y      |          | Person       | IV              | \$25,000   |
| 412    | <b>Weapons Crimes—In General</b><br>Straw purchase of regulated firearm   | 1-5220    | PS, §5-136(b)<br>PS, §5-143 (penalty) | Misd.           | 5Y       |          | Person       | V               | \$10,000   |
| 413    | <b>Weapons Crimes—In General</b><br>Straw purchase of regulated firearm for minor or person prohibited by law from possessing a regulated firearm | 1-5290    | PS, §5-141                            | Misd.           | 10Y      |          | Person       | IV              | \$25,000   |
| 414    | <b>Weapons Crimes—In General</b><br>Multiple purchase of regulated firearms in 30-day period  | 1-1104    | PS, §5-128<br>PS, §5-129              | Misd.           | 3Y       |          | Person       | VI              | \$5,000    |
| 415    | <b>Weapons Crimes—In General</b><br>Sell, rent, or transfer regulated firearms without license  | 2-5210    | PS, §5-106<br>PS, §5-143 (penalty)    | Misd.           | 5Y       |          | Person       | VI              | \$10,000   |
| 416    | <b>Weapons Crimes—In General</b><br>Give false information in application for firearm or dealer's license   | 1-5210    | PS, §5-139                            | Misd.           | 3Y       |          | Person       | VI              | \$5,000    |
| 417    | <b>Weapons Crimes—In General</b><br>Sell, barter, display, or offer to sell or barter switchblade knife/shooting knife                            | 1-5214    | CR, §4-105(a)                         | Misd.           | 12M      |          | Person       | VII             | \$50-\$500 |
| 418    | <b>Weapons Crimes—In General</b><br>Disarm law officer  | 1-1460    | CR, §4-103(b)                         | Felony          | 10Y      |          | Person       | IV              | \$10,000   |
| 419    | <b>Weapons Crimes—In General</b><br>Wear bulletproof armor in the commission of a crime of violence or a drug trafficking crime                   | 1-1450    | CR, §4-106                            | Misd.           | 5Y       |          | Person       | V               | \$5,000    |
| 420    | <b>Weapons Crimes—In General</b><br>Obliterate, remove, change, or alter manufacturer's identification mark or number on firearm                  | 3-5210    | PS, §5-142<br>PS, §5-143 (penalty)    | Misd.           | 5Y       |          | Person       | VI              | \$10,000   |

MM\* = Non-suspendable mandatory minimum penalty

◆ Defined as a violent crime in Correctional Services Article, §7-101, Annotated Code of Maryland. At the time of imposition of a sentence of incarceration for these offenses, Criminal Procedure Article, §6-217, Annotated Code of Maryland indicates the Court shall state in open court the minimum time the defendant must serve before becoming eligible for parole.

◆◆ Defined as a violent crime only under certain circumstances specified in Criminal Law Article, §14-101, Annotated Code of Maryland.

General Rules:

- (a) If a Maryland offense has not been assigned a seriousness category and the offense has a maximum penalty of 1 year or less, the offense shall be assigned the lowest seriousness category (VII).
- (b) If a Maryland offense has not been assigned a seriousness category and the offense has a maximum penalty greater than 1 year, the individual completing the worksheet shall use the closest analogous offense and the sentencing judge and parties shall be notified.
- (c) For Prior Record calculations involving offenses in which the offender has been convicted in another jurisdiction, the individual completing the worksheet shall match the offense as closely as possible to the closest analogous Maryland offense. If no Maryland analogous offense exists, the individual completing the worksheet shall count the offense in the lowest seriousness category (VII), and shall inform the judge and parties.
- (d) Incidents in which the State is seeking the death penalty (i.e., CR, §2-303) are exclusions under the Maryland Sentencing Guidelines. There is no need to prepare a Guidelines Worksheet for these offenses.