



METHODOLOGY

Data provided in Issue 2 (October 2020) of the *Sentencing Snapshot* were obtained from sentencing guidelines worksheets submitted to the Maryland State Commission on Criminal Sentencing Policy (MSCCSP) via the Maryland Automated Guidelines System (MAGS) or paper guidelines worksheets. A sentencing guidelines worksheet is completed for all sentencing events that originate in and are sentenced in Maryland circuit courts. Additionally, a guidelines worksheet is completed for sentencing events involving jury trial prayers and appeals from the District Court if a pre-sentence investigation (PSI) is ordered. A sentencing event is defined as one defendant, sentenced in front of the same judge, on the same day. A sentencing event may contain multiple offenses from multiple crime categories. These analyses exclude sentencing guidelines worksheets submitted for non-original sentencing events, including sentence reconsideration hearings and three-judge panel reviews. From 2017 through 2019, less than 1% of sentencing events for which a guidelines worksheet was submitted were for sentence reconsideration hearings or three-judge panel reviews. The sentencing guidelines do not apply to violations of probation.

While Sentencing Snapshot #1 (July 2020) included data from only calendar year (CY) 2019, the decision was made to expand analyses for Sentencing Snapshot #2 to include two additional years of data to provide for a larger number of cases. In general, the larger the size of a dataset, the stronger the conclusions that may be drawn. All sentencing events included in Sentencing Snapshot #2 took place in CY 2017 through 2019. The MSCCSP received guidelines worksheets for 32,011 guidelines-eligible, original sentencing events, including 44,971 guidelines-eligible convicted offenses, sentenced in 2017 through 2019. Sentencing Snapshot #2 focuses specifically on second degree assault, defined pursuant to Criminal Law Article (CR), § 3-203. The MSCCSP received guidelines worksheets for 4,799 sentencing events involving 5,233 second degree assault convictions in 2017 through 2019.

Per Title 4 of the Courts and Judicial Proceedings Article, the District Court has exclusive jurisdiction over all misdemeanors with a maximum penalty of less than three years. The District Court and circuit courts share jurisdiction over misdemeanor offenses with a maximum penalty of three years or more, including second degree assault, and all felony theft offenses, regardless of the dollar amount involved in the theft. Circuit courts generally have exclusive jurisdiction over felonies, with some exceptions. The sentencing guidelines do not apply to cases prosecuted and sentenced in the District Court. District Court sentences are not included in the MSCCSP's data. If a misdemeanor offense with a penalty of less than 3 years appears in the MSCCSP's sentencing guidelines data, it is because the conviction was pled down from a more serious charge, convicted along with a more serious offense, and/or part of a jury trial prayer or appeal with a PSI ordered. **The MSCCSP data and the average sentence lengths and percentage of defendants incarcerated provided in this *Snapshot* do not reflect the statewide average for those offenses in which the District Court has exclusive jurisdiction or shared jurisdiction, including second degree assault.**

The second degree assault charges that originate in Maryland circuit courts tend to be more serious assaults. These second degree assaults may be pled down from a more serious charge and/or may be convicted along with more serious offenses. According to data obtained from the Maryland Judiciary's Administrative Office of the Courts, approximately 50% of second degree assault sentencings in calendar year 2019 took place in the District Court. Approximately 20% of second degree assault sentencings were jury trial prayers or appeals from the District Court, with no PSI ordered. The remaining 29% of second degree assault sentencings were guidelines-eligible, in that they originated in and were sentenced in circuit courts or, in less than 1% of cases, were jury trial prayers or appeals with a PSI ordered. The data in this Sentencing Snapshot refer to this final category of guidelines-eligible second degree assault sentencings.



Table 1 provides the total number of guidelines-eligible criminal sentencing events and offenses, sentenced from 2017 through 2019 and disaggregated by crime category, for which the MSCCSP received a sentencing guidelines worksheet. Tables 2 through 4 provide the characteristics of and average sentences for guidelines-eligible second degree assaults sentenced in Maryland circuit courts from 2017 through 2019.

TABLE 1. GUIDELINES-ELIGIBLE CRIMINAL SENTENCING EVENTS AND OFFENSES SENTENCED IN MARYLAND CIRCUIT COURTS, CY 2017 THROUGH 2019

	Offenses		Sentencing Events Included One or More:	
	#	%	#	%
Crimes of violence	8,392	18.7%	5,627	17.6%
Firearms offenses	5,522	12.3%	4,782	14.9%
Second degree assault	5,233	11.6%	4,799	15.0%
Other person offenses	5,268	11.7%	3,476	10.9%
Drug offenses	12,075	26.9%	10,728	33.5%
Property offenses	8,481	18.9%	6,563	20.5%
Total	44,971		32,011	

Note. Sentencing event percentages do not sum to 100% as a sentencing event may contain multiple offenses from multiple crime categories.

TABLE 2. CHARACTERISTICS OF SECOND DEGREE ASSAULTS SENTENCED IN MARYLAND CIRCUIT COURTS, CY 2017 THROUGH 2019

	All Second Degree Assaults		No Sentence or Probation Only		Fully Suspended Sentence		Guidelines-Applicable Sentence >0 and <=1 Year		Guidelines-Applicable Sentence >5 Years	
	#	%	#	%	#	%	#	%	#	%
Weapon presence										
Firearm or explosive	509	9.8%	36	8.1%	91	9.7%	220	9.4%	39	14.7%
Other weapon	1,519	29.2%	113	25.3%	220	23.5%	655	28.0%	114	43.0%
No weapon	3,176	61.0%	298	66.7%	625	66.8%	1,463	62.6%	112	42.3%
Victim injury										
Permanent injury or death	255	4.9%	11	2.5%	21	2.2%	91	3.9%	50	18.9%
Non-permanent injury	3,027	58.2%	282	63.1%	540	57.7%	1,326	56.7%	155	58.5%
No injury	1,921	36.9%	154	34.5%	375	40.1%	920	39.4%	60	22.6%
Special victim vulnerability										
Yes	471	9.1%	57	12.8%	110	11.8%	206	8.8%	21	7.9%
No	4,733	90.9%	389	87.2%	826	88.2%	2,131	91.2%	244	92.1%
Total	5,233		448		939		2,354		266	

Note. Percentages are based on non-missing data. Twenty-nine second degree assaults were missing weapon presence. Thirty second degree assaults were missing victim injury. Twenty-nine second degree assaults were missing special victim vulnerability.



TABLE 3. CHARACTERISTICS OF SENTENCING EVENTS INVOLVING ONE OR MORE SECOND DEGREE ASSAULT CONVICTIONS IN MARYLAND CIRCUIT COURTS, CY 2017 THROUGH 2019

	All Second Degree Assaults		No Sentence or Probation Only		Fully Suspended Sentence		Guidelines-Applicable Sentence >0 and <=1 Year		Guidelines-Applicable Sentence >5 Years	
	#	%	#	%	#	%	#	%	#	%
Prior record score										
None	1,875	39.3%	349	81.0%	462	51.6%	898	40.6%	24	10.0%
Minor	1,173	24.6%	65	15.1%	228	25.4%	661	29.9%	27	11.3%
Moderate	924	19.3%	15	3.5%	130	14.5%	403	18.2%	54	22.5%
Major	804	16.8%	2	0.5%	76	8.5%	252	11.4%	135	56.3%
Single versus multiple count sentencing event										
Single count	3,164	65.9%	359	83.3%	539	60.2%	1,577	70.7%	93	38.4%
Multiple count	1,635	34.1%	72	16.7%	357	39.8%	653	29.3%	149	61.6%
Total sentencing events	4,799		431		896		2,230		242	

Note. Frequencies for the prior record score were calculated at the sentencing event level to avoid double-counting defendants who were convicted of multiple offenses. Percentages are based on non-missing data. Twenty-three sentencing events including one or more second degree assaults were missing prior record score.

TABLE 4. SENTENCE LENGTH DISTRIBUTION FOR SECOND DEGREE ASSAULTS SENTENCED IN MARYLAND CIRCUIT COURTS, CY 2017 THROUGH 2019

	Total Sentence		Guidelines-Applicable Sentence	
	#	%	#	%
Overall mean sentence	5.2 Years		1.2 Years	
No sentence/probation only/fully suspended sentence	448	8.6%	1,389	26.6%
>0 & <=6 months	210	4.0%	1,644	31.5%
>6 months & <=1 year	351	6.7%	710	13.6%
>1 year & <=18 months	359	6.9%	599	11.5%
>18 months & <=2 years	243	4.7%	149	2.9%
>2 years & <=3 years	484	9.3%	196	3.7%
>3 years & <=4 years	139	2.7%	88	1.7%
>4 years & <=5 years	1,028	19.7%	186	3.6%
>5 years & <=6 years	90	1.7%	40	0.8%
>6 years & <=7 years	110	2.1%	43	0.8%
>7 years & <=8 years	187	3.6%	46	0.9%
>8 years & <=9 years	7	0.1%	12	0.2%
>9 years & <=10 years	1,569	30.0%	125	2.4%
Total	5,233		5,733	

Note. Percentages are based on non-missing data. Eight second degree assaults were missing total sentence length. Six second degree assaults were missing guidelines-applicable sentence.