
INSTRUCTIONS - - Drug Prison In/Out Worksheet

1. Case Information Section

Complete prior to sentencing. See the General Instructions to complete this section.

2. Sentencing Factors Section

Complete prior to sentencing.

3. Most Serious Conviction Offense - Following the general instructions, the preparer should select only the most serious offense being sentenced at the current sentencing event. Where two or more offenses have the same score, circle the specific offense scored as the most serious conviction offense on this worksheet. The preparer should enter the number of points assigned to the most serious offense.

4. Number of Prior Adult Felony Convictions - Count all felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

5. Number of Prior Adult Convictions for Misdemeanors or Violations - Count all criminal convictions for misdemeanor offenses or violations that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Only include the serious traffic offenses of (1) DUI, (2) BUI, (3) Leaving the Scene of an Accident, (4) Attempting to Elude, (5) Driving without a License or (6) Driving while License is Suspended or Revoked.

6. Prior Incarceration with Unsuspended Sentence Imposed of 1 Year or More - Count prior prison, jail, Department of Corrections/community corrections, and YO or Juvenile Delinquency sentences where the non-suspended time imposed was one year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

7. Prior Felony Probation or Parole Revocation - Count probation or parole revocations that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Only *felony* probation revocations should be scored. The imposition of intermediate sanctions (pursuant to § 15-22-29, § 15-22-32, § 15-22-52, and § 15-22-54) in response to a probation/parole violation to include periods of confinement in jail or prison should not be counted.

8. Number of Prior Juvenile Delinquency or Youthful Offender Adjudications - Count all juvenile delinquency and Youthful Offender adjudications that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. *Note: use the definition for misdemeanors or violations as set out in factor #5.*

9. Possession/Use of a Deadly Weapon or Dangerous Instrument - Count this factor if there was a connection (other than the mere possession of a weapon) between the presence of a deadly weapon or dangerous instrument and the commission of any offense(s) being sentenced at the current sentencing event. This factor should not be counted if the deadly weapon or dangerous instrument is merely "loot" or proceeds of a sale. For the purpose of completing the worksheets, a deadly weapon or dangerous instrument shall be defined pursuant to Sections 13A-1-2 and 13A-11-72.

10. Total Score - Total the scores from the Sentencing Factors Section.

Presumptive Disposition

11. Non-Prison: 1-7 Points

Circle “non-prison” as the presumptive disposition.

12. Prison: 8 or more points

Circle “prison” as the presumptive disposition.

After sentencing, the completed worksheet must be filed with the court clerk and made a part of the record. The court clerk shall forward to the Alabama Sentencing Commission a copy of this worksheet and the Drug Sentence Length worksheet, along with a copy of the Court’s final Sentencing Order after grant or denial of probation.

Departure Sentences

If the presumptive disposition is not followed, refer to the General Instructions III for procedures relating to departure sentences and requiring the finding of aggravating and/or mitigating circumstances.

Drug Prison In/Out Worksheet

Eff. 10-1-2016

Defendant _____ Judge _____
 Case No. _____ Prosecutor _____
 Worksheet Preparer _____ Defense Attorney _____

Most Serious Conviction Offense _____ Please circle one *offense*

PRESUMPTIVE

Class D offenses

- Poss of Controlled Substance 1
- A/S/C Poss of Controlled Substance 1
- Poss of Marihuana 1st §13A-12-213(a)(2) 1
- A/S/C Poss of Marihuana 1st §13A-12-213(a)(2) 1

PRESUMPTIVE

Class C offenses

- Felony DUI 4
- Poss of Marihuana 1st §13A-12-213(a)(1) 2
- A/S/C Poss of Marihuana 1st §13A-12-213(a)(1) 2

PRESUMPTIVE

Class B offenses

- Manufacturing Controlled Substance 2nd 5
- A/S/C Manufacturing Controlled Substance 2nd 5
- Poss with Intent to Distribute Controlled Sub 5
- A/S/C Poss with Intent to Distribute Controlled Sub 5
- Sale/Distribution of Marihuana (other than to minor) 6
- A/S/C Sale/Distribution of Marihuana (other than to minor) 6
- Sale/Distribution of Schedule I-V (other than to minor) 6
- A/S/C Sale/Distribution of Schedule I-V (other than to minor) 6

PRESUMPTIVE

Class A offenses

- Manufacturing Controlled Substance 1st 8
- A/S/C Manufacturing Controlled Substance 1st 8

**A/S/C = Attempt/Solicitation/Conspiracy*

Score

Number of Prior Adult Felony Convictions _____

- | | |
|--------------|-------------------|
| None 0 | 3 5 |
| 1 2 | 4 6 |
| 2 3 | 5 or more 7 |

Score

Number of Prior Adult Convictions for Misdemeanors or Violations _____

- | | |
|-------------|--------------------|
| 0-1 0 | 6-9 2 |
| 2-5 1 | 10 or more 3 |

Score

Prior Incarceration with *Unuspended* Sentence Imposed of 1 Year or More 3

Score

Prior Felony Probation or Parole Revocation 1

Score

Number of Prior Juvenile Delinquency or YO Adjudications (Violation/Misd/Felony) _____

- | | |
|--------------|-------------------|
| None 0 | 3-4 2 |
| 1-2 1 | 5 or more 3 |

Score

Possession/Use of a Deadly Weapon or Dangerous Instrument 2

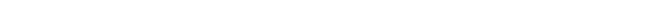
Score

Total Score

Disposition: **Presumptive**

1-7 points: Non-Prison

8 or more points: Prison



INSTRUCTIONS - - Drug Sentence Length Worksheet

1. Case Information Section

Enter the Defendant's name and Case Number even if it has already been entered on the In/Out worksheet.

2. Sentencing Factors Section

Complete prior to sentencing.

3. Most Serious Conviction Offense – Following the general instructions, the preparer should select only the most serious offense being sentenced at the current sentencing event. Where two or more offenses have the same score, circle the specific offense scored as the most serious conviction offense on this worksheet. The preparer should enter the number of points assigned to the most serious offense.

4. Number of Additional Felony Convictions (Including Counts) - The preparer should total all offenses being sentenced other than the most serious offense being sentenced at the present time. In the event of a multi-count indictment, all counts in which the defendant was found guilty or entered a guilty plea should be counted the same as separate convictions.

5. Number of Prior Adult Felony Convictions - Count all felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

6. Number of Prior Adult Felony Class C & Class D Convictions - Count only the number of Class C and Class D felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

7. Prior Incarceration with Unsuspended Sentence Imposed of 1 Year or More - Count prior prison, jail, Department of Corrections/community corrections, and YO or Juvenile Delinquency sentences where the non-suspended time imposed was one year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

8. Total Score – Total the scores from the Sentencing Factors Section.

9. Presumptive Sentence Range - Go to the Drug Sentence Length Ranges for Worksheet Table to convert the score into a presumptive sentence length. Record the presumptive sentence ranges for the total sentence and split sentence in the spaces identified as “straight” and “split”. The sentence for the most serious offense must come from these presumptive ranges to comport with the standards. Statutory enhancements, as they have been applied, have been factored into the sentence length table and should *not* be added.

10. Judge's Signature or Initials

After the sentencing worksheets are completed and sentence has been imposed, the sentencing judge should sign or initial the worksheet to identify and acknowledge the worksheet has been reviewed and was considered prior to sentencing.

After sentencing, the completed worksheet must be filed with the court clerk and made a part of the record. The court clerk shall forward to the Alabama Sentencing Commission a copy of this worksheet and the Prison In/Out worksheet, along with a copy of the Court's final Sentencing Order after grant or denial of probation.

Departure Sentences

If the presumptive sentence length is not followed, refer to the General Instructions III for procedures relating to departure sentences and requiring the finding of aggravating and/or mitigating circumstances.

Drug Sentence Length Worksheet

Eff. 10-1-2016

Defendant _____ Case No. _____

Most Serious Conviction Offense Please circle one *offense*

PRESUMPTIVE

Class D offenses

Poss of Controlled Substance	59
A/S/C Poss of Controlled Substance	59
Poss of Marihuana 1 st §13A-12-213(a)(2)	42
A/S/C Poss of Marihuana 1 st §13A-12-213(a)(2)	42

PRESUMPTIVE

Class C offenses

Felony DUI	76
Poss of Marihuana 1 st §13A-12-213(a)(1)	71
A/S/C Poss of Marihuana 1 st §13A-12-213(a)(1)	71

PRESUMPTIVE

Class B offenses

Manufacturing Controlled Substance 2 nd	105
A/S/C Manufacturing Controlled Substance 2 nd	105
Poss with Intent to Distribute Controlled Sub	105
A/S/C Poss with Intent to Distribute Controlled Sub	105
Sale/Distribution of Marihuana (other than to minor)	84
A/S/C Sale/Distribution of Marihuana (other than to minor)	84
Sale/Distribution of Schedule I-V (other than to minor)	113
A/S/C Sale/Distribution of Schedule I-V (other than to minor)	113

PRESUMPTIVE

Class A offenses

Manufacturing Controlled Substance 1 st	286
A/S/C Manufacturing Controlled Substance 1 st	286

**A/S/C = Attempt/Solicitation/Conspiracy*

Score

Number of Additional Felony Convictions (Including Counts)

None	0	3	44
1	15	4 or more	58
2	29		

Score

Number of Prior Adult Felony Convictions

None	0	3	30
1	10	4	40
2	20	5 or more	50

Score

Number of Prior Adult Felony Class C & Class D Convictions

None	0	4	28
1	7	5	35
2	14	6	43
3	21	7 or more	50

Score

Prior Incarceration with *Unuspended* Sentence Imposed of 1 Year or More 14

Score

See Drug Sentence Length Table

Presumptive

Total Score

Sentence Range _____ to _____ (straight) _____ to _____ (split)

Judge's Signature/Initial



Drug Prison Sentence Length Ranges for Worksheet

Time in Months

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
42	13	23	32	6	9	12
49	13	23	32	6	10	14
52	13	23	32	6	10	14
56	13	23	32	6	10	14
57	13	23	32	6	10	14
59	13	23	32	6	10	14
62	13	23	32	6	10	14
64	13	23	32	6	10	14
66	13	23	32	6	12	18
67	13	23	32	6	12	18
69	13	23	32	6	12	18
70	13	23	32	6	12	18
71	13	23	32	6	12	18
72	13	23	32	6	12	18
73	13	23	32	6	12	18
74	13	23	32	6	12	18
76	13	39	65	6	12	18
77	13	39	65	6	12	18
78	13	39	65	6	17	27
79	13	39	65	6	17	27
80	13	39	65	8	18	27
81	13	39	65	8	18	27
82	13	39	65	8	18	27
83	13	39	65	8	18	27
84	13	39	65	8	18	27
86	13	39	65	8	18	27
87	13	39	65	8	18	27
88	13	39	65	8	18	27
89	13	39	65	8	18	27
90	13	39	65	8	18	27
91	13	39	65	8	18	27
92	13	39	65	8	18	27
93	13	39	65	8	18	27
94	13	39	65	8	18	27
95	13	39	65	8	18	27
96	13	39	65	8	18	27
97	13	39	65	8	18	27
98	13	39	65	8	18	27
99	13	39	65	8	18	27
100	13	39	65	8	18	27
101	13	39	65	8	18	27
102	13	39	65	8	18	27
103	13	39	65	8	18	27
104	13	55	97	8	18	27
105	15	56	97	8	18	27
106	15	56	97	8	18	27
107	15	56	97	8	18	27
108	15	56	97	8	18	27
109	15	56	97	8	18	27

Score	Total Sentence			Time to Serve On Split		
	Low	Mid	High	Low	Mid	High
110	15	56	97	8	18	27
111	15	56	97	8	18	27
112	15	56	97	8	18	27
113	15	56	97	8	18	27
115	15	56	97	8	18	27
116	15	56	97	8	18	27
117	15	56	97	8	18	27
118	15	56	97	8	18	27
119	15	56	97	8	18	27
120	15	56	97	8	18	27
121	15	56	97	8	18	27
122	15	56	97	8	18	27
123	15	56	97	8	18	27
124	15	56	97	8	18	27
125	15	56	97	8	18	27
126	18	58	97	8	18	27
127	18	58	97	8	18	27
128	18	58	97	8	18	27
130	18	58	97	8	18	27
132	18	58	97	8	18	27
133	18	58	97	8	18	27
134	18	58	97	8	18	27
135	18	58	97	8	18	27
136	18	58	97	8	18	27
137	18	58	97	8	18	27
138	18	58	97	8	18	27
139	18	58	97	8	18	27
140	18	58	97	8	18	27
141	21	62	104	8	18	27
142	21	62	104	8	18	27
143	21	62	104	8	18	27
144	21	62	104	8	18	27
145	21	62	104	8	18	27
146	21	62	104	8	18	27
147	21	62	104	8	18	27
148	24	64	104	8	18	27
149	24	64	104	8	18	27
150	24	64	104	8	18	27
152	24	64	104	8	18	27
154	30	67	104	12	20	27
155	30	67	104	12	20	27
156	30	67	104	12	20	27
157	30	67	104	12	20	27
158	30	67	104	12	20	27
159	30	67	104	12	20	27
160	30	67	104	12	20	27
161	30	67	104	12	20	27
162	30	67	104	12	20	27
163	30	67	104	12	20	27
164	30	67	104	12	20	27
165	30	67	104	12	20	27

Score	Total Sentence			Time to Serve On Split		
	Low	Mid	High	Low	Mid	High
166	30	67	104	12	20	27
167	30	67	104	12	20	27
168	30	67	104	12	20	27
169	30	67	104	12	20	27
170	30	67	104	12	20	27
171	30	67	104	12	20	27
172	36	70	104	12	20	27
173	36	70	104	12	20	27
174	36	70	104	12	20	27
176	36	70	104	12	20	27
177	36	70	104	12	24	36
178	36	70	104	12	24	36
181	45	87	130	16	26	36
182	45	87	130	16	26	36
183	45	87	130	16	26	36
184	45	87	130	16	26	36
185	45	87	130	16	26	36
188	45	87	130	24	30	36
189	45	87	130	24	30	36
191	45	87	130	24	30	36
192	45	87	130	24	30	36
195	45	87	130	24	30	36
196	45	87	130	24	30	36
198	45	87	130	24	30	36
199	45	87	130	24	30	36
200	45	87	130	24	30	36
203	45	87	130	24	30	36
205	45	87	130	24	30	36
206	45	87	130	24	30	36
212	45	87	130	24	30	36
213	45	87	130	24	30	36
214	45	87	130	24	30	36
220	45	87	130	24	30	36
222	45	87	130	24	30	36
227	45	87	130	24	30	36
232	45	87	130	24	30	36
235	45	87	130	24	30	36
242	45	87	130	24	30	36
250	50	90	130	24	30	36
255	50	90	130	24	30	36
258	60	95	130	24	30	36
262	60	95	130	24	30	36
270	60	95	130	24	30	36
276	70	100	130	24	30	36
280	70	100	130	24	30	36
286	120	150	180	24	30	36
300	120	150	180	24	30	36
315	120	150	180	24	30	36
320	180	210	240	36	48	60
345	180	210	240	36	48	60
360	180	210	240	36	48	60
381	180	210	240	36	48	60

