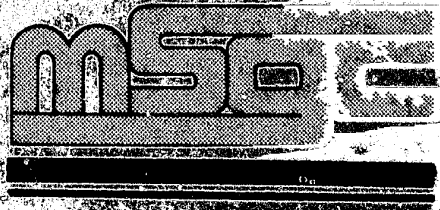


Minnesota Sentencing Guidelines and Commercy



**TRAINING
MATERIALS**

79889

MINNESOTA SENTENCING GUIDELINES COMMISSION
Suite 284 Metro Square Building
7th and Robert Streets
St. Paul, Minnesota 55101
Telephone: (612) 296-0144

NCJRS

JUN 30 1980

ACQUISITIONS

Members

Jan Ingrid Smaby, Chairman and Citizen Representative
George M. Scott, Associate Justice, Minnesota Supreme Court
Douglas K. Amdahl, District Court Judge, Fourth Judicial District
O. Russell Olson, District Court Judge, Third Judicial District
Stephen C. Rathke, County Attorney, Crow Wing County
William E. Falvey, Public Defender, Ramsey County
Jack Young, Commissioner of Corrections
Les Green, Chairman, Minnesota Corrections Board
Barbara Andrus, Citizen Representative

Staff

Dale G. Parent, Director
Kay A. Knapp, Research Director
Linda K. Anderson, Administrative Assistant
Debra Dailey, Research Analyst
Frank Popplewell, Research Analyst
Bob Tift, Research Analyst
Barbara Fleck, Secretary

Training Programs in cooperation with
Supreme Court Office of Continuing Education for State Court Personnel
County Attorneys Council
Department of Corrections Training Unit

TABLE OF CONTENTS

	<u>Page</u>
MINNESOTA SENTENCING GUIDELINES AND COMMENTARY	
I. Statement of Purpose and Principles	1
II. Determining Presumptive Sentences	2
A. Offense Severity	2
B. Criminal History	3
C. Presumptive Sentence	10
D. Departures from the Guidelines	12
E. Mandatory Sentences	15
F. Concurrent/Consecutive Sentences	16
G. Convictions for Attempts or Conspiracies	18
H. Presumptive Sentence Durations that Exceed the Statutory Maximum Sentence.	18
III. Related Policies	19
A. Establishing Conditions of Stayed Sentences	19
B. Revocation of Stayed Sentences	21
C. Jail Credit	21
D. Certified Juveniles	22
E. Presentence Mental and Physical Examinations for Sex Offenders	22
IV. Sentencing Guidelines Grid	23
V. Offense Severity Reference Table	24
- Theft Offense List	26
- Theft <u>Related</u> Offense List	27
- Forgery Related Offense List	28

TRAINING MATERIAL

<u>Hypothetical Fact Sheets</u> "A" - "J"	29-38
<u>Completed Worksheets and Footnotes</u> "A" - "J"	39-62
<u>Index</u>	63-64

APPENDIX

<u>Forms</u>	
- Sentencing Worksheet	65
- Supplement to Sentencing Worksheet	66
- Revocation Report	67
- Departure Report.	68
<u>Supreme Court Order regarding Appeals.</u>	69
<u>Definition of Terms</u>	70

MINNESOTA SENTENCING GUIDELINES AND COMMENTARY

I. Statement of Purpose and Principles

The purpose of the sentencing guidelines is to establish rational and consistent sentencing standards which reduce sentencing disparity and ensure that sanctions following conviction of a felony are proportional to the severity of the offense of conviction and the extent of the offender's criminal history. Equity in sentencing requires (a) that convicted felons similar with respect to relevant sentencing criteria ought to receive similar sanctions, and (b) that convicted felons substantially different from a typical case with respect to relevant criteria ought to receive different sanctions.

The sentencing guidelines embody the following principles:

1. Sentencing should be neutral with respect to the race, gender, social, or economic status of convicted felons.
2. While commitment to the Commissioner of Corrections is the most severe sanction that can follow conviction of a felony, it is not the only significant sanction available to the sentencing judge. Development of a rational and consistent sentencing policy requires that the severity of sanctions increase in direct proportion to increases in the severity of criminal offenses and the severity of criminal histories of convicted felons.
3. Because the capacities of state and local correctional facilities are finite, use of incarcerative sanctions should be limited to those convicted of more serious offenses or those who have longer criminal histories. To ensure such usage of finite resources, sanctions used in sentencing convicted felons should be the least restrictive necessary to achieve the purposes of the sentence.
4. While the sentencing guidelines are advisory to the sentencing judge, departures from the presumptive sentences established in the guidelines should be made only when substantial and compelling circumstances exist.

II. Determining Presumptive Sentences

The presumptive sentence for any offender convicted of a felony committed on or after May 1, 1980, is determined by locating the appropriate cell of the Sentencing Guidelines Grid. The grid represents the two dimensions most important in current sentencing and releasing decisions--offense severity and criminal history.

- A. **Offense Severity:** The offense severity level is determined by the offense of conviction. When an offender is convicted of two or more felonies, the severity level is determined by the most severe offense of conviction. Felony offenses are arrayed into ten levels of severity, ranging from low (Severity Level I) to high (Severity Level X). First degree murder is excluded from the sentencing guidelines, because by law the sentence is mandatory imprisonment for life. Offenses listed within each level of severity are deemed to be generally equivalent in severity. The most frequently occurring offenses within each severity level are listed on the vertical axis of the Sentencing Guidelines Grid. The severity level for infrequently occurring offenses can be determined by consulting Section V, entitled "Offense Severity Reference Table."

Comment

II.A.01. Offense severity is determined by the offense of conviction. The Commission thought that serious legal and ethical questions would be raised if punishment were to be determined on the basis of alleged, but unproven, behavior, and prosecutors and defenders would be less accountable in plea negotiation. It follows that if the offense of conviction is the standard from which to determine severity, departures from the guidelines should not be permitted for elements of offender behavior not within the statutory definition of the offense of conviction. Thus, if an offender is convicted of simple robbery, a departure from the guidelines to increase the severity of the sentence should not be permitted because the offender possessed a firearm or used another dangerous weapon.

II.A.02. The date of the offense is important because the offender's age at the time of the offense will determine whether or not the juvenile record is considered, and the date of the offense might determine whether a custody status point should be given. For those convicted of a single offense, there is no problem in determining the date of the offense. For those convicted of multiple offenses, the following rules should apply in determining the date of the offense:

- a. The date of the most severe offense should be used. If there are two or more convictions of equal severity, and none of a higher severity, the earliest of the offenses should be used to establish the date of the offense.
- b. If offenses have been aggregated under Minn. Stat. § 609.52, subd. 3(5), or § 609.595, the date of the earliest offense should be used as the date of the offense.

If the date of offense established by the above rules is on or before April 30, 1980, the sentencing guidelines should not be used to sentence the case.

II.A.03. The following offenses were excluded from the Offense Severity Reference Table:

1. Abortion - 617.20; 617.22; 145.412
2. Aiding suicide - 609.215
3. Altering engrossed bill - 3.191
4. Bigamy - 609.355
5. Corrupting legislator - 609.43
6. Criminal Sexual Conduct, Third Degree - 609.344(a)
(By definition the perpetrator must be a juvenile.)
7. Criminal Sexual Conduct, Fourth Degree - 609.345(a)
(By definition the perpetrator must be a juvenile.)
8. Criminal syndicalism - 609.405
9. Incest - 609.365
10. Misprison of treason - 609.39
11. Obscenity re minors - 617.246
12. Obstructing military forces - 609.395
13. Treason - 609.385

II.A.04. Incest was excluded because since 1975, the great majority of incest cases are prosecuted under the criminal sexual conduct statutes. The Commission believes that this practice provides more anonymity to the victim than would be possible for prosecutions under the incest statute. If an offender is convicted of incest under Minn. Stat. § 609.365, and when the offense would have been a violation of one of the criminal sexual conduct statutes, the severity level of the applicable criminal sexual conduct statute should be used. For example, if a father is convicted of incest for the sexual penetration of his ten year old daughter, the appropriate severity level would be the same as criminal sexual conduct in the first degree. On the other hand, when the incest consists of behavior not included in the criminal sexual conduct statutes (for example, consenting sexual penetration involving individuals over age 16) that offense behavior is excluded from the Offense Severity Reference Table.

II.A.05. The other offenses were excluded because prosecutions are rarely, if ever, initiated under them. There were no convictions for these excluded offenses during our fiscal year 1978 study. The Commission's ranking of offense severity was based on offense behavior that is usually associated with a particular offense. Where there have been no prosecutions under a particular statute, it is impossible to rank it on the basis of experience or usual practice. If, in the future, persons are convicted of offenses excluded from the Offense Severity Reference Table, judges should exercise their discretion by assigning an offense a severity level which they believe to be appropriate. If a significant number of future convictions are obtained under one or more of the excluded offenses, the Commission will determine an appropriate severity level, and will add the offense to the Offense Severity Reference Table.

B. Criminal History: A criminal history index constitutes the horizontal axis of the Sentencing Guidelines Grid. The criminal history index is comprised of the following items: (1) prior felony record; (2) custody status at the time of the offense; (3) prior misdemeanor and gross misdemeanor record; and (4) prior juvenile record for young adult felons.

Comment

II.B.01. The sentencing guidelines reduce the emphasis given to criminal history in sentencing decisions. Under past judicial practice, criminal history was the primary

factor in dispositional decisions. Under sentencing guidelines, the offense of conviction will become the primary factor, and criminal history will be a secondary factor in dispositional decisions. In the past there were no uniform standards regarding what should be included in an offender's criminal history, no weighting format for different types of offenses, and no systematic process to check the accuracy of the information on criminal history.

II.B.02. The guidelines will provide uniform standards for the inclusion and weighting of criminal history information. With that accomplished, the sentencing hearing can become a more effective process to assure the accuracy of the information in individual cases. Because the same criminal history information sources will be used before and after implementation of the guidelines, these improvements will increase fairness and equity in the consideration of criminal history.

II.B.03. No system of criminal history record keeping ever will be totally accurate and complete, and any sentencing system will have to rely on the best available criminal history information.

The offender's criminal history index score is computed in the following manner:

1. Subject to the conditions listed below, the offender is assigned one point for every felony conviction for which a sentence was stayed or imposed, and that occurred before the current sentencing.
 - a. When multiple sentences for a single course of conduct were imposed pursuant to Minn. Stat. § 609.585, the offender is assigned one point;
 - b. An offender shall not be assigned more than two points for prior multiple sentences arising out of a single course of conduct in which there were multiple victims;
 - c. When a prior felony conviction resulted in a misdemeanor or gross misdemeanor sentence, that conviction shall be counted as a misdemeanor or gross misdemeanor conviction for purposes of computing the criminal history score, and shall be governed by item 3 below;
 - d. When a prior felony conviction results in a stay of imposition, and when that stay of imposition was successfully served, it shall be counted as a felony conviction for purposes of computing the criminal history score for five years from the date of discharge, and thereafter shall be counted as a misdemeanor under the provisions of item 3 below;
 - e. Prior felony convictions will not be used in computing the criminal history score after a period of ten years has elapsed since the date of discharge from or expiration of the sentence, provided that during the period the individual had not been convicted of a felony, gross misdemeanor, or misdemeanor.

Comment

II.B.101. Commission research showed that number of prior felony convictions was the aspect of prior criminal record most strongly related to the sentencing decision. The basic rule for computing the number of prior felony points in the criminal history score is that the offender is assigned one point for every felony conviction for which a felony sentence was stayed or imposed before the current sentencing. The phrase "for which sentence was stayed or imposed" refers to multiple offenses occurring in a single behavioral incident in which state law prohibits the offender being sentenced on more than one offense. In such cases, the offender would receive one point on the criminal history score for each sentence, regardless of the number of felony convictions arising from the single behavioral incident. The phrase "before the current sentencing" means that in order for prior convictions to be used in computing criminal history score, the sentence for the prior offense must have been stayed or imposed before the date of sentencing for the current offense.

II.B.102. In addition, the Commission established policies to deal with several specific situations which arise under Minnesota law. The first deals with conviction under Minn. Stat. § 609.585, under which persons committing theft or other felony offense during the course of a burglary could be convicted of and sentenced for both the burglary and other felony. In all other instances of multiple convictions arising from a single course of conduct, where there is a single victim, persons may be sentenced on only one offense. For purposes of computing criminal history, the Commission decided that prior multiple sentences under provision of Minn. Stat. § 609.585 should also receive one point. This was done to prevent inequities due to past variability in prosecutorial and sentencing practices with respect to that statute, to prevent systematic manipulation of 609.585 in the future, and to provide a uniform and equitable method of computing criminal history scores for all cases of multiple convictions arising from a single course of conduct, where single victims are involved.

II.B.103. To limit the impact of past variability in prosecutorial discretion, the Commission placed a limit of two points on computing prior multiple felony sentences arising out of a single course of conduct in which there were multiple victims. For example, if an offender had robbed a crowded liquor store, he could be convicted of and sentenced for the robbery, as well as one count of assault for every person in the store at the time of the offense. Past variability in prosecutorial charging and negotiating practices could create substantial variance in the number of felony sentences arising from comparable criminal behavior. To prevent this past disparity from entering into the computation of criminal histories, and to prevent manipulation of the system in the future, the Commission placed a limit of two points in such situations. This still allows differentiation between those getting multiple sentences in such situations from those getting single sentences, but it prevents the perpetuation of gross disparities from the past.

II.B.104. When an offender was convicted of a felony but was given a misdemeanor or gross misdemeanor sentence, the offense will be counted as a misdemeanor or gross misdemeanor for purposes of computing the criminal history score. The Commission recognized that the classification of criminal conduct as with a felony, misdemeanor, or gross misdemeanor is determined, legally, by the sentence given rather than the conviction offense. They also recognized that where such sentences were given, it was the opinion of the judge that the offending behavior did not merit felonious punishment, or other circumstances existed which justified a limit on the severity of the sanction.

II.B.105. However, when a prior felony conviction resulted in a stay of imposition which was successfully served, the offense will be counted as a felony for purposes of

computing criminal history scores for five years from the date of discharge or expiration of the stay, and thereafter would be considered a misdemeanor. Under Minn. Stat. § 609.13, a person who successfully completes a stay of imposition is deemed to have been convicted of a misdemeanor, not a felony. The Commission thought that the primary purpose of this provision was to protect those who do not recidivate from civil disabilities that may attach to being convicted of a felony, rather than to provide a blanket immunity from having prior felonious behavior considered at future sentencing for those who do recidivate with a new felony offense. The effect of the Commission's five-year limit on considering such sentences as felony convictions, together with the "decay factor" on misdemeanor records (Criminal History item 3c, below) is that stays of imposition shall be counted as felony convictions for five years from the date of discharge, and thereafter shall not be used in computing criminal history scores, provided the offender was not convicted of a new misdemeanor, gross misdemeanor, or felony during that five-year period.

II.B.106. Finally, the Commission established a "decay factor" for the consideration of felony convictions in computing criminal history scores. The Commission decided it was important to consider not just the total number of felony convictions, but also the time interval between those convictions. A person who was convicted of three felonies within a five-year period is more culpable than one convicted of three felonies within a twenty-year period. The Commission decided that after a significant period of conviction-free living, the presence of old felony convictions should not be considered in computing criminal history scores. Prior felony convictions would not be counted in criminal history score computation if ten years had elapsed since the date of discharge from or expiration of the sentence, provided that during the ten-year period, the individual was not convicted of a felony, gross misdemeanor, or misdemeanor. (Traffic offenses are excluded in computing the decay factor.)

II.B.107. If the offender's prior record involves convictions of offenses for which fines were the only sanction given, use the following schedule to determine whether the offense should be characterized as a misdemeanor, gross misdemeanor, or felony for purposes of computing criminal history scores:

<u>If fine imposed is between:</u>	<u>Classify offense as:</u>
\$101 - \$500	Misdemeanor
\$501 - \$1,000	Gross Misdemeanor
more than \$1,000	Felony

If a fine is \$100 or less, and that is the only sanction imposed, the conviction would be deemed a petty misdemeanor under Minn. R. Crim. P. § 23.02, and would not be used to compute the criminal history score. Convictions which are petty misdemeanors by statutory definition, or which have been certified as petty misdemeanors under Minn. R. Crim. P. § 23.04, will not be used to compute the criminal history score.

2. The offender is assigned one point if he or she was on probation or parole or confined in a jail, workhouse, or prison following conviction of a felony or gross misdemeanor, or released pending sentencing at the time the felony was committed for which he or she is being sentenced.

The offender will not be assigned a point under this item when:

- a. the person was committed for treatment or examination pursuant to Minn. R. Crim. P. § 20; or
- b. the person was on juvenile probation or parole status at the time the felony was committed for which he or she is being sentenced.

Comment

II.B.201. Commission research indicated that custody status of the offender at the time of the offense was strongly related to the sentencing decision. The basic rule assigns offenders one point if they were under some form of criminal justice custody following conviction of a felony or gross misdemeanor when the offense was committed for which they are now being sentenced. Criminal justice custodial status includes probation (supervised or unsupervised), parole, supervised release, or confinement in a jail, workhouse, or prison, or work release, following conviction of a felony or gross misdemeanor, or release pending sentencing following conviction of a felony or gross misdemeanor. Commitments under Minn. R. Crim. P. § 20, and juvenile parole, probation, or other forms of juvenile custody status are not included because, in those situations, there has been no conviction for a felony or gross misdemeanor which resulted in the individual being under such status. Probation, jail, or other custody status arising from a conviction for misdemeanor or gross misdemeanor traffic offenses are excluded. Probation, parole, and, in the future, supervised release will be the custodial statuses that most frequently will result in the assignment of a point. It should be emphasized that the custodial statuses covered by this policy are those occurring after conviction of a felony or gross misdemeanor. Thus, a person who commits a new felony while on pre-trial diversion or pre-trial release on another charge would not get a custody status point. Likewise, persons serving a misdemeanor sentence at the time the current offense was committed would not receive a custody status point, even if the misdemeanor sentence was imposed upon conviction of a gross misdemeanor or felony.

3. Subject to the conditions listed below, the offender is assigned one unit for each misdemeanor conviction and two units for each gross misdemeanor conviction (excluding traffic offenses) for which a sentence was stayed or imposed before the current sentencing. Four such units shall equal one point on the criminal history score, and no offender shall receive more than one point for prior misdemeanor or gross misdemeanor convictions.
 - a. Only convictions of statutory misdemeanors or ordinance misdemeanors that conform substantially to a statutory misdemeanor shall be used to compute units.
 - b. When multiple sentences for a single course of conduct are given pursuant to Minn. Stat. § 609.585, and the most serious conviction is for a gross misdemeanor, no offender shall be assigned more than two units.
 - c. Prior misdemeanor and gross misdemeanor convictions will not be used in computing the criminal history score after a period of five years has elapsed since the date of discharge from or expiration of the sentence, provided that during the period the individual had not been convicted of a felony, gross misdemeanor, or misdemeanor.

Comment

II.B.301. Commission research indicated that, overall, an offender's misdemeanor or gross misdemeanor record was not highly associated with judicial sentencing decisions. However, the Commission included misdemeanor and gross misdemeanor record as an appropriate measure of prior criminal record. The Commission established a measurement procedure based on units which are totaled and then converted to a point value. The purpose of this procedure is to provide different weightings for convictions of felonies, gross misdemeanors, and misdemeanors. Under this procedure, misdemeanors are assigned one unit, and gross misdemeanors are assigned two units. An offender must have a total of four units to receive one point on the criminal history score. No partial points are given--thus, a person with three units is assigned no point value. The Commission eliminated traffic misdemeanors and gross misdemeanors from consideration. The Commission decided that the only traffic offense which was reasonably related to a later criminal sentencing decision would be aggravated driving while intoxicated, and that aggravated DWI would be relevant in a very limited number of cases--only when the offender was later convicted of criminal negligence. Because this circumstance would occur rarely, the Commission decided that use of aggravated DWI in computing all criminal histories would be inappropriate, because one objective of sentencing guidelines is to establish general policies of general relevance.

II.B.302. The Commission placed a limit of one point on the consideration of misdemeanors or gross misdemeanors in the criminal history score. This was done for two reasons: (a) research indicated that misdemeanor and gross misdemeanor convictions were not strongly related to judicial decision making, and to allow substantial point accrual for such items would be a departure from past sentencing practices; and (b) with no limit on point accrual, persons with lengthy, but relatively minor, misdemeanor records could accrue high criminal history scores and, thus, be subject to inappropriately severe sentences upon their first felony conviction. The Commission limited consideration of misdemeanors to those which are misdemeanors under existing state statute, or ordinance misdemeanors which substantially conform to existing state statutory misdemeanors. This was done to prevent criminal history point accrual for misdemeanor convictions which are unique to one municipality, or for local misdemeanor offenses of a regulatory or control nature, such as swimming at a city beach with an inner tube. The Commission decided that using such regulatory misdemeanor convictions was inconsistent with the purpose of the criminal history score. In addition, several groups argued that some municipal regulatory ordinances are enforced with greater frequency against low income groups and members of racial minorities, and that using them to compute criminal history scores would result in economic or racial bias.

II.B.303. The Commission adopted a policy regarding multiple misdemeanor or gross misdemeanor sentences arising from a single course of conduct under Minn. Stat. § 609.585, that parallels their policy regarding multiple felony sentences under that statute. It is possible for a person who commits a misdemeanor in the course of a burglary to be convicted of and sentenced for a gross misdemeanor (the burglary) and the misdemeanor. If that situation exists in an offender's criminal history, the policy places a two-unit limit in computing the misdemeanor/gross misdemeanor portion of the criminal history score.

II.B.304. The Commission also adopted a "decay" factor for prior misdemeanor and gross misdemeanor offenses for the same reasons articulated above for felony offenses. If five years have elapsed since the expiration of or discharge from a misdemeanor or gross misdemeanor sentence, and if during that five-year period the offender had not been convicted of a misdemeanor, gross misdemeanor, or felony, the misdemeanor or gross misdemeanor sentences will not be used in computing the criminal history score. (Traffic offenses are excluded in computing the decay factor.)

II.B.305. If an offender was convicted of a gross misdemeanor, but given a misdemeanor sentence, that is counted as a misdemeanor in computing the criminal history score.

II.B.306. Convictions which are petty misdemeanors by statutory definition, or which have been certified as petty misdemeanors under Minn. R. Crim. P. § 23.04, or which are deemed to be petty misdemeanors under Minn. R. Crim. P. § 23.02, will not be used to compute the criminal history score.

4. The offender is assigned one point for every two juvenile adjudications for offenses that would have been felonies if committed by an adult, provided that:
 - a. The juvenile adjudications were pursuant to offenses occurring after the offender's sixteenth birthday;
 - b. The offender had not attained the age of twenty-one at the time the felony was committed for which he or she is being currently sentenced; and
 - c. No offender may receive more than one point for prior juvenile adjudications.

Comment

II.B.401. Commission research showed that an offender's record of felony-type juvenile adjudications was an important factor in judicial sentencing decisions for young adult felons. The juvenile history item is included in the criminal history index to identify those young adult felons whose criminal careers were preceded by repeated felony-type offenses committed as a juvenile. The Commission held several public hearings devoted to the issue of using juvenile records in the criminal history index. Those hearings pointed out differences in legal procedures and safeguards between adult and juvenile courts, differing availability of juvenile records, and differing procedures among juvenile courts. As a result of these issues, the Commission decided to establish rigorous standards regulating the consideration of juvenile records in computing the criminal history score.

II.B.402. First, only juvenile adjudications that would have been felonies if committed by an adult will be considered in computing the criminal history score. Status offenses, dependency and neglect proceedings, and misdemeanor or gross misdemeanor-type adjudications will be excluded from consideration.

II.B.403. Second, the juvenile adjudications must result from offenses committed after the offender's sixteenth birthday. The Commission chose the date of the offense rather than the date of adjudication to eliminate variability in application based on differing juvenile court practices.

II.B.404. Third, juvenile adjudications will be considered in computing the criminal history score only for adult offenders who had not attained the age of 21 at the time the felony was committed for which they are now being sentenced. Again, the Commission chose to examine the age of the offender at the time of the offense rather than at time of sentencing to prevent disparities resulting from system processing variations.

II.B.405. Fourth, the Commission decided that, provided the above conditions are met, it would take two juvenile adjudications to equal one point on the criminal history score, and that no offender may receive more than one point on the basis of prior juvenile adjudications. Again, no partial points are allowed, so an offender with only one juvenile adjudication meeting the above criteria would receive no point on the criminal history score. The one point limit was deemed consistent with the purpose for including juvenile record in the criminal history--to distinguish the young adult felon with no juvenile record of felony-type behavior from the young adult offender who has a prior juvenile record of repeated felony-type behavior. The one point limit also was deemed advisable to limit the impact of adjudications obtained under a juvenile court procedure that does not afford the full procedural rights available in adult courts.

II.B.406. Under Laws of 1980, Chapter 580, sec. 16 (amends Minn. Stat. § 260.161, subd. 1), juvenile courts are required to maintain juvenile records until the offender reaches the age of 23, and release those records to requesting adult courts. The adult courts are authorized to use juvenile information to determine a proper sentence.

The designation of out-of-state convictions as felonies, gross misdemeanors, or misdemeanors shall be governed by the offense definitions and sentences provided in Minnesota law.

Comment

II.B.501. Out-of-state convictions include convictions under the laws of any other state, or the federal government, including convictions under the Uniform Code of Military Justice.

II.B.502. The Commission concluded that convictions from other jurisdictions must, in fairness, be considered in the computation of an offender's criminal history index score. It was recognized, however, that criminal conduct may be characterized differently by the various state and federal criminal jurisdictions. There is no uniform nationwide characterization of the terms "felony", "gross misdemeanor", and "misdemeanor".

II.B.503. It was concluded, therefore, that designation of out-of-state offenses as felonies or lesser offenses, for purposes of the computation of the criminal history index score, must properly be governed by Minnesota law.

II.B.504. It was contemplated that the sentencing court, in its discretion, should make the final determination as to the weight accorded foreign convictions. In so doing, sentencing courts should consider the nature and definition of the foreign offense, as well as the sentence received by the offender.

The criminal history score is the sum of points accrued under items one through four above.

C. Presumptive Sentence: The offense of conviction determines the appropriate severity level on the vertical axis. The offender's criminal history score, computed according to section B above, determines the appropriate location on the horizontal axis. The presumptive fixed sentence for a felony conviction is found in the Sentencing Guidelines Grid cell at the intersection of the column defined by the criminal history score and the row defined by the offense severity

level. The offenses within the Sentencing Guidelines Grid are presumptive with respect to the duration of the sentence and whether imposition or execution of the sentence should be stayed.

The line on the Sentencing Guidelines Grid demarcates those cases for whom the presumptive sentence is executed from those for whom the presumptive sentence is stayed. For cases contained in cells below and to the right of the line, the sentence should be executed. For cases contained in cells above and to the left of the line, the sentence should be stayed.

Every cell in the Sentencing Guidelines Grid provides a fixed duration of sentence. For cells below the solid line, the guidelines provide both a presumptive prison sentence and a range of time for that sentence. Any prison sentence duration pronounced by the sentencing judge which is outside the range of the presumptive duration is a departure from the guidelines, regardless of whether the sentence is executed or stayed, and requires written reasons from the judge pursuant to Minn. Stat. § 244.10, subd. 2, and section E of these guidelines.

Comment

II.C.01. *The guidelines provide sentences which are presumptive with respect to (a) disposition--whether or not the sentence should be executed, and (b) duration--the length of the sentence. For cases below and to the right of the dispositional line, the guidelines create a presumption in favor of execution of the sentence. For cases in cells above and to the left of the dispositional line, the guidelines create a presumption against execution of the sentence.*

II.C.02. *In the cells below and to the right of the dispositional line, the guidelines provide a fixed presumptive sentence length, and a range of time around that length. Presumptive sentence lengths are shown in months, and it is the Commission's intent that months shall be computed by reference to calendar months. Any sentence length given that is within the range of sentence length shown in the appropriate cell of the Sentencing Guidelines Grid is not a departure from the guidelines, and any sentence length given which is outside that range is a departure from the guidelines. In the cells above and to the left of the dispositional line, the guidelines provide a single fixed presumptive sentence length.*

II.C.03. *When a stay of execution is given, the presumptive sentence length shown in the appropriate cell should be pronounced, but its execution stayed. If the sentence length pronounced, but stayed, differs from that shown in the appropriate cell, that is a departure from the guidelines.*

II.C.04. *When a stay of imposition is given, no sentence length is pronounced, and the imposition of the sentence is stayed to some future date. If that sentence is ever imposed, the presumptive sentence length shown in the appropriate cell should be pronounced, and a decision should be made on whether to execute the presumptive sentence length given. If the sentence length pronounced at the imposition of the sentence differs from that shown in the appropriate cell of the Sentencing Guidelines Grid, that is a departure from the guidelines.*

II.C.05. *If an offender is convicted of a felony, and no stayed sentence is given under Minn. Stat. §§ 609.13 through 609.14, and the judge imposes or stays a misdemeanor or gross misdemeanor sentence, that is a departure from the guidelines.*

D. **Departures from the Guidelines:** The sentences provided in the Sentencing Guidelines Grid are presumed to be appropriate for every case. The judge shall utilize the presumptive sentence provided in the Sentencing Guidelines Grid unless the individual case involves substantial and compelling circumstances. When such circumstances are present, the judge may depart from the presumptive sentence and stay or impose any sentence authorized by law. When departing from the presumptive sentence, a judge must provide written reasons which specify the substantial and compelling nature of the circumstances, and which demonstrate why the sentence selected in the departure is more appropriate, reasonable, or equitable than the presumptive sentence.

In making decisions about departing from the guidelines, judges should take into substantial consideration the statement of purpose and principles in section I above.

Comment

II.D.01. The guideline sentences are presumed to be appropriate for every case. However, there will be a small number of cases where substantial and compelling aggravating or mitigating factors are present. When such factors are present, the judge may depart from the presumptive disposition or duration provided in the guidelines, and stay or impose a sentence that is deemed to be more appropriate, reasonable, or equitable than the presumptive sentence.

II.D.02. Decisions with respect to disposition and duration are logically separate. Departures with respect to disposition and duration also are logically separate decisions. A judge may depart from the presumptive disposition without departing from the presumptive duration, and vice-versa. A judge who departs from the presumptive disposition as well as the presumptive duration has made two separate departure decisions, each requiring written reasons.

II.D.03. The aggravating or mitigating factors and the written reasons supporting the departure must be substantial and compelling to overcome the presumption in favor of the guideline sentence. The purposes of the sentencing guidelines cannot be achieved unless the presumptive sentences are applied with a high degree of regularity. Sentencing disparity cannot be reduced if judges depart from the guidelines frequently. Certainty in sentencing cannot be attained if departure rates are high. Prison populations will exceed capacity if departures increase imprisonment rates significantly above past practice.

1. **Factors that should not be used as reasons for departure:** The following factors should not be used as reasons for departing from the presumptive sentences provided in the Sentencing Guidelines Grid:
 - a. Race
 - b. Sex
 - c. Employment factors, including:
 - (1) occupation or impact of sentence on profession or occupation;

- (2) employment history;
- (3) employment at time of offense;
- (4) employment at time of sentencing.
- d. Social factors, including:
 - (1) educational attainment;
 - (2) living arrangements at time of offense or sentencing;
 - (3) length of residence;
 - (4) marital status.
- e. The exercise of constitutional rights by the defendant during the adjudication process.

Comment

II.D.101. *The Commission believes that sentencing should be neutral with respect to offenders' race, sex, and income levels. Accordingly, the Commission has listed several factors which should not be used as reasons for departure from the presumptive sentence, because these factors are highly correlated with sex, race, or income levels. The Commission's study of Minnesota sentencing decisions indicated that, unlike many other states, these factors generally were not important in dispositional decisions. Therefore, their exclusion as reasons for departure should not result in a change from current judicial sentencing practices. The only excluded factor which was associated with judicial dispositional decisions was employment at time of sentencing. In addition to its correlation with race and income levels, this factor was excluded because it is manipulable--offenders could lessen the severity of the sentence by obtaining employment between arrest and sentencing. While it may be desirable for offenders to obtain employment between arrest and sentencing, some groups (those with low income levels, low education levels, and racial minorities generally) find it more difficult to obtain employment than others. It is impossible to reward those employed without, in fact, penalizing those not employed at time of sentencing.*

II.D.102. *In addition, the Commission determined that the severity of offenders' sanctions should not vary depending on whether or not they exercise constitutional rights during the adjudication process.*

II.D.103. *It follows from the Commission's use of the conviction offense to determine offense severity that departures from the guidelines should not be permitted for elements of alleged offender behavior not within the definition of the offense of conviction. Thus, if an offender is convicted of simple robbery, a departure from the guidelines to increase the severity of the sentence should not be permitted because the offender possessed a firearm or used another dangerous weapon.*

- 2. Factors that may be used as reasons for departure: The following is a nonexclusive list of factors which may be used as reasons for departure:

- a. Mitigating Factors:

- (1) The victim was an aggressor in the incident.

- (2) The offender played a minor or passive role in the crime or participated under circumstances of coercion or duress.
- (3) The offender, because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed. The voluntary use of intoxicants (drugs or alcohol) does not fall within the purview of this factor.
- (4) Other substantial grounds exist which tend to excuse or mitigate the offender's culpability, although not amounting to a defense.

b. Aggravating Factors:

- (1) The victim was particularly vulnerable due to age, infirmity, or reduced physical or mental capacity, which was known or should have been known to the offender.
- (2) The victim was treated with particular cruelty for which the individual offender should be held responsible.
- (3) The current conviction is for an offense in which the victim was injured and there is a prior felony conviction for an offense in which the victim was injured.
- (4) The offense was a major economic offense, identified as an illegal act or series of illegal acts committed by other than physical means and by concealment or guile to obtain money or property, to avoid payment or loss of money or property, or to obtain business or professional advantage. The presence of two or more of the circumstances listed below are aggravating factors with respect to the offense:
 - (a) the offense involved multiple victims or multiple incidents per victim;
 - (b) the offense involved an attempted or actual monetary loss substantially greater than the

- usual offense or substantially greater than the minimum loss specified in the statutes;
- (c) the offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;
 - (d) the defendant used his or her position or status to facilitate the commission of the offense, including positions of trust, confidence, or fiduciary relationships; or
 - (e) the defendant has been involved in other conduct similar to the current offense as evidenced by the findings of civil or administrative law proceedings or the imposition of professional sanctions.

Comment

II.D.201. *The Commission provided a non-exclusive list of reasons which may be used as reasons for departure. The factors are intended to describe specific situations involving a small number of cases. The Commission rejected factors which were general in nature, and which could apply to large numbers of cases, such as intoxication at the time of the offense. The factors cited are illustrative and are not intended to be an exclusive or exhaustive list of factors which may be used as reasons for departure. Some of these factors may be considered in establishing conditions of stayed sentences, even though they may not be used as reasons for departure. For example, whether or not a person is employed at time of sentencing may be an important factor in deciding whether restitution should be used as a condition of probation, or in deciding on the terms of restitution payment.*

- E. Mandatory Sentences:** When an offender has been convicted of an offense with a mandatory minimum sentence of one year and one day, the presumptive duration of the prison sentence should be 18 months or the duration of prison sentence provided in the appropriate cell of the Sentencing Guidelines Grid, whichever is longer.

When an offender has been convicted of an offense with a mandatory minimum sentence of three years, the presumptive duration of the prison sentence should be 54 months or the duration provided in the appropriate cell of the Sentencing Guidelines Grid, whichever is longer. First degree murder, which has a mandatory life imprisonment sentence, is excluded from offenses covered by the sentencing guidelines.

Because good time reductions do not apply to mandatory minimum sentences under Minnesota law, the intent of this provision is to provide all incarcerated inmates with equal incentive for good behavior, thereby alleviating potential institutional management problems.

Comment

II.E.01. A sentence which is mandatory under state statute becomes the presumptive guideline sentence. The Commission attempted to draw the dispositional line so that the great majority of offenses that might involve a mandatory sentence would receive a presumptive imprisonment sentence. However, it is possible that a few cases might arise in which imprisonment is mandatory under state law but for which the Sentencing Guidelines Grid recommends a stay. If that occurs, the mandatory sentence becomes the presumptive sentence, imprisonment of the offender would not be a departure from the guidelines, and no written reasons are required.

II.E.02. Under Minnesota law, mandatory minimum sentences cannot be diminished by earning good time. Offenders given mandatory minimum three-year sentences for offenses committed on or after May 1, 1980, would not earn good time reductions, and would have no incentive for good behavior in prisons. This could pose serious institutional management problems if it occurred in a significant number of cases. Accordingly, the Commission has established a procedure to set the fixed presumptive sentence length at 54 months for those subject to a mandatory three-year minimum and 18 months for those subject to a mandatory one-year minimum, or the duration provided in the appropriate cell of the Sentencing Guidelines Grid, whichever is longer. This will provide all inmates with equal incentive for good behavior.

F. Concurrent/Consecutive Sentences: When an offender is convicted of multiple current offenses, or when there is a prior felony sentence which has not expired or been discharged, concurrent sentences shall be given in all cases not covered below. The most severe offense among multiple current offenses determines the appropriate offense severity level for purposes of determining the presumptive guideline sentence.

Consecutive sentences may be given only in the following cases:

1. When a prior felony sentence for a crime against a person has not expired or been discharged and one or more of the current felony convictions is for a crime against a person, and when the sentence for the most severe current conviction is executed according to the guidelines; or
2. When the offender is convicted of multiple current felony convictions for crimes against different persons, and when the sentence for the most severe current conviction is executed according to the guidelines; or
3. When the conviction is for escape from lawful custody, as defined in Minn. Stat. § 609.485.

The use of consecutive sentences in any other case constitutes a departure from the guidelines and requires written reasons pursuant to Minn. Stat. § 244.10, subd. 2 and section E of these guidelines.

For persons given consecutive sentences, the sentence durations for each separate offense sentenced consecutively shall be aggregated into a single presumptive sentence. The presumptive duration for offenses sentenced consecutively is determined by locating the Sentencing Guidelines Grid cell defined by the most severe offense and the offender's criminal history score and by adding to the duration shown therein the duration indicated for every other offense sentenced consecutively at their respective levels of severity but at the zero criminal history column on the Grid. The purpose of this procedure is to count an individual's criminal history score only one time in the computation of consecutive sentence durations.

For persons who, while on probation, parole, or supervised release, commit a new offense for which a consecutive sentence is imposed, service of the sentence for the current conviction shall commence upon the completion of any incarceration arising out of the prior sentence.

Comment

II.F.01. Consecutive sentences are a more severe sanction because the intent of using them is to confine the offender for a longer period than under concurrent sentences. If the severity of the sanction is to be proportional to the severity of the offense, consecutive sentences should be limited to more severe offenses. The Commission has established criteria which permits, but does not require, the use of consecutive sentences in the instances listed in the guidelines. The guidelines create a presumption against the use of consecutive sentences in cases not meeting the guideline criteria. If consecutive sentences are used in such cases, their use constitutes a departure from the guidelines and written reasons are required.

II.F.02. The guidelines provide that when consecutive sentences are given in cases involving multiple current convictions, sentence durations be aggregated into a single fixed presumptive sentence. Under current law, when one sentence is made consecutive to another, the service of the consecutive sentence does not begin until the first sentence expires or has been discharged. For cases sentenced under the guidelines, the Minnesota Corrections Board will no longer have power to discharge a sentence before expiration. If judges gave separate fixed presumptive sentences to be served consecutively, the offender could not begin to serve the second sentence until the first had expired, which would occur at the end of the sentence duration established for the first sentence. This would mean that offenders would serve the term of imprisonment on the first sentence, be released on supervised release for a period equal to the amount of good time earned on the first sentence, and then be returned to prison to serve the second sentence. This incongruous result will be avoided by the aggregation process established in the guidelines.

II.F.03. For cases with a prior felony sentence for a crime against a person, which has neither expired nor been discharged, and a single current conviction for a crime against a person, and when the current conviction is sentenced consecutive to the prior, the service of the consecutive sentence begins at the end of any incarceration arising from the first sentence. The Minnesota Corrections Board has the authority to establish policies regarding durations of confinement for persons sentenced for crimes committed before May 1, 1980, and will continue to establish policies for the durations of confinement for persons committing new felonies while on parole or supervised release, who were imprisoned for crimes committed on or after May 1, 1980.

G. Convictions for Attempts or Conspiracies: For persons convicted of attempted offenses or conspiracies to commit an offense, the presumptive sentence is determined by locating the Sentencing Guidelines Grid cell defined by the offender's criminal history score and the severity level of the completed offense, and dividing the duration contained therein by two, but such sentence shall not be less than one year and one day.

Comment

II.G.01. The presumptive sentence length for those convicted of attempted offenses or conspiracies to commit an offense is one-half the duration provided in the appropriate cell of the Sentencing Guidelines Grid for the completed offense, provided that no such sentence shall be less than one year and one day. This provision is consistent with legislative intent and current practice of the Minnesota Corrections Board. The guidelines do not reduce the severity level for attempt or conspiracy offenses. That appears consistent with current judicial practice, because those convicted of attempts and conspiracies were more likely to be imprisoned than those convicted of the completed offenses.

II.G.02. If the fixed presumptive sentence is an odd number, division by two will produce a presumptive sentence involving a half month. For example, 41 months divided by two equals 20.5 months. In that case, 20.5 months is the presumptive sentence length.

H. Presumptive Sentence Durations that Exceed the Statutory Maximum Sentence:

If the presumptive sentence duration given in the appropriate cell of the Sentencing Guidelines Grid exceeds the statutory maximum sentence for the offense of conviction, the statutory maximum sentence shall be the presumptive sentence.

Comment

II.H.01. There will be rare instances where the presumptive sentence length will exceed the statutory maximum sentence. This will occur in a handful of cases each year, generally involving the offense of Assault in the second degree, for offenders with criminal history scores of six or more. If that situation occurs, the statutory maximum sentence becomes the presumptive sentence length.

III. Related Policies

A. Establishing Conditions of Stayed Sentences:

1. Method of Granting Stayed Sentences: When the appropriate cell of the Sentencing Guidelines Grid provides a stayed sentence, and when the judge chooses to grant that stay by means of a stay of execution, the duration of prison sentence shown in the appropriate cell is pronounced, but its execution is stayed. When the judge chooses to grant the stay by means of a stay of imposition, the duration of the prison sentence in the appropriate cell is not pronounced and the imposition of the sentence is stayed. The judge would then establish conditions which are deemed appropriate for the stayed sentence, including establishing a length of probation, which may exceed the duration of the presumptive prison sentence.

The Commission recommends that stays of imposition be used as the means of granting a stayed sentence for felons convicted of lower severity offenses with low criminal history scores. The Commission further recommends that convicted felons be given one stay of imposition, although for very low severity offenses, a second stay of imposition may be appropriate.

Comment

III.A.101. When the presumptive sentence is a stay, the judge may grant the stay by means of either a stay of imposition or a stay of execution. The use of either a stay of imposition or stay of execution is at the discretion of the judge. The Commission has provided a non-presumptive recommendation regarding which categories of offenders should receive stays of imposition, and has recommended that convicted felons generally should receive only one stay of imposition. The Commission believes that stays of imposition are a less severe sanction, and ought to be used for those convicted of less serious offenses and those with short criminal histories. Under current sentencing practices, judges use stays of imposition most frequently for these types of offenders.

III.A.102. When a judge grants a stayed sentence, the duration of the stayed sentence may exceed the presumptive sentence length indicated in the appropriate cell of the Sentencing Guidelines Grid, and may be as long as the statutory maximum for the offense of conviction. Thus, for an offender convicted of Theft, \$150-\$2,500 (severity level III), with a criminal history score of 1, the duration of the stay could be up to five years. The 13 month sentence shown in the guidelines is the presumptive sentence length and, if imposed, would be executed if (a) the judge departs from the dispositional recommendation and decides to execute the sentence, or (b) if the stay is later revoked and the judge decides to imprison the offender.

2. Conditions of Stayed Sentences: The Commission has chosen not to develop specific guidelines relating to the conditions of stayed sen-

tences, although it is the Commission's intention to do so in the future. The Commission recognizes that there are several penal objectives to be considered in establishing conditions of stayed sentences, including, but not limited to, retribution, rehabilitation, public protection, restitution, deterrence, and public condemnation of criminal conduct. The Commission also recognizes that the relative importance of these objectives may vary with both offense and offender characteristics and that multiple objectives may be present in any given sentence. The development of principled standards for establishing conditions of stayed sentences requires that judges first consider the objectives to be served by a stayed sentence and, second, consider the resources available to achieve those objectives. When retribution is an important objective of a stayed sentence, the severity of the retributive sanction should be proportional to the severity of the offense and the prior criminal record of the offender, and judges should consider the availability and adequacy of local jail or correctional facilities in establishing such sentences. The Commission urges judges to utilize the least restrictive conditions of stayed sentences that are consistent with the objectives of the sanction. When rehabilitation is an important objective of a stayed sentence, judges are urged to make full use of local programs and resources available to accomplish the rehabilitative objectives. The absence of a rehabilitative resource, in general, should not be a basis for enhancing the retributive objective in sentencing and, in particular, should not be the basis for more extensive use of incarceration than is justified on other grounds. The Commission urges judges to make expanded use of restitution and community work orders as conditions of a stayed sentence, especially for persons with short criminal histories who are convicted of property crimes, although the use of such conditions in other cases may be appropriate. Supervised probation should continue as a primary condition of stayed sentences. To the extent that fines are used, the Commission urges the expanded use of day fines, which standardizes the financial impact of the sanction among offenders with different income levels.

Comment

III.A.201. The judge may attach any conditions to a stayed sentence which are permitted by law and which he or she deems appropriate. The guidelines neither enlarge nor restrict the conditions that judges may attach to a stayed sentence. Laws

1978, Chapter 723 permits, but does not require, the Commission to establish guidelines covering conditions of stayed sentences. The Commission chose not to develop such guidelines during their initial guideline development effort, but has expressed its intention to do so in the future. The Commission has provided some language in the above section of the guidelines which provides general direction in the use of conditions of stayed sentences.

- B. **Revocation of Stayed Sentences:** The decision to imprison an offender following a revocation of a stayed sentence should not be undertaken lightly and, in particular, should not be a reflexive reaction to technical violations of the conditions of the stay. Great restraint should be exercised in imprisoning those violating conditions of a stayed sentence who were convicted originally of low severity offenses or who have short prior criminal histories. Rather the Commission urges the use of more restrictive and onerous conditions of a stayed sentence, such as periods of local confinement. Less judicial forbearance is urged for persons violating conditions of a stayed sentence who were convicted of a more severe offense or who had a longer criminal history. Even in these cases, however, imprisonment upon a technical violation of the conditions of a stayed sentence should not be reflexive.

The Commission would view commitment to the Commissioner of Corrections following revocation of a stayed sentence to be justified when:

1. The offender has been convicted of a new felony for which the guidelines would recommend imprisonment; or
2. Despite prior use of expanded and more onerous conditions of a stayed sentence, the offender persists in violating conditions of the stay.

Comment

III.B.01. *The language in this section describes current judicial practice. In fiscal year 1978, only about six percent of cases receiving stays of imposition or stays of execution were later revoked and executed for technical violations of the conditions of the stay. The guidelines are based on the concept that the severity of the sanction ought to depend primarily on the severity of the current offense and the criminal history of the offender. Therefore, great restraint should be used when considering increasing the severity of the sanction based upon non-criminal technical violations of probationary conditions.*

- C. **Jail Credit:** Pursuant to Minn. Stat. § 609.145, subd. 2, and Minn. R. Crim. P. § 27.03, subd. 4(b), when a convicted felon is committed to the custody of the Commissioner of Corrections, the court shall assure that the record accurately reflects all time spent in custody between arrest and sentencing, including examinations under Minn. R. Crim. P. § 20, for the offense or behavioral incident

for which the person is sentenced, which time shall be deducted by the Commissioner of Corrections from the sentence imposed. Time spent in confinement as a condition of a stayed sentence when the stay is later revoked and the offender committed to the custody of the Commissioner of Corrections shall not be included in the above record, however, and shall not be deducted from the sentence imposed. See Vezina v. State of Minnesota et al. No. 49357 (Minn. S. Ct. Aug. 24, 1979), 289 N.W.2d ____ and State ex rel. Ahern v. Young, 273 Minn. 247, 141 N.W.2d 20.

Comment

III.C.01. *The Commission recognized that the possibility of revocation and a significant period of state imprisonment provides an incentive for those on probation to obey conditions of the stayed sentence. The intent of the Commission's policy on computing jail credit is to preserve that incentive.*

III.C.02. *However, the Commission believes that offenders should receive jail credit for time spent in custody between arrest and sentencing. During that time, the defendant is presumed innocent. There is evidence that the poor and members of racial minorities are more likely to be subject to pre-trial detention than others. Granting such jail credit for those receiving executed sentences makes the total periods of incarceration more equitable.*

III.C.03. *The Commission's policy is that individuals whose sentences are executed should receive jail credit for all time spent in custody between arrest and the time sentence was executed, or the offender was given a stay of imposition or stay of execution. Offenders should not receive jail credit for any time spent in custody as a condition of a stay of imposition or execution, when the stay is later revoked and the sentence executed.*

D. **Certified Juveniles:** When a juvenile has been referred to the district court for trial as an adult pursuant to Minn. Stat. § 260.125, the sentences provided in the sentencing guidelines apply with the same presumptive force as for offenders age 18 or over at the time of the commission of offenses.

E. **Presentence Mental and Physical Examinations for Sex Offenders:** Under the authority of Minn. R. Crim. P. § 27.02, when an offender has been convicted under Minn. Stat. § 609.342, 609.343, 609.344, 609.345, or 609.365, or is convicted under section 609.17 of an attempt to commit an act proscribed by Minn. Stat. § 609.342 or 609.344, the Commission recommends that any state, local, or private agency that the court may deem adequate be ordered to make a physical and mental examination of the offender, as a supplement to the presentence investigation required by Minn. Stat. § 609.115.

IV. SENTENCING GUIDELINES GRID

Presumptive Sentence Lengths in Months

Italicized numbers within the grid denote the range within which a judge may sentence without the sentence being deemed a departure.

SEVERITY LEVELS OF CONVICTION OFFENSE		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or more
Unauthorized Use of Motor Vehicle	I	12*	12*	12*	15	18	21	24
Possession of Marijuana								
Theft Related Crimes (\$150-\$2500)	II	12*	12*	14	17	20	23	27 25-29
Sale of Marijuana								
Theft Crimes (\$150-\$2500)	III	12*	13	16	19	22 21-23	27 25-29	32 30-34
Burglary - Felony Intent Receiving Stolen Goods (\$150-\$2500)	IV	12*	15	18	21	25 24-26	32 30-34	41 37-45
Simple Robbery	V	18	23	27	30 29-31	38 36-40	46 43-49	54 50-58
Assault, 2nd Degree	VI	21	26	30	34 33-35	44 42-46	54 50-58	65 60-70
Aggravated Robbery	VII	24 23-25	32 30-34	41 38-44	49 45-53	65 60-70	81 75-87	97 90-104
Assault, 1st Degree								
Criminal Sexual Conduct, 1st Degree	VIII	43 41-45	54 50-58	65 60-70	76 71-81	95 89-101	113 106-120	132 124-140
Murder, 3rd Degree	IX	97 94-100	119 116-122	127 124-130	149 143-155	176 168-184	205 195-215	230 218-242
Murder, 2nd Degree	X	116 111-121	140 133-147	162 153-171	203 192-214	243 231-255	284 270-298	324 309-339

1st Degree Murder is excluded from the guidelines by law and continues to have a mandatory life sentence.

*one year and one day

V. OFFENSE SEVERITY REFERENCE TABLE

First Degree Murder is excluded from the guidelines by law, and continues to have a mandatory life sentence.

X Murder 2 - 609.19

IX Murder 3 - 609.195

VIII Assault 1 - 609.221
Attempted Murder 1 - 609.185 with 609.17 or 609.175 cited
Criminal Sexual Conduct 1 - 609.342
Kidnapping (w/great bodily harm) - 609.25, subd. 2(2)
Manslaughter 1 - 609.20(1) & (2)

VII Aggravated Robbery - 609.245
Arson 1 - 609.561
Criminal Sexual Conduct 2 - 609.343(c), (d), (e), & (f)
Criminal Sexual Conduct 3 - 609.344(c) & (d)
Kidnapping (not in safe place) - 609.25, subd. 2(2)
Manslaughter 1 - 609.20(3)
Manslaughter 2 - 609.205(1)

VI Arson 2 - 609.562
Assault 2 - 609.222
Burglary - 609.58, subd. 2(1)(b) & (2)
Criminal Sexual Conduct 2 - 609.343(a) & (b)
Criminal Sexual Conduct 4 - 609.345(c) & (d)
Escape from Custody - 609.485, subd. 4(4)
Kidnapping - 609.25, subd. 2(1)
Receiving Stolen Goods (over \$2,500) - 609.525; 609.53
Sale of Hallucinogens or PCP - 152.15, subd. 1(2)
Sale of Heroin - 152.15, subd. 1(1)
Sale of Remaining Schedule I & II Narcotics - 152.15, subd. 1(1)

V Criminal Negligence Resulting in Death - 609.21
Criminal Sexual Conduct 3 - 609.344(b)
Manslaughter 2 - 609.205(2), (3), & (4)
Perjury - 609.48, subd. 4(1)
Possession of Incendiary Device - 299F.80; 299F.815; 299F.811
Simple Robbery - 609.24
Solicitation of Prostitution - 609.322, subd. 1
Tampering w/Witness - 609.498, subd. 1

IV Assault 3 - 609.223
Bribery - 609.42; 90.41
Bring Contraband into State Prison - 243.55
Bring Dangerous Weapon into County Jail - 641.165, subd. 2(b)
Burglary - 609.58, subd. 2(1)(a), (c), & (3)
Criminal Sexual Conduct 4 - 609.345(b)
Negligent Fires - 609.576(a)
Perjury - 290.53, subd. 4; 300.61; & 609.48, subd. 4(2)
Receiving Profit Derived from Prostitution - 609.323, subd. 1
Receiving Stolen Goods (\$150-\$2500) - 609.525; 609.53
Security Violations (over \$2500) - 80A.22, subd. 1; 80B.10, subd. 1;
80C.16, subd. 3(a) & (b)
Terroristic Threats - 609.713, subd. 1
Theft Crimes - Over \$2,500 (See Theft Offense List)
Theft from Person - 609.52
Use of Drugs to Injure or Facilitate Crime - 609.235

III

Aggravated Forgery (over \$2,500) - 609.625
 Arson 3 - 609.563
 Coercion - 609.27, subd. 1(1)
 Coercion (Over \$2,500) - 609.27, subd. 1(2), (3), (4), & (5)
 Damage to Property - 609.595, subd. 1(1)
 Dangerous Trespass - 609.60; 609.85(1)
 Dangerous Weapons - 609.67, subd. 2; 624.713, subd. 1(b)
 Escape from Custody - 609.485, subd. 4(1)
 False Imprisonment - 609.255
 Negligent Discharge of Explosive - 299F.83
 Possession of Burglary Tools - 609.59
 Possession of Hallucinogens or PCP - 152.15, subd. 2(2)
 Possession of Heroin - 152.15, subd. 2(1)
 Possession of Remaining Schedule I & II Narcotics - 152.15, subd. 2(1)
 Prostitution (Patron) - 609.324, subd. 1
 Receiving Profit Derived from Prostitution - 609.323, subd. 2
 Sale of Cocaine - 152.15, subd. 1(2)
 Sale of Remaining Schedule I, II, & III Non-narcotics - 152.15, subd. 1(2)
 Security Violations (under \$2500) - 80A.22, subd. 1; 80B.10, subd. 1;
 80C.16, subd. 3(a) & (b)
 Solicitation of Prostitution - 609.322, subd. 2
 Theft Crimes - \$150-\$2,500 (*See Theft Offense List*)
 Theft of Public Records - 609.52
 Theft Related Crimes - Over \$2,500 (*See Theft Related Offense List*)

II

Aggravated Forgery (\$150-\$2,500) - 609.625
 Aggravated Forgery (misc) (non-check) - 609.625; 609.635; 609.64
 Coercion (\$300-\$2,500) - 609.27, subd. 1(2), (3), (4), & (5)
 Damage to Property - 609.595, subd. 1(2) & (3)
 Negligent Fires (damage greater than \$10,000) - 609.576(b)(4)
 Riot - 609.71
 Sale of Marijuana/Hashish/Tetrahydrocannabinols - 152.15, subd. 1(2)
 Sale of a Schedule IV Substance - 152.15, subd. 1(3)
 Terroristic Threats - 609.713, subd. 2
 Theft-Looting - 609.52
 Theft Related Crimes - \$150-\$2,500 (*See Theft Related Offense List*)

I

Aggravated Forgery (Less than \$150) - 609.625
 Aiding Offender to Avoid Arrest - 609.495
 Forgery - 609.63; and Forgery Related Crimes (*See Forgery Related Offense List*)
 Fraudulent Procurement of a Controlled Substance - 152.15, subd. 3
 Leaving State to Evade Establishment of Paternity - 609.31
 Nonsupport of Wife or Child - 609.375, subds. 2, 3, & 4
 Possession of Cocaine - 152.15, subd. 2(2)
 Possession of Marijuana/Hashish/Tetrahydrocannabinols - 152.15, subd. 2(2)
 Possession of Remaining Schedule I, II & III Non-narcotics - 152.15, subd. 2(2)
 Possession of a Schedule IV Substance - 152.15, subd. 2(3)
 Selling Liquor that Causes Injury - 340.70
 Solicitation of Prostitution - 609.322, subd. 3
 Unauthorized Use of Motor Vehicle - 609.55

Theft Offense List

It is recommended that the following property crimes be treated similarly. This is the list cited for the two THEFT CRIMES (\$150-\$2,500 and over \$2,500) in the Offense Severity Reference Table.

Altering Serial Number
609.52, Subd. 2(10)(11)

Diversion of Corporate Property
300.60

Embezzlement of Public Funds
609.54

Failure to Pay Over State Funds
609.445

Permitting False Claims Against Government
609.455

Possession of Shoplifting Gear
609.521

Rustling and Livestock Theft
609.551

Theft†
609.52, Subd. 2(1)

Theft by Soldier of Military Goods
192.36

Theft by Trick
609.52, Subd. 2(4)

Theft of Public Funds
609.52

Theft of Trade Secret
609.52, Subd. 2(8)

Theft Related Offense List

It is recommended that the following property crimes be treated similarly. This is the list cited for the two THEFT RELATED CRIMES (\$150-\$2,500 and over \$2,500) in the Offense Severity Reference Table.

Defeating Security on Personality
609.62

Defeating Security on Realty
609.615

Defrauding Insurer
609.611

Fraud in Obtaining Credit
609.82

Fraudulent Long Distance Telephone Calls
609.785

Medical Assistance Fraud
609.466

Presenting False Claims to Public Officer or Body
609.465

Refusing to Return Lost Property
609.52, Subd. 2(6)

Taking Pledged Property
609.52, Subd. 2(2)

Temporary Theft
609.52, Subd. 2(5)

Theft by Check
609.52, Subd. 2(3)

Theft of Cable TV Services
609.52, Subd. 2(12)

Theft of Leased Property
609.52, Subd. 2(9)

Unauthorized Use of Credit Card
609.52, Subd. 2(3)

Wrongfully Obtaining Assistance
256.98

Forgery Related Offense List

It is recommended that the following property crimes be treated similarly. This is the list cited for the FORGERY and FORGERY RELATED CRIMES in the Offense Severity Reference Table.

Altering Livestock Certificate
35.824

Altering Packing House Certificate
226.05

Destroy Or Falsify Private Business Record
609.63, subd. 1(5)

Destroy Or Falsify Public Record
609.63, subd. 1(6)

Destroy Writing To Prevent Use At Trial
609.63, subd. 1(7)

False Bill Of Lading
228.45; 228.47; 228.49; 228.50; 228.51

False Certification By Notary Public
609.65

False Membership Card
609.63, subd. 1(3)

False Merchandise Stamp
609.63, subd. 2(2)

Fraudulent Statements
609.645

Obtaining Signature By False Pretense
609.635

Offer Forged Writing At Trial
609.63, subd. 2

Recording, Filing of Forged Instrument
609.64

Use False Identification
609.63, subd. 1(1)

NAME: Hypothetical A
DOB: 09/16/52
SEX: Male
RACE: White

SJIS COMPLAINT #: 62-1-1-3-000010
DIST. CT. CASE #: 31064

ALLEGED OFFENSE

Police reports indicate that in the early morning hours of May 11, 1980, the defendant allegedly assaulted an acquaintance in a parking lot outside a local bar. Witnesses stated that the defendant beat the victim with his fists and feet, resulting in serious injury to the victim including a concussion, broken ribs, and other injuries requiring hospitalization. The defendant was charged with Assault in the First Degree (MSA 609.221).

CONVICTION/PLEA

On 6/22/80, the defendant pled guilty to Assault in the First Degree (MSA 609.221).

PRIOR RECORD

Juvenile Adjudication:

<u>Offense</u>	<u>Offense Date</u>	<u>Disposition/Date</u>
Possession of Hallucinogens	6/69	adjudicated delinquent-8/14/69

Adult Misdemeanor/Gross Misdemeanor:

<u>Offense</u>	<u>Disposition Date</u>	<u>Disposition</u>
Simple Assault	3/12/76	\$200 fine
DWI	11/20/76	\$100 fine/90 days lic. revoc.
Speeding	1/14/77	\$20 fine
Agg. DWI	2/20/77	Stay Exec.-6 mo. jail/treatment
Theft	7/19/78	30 days jail/\$100 fine

Adult Felony:

<u>Offense</u>	<u>Disposition Date</u>	<u>Disposition</u>
Burglary	3/5/79	5 yr. sent.-Stay Exec. 2 yrs. probation

NAME: Hypothetical B
DOB: 1/4/60
SEX: Male
RACE: Black

SJIS COMPLAINT #: 07-1-1-3-000020
DIST. CT. CASE #: 88-CR-09

ALLEGED OFFENSE

Acting upon a search warrant, officers entered the defendant's home on 6/22/80 looking for stolen property. Defendant's car was allegedly seen in the area of a burglary the day before leading police to believe he may have been involved. Defendant was home at the time and found in his apartment were two portable color television sets and one stereo component system consisting of a turntable, tape deck, receiver, and four speakers with a net value of confiscated property approximately \$2150.00. At the time of his arrest, the defendant was charged with Burglary with a Tool (MSA 609.58, subd. 2(1)(a)).

CONVICTION/PLEA

As a result of a plea negotiation, the defendant entered a plea of guilty to Receiving Stolen Property (609.53, subd. 1(1)) on July 14, 1980.

PRIOR RECORD

Juvenile Adjudication:

<u>Offense</u>	<u>Offense Date</u>	<u>Disposition/Date</u>
Possession of LSD	3/17/76	adjudicated delinquent-4/28/76
Theft	12/9/77	adjudicated delinquent-1/3/78

Adult Misdemeanor/Gross Misdemeanor:

<u>Offense</u>	<u>Disposition Date</u>	<u>Disposition</u>
Speeding	7/18/79	\$20 fine
Simple Assault	7/18/79	dismissed

Adult Felony:

<u>Offense</u>	<u>Disposition Date</u>	<u>Disposition</u>
None		

NAME: Hypothetical C
DOB: 4/16/56
SEX: Male
RACE: American Indian

SJIS COMPLAINT #: 73-1-1-3-000030
DIST. CT. CASE #: 107429

ALLEGED OFFENSE

The police reports that there had been various meetings between the defendant and the undercover narcotics agents prior to the night of the arrest. On the afternoon of June 12, 1980, narcotics agents allegedly purchased 200 tablets (hits) of LSD from the defendant. Agents returned to the defendant's home later that day and arrested him on the charge Sale of a Schedule I Controlled (nonnarcotic) Substance (MSA 152.09, subd. 1 (1)). Analysis by the BCA lab confirmed that the tablets were, in fact, LSD.

CONVICTION/PLEA

On August 14, 1980, the court accepted a plea of guilty from the defendant on the charge Sale of Schedule I Nonnarcotic (MSA 152.09, subd. 1 (1)).

PRIOR RECORD

Juvenile Adjudication:

<u>Offense</u>	<u>Offense Date</u>	<u>Disposition/Date</u>
Theft	2/18/74	adj. del./committed to Commissioner of Corrections-4/6/74

Adult Misdemeanor/Gross Misdemeanor:

<u>Offense</u>	<u>Disposition Date</u>	<u>Disposition</u>
Reckless Driving	3/18/75	\$20 fine
DWI	9/15/76	\$100 fine
Shoplifting	12/17/76	30 days jail-\$400 fine
Obstruct Legal-Process/Arrest	4/30/79	1 yr. jail-Stay Exec.-2 yrs. probation

Adult Felony:

<u>Offense</u>	<u>Disposition Date</u>	<u>Disposition</u>
Theft (2 counts)	6/11/77	5 yrs. on each cc-Stay Exec. 2 yrs. probation
Possession of Marijuana	4/30/79	3 yrs.-Stay Exec.-1 yr. probation

NAME: Hypothetical D
DOB: 7/15/52
SEX: Male
RACE: White

SJIS COMPLAINT #: 69-1-1-3-000040
DIST. CT. CASE #: 141608

ALLEGED OFFENSE

According to the complaint, the defendant allegedly entered a convenience store on the evening of 7/28/80. The defendant had in his possession a 32-caliber revolver which was used to threaten the store clerk into giving him the money. The victim triggered the silent alarm resulting in the apprehension of the defendant at the scene. Before surrendering, the defendant allegedly exchanged gunfire with police. Although no one was injured at the scene, the defendant was initially charged with Resisting Arrest (MSA 609.50(1)), Attempted Murder (609.19), and Aggravated Robbery (609.245 and 609.11, subd. 1).

CONVICTION/PLEA

On 9/3/80 the defendant entered a plea of guilty to the crime of Aggravated Robbery (609.245 and 609.11, subd. 1) in accordance with a negotiated plea.

PRIOR RECORD

Juvenile Adjudication:

<u>Offense</u>	<u>Offense Date</u>	<u>Disposition/Date</u>
None		

Adult Misdemeanor/Gross Misdemeanor:

<u>Offense</u>	<u>Disposition Date</u>	<u>Disposition</u>
Theft	8/3/75	\$200 fine + restitution
Shoplifting	8/21/76	\$100 fine + 30 days jail

Adult Felony:

<u>Offense</u>	<u>Disposition Date</u>	<u>Disposition</u>
Burglary	7/2/72	Stay Imp./2 yrs. probation; discharged 7/2/74
Possession of Cocaine	11/6/75	3 yrs./Stay Exec./60 days jail/ 1 yr. probation
Grand Larceny (St. Louis, MO)	4/18/77	5 yrs. prison, paroled 6/10/78; discharged 6/15/79

NAME: Hypothetical E
DOB: 6/27/44
SEX: Male
RACE: White

SJIS COMPLAINT #: 18-1-1-3-000050
DIST. CT. CASE #: 4826

ALLEGED OFFENSE

On July, 22, 1980, the defendant allegedly fired three rounds from a 22-caliber revolver at his ex-wife and her male companion. Police reports indicate that the defendant had arrived at his ex-wife's home and following an argument, allegedly shot one round at his wife (missing her) and two rounds at her companion (striking him once in the chest and once in the arm). The defendant was arrested a short time later and charged with Attempted First Degree Murder (MSA 609.185(1), 609.17, subd. 4(1), and 609.11, subd. 1) and Assault in the Second Degree (MSA 609.222).

CONVICTION/PLEA

On January 18, 1981, the defendant was convicted by jury of Attempted Murder 1 (MSA 609.185(1), 609.17, subd. 4(1), and 609.11, subd. 1) and of Assault 2 (MSA 609.222).

PRIOR RECORD

Juvenile Adjudication:

<u>Offense</u>	<u>Offense Date</u>	<u>Disposition/Date</u>
None		

Adult Misdemeanor/Gross Misdemeanor:

<u>Offense</u>	<u>Disposition Date</u>	<u>Disposition</u>
Disorderly Conduct	11/2/66	\$100 fine
Public Drunkenness	2/19/67	2 days jail
Public Drunkenness	4/16/67	5 days jail
Assault	6/11/69	dismissed
DWI	7/27/70	\$100 fine/Stay Exec./30 days jail
Public Drunkenness	6/21/71	3 days jail
Assault	12/11/71	30 days jail
Theft	10/6/77	\$200 fine/Stay Exec./60 days jail
Disorderly Conduct	3/12/78	10 days jail

Adult Felony:

<u>Offense</u>	<u>Disposition Date</u>	<u>Disposition</u>
Burglary	4/28/78	5 yrs. Stay Exec./1 yr. probation

NAME: Hypothetical F
DOB: 8/24/57
SEX: Male
RACE: White

SJS COMPLAINT #: 04-1-1-3-000060
DIST. CT. CASE #: 1060

ALLEGED OFFENSE

On August 26, 1980, two undercover narcotics agents went to the defendant's home and allegedly purchased one gram of cocaine. On 8/28/80, after analysis of the substance by the BCA crime lab, agents returned to the defendant's home and arrested him. In conducting a search of the premises, agents allegedly confiscated approximately two pounds of marijuana and a small quantity of amphetamine tablets. Defendant was charged with Sale of a Schedule I Narcotic-Cocaine (MSA 152.09, subd. 1(1)), Possession of a Schedule II Nonnarcotic-Amphetamine (MSA 152.09, subd. 1(2)), and Possession of a Schedule I Nonnarcotic-Marijuana with Intent to Sell (MSA 152.09, subd. 1(1)).

CONVICTION/PLEA

On October 4, 1980, the defendant entered a straight plea of guilty to Sale of a Schedule I Narcotic-Cocaine (152.09, subd. 1(1)), Possession of a Schedule II Nonnarcotic-Amphetamine (152.09, subd. 1(2)), and Possession of a Schedule I Nonnarcotic with Intent to Sell (152.09, subd. 1(1)).

PRIOR RECORD

Juvenile Adjudication:

<u>Offense</u>	<u>Offense Date</u>	<u>Disposition/Date</u>
Burglary	12/3/74	adj. del./committed to Commissioner of Corrections-2/21/75

Adult Misdemeanor/Gross Misdemeanor:

<u>Offense</u>	<u>Disposition Date</u>	<u>Disposition</u>
None		

Adult Felony:

<u>Offense</u>	<u>Disposition Date</u>	<u>Disposition</u>
None		

NAME: Hypothetical G
DOB: 7/4/38
SEX: Male
RACE: White

SJIS COMPLAINT #: 27-1-1-3-000070
DIST. CT. CASE #: 74831

ALLEGED OFFENSE

Over a period of approximately four years, the defendant was allegedly involved in the embezzlement of over \$100,000 from the investment firm where he was employed. After the termination of the defendant's employment, an audit was conducted which revealed the losses. After an intensive investigation, the defendant was arrested on April 6, 1982, and charged with three separate counts of Theft, each covering a period of six months.

Count I:	Theft - \$12,000 (609.52, subd. 2(1)) which occurred from July 15, 1980, to January 15, 1981.
Count II:	Theft - \$10,000 (609.52, subd. 2(1)) which occurred from January 16, 1981, through July 15, 1981.
Count III:	Theft - \$15,000 (609.52, subd. 2(1)) which occurred from July 16, 1981, through January 15, 1982.

CONVICTION/PLEA

On June 26, 1982, the defendant entered a guilty plea to Count III (Theft - \$15,000 - 609.52, subd. 2(1)) as part of plea negotiation which would result in dropping the other two counts of Theft.

PRIOR RECORD

Juvenile Adjudication:

<u>Offense</u>	<u>Offense Date</u>	<u>Disposition/Date</u>
None		

Adult Misdemeanor/Gross Misdemeanor:

<u>Offense</u>	<u>Disposition Date</u>	<u>Disposition</u>
None		

Adult Felony:

<u>Offense</u>	<u>Disposition Date</u>	<u>Disposition</u>
Forgery (2 counts)	2/11/80	10 mo. jail on each, consecutive, Stay Exec./18 mo. probation

NAME: Hypothetical H
DOB: 3/14/40
SEX: Male
RACE: White

SJIS COMPLAINT #: 31-1-1-3-000080
DIST. CT. CASE #: 109461

ALLEGED OFFENSE

On June 16, 1980, police officers responded to a complaint by the victim's neighbors that they had heard the sound of breaking glass. When police arrived, defendant tried to flee residence but was apprehended a short distance away. Various items (jewelry, cash, etc.) and a 32-caliber revolver were found on the defendant at the time of arrest. He was charged with Burglary with Tool (MSA 609.58, subd. 2(1)(b)) and Theft (MSA 609.52, subd. 2(1)).

CONVICTION/PLEA

As a result of a plea negotiation, the defendant pled guilty to a reduced charge of Burglary (609.58, subd. 2(3)) on September 14, 1980.

PRIOR RECORD

Juvenile Adjudication:

<u>Offense</u>	<u>Offense Date</u>	<u>Disposition/Date</u>
Burglary	10/18/57	adjudicated delinquent-12/6/57

Adult Misdemeanor/Gross Misdemeanor:

<u>Offense</u>	<u>Disposition Date</u>	<u>Disposition</u>
Theft	2/24/63	\$200 fine/Stay Exec.
Crim. Damage to Property	5/30/63	\$100 fine
Theft	11/6/63	30 days jail/Stay Exec./1 yr. probation
Burglary	1/17/70	6 months jail
Attempted Theft	9/24/70	30 days jail, \$100 fine
Disorderly Conduct	4/17/71	\$50 fine, 10 days jail
Theft	8/12/72	90 days jail
Theft	1/10/75	30 days jail, \$500 fine
Worthless Check	2/28/78	\$200 fine, 10 days jail

Adult Felony:

<u>Offense</u>	<u>Disposition Date</u>	<u>Disposition</u>
UUMV	7/3/71	1 yr. jail
Burglary } 609.585	7/9/75	5 yrs., Stay Exec., 1 yr. jail
Theft } (Mult. Sent.)	7/9/75	2 yrs. cc, Stay Exec.
UUMV	4/25/79	3 yrs. Committed to the Commissioner of Corrections. Paroled on 4/25/80.

NAME: Hypothetical I
DOB: 10/26/59
SEX: Female
RACE: White

SJIS COMPLAINT #: 55-1-1-3-000090
DIST. CT. CASE #: 5060

ALLEGED OFFENSE

According to the complaint, police responded to a call received on September 12, 1980, from neighbors witnessing a stranger attempting to gain entry into the victim's garage. When police arrived the defendant was in the process of prying open a garage window with a crow bar. Also found in the defendant's possession was a screwdriver and a window cutter. The defendant was arrested and charged with Burglary with Tool (609.58, subd. 2(1)(a)).

CONVICTION/PLEA

On December 4, 1980, the defendant entered a plea of guilty to Attempted Burglary with Tool (609.58, subd. 2(1)(a) and 609.17, subd. 4(1)) as part of a plea negotiation.

PRIOR RECORD

Juvenile Adjudication:

<u>Offense</u>	<u>Offense Date</u>	<u>Disposition/Date</u>
Burglary	1/5/74	adjudicated delinquent-2/4/74
Truancy	4/6/73	adjudicated delinquent-5/20/73

Adult Misdemeanor/Gross Misdemeanor:

<u>Offense</u>	<u>Disposition Date</u>	<u>Disposition</u>
None		

Adult Felony:

<u>Offense</u>	<u>Disposition Date</u>	<u>Disposition</u>
Receiving Stolen Goods	2/18/79	5 yrs.-Stay Exec.-30 days jail, 1 yr. probation

NAME: Hypothetical J
DOB: 8/19/55
SEX: Male
RACE: White

SJIS COMPLAINT #: 56-1-1-3-000100
DIST. CT. CASE #: 108416

ALLEGED OFFENSE

The complaint states that on the evening of October 5, 1980, the defendant allegedly burglarized a recreational sport warehouse. The defendant was apprehended while climbing a fence surrounding the property. Found in the defendant's possession was property allegedly taken from the warehouse (including cash, keys, and other valuables). Also in the defendant's possession at the time of arrest was a loaded 32-caliber revolver. The defendant was charged with Burglary (609.58, subd. 2(3), and 609.11, subd. 1).

CONVICTION/PLEA

On November 26, 1980, the offender entered a guilty plea to Burglary (609.58, subd. 2(3)) while in possession of a weapon (609.11, subd. 1) as part of a plea negotiation involving charges in another county.

PRIOR RECORD

Juvenile Adjudication:

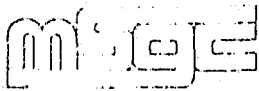
<u>Offense</u>	<u>Offense Date</u>	<u>Disposition/Date</u>
None		

Adult Misdemeanor:

<u>Offense</u>	<u>Disposition Date</u>	<u>Disposition</u>
None		

Adult Felony:

<u>Offense</u>	<u>Disposition Date</u>	<u>Disposition</u>
Burglary	3/12/77	5 yrs.-Stay Exec.-2 yrs. probation



SENTENCING WORKSHEET

SJIS COMPLAINT # (1-11)
62-1-1-3-000010

District Court Case # (14-23)
31064

(2-4) Modified Worksheet

(12-13)
01

Offender Name (Last, First, Middle) (25-49)

Date of Birth (50-55)

Sex (56)

PSI Investigator (Last, First, Middle) (57-76)

Hypothetical A

09 /16 /52

☒ Male ☐ Female

John Jones

Race/Ethnicity (77)

Date of Worksheet (78-83)

Date of Offense (84-89)

☒ White ☐ Black ☐ Am. Indian ☐ Hispanic ☐ Asian ☐ Other

/ /

05 / 11 /80

☐ Supplement attached to report additional current convictions (90)

Title most severe offense (12-51)

Minnesota Statute (52-60)

Date of Conv/Plea (61-66)

SEVERITY
LEVEL
(70-71)

8

Assault - 1st Degree

609.221

06 / 22 /80

Conviction Offense Modifiers

☐ Attempt 609.17 cited (67) ☐ Conspiracy 609.175 cited (68) ☐ Dangerous Weapon 609.11 cited (69)

Title second most severe offense (12-51)

Minnesota Statute (52-60)

Date of Conv/Plea (61-66)

SEVERITY
LEVEL
(70-71)

Conviction Offense Modifiers

☐ Attempt 609.17 cited (67) ☐ Conspiracy 609.175 cited (68) ☐ Dangerous Weapon 609.11 cited (69)

☐ Supplement attached to report additional prior offenses (72)

Was offender under
custody supervision
at time of current
offense? (73)

☐ No ☒ Yes

If yes,
type of
supervision (74)

☒ Probation

☐ Parole or
Supervised Release

☐ Confined

☐ Released
Pending Sentence

☐ Escape

☐ Other

Cust.
Stat.
Point

(75)

1

Juvenile Adjudications

(12-13)

(14-15)

OFFENSE TITLE (16-55)

Disp. Date (56-59)

mo. yr.

☒ Offender 21 or
older when current
offense committed

02

01

/

02

/

Units (60)

Prior Misdemeanor and
Gross Misdemeanor
Sentences

03

01

Simple Assault

3 /76

1

02

Theft

7 /78

1

03

/

04

/

Prior Felony
Sentences and
Stays

04

01

Burglary

3 /79

02

/

03

/

04

/

05

/

06

/

Felony
Points

(78-79)

1

Total
Criminal
History
Points (80-81)

2

Minnesota Sentencing Guidelines Commission
284 Metro Square Building
7th & Robert Streets
St. Paul, Minnesota 55101
612-296-0144

-39-

Presumptive Guideline Sentence (82)

☐ Stay ☒ Commit to
Commissioner

Length of
Presumptive
Sentence (83-86)

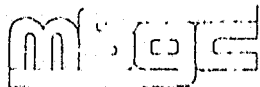
0, 6, 5

Months

HYPOTHETICAL A

FOOTNOTES

- (a) Defendant gets "1" point for Custody Status because he was serving probation on his felony Burglary conviction received on 3/5/79.
- (b) Defendant assigned "0" points for Juvenile Adjudications because he was over age 21 on the date of offense.
- (c) Under the Misdemeanor section, DWI, Speeding, and Aggravated DWI are excluded because they represent traffic offenses. Each misdemeanor sentence included in this section is given a value of one unit and each gross misdemeanor in this section would be assigned a value of two units. In this case, the offender received two units--one for the 7/19/78 Theft and one for the 3/12/76 Simple Assault. Defendant was given a Misdemeanor/Gross Misdemeanor Point of "0" because the sum of the units in that section was less than the four units necessary to assign one point.
- (d) Defendant was given "1" Felony Point for his prior Burglary conviction on 3/5/79.
- (e) Defendant's total Criminal History Points equal "2" (one for Custody Status and one for Felony).
- (f) According to the Sentencing Guidelines Grid, the Presumptive Guideline Sentence is to "Commit to the Commissioner" because a Severity 8 offense with a History Score of 2 falls below the dispositional line.
- (g) The Length of Presumptive Sentence on a Severity 8 offense with a History Score of 2 is 65 months.



SENTENCING WORKSHEET

SJS COMPLAINT # (1-11)

07-1-1-3-000020

District Court Case # (14-23)

88CR-09

(24)

Modified Worksheet

(12-13)
01

Offender Name (Last, First, Middle) (25-49)

Hypothetical B

Date of Birth (50-55)

01 / 04 / 60

Sex (56)

☒ Male ☐ Female

PSI Investigator (Last, First, Middle) (57-76)

Race/Ethnicity (77)

☐ White ☒ Black ☐ Am. Indian ☐ Hispanic ☐ Asian ☐ Other

Date of Worksheet (78-83)

/ /

Date of Offense (84-89)

06 / 22 / 80

☐ Supplement attached to report additional current convictions (90)

Title most severe offense (12-51)

Receiving Stolen Property - \$2150.00

Minnesota Statute (52-60)

609.53, subd. 1(1)

Date of Conv/Plea (61-66)

07 / 14 / 80

SEVERITY

LEVEL

(70-71)

4

Conviction Offense Modifiers

☐ Attempt 609.17 cited (67) ☐ Conspiracy 609.175 cited (68) ☐ Dangerous Weapon 609.11 cited (69)

Title second most severe offense (12-51)

Minnesota Statute (52-60)

Date of Conv/Plea (61-66)

/ /

SEVERITY

LEVEL

(70-71)

Conviction Offense Modifiers

☐ Attempt 609.17 cited (67) ☐ Conspiracy 609.175 cited (68) ☐ Dangerous Weapon 609.11 cited (69)☐ Supplement attached to report additional prior offenses (72)Was offender under
custody supervision
at time of current
offense? (73)☒ No ☐ YesIf yes,
type of
supervision (74)☐ Probation☐ Parole or
Supervised Release☐ Confined☐ Released
Pending Sentence☐ Escape☐ OtherCust.
Stat.
Point

(75)

0

(12-13)

(14-15)

OFFENSE TITLE (16-55)

Disp. Date (56-59)

Juvenile Adjudications

02

01

Possession of LSD

mo.

yr.

4 / 76

☐ Offender 21 or
older when current
offense committed

02

Theft

1 / 78

Units (60)

Prior Misdemeanor and
Gross Misdemeanor
Sentences

03

01

02

03

04

/

/

/

/

Misd./
G.M.
Point

(77)

0

Prior Felony
Sentences and
Stays

04

01

02

03

04

05

06

/

/

/

/

/

/

Felony
Points

(78-79)

0

Total
Criminal
History
Points (80-81)

(e)

1

Minnesota Sentencing Guidelines Commission
284 Metro Square Building
7th & Robert Streets
St. Paul, Minnesota 55101
612-296-0144

-41-

Presumptive Guideline Sentence (82)

☒ Stay ☐ Commit to
CommissionerLength of
Presumptive
Sentence (83-86)

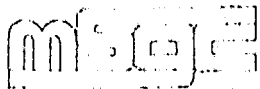
0, 1, 5

Months

HYPOTHETICAL B

FOOTNOTES

- (a) In any Theft, Theft Related, Forgery, or Receiving Stolen Goods crimes, it is important to include the value of property involved in the offense because this is needed to determine Severity Level.
- (b) The two juvenile adjudications shown in the defendant's prior record are entered in this section because (1) the juvenile was under 21 years of age on the date of offense, (2) the offenses would have been felonies if committed by an adult, and (3) the offenses occurred after the offender's sixteenth birthday. Two juvenile adjudications equal "1" Juvenile Point.
- (c) The Speeding misdemeanor was excluded from this section because it is a traffic offense and the Simple Assault misdemeanor was excluded because there was no conviction.
- (d) The defendant had no prior felonies, therefore, received "0" Felony Points.
- (e) The defendant's Total Criminal History Points equal "1" (for prior juvenile adjudications).
- (f) According to the Sentencing Guidelines Grid, the Presumptive Guideline Sentence is to "Stay" the sentence because a Severity 4 offense with a History Score of 1 falls above the dispositional line.
- (g) The Length of Presumptive Sentence in a Severity 4 offense with a History Score of 1 is 15 months. This would be the sentence the judge would pronounce, but not execute, if the judge chooses to grant the stay by means of a Stay of Execution. The guidelines recommend, but do not require, that the stay be by means of a Stay of Imposition for cases convicted of their first felony.



SENTENCING WORKSHEET

SJIS COMPLAINT # (1-11)

73-1-1-3-000030

District Court Case # (14-23)

107429

(12-13)
01☐ (24) Modified Worksheet

Offender Name (Last, First, Middle) (25-49)

Hypothetical C

Date of Birth (50-55)

04 / 16 / 56

Sex (56)

☒ Male ☐ Female

PSI Investigator (Last, First, Middle) (57-76)

Race/Ethnicity (77)

☐ White ☐ Black ☒ Am. Indian ☐ Hispanic ☐ Asian ☐ Other

Date of Worksheet (78-83)

/ / 06 / 12 / 80

☐ Supplement attached to report additional current convictions (90)

Title most severe offense (12-51)

Sale of Schedule I Non-narcotic -- LSD

Minnesota Statute (52-60)

152.09, subd. 1(1)

Date of Conv/Plea (61-66)

08 / 14 / 80

SEVERITY
LEVEL
(70-71)

6

Conviction Offense Modifiers

☐ Attempt 609.17 cited (67) ☐ Conspiracy 609.175 cited (68) ☐ Dangerous Weapon 609.11 cited (69)

Title second most severe offense (12-51)

Minnesota Statute (52-60)

Date of Conv/Plea (61-66)

/ /

SEVERITY
LEVEL
(70-71)

Conviction Offense Modifiers

☐ Attempt 609.17 cited (67) ☐ Conspiracy 609.175 cited (68) ☐ Dangerous Weapon 609.11 cited (69)☐ Supplement attached to report additional prior offenses (72)Was offender under
custody supervision
at time of current
offense? (73)☐ No☒ YesIf yes,
type of
supervision (74)☒ Probation☐ Parole or
Supervised Release☐ Confined☐ Released
Pending Sentence☐ Escape☐ OtherCust.
Stat.
Point(b)
(75)

1

(12-13)

(14-15)

OFFENSE TITLE (16-55)

Disp. Date (56-59)

Juvenile Adjudications

02

01

mo.

yr.

☒ Offender 21 or
older when current
offense committed

02

02

/

/

Units (60)

Juv.
Point

(76)

Prior Misdemeanor and
Gross Misdemeanor
Sentences

03

01

Shoplifting

12,76

1

02

Obstructing Legal Process/Arrest

4,78

2

03

04

/

/

Misd./
G.M.
Point(c)
(77)

0

Prior Felony
Sentences and
Stays

04

01

Theft

6,77

02

Theft

6,77

03

Possession of Marijuana

4,79

04

05

/

/

06

/

/

Felony
Points(d)
(78-79)

3

Total
Criminal
History
Points (80-81)

(e)

4

Presumptive Guideline Sentence (52)

☐ Stay ☒ Commit to
CommissionerLength of
Presumptive
Sentence (83-86)(f)
(g)
0, 4, 4

Months

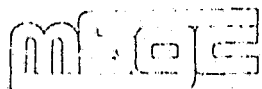
Minnesota Sentencing Guidelines Commission
284 Metro Square Building
7th & Robert Streets
St. Paul, Minnesota 55101
612-296-0144

-43-

HYPOTHETICAL C

FOOTNOTES

- (a) It is important to include the type (common name) of drug that was involved in all drug related offenses because it is sometimes needed to determine Severity Level (as in this case).
- (b) Defendant was assigned "1" point for Custody Status because he was on probation for his Obstructing Legal Process/Arrest gross misdemeanor conviction that was received on 4/30/79.
- (c) The defendant's convictions for Reckless Driving and for DWI are not included in the Misdemeanor/Gross Misdemeanor section because they are traffic offenses. The Shoplifting offense was assigned "1" unit because he was given a misdemeanor disposition for that offense. For the Obstructing Legal Process/Arrest conviction, the defendant received a one year jail sentence (gross misdemeanor) which results in "2" units being assigned for that offense. The total (sum) of the units is less than four so the defendant was given "0" Misdemeanor/Gross Misdemeanor Points.
- (d) Each of the two counts of Theft need to be entered in the Felony section because the defendant was sentenced on each count. Total prior felony convictions is three.
- (e) Three Felony Points plus one Custody Status Point equal "4" Total Criminal History Points.
- (f) According to the Sentencing Guidelines Grid, the Presumptive Guideline Sentence is to "Commit to the Commissioner" (based on a Severity 6 offense with a History Score of 4 placing the defendant below the dispositional line).
- (g) The Length of Presumptive Sentence for that cell is 44 months.



SENTENCING WORKSHEET

SJIS COMPLAINT # (1-11)

69-1-1-3-000040

District Court Case # (14-23)

141608

(2A)

Modified Worksheet

(12-13)
01

Offender Name (Last, First, Middle) (25-49)

Hypothetical D

Date of Birth (50-55)

07 / 15 / 52

Sex (56)

☒ Male ☐ Female

PSI Investigator (Last, First, Middle) (57-76)

Race/Ethnicity (77)

☒ White ☐ Black ☐ Am. Indian ☐ Hispanic ☐ Asian ☐ Other

Date of Worksheet (78-83)

Date of Offense (84-89)
/ / 07 / 28 / 80☐ Supplement attached to report additional current convictions (90)

Title most severe offense (12-51)

Aggravated Robbery (a)

Minnesota Statute (52-60)

609.245 (b)

Date of Conv/Plea (61-66)

09 / 03 / 80

SEVERITY
LEVEL
(70-71)

7

Conviction Offense Modifiers

☐ Attempt 609.17 cited (67) ☐ Conspiracy 609.175 cited (68) ☒ Dangerous Weapon 609.11 cited (69) (c)

Title second most severe offense (12-51)

Minnesota Statute (52-60)

Date of Conv/Plea (61-66)

/ /

SEVERITY
LEVEL
(70-71)

Conviction Offense Modifiers

☐ Attempt 609.17 cited (67) ☐ Conspiracy 609.175 cited (68) ☐ Dangerous Weapon 609.11 cited (69)☐ Supplement attached to report additional prior offenses (72)Was offender under
custody supervision
at time of current
offense? (73)☒ No ☐ YesIf yes,
type of
supervision (74)☐ Probation☐ Parole or
Supervised Release☐ Confined☐ Released
Pending Sentence☐ Escape☐ OtherCust.
Stat.
Point

(75)

0

(12-13)

(14-15)

OFFENSE TITLE (16-55)

Disp. Date (56-59)

Juvenile Adjudications

02 01

mo. yr.

☒ Offender 21 or
older when current
offense committed

02

/

Units (60)

Prior Misdemeanor and
Gross Misdemeanor
Sentences

03 01

Theft

8 / 75

1

02

Shoplifting

8 / 76

1

03

Burglary

7 / 72

1

04

/

Prior Felony
Sentences and
Stays

04 01

Possession of Cocaine

11 / 75

02

Grand Larceny

4 / 77

03

/

04

/

05

/

06

/

Juv.
Point

(76)

0

Misd./
G.M.
Point

(77)

0

Felony
Points

(78-79)

2

Total
Criminal
History
Points (80-81)

2

Minnesota Sentencing Guidelines Commission
284 Metro Square Building
7th & Robert Streets
St. Paul, Minnesota 55101
612-296-0144

-45-

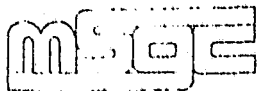
Presumptive Guideline Sentence (82)

☐ Stay ☒ Commit to
Commissioner (h)Length of
Presumptive
Sentence (83-86)0, 4, 1
Months (i)

HYPOTHETICAL D

FOOTNOTES

- (a) The offense of Aggravated Robbery was entered here because that was the most severe (and only) offense for which the defendant was convicted.
- (b) The 609.245 statute was entered here (and not the 609.11) because it is the offense statute and not the sentencing statute.
- (c) Because the 609.11 statute is cited as part of the conviction offense, it is indicated here.
- (d) Defendant was over 21 years old on the date of offense.
- (e) The offender has three prior misdemeanors. The 7/72 Burglary was given a stay of imposition and discharged in 7/74. More than 5 years has passed since discharge so it is counted as a misdemeanor.
- (f) The defendant's two prior felonies are entered here and each represents one Felony Point.
- (g) The Total Criminal History Points is 2 (prior felonies). The Missouri conviction was for an offense which would be a felony in Minnesota and the sentence given would be a felony sentence in Minnesota.
- (h) According to the Sentencing Guidelines Grid, the Presumptive Guideline Sentence for this offender is commitment to the Commissioner of Corrections.
- (i) The presumptive term is 41 months for this individual because he was convicted of a Severity 7 offense and had 2 History Points.



SENTENCING WORKSHEET

SJIS COMPLAINT # (1-11)

18-1-1-3-000050

District Court Case # (14-23)

4826

(12-13)
01(24)
Modified Worksheet

Offender Name (Last, First, Middle) (25-49)

Hypothetical E

Date of Birth (50-55)

06 / 27 / 44

Sex (56)

☒ Male ☐ Female

PSI Investigator (Last, First, Middle) (57-76)

Race/Ethnicity (77)

☒ White☐ Black☐ Am. Indian☐ Hispanic☐ Asian☐ Other

Date of Worksheet (78-83)

Date of Offense (84-89)

/ / 07 / 22 / 80

☐ Supplement attached to report additional current convictions (90)

Title most severe offense (12-51)

Attempted Murder 1st Degree (a)

Minnesota Statute (52-60)

609.185(1) (b)

Date of Conv/Plea (61-66)

01 / 18 / 81

SEVERITY
LEVEL
(70-71)

8

Conviction Offense Modifiers (c)

☒ Attempt 609.17 cited (67)☐ Conspiracy 609.175 cited (68)☒ Dangerous Weapon 609.11 cited (69)

Title second most severe offense (12-51)

Assault 2nd Degree (d)

Minnesota Statute (52-60)

609.222

Date of Conv/Plea (61-66)

01 / 18 / 81

SEVERITY
LEVEL
(70-71)

6

Conviction Offense Modifiers

☐ Attempt 609.17 cited (67)☐ Conspiracy 609.175 cited (68)☐ Dangerous Weapon 609.11 cited (69)☐ Supplement attached to report additional prior offenses (72)Was offender under
custody supervision
at time of current
offense? (73)☒ No ☐ YesIf yes,
type of
supervision (74)☐ Probation☐ Parole or
Supervised Release☐ Confined☐ Released
Pending Sentence☐ Escape☐ OtherCust.
Stat.
Point(75)
0

(12-13) (14-15)

OFFENSE TITLE (16-55)

Disp. Date (56-59)

Juvenile Adjudications

02 01

☒ Offender 21 or
older when current
offense committed

02

mo. yr.

/

/

Units (60)

Juv.
Point(76)
0Prior Misdemeanor and
Gross Misdemeanor
Sentences

03 01

Theft

10 / 77

1

02

Disorderly Conduct

3 / 78

1

03

04

/

/

Misd./
G.M.
Point(77)
0Prior Felony
Sentences and
Stays

04 01

Burglary

4 / 78

02

03

04

05

06

/

/

/

/

/

/

/

/

/

/

Felony
Points(78-79)
1Total
Criminal
History
Points (80-81)(9)
1Minnesota Sentencing Guidelines Commission
284 Metro Square Building
7th & Robert Streets
St. Paul, Minnesota 55101
612-296-0144

-47-

Presumptive Guideline Sentence (82)

☐ Stay☒ Commit to
CommissionerLength of
Presumptive
Sentence (83-86)

0, 5, 4

Months

HYPOTHETICAL E

FOOTNOTES

- (a) The offense of Attempted Murder in the First Degree was entered here because it was the most severe of the two conviction offenses. (Att. Murder 1st is a Severity Level 8 offense; Assault 2nd Degree is a Severity Level 6 offense.)
- (b) The offense statute 609.185(1) was entered here and not the sentencing statutes (609.17 and 609.11).
- (c) The Attempt (609.17) and the Dangerous Weapon (609.11) modifiers were indicated here because they were included in the conviction.
- (d) Assault 2nd Degree was entered here because it was the second most severe conviction offense.
- (e) Only the offenses of Theft (1977) and Disorderly Conduct (1978) are indicated here because the defendant's other non-traffic misdemeanor offenses have decayed. That is, five years passed since discharge of the 1971 Assault, during which time the offender was not convicted of a felony, gross misdemeanor, or misdemeanor. The unit total does not equal four so the Misdemeanor/Gross Misdemeanor Point total is "0".
- (f) This defendant had one prior felony conviction (Burglary) for which he was assigned one Felony Point.
- (g) Total Criminal History Points is "1" (for a prior felony).
- (h) The Presumptive Guideline Sentence is to commit to the Commissioner.
- (i) The Length of Presumptive Sentence for this defendant is 54 months.

SENTENCING WORKSHEET

SJIS COMPLAINT # (1-11)

04-1-1-3-000060

District Court Case # (14-23)

1060

PSI Investigator (Last, First, Middle) (57-76)

Offender Name (Last, First, Middle) (29-49)

Hypothetical F

Date of Birth (50-55)

08/ 24 / 57

Sex (56)

☒ Male ☐ Female

Race/Ethnicity (77)

☒ White ☐ Black ☐ Am. Indian ☐ Hispanic ☐ Asian ☐ Other

Date of Worksheet (78-83)

/ /

Date of Offense (84-89)

08/ 26 / 80

☒ Supplement attached to report additional current convictions (90)

Title most severe offense (12-51)

Sale Schedule I Narcotic - Cocaine

Minnesota Statute (52-60)

152.09, subd. 1(1)

Date of Conv/Plea (61-66)

10/ 04 / 80

SEVERITY
LEVEL
(70-71)

3

Conviction Offense Modifiers

☐ Attempt 609.17 cited (67) ☐ Conspiracy 609.175 cited (68) ☐ Dangerous Weapon 609.11 cited (69)

Title second most severe offense (12-51)

Poss/Intent to Sell Sch.I Nonnarc-Marij

Minnesota Statute (52-60)

152.09, subd 1(1)

Date of Conv/Plea (61-66)

10/ 04 / 80

SEVERITY
LEVEL
(70-71)

2

Conviction Offense Modifiers

☐ Attempt 609.17 cited (67) ☐ Conspiracy 609.175 cited (68) ☐ Dangerous Weapon 609.11 cited (69)

☐ Supplement attached to report additional prior offenses (72)

Was offender under
custody supervision
at time of current
offense? (73)

☒ No ☐ Yes

If yes,
type of
supervision (74)

☐ Probation

☐ Parole or
Supervised Release

☐ Confined

☐ Released
Pending Sentence

☐ Escape

☐ Other

Cust.
Stat.
Point

(75)
0

Juvenile Adjudications

(12-13) 02

(14-15) 01

OFFENSE TITLE (16-55)

Disp. Date (56-59)

mo. yr.

☒ Offender 21 or
older when current
offense committed

02

02

/

Units (60)

Juv.
Point

(76)
0

Prior Misdemeanor and
Gross Misdemeanor
Sentences

03

01

/

02

/

03

/

04

/

Misd./
G.M.
Point

(77)
0

Prior Felony
Sentences and
Stays

04

01

/

02

/

03

/

04

/

05

/

06

/

Felony
Points

(78-79)
0

Total
Criminal
History
Points (80-83)

(e)
0

Minnesota Sentencing Guidelines Commission
284 Metro Square Building
7th & Robert Streets
St. Paul, Minnesota 55101
612-296-0144

-49-

Presumptive Guideline Sentence (82)

☒ Stay ☐ Commit to
Commissioner

Length of
Presumptive
Sentence (83-86)

9 1 2
Months

HYPOTHETICAL F

FOOTNOTES

- (a) The box in this section was checked because the defendant was convicted of more than two offenses, which requires additional forms for the recording of this information.
- (b) It is important to include the offense title as well as the type of drug involved in drug related offenses (to aid in determining severity). Sale of Schedule I Narcotic-Cocaine was entered here because it is the most severe (Severity Level 3) of the conviction offenses (Possession/Intent to Sell Marijuana equals Severity Level 2 and Possession of Amphetamines equals Severity Level 1).
- (c) Possession with Intent to Sell Nonnarcotic-Marijuana was given here because it was the second most severe conviction offense.
- (d) Offender was over age 21 on the date of offense, therefore, his juvenile record is not considered.
- (e) The defendant received "0" points in all of the history areas.
- (f) The Presumptive Guideline Sentence for this defendant is to stay the sentence (because a Severity 3 offense with a History Score of "0" falls above the dispositional line).
- (g) The Length of Presumptive Sentence is 12 months and one day.
- (h) Possession of Schedule II Nonnarcotic-Amphetamines was entered here because it is the third most severe conviction offense.

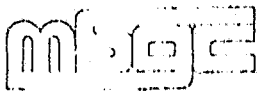
SUPPLEMENT TO SENTENCING WORKSHEET

SJIS COMPLAINT # (1-11)	
04-1-1-3-000060	
District Court Case #	
1060	

<input type="checkbox"/> Modified Supplement Offender Name (Last, First, Middle) <div style="text-align: center;">Hypothetical F</div>		Date of Birth <div style="text-align: center;">08 / 24 / 57</div>	Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	PSI Investigator (Last, First, Middle)	
Race/Ethnicity <input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Am. Indian <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian <input type="checkbox"/> Other				Date of Supplement <div style="text-align: center;">/ /</div>	Date of Offense <div style="text-align: center;">08 / 26 / 80</div>

<input type="checkbox"/> Additional Supplement attached to report additional current convictions				
(12-13) 05	Title third most severe offense (16-55) 01 Poss Sch II Nonnarcotic-Amphetamine h	Minnesota Statute (56-64) 152.09, subd 1(2)	Date of Conv/Plea (65-70) 10 / 04 / 80	SEVERITY LEVEL (74-75) 1
Conviction Offense Modifiers <input type="checkbox"/> Attempt 609.17 cited (71) <input type="checkbox"/> Conspiracy 609.175 cited (72) <input type="checkbox"/> Dangerous Weapon 609.11 cited (73)				
(14-15) 02	Title fourth most severe offense (16-55)	Minnesota Statute (56-64)	Date of Conv/Plea (65-70) <div style="text-align: center;">/ /</div>	SEVERITY LEVEL (74-75)
Conviction Offense Modifiers <input type="checkbox"/> Attempt 609.17 cited (71) <input type="checkbox"/> Conspiracy 609.175 cited (72) <input type="checkbox"/> Dangerous Weapon 609.11 cited (73)				
(14-15) 03	Title fifth most severe offense (16-55)	Minnesota Statute (56-64)	Date of Conv/Plea (65-70) <div style="text-align: center;">/ /</div>	SEVERITY LEVEL (74-75)
Conviction Offense Modifiers <input type="checkbox"/> Attempt 609.17 cited (71) <input type="checkbox"/> Conspiracy 609.175 cited (72) <input type="checkbox"/> Dangerous Weapon 609.11 cited (73)				

<input type="checkbox"/> Additional Supplement attached to report additional prior offenses				
(12-13)	(14-15)	OFFENSE TITLE (16-55)	Disp. Date (56-59)	
Juvenile Adjudications <input type="checkbox"/> Offender 21 or older when current offense committed	02 03		mo. yr.	
	04		/	
	05		/	
	06		/	
Prior Misdemeanor and Gross Misdemeanor Sentences	03 05		/	
	06		/	
	07		/	
	08		/	
Prior Felony Sentences and Stays	04 07		/	
	08		/	
	09		/	
	10		/	
	11		/	
	12		/	



SENTENCING WORKSHEET

SJIS COMPLAINT # (1-11)

27-1-1-3-000070

District Court Case # (14-23)

74831

(12-13)
01

(2A) Modified Worksheet

Offender Name (Last, First, Middle) (25-49)

Hypothetical G

Date of Birth (50-55)

07/ 04 / 38

Sex (56)

☒ Male ☐ Female

PSI Investigator (Last, First, Middle) (57-76)

Race/Ethnicity (72)

☒ White ☐ Black ☐ Am. Indian ☐ Hispanic ☐ Asian ☐ Other

Date of Worksheet (78-83)

Date of Offense (84-89) **a**
/ / 07/ 16 /81☐ Supplement attached to report additional current convictions (90)

Title most severe offense (12-51)

Theft - \$15,000 **b**

Minnesota Statute (52-60)

609.52, subd. 2(1)

Date of Conv/Plea (61-66)

06/ 26/ 82

SEVERITY
LEVEL
(70-71)

4

Conviction Offense Modifiers

☐ Attempt 609.17 cited (67) ☐ Conspiracy 609.175 cited (68) ☐ Dangerous Weapon 609.11 cited (69)

Title second most severe offense (12-51)

Minnesota Statute (52-60)

Date of Conv/Plea (61-66)

/ /

SEVERITY
LEVEL
(70-71)

Conviction Offense Modifiers

☐ Attempt 609.17 cited (67) ☐ Conspiracy 609.175 cited (68) ☐ Dangerous Weapon 609.11 cited (69)☐ Supplement attached to report additional prior offenses (72) **c**Was offender under
custody supervision
at time of current
offense? (73)☐ No ☒ YesIf yes,
type of
supervision (74)☒ Probation☐ Parole or
Supervised Release☐ Confined☐ Released
Pending Sentence☐ Escape☐ OtherCust.
Stat.
Point(75)
1

(12-13)

(14-15)

OFFENSE TITLE (16-55)

Disp. Date (56-59)

mo. yr.

Juvenile Adjudications

02

01

/

☒ Offender 21 or
older when current
offense committed

02

/

Units (60)

03

01

Forgery

2/ 80

2

Prior Misdemeanor and
Gross Misdemeanor
Sentences

02

Forgery

2/ 80

2

03

/

04

/

04

01

/

Prior Felony
Sentences and
Stays

02

/

03

/

04

/

05

/

06

/

Juv.
Point(76)
0Misd./
G.M.
Point(77)
1Felony
Points(78-79)
0**g**
Total
Criminal
History
Points (80-81)
2Minnesota Sentencing Guidelines Commission
284 Metro Square Building
7th & Robert Streets
St. Paul, Minnesota 55101
612-296-0144

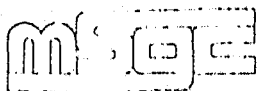
-52-

Presumptive Guideline Sentence (82) **h**☒ Stay ☐ Commit to
CommissionerLength of
Presumptive
Sentence (83-86)**i**
0 1 8
Months

HYPOTHETICAL G

FOOTNOTES

- (a) The date of July 16, 1981, was entered as the date of offense because it represents the earliest date cited as part of the offense for which the defendant was convicted.
- (b) The most severe offense of Theft (Count III) was entered as well as the amount stated in the conviction offense. It is important to include the amount of property involved in any Theft-type offenses.
- (c) The defendant was still on probation for the two Forgery gross misdemeanors that he was convicted of on 2/11/80. Therefore, the defendant is assigned one Custody Status Point.
- (d) The defendant was over 21 on the date of the offense so he is assigned "0" Juvenile Points.
- (e) The defendant receives 2 units for each gross misdemeanor (which have not decayed and are non-traffic type offenses) which results in a unit total of four. Therefore, the defendant is assigned "1" Misdemeanor/Gross Misdemeanor Point.
- (f) The defendant had no prior felonies. Note that the two prior felony convictions for Forgery resulted in gross misdemeanor sentences, and are included in the Misdemeanor/Gross Misdemeanor section.
- (g) The defendant's Total Criminal History Points are 2 (one for Custody Status and one for Misdemeanor/Gross Misdemeanor).
- (h) The Presumptive Guideline Sentence for someone convicted of a Severity 4 offense with a History Score of 2 is to stay the sentence (because that individual's grid cell is located above the dispositional line).
- (i) The Length of Presumptive Sentence for that individual is 18 months.



SENTENCING WORKSHEET

SJIS COMPLAINT # (1-11)

31-1-1-3-000080

District Court Case # (14-23)

109461

(12-13)
01

(24)

Modified Worksheet

Offender Name (Last, First, Middle) (25-49)

Hypothetical H

Date of Birth (50-55)

03/ 14 / 40

Sex (56)

☒ Male ☐ Female

PSI Investigator (Last, First, Middle) (57-76)

Race/Ethnicity (77)

☒ White☐ Black☐ Am. Indian☐ Hispanic☐ Asian☐ Other

Date of Worksheet (78-83)

/ /

Date of Offense (84-89)

06/ 16 /80

☐ Supplement attached to report additional current convictions (90)

Title most severe offense (12-51)

Burglary

Minnesota Statute (52-60)

609.58, subd 2(3) (a)

Date of Conv/Plea (61-66)

09/ 14 /80

SEVERITY

LEVEL (70-71)

4

Conviction Offense Modifiers

☐ Attempt 609.17 cited (67)☐ Conspiracy 609.175 cited (68)☐ Dangerous Weapon 609.11 cited (69)

Title second most severe offense (12-51)

Minnesota Statute (52-60)

Date of Conv/Plea (61-66)

/ /

SEVERITY

LEVEL (70-71)

Conviction Offense Modifiers

☐ Attempt 609.17 cited (67)☐ Conspiracy 609.175 cited (68)☐ Dangerous Weapon 609.11 cited (69)

(c)

☒ Supplement attached to report additional prior offenses (72)

Was offender under custody supervision at time of current offense? (73)

☐ No☒ Yes

If yes, type of supervision (74)

☐ Probation☒ Parole or Supervised Release☐ Confined☐ Released Pending Sentence☐ Escape☐ Other

Cust. Stat. Point

(75)

1

(12-13)

(14-15)

OFFENSE TITLE (16-55)

Disp. Date (56-59)

Juvenile Adjudications

02

01

mo.

yr.

☒ Offender 21 or older when current offense committed

02

/

Units (60)

Prior Misdemeanor and Gross Misdemeanor Sentences

03

01

Burglary

1/ 70

2

02

Attempted Theft

9/ 70

1

03

Disorderly Conduct

4/ 71

1

04

Theft

8/ 72

1

Prior Felony Sentences and Stays

04

01

Burglary

7/ 75

609.585

(Mult Sent.)

Felony Points

(78-79)

2

02

Theft

7/ 75

03

UUMV

4/ 79

04

05

06

/

/

/

/

/

/

Total Criminal History Points (80-81)

4

Minnesota Sentencing Guidelines Commission
284 Metro Square Building
7th & Robert Streets
St. Paul, Minnesota 55101
612-296-0144

-54-

Presumptive Guideline Sentence (82)

☐ Stay☒ Commit to Commissioner

Length of Presumptive Sentence (83-86)

0 2 5

Months

HYPOTHETICAL H

FOOTNOTES

- (a) The statutory citation of 609.58, subd. 2(3) (instead of 609.58, subd. 2(1)(b)) was entered here because it was the actual conviction offense even though the alleged offense may have been Burglary with Tool.
- (b) According to the Offense Severity Reference Table, the offense of Burglary (609.58, subd. 2(3)) falls into the Severity 4 range.
- (c) The criminal history supplement box was checked because the defendant's prior record contained more than four misdemeanor/gross misdemeanor-type offenses which can be included in this section.
- (d) A Custody Status Point of "1" was given to this defendant because he was on parole for his 4/25/79 UUMV conviction.
- (e) The defendant was 40 years old when he committed this offense, therefore, his juvenile record would not be considered.
- (f) The first three misdemeanor offenses on the defendant's prior record have "decayed" because of a five year conviction-free period from 11/6/63 to 1/17/70. Therefore, only the offenses after 1/17/70 have been included with one unit being assigned to misdemeanors and two units for each gross misdemeanor. A Misdemeanor/Gross Misdemeanor Point of "1" (which is the maximum) was given to the defendant even though his unit total was nine. Note that the 7/3/71 UUMV conviction (which was listed under the adult felony record) was included here because the offender was given a gross misdemeanor sentence.
- (g) The defendant received one point for the Burglary and Theft convictions received in 7/75 because they were part of a 609.585 (multiple) sentence. One point was also given for the UUMV which had a felony disposition.
- (h) Two Felony Points plus one Misdemeanor/Gross Misdemeanor Point plus one Custody Status Point is four Total Criminal History Points.
- (i) The Presumptive Guideline Sentence is to commit to the Commissioner because the defendant with a Severity 4 offense and a History Score of 4 falls below the dispositional line.
- (j) The Length of Presumptive Sentence for this defendant's commitment is 25 months.
- (k) The misdemeanor and gross misdemeanor that could not fit on the Sentencing Worksheet are entered on the Supplement to the Sentencing Worksheet. The UUMV offense received on 7/3/71 is entered in this section because the defendant received a gross misdemeanor (one year in jail) disposition.

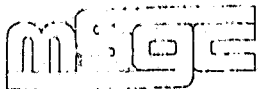
SUPPLEMENT TO SENTENCING WORKSHEET

SJIS COMPLAINT # (1-11)	
31-1-1-3-000080	
District Court Case #	
109461	

<input type="checkbox"/> Modified Supplement Offender Name (Last, First, Middle) <div style="text-align: center;">Hypothetical H</div>		Date of Birth <div style="text-align: center;">03 / 14 / 40</div>	Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	PSI Investigator (Last, First, Middle)	
Race/Ethnicity <input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Am. Indian <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian <input type="checkbox"/> Other				Date of Supplement <div style="text-align: center;">/ /</div>	Date of Offense <div style="text-align: center;">06 / 16 / 80</div>

<input type="checkbox"/> Additional Supplement attached to report additional current convictions				
S E V E R I T Y	(12-13) 05 Title third most severe offense (16-55) (14-15) 01	Minnesota Statute (56-64)	Date of Conv/Plea (65-70) <div style="text-align: center;">/ /</div>	SEVERITY LEVEL (74-75)
	Conviction Offense Modifiers <input type="checkbox"/> Attempt 609.17 cited (71) <input type="checkbox"/> Conspiracy 609.175 cited (72) <input type="checkbox"/> Dangerous Weapon 609.11 cited (73)			
	Title fourth most severe offense (16-55) (14-15) 02	Minnesota Statute (56-64)	Date of Conv/Plea (65-70) <div style="text-align: center;">/ /</div>	SEVERITY LEVEL (74-75)
	Conviction Offense Modifiers <input type="checkbox"/> Attempt 609.17 cited (71) <input type="checkbox"/> Conspiracy 609.175 cited (72) <input type="checkbox"/> Dangerous Weapon 609.11 cited (73)			
	Title fifth most severe offense (16-55) (14-15) 03	Minnesota Statute (56-64)	Date of Conv/Plea (65-70) <div style="text-align: center;">/ /</div>	SEVERITY LEVEL (74-75)
Conviction Offense Modifiers <input type="checkbox"/> Attempt 609.17 cited (71) <input type="checkbox"/> Conspiracy 609.175 cited (72) <input type="checkbox"/> Dangerous Weapon 609.11 cited (73)				

<input type="checkbox"/> Additional Supplement attached to report additional prior offenses						
C R I M I N A L H I S T O R Y	Juvenile Adjudications <input type="checkbox"/> Offender 21 or older when current offense committed	(12-13) 02 03	OFFENSE TITLE (16-55)	Disp. Date (56-59) mo. yr. <div style="text-align: center;">/</div>	Units (60) K	
		04		<div style="text-align: center;">/</div>		
		05	Theft	<div style="text-align: center;">1 / 75</div>		1
	Prior Misdemeanor and Gross Misdemeanor Sentences	06	Worthless Check	<div style="text-align: center;">2 / 78</div>	1	
		07	UUMV	<div style="text-align: center;">7 / 71</div>	2	
		08		<div style="text-align: center;">/</div>		
		09		<div style="text-align: center;">/</div>		
	Prior Felony Sentences and Stays	04	07		<div style="text-align: center;">/</div>	
		08		<div style="text-align: center;">/</div>		
		09		<div style="text-align: center;">/</div>		
		10		<div style="text-align: center;">/</div>		
		11		<div style="text-align: center;">/</div>		
			12		<div style="text-align: center;">/</div>	



SENTENCING WORKSHEET

SJIS COMPLAINT # (1-11)

55-1-1-3-000090

District Court Case # (14-23)

5060

(12-13)
01(24)
Modified Worksheet

Offender Name (Last, First, Middle) (25-49)

Hypothetical I

Date of Birth (50-55)

10 / 26 / 59

Sex (56)

☐ Male ☒ Female

PSI Investigator (Last, First, Middle) (57-76)

Race/Ethnicity (77)

☒ White ☐ Black ☐ Am. Indian ☐ Hispanic ☐ Asian ☐ Other

Date of Worksheet (78-83)

/ /

Date of Offense (84-89)

09/ 12 / 80

☐ Supplement attached to report additional current convictions (90)

Title most severe offense (12-51)

Attempted Burglary w/Tool (a)

Minnesota Statute (52-60)

609.58, subd 2(1)(a) (b)

Date of Conv/Plea (61-66)

12/ 04 / 80

SEVERITY

LEVEL

(70-71)

4

Conviction Offense Modifiers

☒ Attempt 609.17 cited (67) ☐ Conspiracy 609.175 cited (68) ☐ Dangerous Weapon 609.11 cited (69)

Title second most severe offense (12-51)

Minnesota Statute (52-60)

Date of Conv/Plea (61-66)

/ /

SEVERITY

LEVEL

(70-71)

Conviction Offense Modifiers

☐ Attempt 609.17 cited (67) ☐ Conspiracy 609.175 cited (68) ☐ Dangerous Weapon 609.11 cited (69)☐ Supplement attached to report additional prior offenses (72)Was offender under
custody supervision
at time of current
offense? (73)☒ No ☐ YesIf yes,
type of
supervision (74)☐ Probation
☐ Parole or
Supervised Release☐ Confined
☐ Released
Pending Sentence☐ Escape
☐ OtherCust.
Stat.
Point(75)
0

Juvenile Adjudications (12-13)

(14-15)

02 01

OFFENSE TITLE (16-55)

Disp. Date (56-59)

mo. yr.

☐ Offender 21 or
older when current
offense committed

02

/

Units (60)

Juv.
Point(76)
0Prior Misdemeanor and
Gross Misdemeanor
Sentences

03

01

/

02

/

03

/

04

/

Misd./
G.M.
Point(77)
0Prior Felony
Sentences and
Stays

04

01

Receiving Stolen Goods

2 / 79

02

/

03

/

04

/

05

/

06

/

Felony
Points(78-79)
1Total
Criminal
History
Points (80-81)

1

Minnesota Sentencing Guidelines Commission
284 Metro Square Building
7th & Robert Streets
St. Paul, Minnesota 55101
612-296-0144

-57-

Presumptive Guideline Sentence (82)

☒ Stay ☐ Commit to
CommissionerLength of
Presumptive
Sentence (83-86)

0 1 2

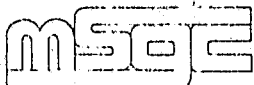
Months

HYPOTHETICAL I

FOOTNOTES

SENTENCING WORKSHEET

- (a) The offense of Attempted Burglary with Tool was entered here because it was the offense for which the defendant was convicted (and not the alleged offense).
- (b) The conviction offense statute (609.58, subd. 2(1)(a)) was used here and not the offense modifier statute (609.17, subd. 4(1)) from the plea section because the modifier is indicated by checking the box below.
- (c) The defendant was 20 years old on the date of the offense, therefore, her juvenile record should be examined. The Truancy adjudication is excluded because it would not have been a felony if committed by an adult. The Burglary adjudication is excluded because the offense occurred before the offender's sixteenth birthday.
- (d) The defendant's one prior felony (Receiving Stolen Goods) is entered and assigned one point.
- (e) The Total Criminal History Point score for this defendant is "1".
- (f) The Presumptive Guideline Sentence for this defendant (with a conviction for a Severity 4 offense and a History Score of 1) is to stay the sentence.
- (g) The Length of Presumptive Sentence for this individual is 12 months. This is the result of taking one-half of the Length of Presumptive Sentence for an individual (with a Severity 4 offense conviction and a History Score of 1) convicted of Burglary with Tool.



REVOCATION REPORT

SJIS COMPLAINT # (1-11)

55-1-1-3-000090

District Court Case # (14-23)

5060

Revocation Report is to be submitted only when a revoked stay for a non-felony violation results in a commitment to Commissioner.

(12-13)
08

Offender Name (Last, First, Middle) (24-48)

Hypothetical I

Date of Birth (49-54)

10/ 26 /59

Sex (55)

☐ Male ☒ Female

Probation Officer (Last, First, Middle) (56-75)

Race/Ethnicity (76)

☒ White☐ Black☐ Am. Indian☐ Hispanic☐ Asian☐ Other

Date of Report (77-82)

06 / 18 / 81

Date of Offense (83-88)

09/ 12 /80

CONVICTION OFFENSE(S)/REVOKED STAYS

Report conviction offenses for which stays were revoked and sentences executed

Title most severe offense (12-51)

Attempted Burglary w/Tool

Minnesota Statute (52-60)

609.58, subd 2(1)(a)

Date of Conv/Plea (61-66)

12/ 04 / 80

Severity

Level

(67-68)

4

Conviction Offense Modifiers

☒ Attempt 609.17 cited (69)☐ Conspiracy 609.175 cited (70)☐ Dangerous Weapon 609.11 cited (71)

History

Points

(72-73)

1

(a)

If revocation was of Stay of Imposition:

REVOCATION WAS OF A: (74)

☐ Stay of Execution

(b)

☒ Stay of Imposition

Presumptive Guideline Sentence (75)

☒ Stay☐ Commit to Commissioner

(c)

Length of
Presumptive
Sentence (76-79)

0 | 1 | 2

Months

Imposed Sentence

(d)

Length of
Imposed
Sentence (80-83)

0 | 1 | 2

Months

Imposed Sentence to be served:

☐ Concurrently with a prior sentence (84)☐ Concurrently with another current sentence (85)☐ Consecutively with a prior sentence (86)☐ Consecutively with another current sentence (87)

Title second most severe offense (12-51)

Minnesota Statute (52-60)

Date of Conv/Plea (61-66)

Severity

Level

(67-68)

Conviction Offense Modifiers

☐ Attempt 609.17 cited (69)☐ Conspiracy 609.175 cited (70)☐ Dangerous Weapon 609.11 cited (71)

History

Points

(72-73)

If revocation was of Stay of Imposition:

REVOCATION WAS OF A: (74)

☐ Stay of Execution☐ Stay of Imposition

Presumptive Guideline Sentence (75)

☐ Stay☐ Commit to CommissionerLength of
Presumptive
Sentence (76-79)

| | |

Months

Imposed Sentence

Length of
Imposed
Sentence (80-83)

| | |

Months

Imposed Sentence to be served:

☐ Concurrently with a prior sentence (84)☐ Concurrently with another current sentence (85)☐ Consecutively with a prior sentence (86)☐ Consecutively with another current sentence (87)

Reasons for technical violation and revocation:

Convicted of Assault 4th Degree -- a misdemeanor.

(e)

If commitment to the Commissioner was recommended by Probation Officer, reasons for recommendation:

Public protection.

(f)

Minnesota Sentencing Guidelines Commission

284 Metro Square Building

7th & Robert Streets

-59-

St. Paul, Minnesota 55101

612-296-0144

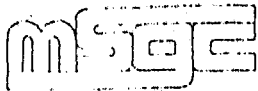
55-00003-01

HYPOTHETICAL I

FOOTNOTES

REVOCATION REPORT

- (a) With the exception of "Date of Report" all of the preceding information contained on this report is taken directly from the Sentencing Worksheet section of the PSI.
- (b) The defendant received a Stay of Imposition at her sentencing hearing. In any cases where the defendant received a Stay of Imposition the entire shaded area is to be filled out.
- (c) The information from this box (Presumptive Guideline Sentence) is taken directly from the Sentencing Worksheet.
- (d) The Length of Imposed Sentence is the length of sentence pronounced by the judge at the revocation hearing.
- (e) This was the reason for revocation of this defendant.
- (f) The reason the Probation Officer cited for the recommendation to commit.



SENTENCING WORKSHEET

SJIS COMPLAINT # (1-11)

56-1-1-3-000100

District Court Case # (14-23)

108416

(24)

Modified Worksheet

(12-13)
01

Offender Name (Last, First, Middle) (25-49)

Hypothetical J

Date of Birth (50-55)

08/ 19 / 55

Sex (56)

☒ Male ☐ Female

PSI Investigator (Last, First, Middle) (57-76)

Race/Ethnicity (77)

☒ White ☐ Black ☐ Am. Indian ☐ Hispanic ☐ Asian ☐ Other

Date of Worksheet (78-83)

/ / 10/ 05 / 80

☐ Supplement attached to report additional current convictions (90).

Title most severe offense (12-51)

Burglary

Minnesota Statute (52-60)

609.58, subd.2(3) (a)

Date of Conv/Plea (61-66)

11/ 26 / 80

SEVERITY
LEVEL
(70-71)

4

Conviction Offense Modifiers

☐ Attempt 609.17 cited (67) ☐ Conspiracy 609.175 cited (68) ☒ Dangerous Weapon 609.11 cited (69) (b)

Title second most severe offense (12-51)

Minnesota Statute (52-60)

Date of Conv/Plea (61-66)

/ /

SEVERITY
LEVEL
(70-71)

Conviction Offense Modifiers

☐ Attempt 609.17 cited (67) ☐ Conspiracy 609.175 cited (68) ☐ Dangerous Weapon 609.11 cited (69)☐ Supplement attached to report additional prior offenses (72)Was offender under
custody supervision
at time of current
offense? (73)☒ No ☐ YesIf yes,
type of
supervision (74)☐ Probation☐ Parole or
Supervised Release☐ Confined☐ Released
Pending Sentence☐ Escape☐ OtherCust.
Stat.
Point

(75)

0

Juv. Adjudications (12-13)

02

(14-15)

01

OFFENSE TITLE (16-55)

Disp. Date (56-59)

mo.

yr.

☒ Offender 21 or
older when current
offense committed

02

02

/

/

Units (60)

Juv.
Point

(76)

0

Prior Misdemeanor and
Gross Misdemeanor
Sentences

03

01

/

/

02

/

/

03

/

/

04

/

/

Misd./
G.M.
Point

(77)

0

Prior Felony
Sentences and
Stays

04

01

Burglary

03 / 77

02

/

03

/

04

/

05

/

06

/

Felony
Points

(78-79)

1

Total
Criminal
History
Points (80-81)

(c)

1

Minnesota Sentencing Guidelines Commission
284 Metro Square Building
7th & Robert Streets
St. Paul, Minnesota 55101
612-296-0144

-61-

Presumptive Guideline Sentence (82)

☐ Stay ☒ Commit to
Commissioner (d)Length of
Presumptive
Sentence (83-86)0, 1, 8
Months (e)

HYPOTHETICAL J

FOOTNOTES

- (a) The conviction offense statute is entered here (and not the 609.11 offense modifier).
- (b) The offense modifier (609.11) is indicated here.
- (c) The offender received one point for his Total Criminal History Points because of his prior felony conviction (Burglary-3/77).
- (d) The Presumptive Guideline Sentence is to commit to the Commissioner because the 609.11 offense modifier was cited as part of the conviction offense. Even though a Severity 4 offense with a History Score of 1 falls above the dispositional line on the Sentencing Guidelines Grid, the mandatory minimum commitment (of one year and one day) becomes the presumptive dispositional sentence.
- (e) Even though a Severity 4 offense with a History Score of 1 shows a presumptive length of 15 months, the fixed presumptive sentence is 18 months for those subject to a mandatory minimum of one year and one day.

INDEX

The following index briefly describes situations which may occur when computing presumptive sentences. The index refers the reader to the sections of the Guidelines, the Commentary, and the Hypothetical Cases which explain or illustrate the application of the guidelines in those situations.

	<u>Guidelines</u>		<u>Commentary</u>		<u>Hypothetical Worksheets</u>		
	Sec.	Pg.	Sec.	Pg.	Case	Note	Pg.
I. <u>Offense of Conviction</u>							
A. Determining Offense Severity							
1. Single Conviction Offense	II.A	2	-----		-----		
2. Multiple Convictions	II.A	2	-----		E (a)		48
					F (b)		50
B. Determining Date of Offense							
1. Multiple Convictions	-----		II.A.02	2	-----		
2. Aggregated Offenses under 609.52 and 609.595	-----		II.A.02	2	G (a)		53
C. Minnesota Offenses Not Listed in Offense Severity Reference Table, or Lists of Theft Crimes, Theft Related Crimes, or Forgery Related Crimes	-----		II.A.03-05	3	-----		
D. Convictions with Mandatory Minimum Sentences	II.E	15	II.E.01-02	16	J (d-e)		62
II. <u>Criminal History Score</u>							
A. Custody Status							
1. Supervised Release	-----		II.B.201	7	-----		
2. Probation (supervised or unsupervised)	II.B.2	6	II.B.201	7	A (a)		40
					C (b)		44
					G (c)		53
3. Parole	II.B.2	6	II.B.201	7	H (d)		55
4. Work Release	-----		II.B.201	7	-----		
5. Following Traffic Offense Conviction	-----		II.B.201	7	-----		
6. Commitment/Exam, (Minn. R. Crim. P. sec. 20)	II.B.2.a	6	II.B.201	7	-----		
7. Custody Status Following Juvenile Adjudications	II.B.2.b	6	II.B.201	7	-----		
8. Pre-trial Diversion or Pre-trial Release	-----		II.B.201	7	-----		
9. Custody Status under Misdemeanor Sentence	II.B.2	6	II.B.201	7	-----		
10. Custody Status under Gross Misdemeanor Sentence	II.B.2	6	II.B.201	7	C (b)		44

B. Juvenile History

1. Defendant age 21 or more at Time of Current Offense (not conviction or sentencing)
2. Status Offense Adjudications
3. Juvenile Adjudications for Offenses Committed Before 16th Birthday

C. Misdemeanor/Gross Misdemeanor

1. Traffic Offenses
2. Municipal Ordinance Convictions
3. Multiple Sentences, 609.585
4. Five years Conviction-Free Since Discharge or Expiration
5. Petty Misdemeanors
6. When Fines are the Only Sanction
7. Misd./Gr. Misd. Convictions in Other Jurisdictions

D. Prior Felony Record

1. Felony Conviction, but given Misdemeanor or Gross Misdemeanor Sentence
2. Prior Multiple Convictions under 609.585 (other felonies committed during burglary)
3. Multiple Convictions and Sentences, Single Behavioral Incident
4. Ten Years Conviction-Free Since Discharge or Expiration of Felony Sentence
5. Felony Conviction, Stay of Imposition Successfully Served
6. Single Sentence, Multiple Convictions, Single Behavioral Incident
7. When Fines are the Only Sanction
8. Convictions from Other Jurisdictions

<u>Guidelines</u>		<u>Commentary</u>		<u>Hypothetical Worksheets</u>	
Sec.	Pg.	Sec.	Pg.	Case Note	Pg.
II.B.4.b	9	II.B.404	9	A (b)	40
II.B.4	9	II.B.402	9	I (c)	58
II.B.4.a	9	II.B.403	9	I (c)	58
II.B.3	7	II.B.301	8	A (c)	40
II.B.3	7	II.B.302	8	B (c)	42
II.B.3.b	7	II.B.303	8	C (c)	44
II.B.3.c	7	II.B.304	8	-----	-----
II.B.3	7	II.B.306	9	E (e)	48
-----	-----	II.B.107	6	-----	-----
II.B	10	II.B.501-504	10	-----	-----
II.B.1.c	4	II.B.104	5	G (f)	53
II.B.1.a	4	II.B.102	5	H (k)	55
II.B.1.b	4	II.B.103	5	H (g)	55
II.B.1.e	4	II.B.106	6	-----	-----
II.B.1.d	4	II.B.105	5-6	-----	-----
II.B.1	4	-----	-----	-----	-----
-----	-----	II.B.107	6	-----	-----
II.B	10	II.B.501-504	10	D (g)	46



SENTENCING WORKSHEET

SJIS COMPLAINT # (1-11)

(24)

Modified Worksheet

(12-13)
01

District Court Case # (14-23)

Offender Name (Last, First, Middle) (25-49)

Date of Birth (50-55)

Sex (56)

☐ Male ☐ Female

PSI Investigator (Last, First, Middle) (57-76)

Race/Ethnicity (77)

☐ White☐ Black☐ Am. Indian☐ Hispanic☐ Asian☐ Other

Date of Worksheet (78-83)

Date of Offense (84-89)

☐ Supplement attached to report additional current convictions (90)

Title most severe offense (12-51)

Minnesota Statute (52-60)

Date of Conv/Plea (61-66)

**SEVERITY
LEVEL**
(70-71)

Conviction Offense Modifiers

☐ Attempt 609.17 cited (67)☐ Conspiracy 609.175 cited (68)☐ Dangerous Weapon 609.11 cited (69)

Title second most severe offense (12-51)

Minnesota Statute (52-60)

Date of Conv/Plea (61-66)

**SEVERITY
LEVEL**
(70-71)

Conviction Offense Modifiers

☐ Attempt 609.17 cited (67)☐ Conspiracy 609.175 cited (68)☐ Dangerous Weapon 609.11 cited (69)☐ Supplement attached to report additional prior offenses (72)Was offender under
custody supervision
at time of current
offense? (73)☐ No☐ YesIf yes,
type of
supervision (74)☐ Probation☐ Parole or
Supervised Release☐ Confined☐ Released
Pending Sentence☐ Escape☐ OtherCust.
Stat.
Point

(75)

(12-13)

(14-15)

OFFENSE TITLE (16-55)

Disp. Date (56-59)

Juvenile Adjudications

02

01

mo. yr.

☐ Offender 21 or
older when current
offense committed

02

/

/

Units (60)

Juv.
Point

(76)

Prior Misdemeanor and
Gross Misdemeanor
Sentences

03

01

/

02

/

03

/

04

/

Misd./
G.M.
Point

(77)

Prior Felony
Sentences and
Stays

04

01

/

02

/

03

/

04

/

05

/

06

/

Felony
Points

(78-79)

**Total
Criminal
History
Points (80-81)**

Minnesota Sentencing Guidelines Commission
284 Metro Square Building
7th & Robert Streets
St. Paul, Minnesota 55101
612-296-0144

Presumptive Guideline Sentence (82)

☐ Stay☐ Commit to
CommissionerLength of
Presumptive
Sentence (83-86)
Months

SENTENCING WORKSHEET

The following are brief instructions for filling out the Sentencing Worksheet on the reverse side of this form. For more detailed and complete explanation, please refer to the "Minnesota Sentencing Guidelines and Commentary".

WHEN TO COMPLETE: This form should be completed following a felony conviction for offenses which occurred on or after May 1, 1980, and submitted as part of the presentence investigation report (PSI). Complete one Sentencing Worksheet form per complaint form; multiple offenses included on a single complaint should be included on one Sentencing Worksheet, and if more space is needed, use a Supplement to Sentencing Worksheet. At the time the PSI which includes the Sentencing Worksheet is submitted to the judge, distribute the remaining copies of the Worksheet to those on the distribution list. If prior to or after sentencing, information contained on the Sentencing Worksheet is modified, complete another Sentencing Worksheet, place an 'X' in the "Modified Worksheet" box, and distribute according to the distribution list.

SJIS Complaint #: The eleven digit pre-coded number on the complaint form.

District Court Case #: The number used for filing cases in district court.

Offender Name: Use the name the offender is generally known by, which will usually be the first name noted on the complaint. If a different name surfaced during the adjudication or investigation process that appears to more generally or accurately identify the offender, use the latter name.

Date of Birth: Month, Day, Year (e.g., 12/22/47).

Sex: Self-explanatory

PSI Investigator: The name of the probation officer or investigator who completed the form.

Race/Ethnicity: Check the box which corresponds to the predominant race/ethnicity. If predominance cannot be determined, check "Other".

Date of Worksheet: The date the PSI, including the Sentencing Worksheet, is completed (Month, Day, Year - 6/18/80). If the Sentencing Worksheet is modified after initial submission of the PSI, use the date that the Modified Worksheet is completed.

Date of Offense: The date the offense occurred (Month, Day, Year - 5/15/80). In cases of multiple convictions included on a single complaint: (a) use the date of the most severe offense if the offenses occurred on different dates, or (b) if there is more than one offense in the most severe level and they occurred at different times, use the date of the earliest offense in that severity level. *The date of the offense, however, must not be prior to May 1, 1980.*

SEVERITY

There is space for two conviction offenses on the Sentencing Worksheet. If there were more than two convictions for offenses from a single complaint, report the additional conviction offenses on the Supplement to Sentencing Worksheet and check the box marked "Supplement attached to report additional current convictions".

Severity is determined by the Offense Severity Reference Table in the Minnesota Sentencing Guidelines and Commentary. The reporting order of conviction offenses when of equal severity is left to the discretion of the PSI investigator.

Title most (and second most) severe offense: The dollar value of the conviction offense should be included in the Title when the offense is Forgery, Theft, Theft Related, or Receiving Stolen Goods (e.g., Theft \$150-\$2500). Include common name of drug in the Title for drug offenses (e.g., Sale of Schedule I Narcotic - Heroin).

Minnesota Statute: Cite chapter, section, subdivision, and clause of the charging statute, e.g., Theft \$150-\$2500 might be 609.52, subd. 2(1).

Date of Conviction/Plea: The date of the conviction (Month, Day, Year) or entry of plea preceding the order for the preparation of a presentence investigation report.

Conviction Offense Modifiers: Check "Attempt 609.17" or "Conspiracy 609.175" if the offender was found guilty of an attempt to commit the crime or conspiring with another to commit the crime. Check "Dangerous Weapon 609.11" only when 609.11 was cited on the complaint and retained through conviction or plea.

Severity Level: Use the number that corresponds with the Roman Numeral designation of severity from Offense Severity Reference Table, e.g., Aggravated Robbery, Minn. Stat. 609.245, which is noted as Roman Numeral VII, should be entered into "Severity Level" as number 7.

CRIMINAL HISTORY

There are spaces on the Sentencing Worksheet for two prior juvenile adjudications, four prior misdemeanors or gross misdemeanors, and six prior felonies. Additional prior offenses in any or all of these offense types should be reported on the Supplement to Sentencing Worksheet, and the box "Supplement attached to report additional prior offenses" checked. A single Supplement form can be used for both additional current offenses and additional criminal history items.

Offense title for prior offenses should be brief and descriptive. Disposition date for priors includes only Month and Year, and should serve as a guide for identifying specific priors and as a guide to check for decayed priors. *Priors that have been decayed should not be reported on the Sentencing Worksheet or Supplement.*

Custody Supervision at time of offense: The custody supervision must result from a prior felony or gross misdemeanor for a "Yes" response to this item.

Type of Supervision: Unsupervised probation should be coded as "Probation". Work release should be coded as "Confined".

Custody Status Point: If "Yes" is coded under "custody supervision at time of current offense", enter Custody Status Point of 1; if "No" is coded, enter Custody Status Point of 0.

Juvenile Adjudications: (a) If offender was 21 or older at "Date of Offense", check the box under Juvenile Adjudications and do not report information on juvenile adjudications; (b) If offender was under 21 at "Date of Offense", report juvenile adjudications for offenses which would have been a felony if committed by an adult, and which were committed between the offender's 16th and 18th birthdays. If more than two juvenile adjudications, report additional adjudications on the Supplement.

Juvenile Point: (a) If you check the box marked "offender was 21 or older", enter Juvenile Point of 0; (b) If offender was under 21 at time of current offense and had fewer than two juvenile adjudications, enter Juvenile Point of 0; (c) If offender was under 21 at time of current offense and had two or more juvenile adjudications, enter Juvenile Point of 1.

Prior Misdemeanor and Gross Misdemeanor Sentences: List prior offenses which resulted in: (a) prior misdemeanor sentences, and (b) prior gross misdemeanor sentences. Do not report decayed offenses. If there are more than four non-decayed prior misdemeanor or gross misdemeanor sentences, report them on the Supplement.

Units: (a) One unit is given for each prior misdemeanor sentence; (b) two units are given for each prior gross misdemeanor sentence.

Misdemeanor/Gross Misdemeanor Point: (a) If total units are less than four, enter Misd./G.M. Point of 0; (b) If total units are four or more, enter Misd./G.M. Point of 1.

Prior Felony Sentences and Stays: List prior offenses which resulted in: (a) prior felony sentences; or (b) a stay of imposition, if less than five years has elapsed since discharge from that stay (if more than five years has elapsed since discharge from that stay, the offense should be reported as a misdemeanor, unless it has decayed as a misdemeanor). Do not report decayed felony sentences. Report additional felony sentences and stays on the Supplement.

Felony Points: Felony points equal the total number of prior felony sentences and stays, including any prior felony sentences and stays reported on the Supplement.

Total Criminal History Points: The sum of Custody Status Point, Juvenile Point, Misdemeanor/Gross Misdemeanor Point, and Felony Points.

PRESUMPTIVE GUIDELINE SENTENCE

The presumptive guideline sentence is determined by locating the cell in the Sentencing Guidelines Grid intersected by the Severity Level of the current conviction offense and the Criminal History Score (0 through 6 or more).

The presumptive guideline sentence for cases which fall in cells above and to the left of the solid line is a Stay; in cells below and to the right of the solid line, the presumptive guideline sentence is to commit to the Commissioner of Corrections. When a commitment sentence is mandated by law (e.g., 609.11) the presumptive guideline sentence is to commit, even if the case falls in a cell above and to the left of the line.

The length of the presumptive sentence is the single durational figure in cells above the line and the single durational figure shown above the durational range in cells below the line.

In attempts and conspiracies to commit crimes, the presumptive guideline sentence length is half that shown in the appropriate cell of the guidelines grid; e.g., a presumptive duration of 25 months for a completed crime would be 12.5 months for an attempt to commit that crime. The dotted extension of the box is to be used for fractions, e.g., "5" of 12.5 months; thus, the presumptive sentence would be entered as 0125.

DISTRIBUTION:

Agent
Sentencing Commission
Judge

Prosecutor
Defense
Court Services/DOC

SUPPLEMENT TO SENTENCING WORKSHEET

SJIS COMPLAINT # (1-11)

☐ Modified Supplement

Offender Name (Last, First, Middle)	Date of Birth / /	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	PSI Investigator (Last, First, Middle)	
Race/Ethnicity <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Am. Indian <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian <input type="checkbox"/> Other			Date of Supplement / /	Date of Offense / /

<input type="checkbox"/> Additional Supplement attached to report additional current convictions					
S E V E R E I T Y	(12-13) 05	Title third most severe offense (16-55) (14-15) 01	Minnesota Statute (56-64)	Date of Conv/Plea (65-70) / /	SEVERITY LEVEL (74-75)
	Conviction Offense Modifiers <input type="checkbox"/> Attempt 609.17 cited (71) <input type="checkbox"/> Conspiracy 609.175 cited (72) <input type="checkbox"/> Dangerous Weapon 609.11 cited (73)				
	(12-13) 02	Title fourth most severe offense (16-55) (14-15)	Minnesota Statute (56-64)	Date of Conv/Plea (65-70) / /	SEVERITY LEVEL (74-75)
	Conviction Offense Modifiers <input type="checkbox"/> Attempt 609.17 cited (71) <input type="checkbox"/> Conspiracy 609.175 cited (72) <input type="checkbox"/> Dangerous Weapon 609.11 cited (73)				
Y	(12-13) 03	Title fifth most severe offense (16-55) (14-15)	Minnesota Statute (56-64)	Date of Conv/Plea (65-70) / /	SEVERITY LEVEL (74-75)
	Conviction Offense Modifiers <input type="checkbox"/> Attempt 609.17 cited (71) <input type="checkbox"/> Conspiracy 609.175 cited (72) <input type="checkbox"/> Dangerous Weapon 609.11 cited (73)				

<input type="checkbox"/> Additional Supplement attached to report additional prior offenses					
C R I M I N A L H I S T O R Y	(12-13)	(14-15)	OFFENSE TITLE (16-55)	Disp. Date (56-73) mo. yr.	Units (60)
	Juvenile Adjudications		0203	/	
	<input type="checkbox"/> Offender 21 or older when current offense committed		04	/	
	Prior Misdemeanor and Gross Misdemeanor Sentences		0305	/	
			06	/	
			07	/	
			08	/	
	Prior Felony Sentences and Stays		0407	/	
			08	/	
			09	/	
			10	/	
			11	/	
		12	/		

Minnesota Sentencing Guidelines Commission
284 Metro Square Building
7th & Robert Streets
St. Paul, Minnesota 55101
612-296-0144

SUPPLEMENT TO SENTENCING WORKSHEET

The following are brief instructions for filling out the Supplement to Sentencing Worksheet on the reverse side of this form. For more detailed and complete explanation, please refer to "Minnesota Sentencing Guidelines and Commentary" and "Sentencing Worksheet" (form SG-00001-01).

WHEN TO COMPLETE: This form should be completed whenever either or both of the following conditions exist: (a) there are more than two current conviction offenses resulting from a single complaint; or (b) the criminal record contains more than two juvenile adjudications, more than four prior misdemeanor or gross misdemeanor sentences, or more than six prior felony sentences and stays. Attach the Supplement to the Sentencing Worksheet and submit as part of the presentence investigation report (PSI). At the time the PSI which includes the Sentencing Worksheet and Supplement is submitted to the judge, distribute the remaining copies of the Worksheet and Supplement to those on the distribution list. If prior to or after sentencing, information contained on the Supplement is modified, complete another Supplement, place an 'X' in the "Modified Supplement" box, and distribute according to the distribution list.

SJIS Complaint #: The eleven digit pre-coded number on the complaint form.

District Court Case #: The number used for filing cases in district court.

Offender Name: Use the name the offender is generally known by, which will usually be the first name noted on the complaint. If a different name surfaced during the adjudication or investigation process that appears to more generally or accurately identify the offender, use the latter name.

Date of Birth: Month, Day, Year (e.g., 12/22/47).

Sex: Self-explanatory

PSI Investigator: The name of the probation officer or investigator who completed the form.

Race/Ethnicity: Check the box which corresponds to the predominant race/ethnicity. If predominance cannot be determined, check "Other".

Date of Supplement: The date the PSI, including the Supplement, is completed. If the Supplement is modified after initial submission of the PSI, use the date that the Modified Supplement is completed.

Date of Offense: The date the offense occurred (Month, Day, Year — 5/15/80). In cases of multiple convictions included on a single complaint: (a) use the date of the most severe offense if the offenses occurred on different dates; or (b) if there is more than one offense in the most severe level and they occurred at different times, use the date of the earliest offense in that severity level. *The date of the offense, however, must not be prior to May 1, 1980.*

SEVERITY

The Supplement provides space for three additional felony conviction offenses resulting from a single complaint. If there were more than five conviction offenses (three on the Supplement plus two on the Worksheet) complete and attach additional Supplements until all conviction offenses are reported. Place an 'X' in the box marked "Additional Supplement attached to report additional current convictions" and disregard the "third", "fourth", and "fifth" descriptions when completing additional Supplements.

Title third (fourth and fifth) most severe offense: The dollar value of the conviction offense should be included in the Title when the offense is Forgery, Theft, Theft Related, or Receiving Stolen Goods (e.g., Theft \$150-\$2500). Include common name of drug in the Title for drug offenses (e.g., Sale of Schedule I Narcotic — Heroin).

Minnesota Statute: Cite chapter, section, subdivision, and clause of the charging statute, e.g., Theft \$150-\$2500 might be 609.52, subd. 2(1).

Date of Conviction/Plea: The date of the conviction (Month, Day, Year) or entry of plea preceding the order for the preparation of a presentence investigation report.

Conviction Offense Modifiers: Check "Attempt 609.17" or "Conspiracy 609.175" if the offender was found guilty of an attempt to commit the crime or conspiring with another to commit the crime. Check "Dangerous Weapon 609.11" only when 609.11 was cited on the complaint and retained through conviction or plea.

Severity Level: Use the number that corresponds with the Roman Numeral designation of severity from Offense Severity Reference Table, e.g., Aggravated Robbery, Minn. Stat. 609.245, which is noted as Roman Numeral VII, should be entered into "Severity Level" as number 7.

CRIMINAL HISTORY

The Supplement provides space for two additional juvenile adjudications, four additional misdemeanor or gross misdemeanor sentences, and six additional felony sentences and stays. If additional space is required to report criminal history, complete and attach additional Supplements as necessary, checking the box titled "Additional Supplement attached to report additional prior offenses".

Offense title for prior offenses should be brief and descriptive. Disposition date for priors includes only Month and Year, and should serve as a guide for identifying specific priors and as a guide to check for decayed priors. *Prior sentences that have been decayed should not be reported on the Sentencing Worksheet or Supplement.*

Juvenile Adjudications: (a) If offender was 21 or older at "Date of Offense", check the box under Juvenile Adjudications and do not report information on juvenile adjudications; (b) If offender was under 21 at "Date of Offense", report juvenile adjudications for offenses which would have been a felony if committed by an adult, and which were committed between the offender's 16th and 18th birthdays. If more than two juvenile adjudications, report additional adjudications on an additional Supplement.

Prior Misdemeanor and Gross Misdemeanor Sentences: List prior offenses which resulted in: (a) prior misdemeanor sentences; and (b) prior gross misdemeanor sentences. Do not report decayed offenses. If there are more than four non-decayed prior misdemeanor or gross misdemeanor sentences, report them on an additional Supplement.

Units: (a) One unit is given for each prior misdemeanor sentence; (b) two units are given for each prior gross misdemeanor sentence.

Prior Felony Sentences and Stays: List prior offenses which resulted in: (a) prior felony sentences; or (b) a stay of imposition, if less than five years has elapsed since discharge from that stay (if more than five years has elapsed since discharge from that stay, the offense should be reported as a misdemeanor, unless it has decayed as a misdemeanor). Do not report decayed felony sentences. Report additional felony sentences and stays on an additional Supplement.

DISTRIBUTION:

Agent
Sentencing Commission
Judge

Prosecutor
Defense
Court Services/DOC



REVOCATION REPORT

SJIS COMPLAINT # (1-11)

Revocation Report is to be submitted only when a revoked stay for a non-felony violation results in a commitment to Commissioner.

(12-13)
08

District Court Case # (14-23)

Offender Name (Last, First, Middle) (24-48)

Date of Birth (49-54)

Sex (55)

☐ Male ☐ Female

Probation Officer (Last, First, Middle) (56-75)

Race/Ethnicity (76)

☐ White☐ Black☐ Am. Indian☐ Hispanic☐ Asian☐ Other

Date of Report (77-82)

Date of Offense (83-88)

CONVICTION OFFENSE(S)/REVOKED STAYS

Report conviction offenses for which stays were revoked and sentences executed

Title most severe offense (12-51)

Minnesota Statute (52-60)

Date of Conv/Plea (61-66)

Severity
Level
(67-68)

Conviction Offense Modifiers

☐ Attempt 609.17 cited (69)☐ Conspiracy 609.175 cited (70)☐ Dangerous Weapon 609.11 cited (71)History
Points
(72-73)

If revocation was of Stay of Imposition:

REVOCATION WAS OF A: (74)

☐ Stay of Execution☐ Stay of Imposition

Presumptive Guideline Sentence (75)

☐ Stay☐ Commit to
CommissionerLength of
Presumptive
Sentence (76-79)

Months

Imposed Sentence

Length of
Imposed
Sentence (80-83)

Months

Imposed Sentence to be served:

☐ Concurrently with a prior sentence (84)☐ Concurrently with another current sentence (85)☐ Consecutively with a prior sentence (86)☐ Consecutively with another current sentence (87)

Title second most severe offense (12-51)

Minnesota Statute (52-60)

Date of Conv/Plea (61-66)

Severity
Level
(67-68)

Conviction Offense Modifiers

☐ Attempt 609.17 cited (69)☐ Conspiracy 609.175 cited (70)☐ Dangerous Weapon 609.11 cited (71)History
Points
(72-73)

If revocation was of Stay of Imposition:

REVOCATION WAS OF A: (74)

☐ Stay of Execution☐ Stay of Imposition

Presumptive Guideline Sentence (75)

☐ Stay☐ Commit to
CommissionerLength of
Presumptive
Sentence (76-79)

Months

Imposed Sentence

Length of
Imposed
Sentence (80-83)

Months

Imposed Sentence to be served:

☐ Concurrently with a prior sentence (84)☐ Concurrently with another current sentence (85)☐ Consecutively with a prior sentence (86)☐ Consecutively with another current sentence (87)

Reasons for technical violation and revocation:

If commitment to the Commissioner was recommended by Probation Officer, reasons for recommendation:

Minnesota Sentencing Guidelines Commission
284 Metro Square Building
7th & Robert Streets
St. Paul, Minnesota 55101
612-296-0144

REVOCATION REPORT

The following are brief instructions for filling out the Revocation Report on the reverse side of this form. For more detailed and complete explanation, please refer to the "Minnesota Sentencing Guidelines and Commentary" and the "Sentencing Worksheet" (form SG-00001-01).

WHEN TO COMPLETE: This form should be completed when a non-felony violation results in the revocation of a stay of imposition or execution and the offender is committed to the Commissioner of Corrections. Complete the form only if the date of the offense for which the stay is being revoked is on or after May 1, 1980. Submit the form to the Minnesota Sentencing Guidelines Commission after the judgment executing the sentence has been entered.

IDENTIFICATION INFORMATION

With the exception of "Probation Officer" and "Date of Report", the information contained in this section of the form should be identical to that on the Sentencing Worksheet which was completed as part of the presentence investigation report (PSI).

SJIS Complaint #: The eleven digit pre-coded number on the complaint form.

District Court Case #: The number used for filing cases in district court.

Offender Name: Use the name the offender is generally known by, which will usually be the first name noted on the complaint. If a different name surfaced during the adjudication or investigation process that appears to more generally or accurately identify the offender, use the latter name.

Date of Birth: Month, Day, Year (e.g., 12/22/47).

Sex: Self-explanatory

Probation Officer: The name of the probation officer who supervised the offender and filled out the Revocation Report.

Race/Ethnicity: Check the box which corresponds to the predominant race/ethnicity. If predominance cannot be determined, check "Other".

Date of Offense: The date the offense occurred (Month, Day, Year - 5/15/80). In cases of multiple convictions included on a single complaint: (a) use the date of the most severe offense if the offenses occurred on different dates; or (b) if there is more than one offense in the most severe level and they occurred at different times, use the date of the earliest offense in that severity level. *The date of the offense, however, must not be prior to May 1, 1980.*

Date of Report: The date the Revocation Report was completed (Month, Day, Year - 11/15/80).

CONVICTION OFFENSE(S)/REVOKED STAYS

Information concerning the Conviction Offense, Severity Level, and History Points can be taken from the Sentencing Worksheet which was completed as part of the PSI.

Type of Stay Being Revoked: The important factor to be determined is whether the initial stay was a stay of execution or a stay of imposition. If the initial stay was a stay of execution, a sentence would have been imposed at that time and it is that sentence which would now be executed. In that case, it is not necessary to fill out the "Presumptive Guideline Sentence" and "Imposed Sentence" sections of the Revocation Report.

However, if the initial stay was a stay of imposition, sentence would not have been imposed until a later point, and it is necessary to fill out the "Presumptive Guideline Sentence" and "Imposed Sentence" sections of the Revocation Report.

Presumptive Guideline Sentence: Complete only if the initial stay was a stay of imposition. The Presumptive Guideline Sentence for the offense can be taken from the Sentencing Worksheet which was completed as part of the PSI.

Imposed Sentence: Complete only if the initial stay was a stay of imposition.

The Length of the Imposed Sentence is the duration of the commitment to the Commissioner pronounced by the judge.

In cases of multiple sentences, indicate how the imposed sentence is to be served in conjunction with other sentences.

Concurrently with a prior sentence: Check this box if the imposed sentence is to be served concurrently with a "prior" sentence (e.g., a sentence for conviction offenses that were charged on a different complaint than the conviction offense under consideration in this section).

Concurrently with another current sentence: Check this box if the imposed sentence is to be served concurrently with sentences for conviction offenses charged on the same complaint as the conviction offense under consideration in this section.

Consecutively with a prior sentence: Check this box if the imposed sentence is to be served consecutively with a "prior" sentence (e.g., a sentence for conviction offenses that were charged on a different complaint than the conviction offense under consideration in this section).

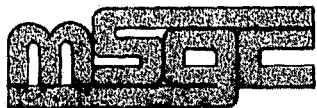
Consecutively with another current sentence: Check this box if the imposed sentence is to be served consecutively with sentences for conviction offenses charged on the same complaint as the conviction offense under consideration in this section.

More than one box can be checked in this section, e.g., a sentence can be served both concurrently with a prior sentence and consecutively with another current sentence.

If a second stay was revoked, repeat above instructions for the second stay. Fill out the section for a second stay only if a separate sentence or stay was given for a second conviction. If only one sentence or stay was given for multiple convictions, fill out only one of the two revocation sections. If more than two stayed sentences are revoked, complete a second Revocation Report and attach it to the first before submitting the form.

Reasons for technical violation and revocation: Brief description of the conditions which were violated.

Reasons commitment to the Commissioner was recommended: Brief description of reasons that commitment to the Commissioner was viewed as the most appropriate sanction.



DEPARTURE REPORT

Offender Name (Last, First, Middle)

SJIS COMPLAINT #

Judge Name

Date of Report

District Court Case #

REASON FOR DEPARTURE:

Minnesota Sentencing Guidelines Commission
284 Metro Square Building
7th & Robert Streets
St. Paul, Minnesota 55101
612-296-0144

DEPARTURE REPORT

When to Complete: This report should be completed by the judge when (a) the disposition differs from the presumptive disposition; (b) the sentence length imposed differs from the presumptive sentence length; (including use of consecutive sentences in circumstances other than those described in section II.F. of the guidelines) or (c) when the disposition and duration differ from the presumptive disposition and duration provided in the guidelines.

Offender Name: Record the name of the offender as it appears on the *Sentencing Worksheet* (form SG-00001-01).

SJIS Complaint # : The eleven digit pre-coded number on the complaint form.

Judge Name: The name of the judge completing the Departure Report.

District Court Case # : The number used for filing cases in the district court.

Reasons for Departure: In making decisions about departing from the guidelines, and in writing reasons for departures, judges should consult section II, D of the *Minnesota Sentencing Guidelines and Commentary*.

- Reasons stated for departure should be brief, but specific. They should distinguish the unusual nature of the current case, and indicate why the departure is more appropriate, fair, or equitable than the presumptive sentence.

Decisions with respect to sentencing disposition and sentence duration are logically separate. Departures with respect to disposition and duration are logically separate. A judge may depart from a presumptive disposition without departing from the presumptive duration, or vice-versa. If a judge departs from both a presumptive disposition and presumptive duration, two departure decisions have been made, each requiring written reasons. Reasons for both decisions should be given on a single Departure Report.

Distribution: A copy of the Departure Report is to be forwarded to the Minnesota Sentencing Guidelines Commission, Suite 284 Metro Square Building, 7th and Robert Streets, St. Paul, MN 55101.

STATE OF MINNESOTA

IN SUPREME COURT

O R D E R

IT IS HEREBY ORDERED that, effective May 1, 1980, the following procedures shall apply to the appeal, pursuant to Minn. Stat. § 244.11 (1980), of any sentence imposed or stayed by the district court according to the Rules of Criminal Procedure:

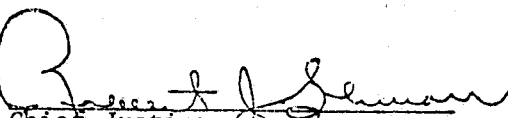
1. Any party appealing a sentence shall file with the clerk of the district court, within 90 days after entry of judgment, (a) a notice of appeal, (b) 12 copies of an informal letter brief setting forth the arguments concerning the illegality or inappropriateness of the sentence, and (c) an affidavit of service of the notice and a copy of the brief upon opposing counsel and upon the Attorney General. (A defendant appealing the sentence and the judgment of conviction has the option of combining the two appeals into a single appeal; when this option is selected the procedures established by R. 29.02, Rules of Criminal Procedure, shall continue to apply.)

2. The clerk of the district court shall not accept a notice of appeal from sentence unless accompanied by the requisite briefs and affidavit of service. Upon the filing of the requisite papers, the clerk shall immediately forward to the clerk of the Supreme Court (a) a certified copy of the notice of appeal along with the briefs and affidavit filed by the appellant, (b) a transcript of the sentencing hearing and any written explanation of sentence by the trial court which is not already included in the transcript, and (c) the presentence investigation report.

3. Within 10 days of service upon it of the copy of the notice of appeal and appellant's brief, respondent, if it wishes to respond, shall serve its brief upon appellant and file with the clerk of the Supreme Court 12 copies of its brief.

Dated: 2/28/80

BY THE COURT:


Chief Justice

DEFINITION OF TERMS

Presumptive Fixed Sentences are those sentences provided in the Sentencing Guidelines Grid. They are presumptive because they are presumed to be appropriate for typical cases sharing criminal history and offense severity characteristics. They are fixed because anyone committed to the custody of the Commissioner of Corrections will serve the duration provided in the appropriate cell of the Sentencing Guidelines Grid, less good time, before release (provided the judge does not depart from the guideline recommendation).

Departures from the presumptive fixed sentence occur when the judge gives a sentence that differs from that provided in the Sentencing Guidelines Grid. When substantial and compelling aggravating or mitigating circumstances exist, the judge may depart from the guideline recommendation and provide any sentence authorized by law. When departing from the guidelines, the judge must provide written reasons which distinguish the current case from the usual or typical case, and which demonstrate why the sentence given is more appropriate or fair than the guideline recommendation.

Good Time will reduce the term of imprisonment one day for every two days of good behavior for those committed to the Commissioner of Corrections following conviction of crimes which occurred on or after May 1, 1980. Good time earned accrues to a period of supervised release. Earned good time is vested, and cannot be taken away for misconduct. Earning of future good time may be restricted upon conviction for disciplinary violations promulgated by the Commissioner of Corrections.

Term of Imprisonment is the length of the prison sentence reduced by earned good time for those committed to the Commissioner of Corrections for crimes occurring on or after May 1, 1980. When such an offender is committed, the sentence and the term of imprisonment are the same; as the offender earns good time, the sentence remains the same, but the term of imprisonment is shortened by the amount of good time earned.

Supervised Release is a period of mandatory community supervision following the end of the term of imprisonment for offenders committed to the custody of the Commissioner of Corrections for offenses occurring on or after May 1, 1980. The period of supervised release equals the amount of good time earned. The Minnesota Corrections Board (MCB) establishes conditions which the offender must obey during supervised release, and if those conditions are violated, the MCB may revoke the supervised release and return the offender to prison for a period not to exceed the time left on the sentence.

Day Fines are a monetary penalty assessed on an equality formula determined by the seriousness of the offense and the offender's financial status — i.e., a burglary conviction may be assigned a value of "50 day fines"; the annual income of an offender with earnings of \$20,000 would be reduced to a 'one-tenth of one percent' per diem figure of \$20, and would be assessed a "day fine" penalty of \$1,000, whereas an offender with annual earnings of \$10,000, based on the same formula, would be assessed a penalty of \$500.

Community Work Orders are a form of restitution. They are services to be performed by the offender to the community at large for a specified period of time as directed by the judge. For example, a lawyer may be directed to provide one day per week of free legal services to the community for a period of five years; or a youth may be directed to rake leaves and/or shovel snow two days per week for the elderly in the community for a period of one year.

Stay of Imposition/Stay of Execution - There are two steps in sentencing—the imposition of a sentence, and the execution of the sentence which was imposed. The imposition of a sentence consists of pronouncing the sentence to be served in prison (for example, three years imprisonment). The execution of an imposed sentence consists of transferring the felon to the custody of the Commissioner of Corrections to serve the prison sentence. A stayed sentence may be accomplished by either a stay of imposition or a stay of execution.

If a stay of imposition is granted, the imposition (or pronouncement) of a prison sentence is delayed to some future date, provided that until that date the offender comply with conditions established by the court. If the offender does comply with those conditions until that date, the case is discharged, and for civil purposes (employment applications, etc.) the offender has a record of a misdemeanor rather than a felony conviction.

If a stay of execution is granted, a prison sentence is pronounced, but the execution (transfer to the custody of the Commissioner of Corrections) is delayed to some future date, provided that until that date the offender comply with conditions established by the court. If the offender does comply with those conditions, the case is discharged, but the offender continues to have a record of a felony conviction.

END