

# Effective Mitigation for Plea and Sentence



New Felony Defender Program

June 16 – 18, 2004



## Students will:

1. Identify resources for noncapital sentencing
2. Identify facts/issues that would support mitigated sentence
3. Become motivated to do more with sentencing

“Offenders who are charged with or have been offered a plea..”


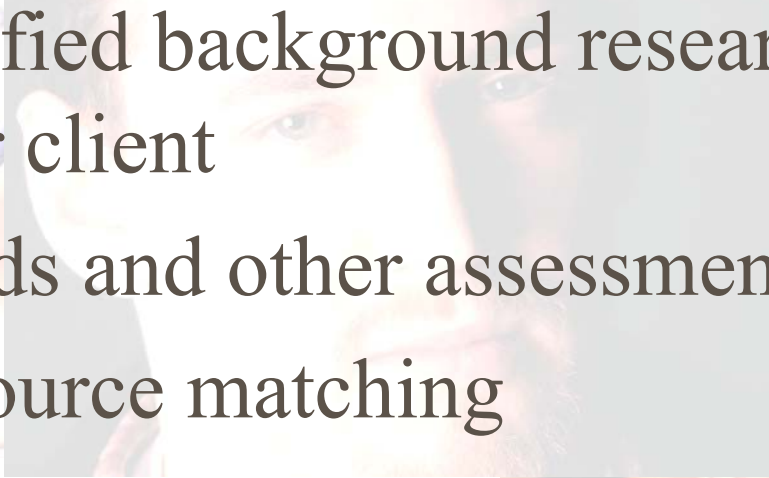

*N.C.G.S.7A-773*

	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
<b>A</b>	Life Imprisonment Without Parole or Death as Established by Statute						
<b>B1</b>	A 240-300 192-240 144-192	A 288-360 230-288 173-230	A 336-420 269-336 202-269	A 384-480 307-384 230-307	A Life Imprisonment without Parole 346-433 260-346	A 384-480 288-384	Aggravated PRESUMPTIVE Mitigated
<b>B2</b>	A 157-196 125-157 94-125	A 189-237 151-189 114-151	A 220-276 176-220 132-176	A 251-313 201-251 151-201	A 282-353 225-282 169-225	A 313-392 251-313 188-251	Aggravated PRESUMPTIVE Mitigated
<b>C</b>	A 73-92 58-73 44-58	A 100-125 80-100 60-80	A 116-145 93-116 70-93	A 133-167 107-133 80-107	A 151-188 121-151 90-121	A 168-210 135-168 101-135	Aggravated PRESUMPTIVE Mitigated
<b>D</b>	A 64-80 51-64 38-51	A 77-95 61-77 46-61	A 103-129 82-103 61-82	A 117-146 94-117 71-94	A 133-167 107-133 80-107	A 146-183 117-146 88-117	Aggravated PRESUMPTIVE Mitigated
<b>E</b>	I/A 25-31 20-25 15-20	I/A 29-36 23-29 17-23	A 34-42 27-34 20-27	A 46-58 37-46 28-37	A 53-66 42-53 32-42	A 59-74 47-59 35-47	Aggravated PRESUMPTIVE Mitigated
<b>F</b>	I/A 16-20 13-16 10-13	I/A 19-24 15-19 11-15	I/A 21-26 17-21 13-17	A 25-31 20-25 15-20	A 34-42 27-34 20-27	A 39-49 31-39 23-31	Aggravated PRESUMPTIVE Mitigated
<b>G</b>	I/A 13-16 10-13 08-10	I/A 15-19 12-15 09-12	I/A 16-20 13-16 10-13	I/A 20-25 16-20 12-16	A 21-26 17-21 13-17	A 29-36 23-29 17-23	Aggravated PRESUMPTIVE Mitigated
<b>H</b>	C/I/A 06-08 05-06 04-05	I/A 08-10 06-08 04-06	I/A 10-12 08-10 06-08	I/A 11-14 09-11 07-09	I/A 15-19 12-15 09-12	A 20-25 16-20 12-16	Aggravated PRESUMPTIVE Mitigated
<b>I</b>	C 06-08 04-06 03-04	C/I 06-08 04-06 03-04	I 06-08 05-06 04-05	I/A 08-10 06-08 04-06	I/A 09-11 07-09 05-07	I/A 10-12 08-10 06-08	Aggravated PRESUMPTIVE Mitigated

 Denotes those categories of offenders appropriate for Sentencing Services



# Benefits of a Plan

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- Verified background research to humanize your client
  - Needs and other assessment
  - Resource matching
  - Case management prior to sentencing



# Governor's Crime Commission Outcome Study

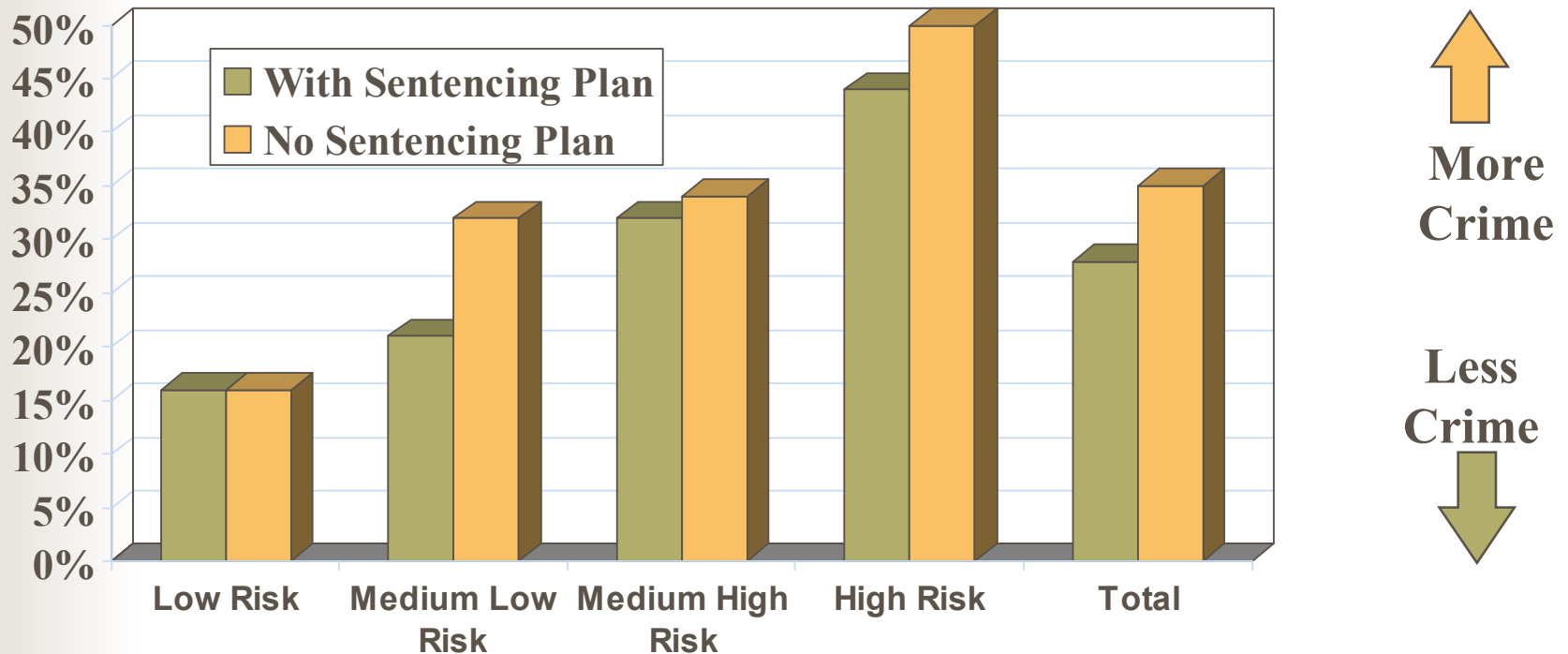
Offenders with sentencing plans are:

- *Less likely to be arrested for new offenses*
- *Less likely to be convicted of new offenses*
- *Less likely to fail on community supervision*

*Research Funded by a Governor's  
Crime Commission Grant 12/2000*

# Governor's Crime Commission Outcome Study

## Outcome Study Rearrest Rates



*Research funded by a Governor's  
Crime Commission Grant 12/2000*



# Preparing Your Client for Sentencing

1. Community support
2. Residence plan
3. Substance abuse treatment
4. Mental health treatment
5. Restitution
6. Special considerations