

The Guideliner

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Upcoming 2011 Guidelines Webinars

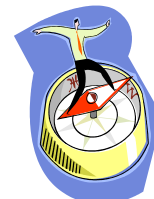
All webinars begin promptly at 11:30am.

- ✚ **10/13 – Completing an EJJ Worksheet**
This webinar is perfect for both juvenile agents who complete EJJ/Adult Certification worksheets, and for new adult agents. (90 minutes)
- ✚ **10/27 – Consecutive Sentencing**
Join us for a discussion on consecutive sentencing policies. (30 minutes)
- ✚ **11/8 – Plea Agreements**
This webinar will discuss how the guidelines fit into plea agreements. Topics will include evaluating the agreement and achieving the desired results, along with an overview of the role of guidelines policies in the negotiation. (60 minutes) *CLE credits will be offered.*
- ✚ **12/8 – Presumptive & Mandatory Sentences**
This webinar will cover all policies on determining the appropriate sentence when a statutory or guidelines mandatory sentence exists. (60 minutes) *CLE credits will be offered.*

Not signed up to receive registration notices?
E-mail linda.mcbrayer@state.mn.us to be added to the mailing list.

Have a topic you'd like *The Guideliner* to cover? E-mail your suggestions to Linda at linda.mcbrayer@state.mn.us.

Navigating a Sentence-Reducing Modifier



An offense modifier is not an offense on its own, but it affects the offense in two ways. First, it helps define the offense (e.g., attempted robbery vs. a completed act of robbery). Second, it affects the duration of the presumptive guidelines sentence.

Examples of sentence reducing modifiers include: Attempt – Minn. Stat. § 609.17; Conspiracy – Minn. Stat. § 609.175; and, Solicitation of Juveniles (or Minors) – Minn. Stat. § 609.494, subd. 2(b).

The guidelines policies that apply to these types of modifiers are:

- Find the cell on the grid as defined by the severity level of the conviction offense and the offender's criminal history score and divide by two.
- Calculation cannot be less than 1 year and 1 day, or any applicable mandatory minimum.
- A decimal of .5 should be included.
- Calculations are also applied to the grid range.

More complete policy information can be found in guidelines section 2.G.

“DATA: Facts and statistics collected together for reference or analysis.”

In 2010 MSGC collected data on 14,311 felony offenders. This is a 3.6% reduction from 2009 numbers.

A breakdown of offense and departure information will be available on our website www.msgc.state.mn.us beginning November 1, 2011.

Tip Box:
Permissive Consecutive Sentencing

- ❖ Offenses must be found on the list of eligible offenses per the guidelines.
- ❖ The presumptive disposition for all offenses must be a commit to the commissioner.
- ❖ Sentencing worksheets will be completed to reflect concurrent sentence – the duration found on the grid.
- ❖ When there are multiple current consecutive sentences the court will pronounce the grid duration on the first offense. For all remaining offenses, the court will pronounce the duration found in the zero criminal history cell on the grid.
- ❖ If there is a mandatory minimum that is greater than the cell time, the court should pronounce that duration.

Information on permissive consecutive sentencing can be found in the 2011 *Minnesota Sentencing Guidelines and Commentary*, Sections 2.F.2.

Did you know?



Prior felony convictions for an attempt, conspiracy, or any other modifier, for which a felony sentence was stayed or imposed before the current sentencing are weighted the same as completed offenses. (2011 *Minnesota Sentencing Guidelines and Commentary*, Section 2.B.101)

A custody status point shall be assigned to an offender who is on an eligible custody status who absconds and commits a new felony offense. (2011 *Minnesota Sentencing Guidelines and Commentary*, Section 2.B.209)

For prior out-of-state controlled substance convictions, the amount and type of the drug should be considered in the determination of the appropriate weight to be assigned to a prior felony sentence. (2011 *Minnesota Sentencing Guidelines and Commentary*, Section 2.B.503)

In the rare situations where the presumptive sentence length exceeds the statutory maximum sentence, the statutory maximum will become the presumptive sentence. (2011 *Minnesota Sentencing Guidelines and Commentary*, Section 2.H.01) Is there an easy example you could give for this?

If the presumptive duration for a commitment is found in the shaded area of the grid, the standard range of 15 percent lower and 20 percent higher than the fixed duration displayed is permissible without departure. (2011 *Minnesota Sentencing Guidelines and Commentary*, Section 2.I)