

# Guidelines Quicksheet

## 1. Categorize the Sentencing Offense

- The “sentencing offense” is the one with the highest class. If the offense can run consecutively, score the guidelines for all offenses

### Offense Class

Murder 2 <sup>nd</sup> Degree
A (life offenses)
B (~20 year offenses)
C (~15 year offenses)
D (~10 year offenses)
E (~5 year offenses)
F (~4 years)
G (~2 years)
H (Jail or intermediate sanction)

- Figure out the crime group. This will tell you which OV's will be scored.

### Crime Group

Crimes Against a Person
Crimes Against Property
Crimes Against Public Safety
Crimes Against Public Order
Crimes Against Public Trust
Controlled Substance Offense

- For attempts of any offense, the Crime Group is the same. Offense Class' are as follows:

Underlying Charge's Class	Attempt
A, B, C, D	E
E, F, G	H
H	Guidelines do not apply, must be intermediate sanction

- If class is listed as “SPEC” that means that the class and group will vary.
  - This happens when the offense is contingent upon a second offense.
    - E.g., Conspiracy to Commit\_\_\_\_\_
  - The Offense Class will be that of the underlying offense.
    - E.g., Conspiracy to commit Armed Robbery would be a Class A
  - Score OV's for each Crime Group involved.
    - E.g., for Conspiracy to Commit Armed Robbery you would score OV's applicable to both public safety and against a person.

## 2. Score Prior Record Variables (PRV)

- Counted: Adult and juvenile convictions and adjudications, assignments to HYTA, offenses expunged under MCL 780.621 – MCL 780.624
- Not Counted: Deferrals under 7411, the parental kidnapping statute, or DV deferrals
- Do not score prior offenses when there is a 10 year (or more gap) between the discharge date of previous offense and commission date of the next offense that results in a conviction
- Do not score prior offenses where client was unrepresented and received jail/prison (without a valid waiver).

### Categorizing Felonies

A, B, C, and D are high severity felonies
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E, F, G, and H are low severity felonies
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### Scoring Misdemeanors

- Only if against person, property, controlled substance, weapons, or OUI/DUI
- Not if used to enhance a misdemeanor to the felony sentencing offense
  - E.g., if client being sentenced to OUI 3<sup>rd</sup> then do not score two prior OUIs

<b>Common Unscorable Misdemeanors</b>
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DWLS
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Disorderly Conduct ( <i>People v Crews</i> )
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Trespassing ( <i>People v Williams</i> )
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MIP ( <i>People v Holtschlag</i> )
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## 3. Score Offense Variable Points (OV)

- Must be a preponderance of evidence
- Must be supported by record (OK: trial, PSI, admission; Not OK: assumption)
- OVs 11, 12, 13: (are scored together so check the rules)
  - OV 11:
    - Do not score penetrations that are not part of sentencing offense
      - E.g., separate penetrations that occurred a month, year, etc. later
    - Do not score for the penetration that constitutes the sentencing offense
  - OV 12:
    - Be mindful of the term act- it is different than charges or offense
    - E.g., multiple shots could be considered one act of GBH rather

- OV 13:
  - Do not score if scored in OV 11, 12 (unless gang related)
  - The sentencing offense must be part of the pattern that is scored.
    - E.g., if client sentenced on a controlled substance offense do not score points for multiple crimes against a person in a 5 year period.

- Do not score for:

- Acquitted conduct (*People v Beck*)
- Co-defendant conduct unless guidelines specifically authorize (*People v Gloster*)
- Actions/conduct outside of the sentencing offense unless guidelines specifically authorize (*People v McGraw*)

Offense Specific	Transactional
1	8
2	10
3	12
4	13
5	14
6	16
7	19
9	
11	
15	
17	

#### 4. Find the Range

- Do not forget *People v Tanner*: sentence cannot exceed 2/3 of the maximum for non-life offenses.