

Sentencing Order Instructions

The original Sentencing Order is to be retained in the court's file. Copies are to be distributed to the Arkansas Department of Correction, the Department of Community Correction, the Arkansas Sentencing Commission, the Administrative Office of the Courts, the Prosecuting Attorney, the Defense Attorney, the Sheriff and the Defendant. *Please note:* If a Defendant is judicially transferred to the Department of Community Correction, the copy designated for the Arkansas Department of Correction should be sent to the Department of Community Correction.

Heading

Circuit Court: Enter the County name for the Circuit Court issuing the sentence.

Judicial District: Enter the Judicial District number for the sentencing court.

Division: Enter the appropriate Circuit Court division number. Do not enter "Criminal."

Date: Enter the date the sentence was pronounced.

Offender Information

Defendant's Name: Enter the name most commonly used by the defendant. The name entered should match the name entered on the criminal information sheet.

Date of Birth: Enter numerals to indicate the offender's date of birth (Month/date/year - ex: 03/25/1962).

Sex: Indicate the gender of the defendant.

Total Number of Counts: Indicate total number of counts listed on this sentencing order.

SID #: Enter the defendant's State Identification Number. While the SID number is not legally required, it may be obtained from the criminal information sheet or from the local law enforcement agency handling the case.

Race & Ethnicity: Indicate the defendant's race and ethnicity. It is possible for these categories to overlap. Please check all that apply.

Supervision Status at Time of Offense: Enter the defendant's criminal justice supervision status at the time of the current offense(s). This includes, but is not limited to: incarceration in a correctional facility or county jail, pretrial bond, suspended imposition of sentence, probation, parole, post-prison supervision, release pending sentencing for a prior crime, and release on appeal bond.

Court Information

Judge: Enter the name of the presiding judge.

Prosecuting Attorney/Deputy: Enter the name of the prosecuting attorney or deputy who represented the State.

Defendant's Attorney: Enter the name of the attorney who represented the defendant. Indicate the type of representation. In the case of a Pro Se defendant, no name is necessary.

Change of Venue: Indicate yes or no. If yes, indicate the county from which the case was transferred.

File Stamp: Place the Circuit Clerk's file mark in this area.

Legal Statements

Mark the appropriate statement for the type of sentence entered.

- The first box applies when a defendant is sentenced pursuant to Act 346, the First Offender Act (A.C.A. §16-93-301 et seq.) or any other statute where the court defers further proceedings without making a finding of guilt.
- The second box applies when a defendant is placed on probation, probation plus, or other alternative sanction. *This statement previously appeared on the Judgment and Disposition Form.*
- The third box applies when a defendant is sentenced to a term of incarceration in the Arkansas Department of Correction or a Department of Community Correction facility via judicial transfer. *This statement previously appeared on the Judgment and Commitment Form.*

Waiver of right to counsel: Indicate whether or not the defendant made a voluntary, knowing and intelligent waiver of the right to counsel.

Offense 1 Information:

A.C.A. # of Offense/Name of Offense: Indicate the Arkansas Code number and name of the crime for which the defendant was convicted. Use the entire code provision, including subsections. Please indicate the *substantive* crime, e.g. rape, theft, murder, etc. Do not put the statute number for "conspiracy", "attempt", or "solicitation" in this blank. If the defendant is being sentenced as a result of the revocation of probation or suspended imposition of sentence, do not enter "revocation," the code provision for revocation, or the cause of the revocation.

Case #: Enter the circuit court case number.

A.C.A. # of Original Charged Offense: Indicate the A.C.A. # of the original charged offense. For example, if a Defendant was originally charged with Aggravated Robbery (A.C.A. § 5-12-103) and ultimately convicted of Robbery, enter A.C.A. § 5-12-103.

ATN: Enter the defendant's Arrest Tracking Number (ATN). This number is different from the SID number. Each arrest will have a different ATN. A.C.A. § 12-12-1007 (e)(4) states "The arrest tracking number shall be in the court's case file before a trial commences or a judgment is entered."

Offense was Nolle Prossed, Dismissed, Acquitted: Select the appropriate response if this offense was Nolle Prossed, Dismissed or Acquitted.

Appeal from District Court: Indicate whether or not this offense was an appeal from District Court.

Probation/SIS Revocation: Indicate if this conviction is the result of a probation or SIS revocation. *Note:* An affirmative answer to this question applies to the *current offense only* and not to any new crime committed while on probation or parole.

Offense Date: Enter the date or range of dates on which the offense was committed. The date may be found in the criminal information sheet. *Note:* If the offense was Nolle Prossed, Dismissed or Acquitted, the offense date must be entered.

Offense is Felony/Misd./Violation: Indicate whether the conviction is for a felony, misdemeanor or violation.

Offense Classification: Indicate the class of the felony, misdemeanor or violation for which the defendant was convicted. Class Y, A, B, C, D, or U (unclassified).

Number of Counts: Enter the number of counts for this offense for which the defendant was convicted.

Criminal History Score: Indicate the defendant's criminal history score as determined according to A.C.A. § 16-90-802. If the current commitment is the result of a probation revocation, the criminal history score will be the score calculated at the time of the original sentencing. For instance, if the offender had a zero criminal history score at the time he/she was originally placed on probation, the criminal history score of the revocation would still be zero. A copy of the Criminal History Worksheet and instructions for completing the worksheet may be found at www.arkansas.gov/asc/forms.html.

Seriousness Level: Indicate the seriousness level of offense. Refer to the manual entitled *Arkansas Sentencing Commission Sentencing Standards Grid, Offense Seriousness Rankings and Related Material*. If the commitment is the result of a probation revocation, the seriousness level must *still* be entered. Although the sentencing guidelines are not applicable to revocations, transfer eligibility is still determined by the seriousness level of the offense.

Inchoate Information: Indicate whether the defendant attempted, solicited, or conspired to commit the current offense.

Presumptive Sentence: Indicate the presumptive sentence according to the Arkansas Sentencing Standards Grid. Mark each type of sanction listed on the sentencing grid. *This section is not applicable when a jury has recommended a sentence or in probation/sis revocations.*

Defendant Sentence:

Imposed: Indicate whether the imposed sentence is a term of incarceration in a Department of Correction (ADC) facility; a sentence to the Department of Correction with a judicial transfer to a Department of Community Correction Center (Jud. Tran.); or a term of incarceration in a county jail (County Jail). Indicate the number of months imposed.

- Do not use this space to indicate incarceration time for a sentence of probation plus.
- The box for county jail should only be checked when sentencing the Defendant for a misdemeanor offense. ADC time should not be an imposed sentence for a misdemeanor. If ADC time is indicated, the form will be returned for corrections. See A.C.A. § 5-4-402 for further explanation on place of incarceration.
- Do not include time for Suspended Imposition of Sentence. For example, a 10 year sentence with 5 years suspended and 5 years to serve would be listed as Imposed ADC = 60 months, SIS = 60 months, and total time to serve = 60 months.

Probation: Indicate the number of months on probation.

SIS: Indicate the number of months for suspended imposition of sentence.

Other: Indicate if the defendant was sentenced to life, life without parole, or death.

If probation or SIS accompanied by period of confinement: If a sentence of probation or SIS includes a period of confinement (Probation Plus), enter the amount of time in days *or* months. Indicate where the defendant should be confined in the conditions of probation and/or the "Additional Information" section of the Order.

Sentence Enhancement: If a sentence is subject to an enhancement, enter the number of months the sentence was enhanced and the applicable statute number. For instance, if the offense of

manufacturing methamphetamine is subject to an enhancement for doing so in the presence of certain persons, this entry would be as follows: "120 months pursuant to A.C.A. § 5-64-411."

Enhancement is to run Concurrent/Consecutive: Indicate if the enhancement is to run concurrent or consecutive to the substantive sentence imposed.

Habitual Offender: If the defendant is sentenced as a habitual offender as defined in Arkansas Code Annotated § 5-4-501, indicate which subsection applies.

Victim Information: Do not enter the name of any victim. If there is no victim or if the victim is a business, check not applicable. Indicate if the offense involved multiple victims. If there is only one victim per offense, enter the victim information with the offense. If there are multiple victims on one offense, please complete the Additional Victim Information Form.

Age: List the victim's age at the time of the offense.

Sex: Indicate the victim's gender.

Race & Ethnicity: Indicate the victim's race *and* ethnicity. It is possible for these categories to overlap. Please check all that apply.

Negotiated Plea or Plea Directly to Court: Indicate if the defendant voluntarily, intelligently, and knowingly entered a negotiated plea of guilty or nolo contendere or a plea directly to the court of guilty or nolo contendere.

Sentencing by Court/Jury/Other: Indicate if the defendant: was sentenced pursuant to §§ 16-93-301 et seq. or other (indicate the appropriate code provision); entered a plea and was sentenced by a jury; was found guilty by the court and sentenced by the court or a jury; was found guilty at a jury trial and sentenced by the court or a jury; or was found guilty of a lesser included offense by the court or a jury.

Sentence is a Departure: Indicate whether or not the sentence is a departure from the sentencing standards. If yes, the remaining information in this box must be completed. Departure information is not required if the sentence given is a presumptive sentence, the sentence is recommended by a jury, the sentence is a result of a Probation/SIS Revocation, or the offense is not a felony.

Durational or Dispositional Departure: Indicate if departure is Durational or Dispositional. A durational departure occurs when the imposed months are higher or lower than the presumptive ADC time. A dispositional departure occurs when the type of sanction given (AS, CCC, or ADC) is not listed as an option for the presumptive sentence. If the sentence is a durational departure, indicate the number of months above or below the presumptive sentence. For example, if the presumptive sentence is 42 months in ADC and the sentence imposed is 120 months in ADC, indicate on the form that the sentence imposed would be 78 months above the presumptive sentence ($120 - 42 = 78$).

Departure Reason: Act 423 of 2017 requires a "thorough recitation of the facts" underlying a departure. In order to satisfy this mandate, please select at least one of the enumerated departure reasons provided with the Sentencing Order. Please only select aggravating or mitigating reason(s), never both for the same offense. If "other" is selected, additional information **MUST** be provided in order to satisfy the "thorough recitation of the facts" standard required by Act 423. Please provide this information on the line below the boxes for departure reason. If more space is necessary, write "see additional info" and explain in the additional information section on the back page of the order. If the additional information section does not provide enough space, please write "see attached recitation of facts" and attach a sheet of paper explaining the facts underlying the departure. On the attached form, please include the County, Defendant's Name, and Case Number(s). Please either mail or email any attached explanations to the Sentencing Commission

at 101 E. Capitol Ave. Suite 470, Little Rock, AR 72201 or arsentencingcommission@arkansas.gov. Please be as descriptive as possible. For example, if the sentence is the result of a negotiated plea, do not simply say "Negotiated Plea." This information is listed elsewhere on this form. Instead, list the reasons for acceptance of the plea, such as "The victim requested leniency."

Consecutive/Concurrent: Indicate whether the sentence for this offense is to run consecutive or concurrent to other sentences. List the **offense number(s)** or **case number(s)** to which this sentence will run consecutive or concurrent. If additional space is needed, use the "Additional Information" Section, or attach a separate sheet.

Additional Offenses

Additional Offense #: Enter the appropriate offense number, i.e. Additional Offense # 2, 3, etc. Repeat this section for each additional offense of the current sentencing event. See instructions for Offense 1 Information.

Sentence is a Departure: This information must be completed for each offense that is a departure from the presumptive sentence.

Special Conditions Information

Sex Offenses

Sex Offender: Indicate if the defendant was adjudicated guilty of an offense requiring sex offender registration and, therefore, must complete the Sex Offender Registration Form and pay the \$250 Mandatory Sex Offender Fee.

Aggravated Sex Offense: Indicate if the defendant committed an aggravated sex offense as defined in A.C.A. § 12-12-903.

Sexually Violent Predator: Indicate if the defendant is alleged to be a sexually violent predator, classified pursuant to A.C.A § 12-12-918.

Repeat Sex Offender: Indicate if the defendant has ever been previously convicted of a sex offense and list the prior case number(s). If additional space is needed, use the "Additional Information" Section, or attach a separate sheet.

DNA Sample/Qualifying Offense: Indicate if the defendant has been adjudicated guilty of a qualifying or repeat offense pursuant to A.C.A. § 12-12-1103. If yes, indicate the location where the DNA sample will be drawn.

Domestic Violence Offenses: Indicate if the defendant has been adjudicated guilty of a domestic-violence related offense and must pay additional court costs of \$25 under Act 583 of 2017. If no, indicate if the defendant was originally charged with a domestic-violence related offense and list the A.C.A. number of the offense. If the defendant has been adjudicated guilty of or was originally charged with a domestic-violence related offense, identify the relationship of the victim to the defendant.

Drug Crime: Indicate if the defendant has been convicted of a drug crime as defined in A.C.A. § 12-17-101.

Fees, Fines and Restitution

Fees and Fines: List the court costs, fines and/or fees levied against the defendant relating to all offenses covered by this sentencing document. If a particular fine or fee is not listed, please explain in the section entitled "Other."

Restitution: Enter the total dollar amount of restitution.

Payable to: Indicate to whom fines, fees, and restitution is to be paid. If the restitution payments are to be distributed to more than one beneficiary, please list the names of the recipients and indicate the order of priority in which they will be paid. If additional space is needed, use the "Additional Information" section or attach a separate sheet.

Terms: Indicate the terms for which fines, fees, and restitution payments are to be made.

Please note: If additional space is needed for any of these items, use the "Additional Information" Section, or attach a separate sheet.

Sentence Options

Indicate if the defendant was convicted of a target offense(s) under the Community Punishment Act.

Judicial Transfer: Indicate if the court orders a judicial transfer to the Department of Community Correction.

Defendant eligible to have his/her record sealed: Indicate if the defendant is eligible to have his/her record sealed pursuant to the Community Punishment Act.

Extended Juvenile Jurisdiction Applied: Indicate if Extended Juvenile Jurisdiction is applicable to this sentence.

Jail Time Credit: Enter the number of days for which the defendant is to receive credit for being in pretrial custody. This does not include time spent in county jail while waiting for transportation to a correctional facility following conviction.

Total Time to Be Served for All Offenses: Enter the number of months that make up the offender's total time to serve at ADC or CCC on Judicial Transfer. If sentences are to run concurrently, enter the term of the longest sentence. If sentences are to run consecutively, add the terms of the consecutive sentences, including any applicable enhancements, and enter the total amount. Please note: If the defendant received a death sentence or a death sentence in addition to a sentence for another offense (life or a number of months) the Total Time to Serve should read "Death". DO NOT SUBTRACT JAIL TIME CREDIT, PAROLE ELIGIBILITY, OR GOOD TIME.

Death Penalty/Execution Date: Indicate if the defendant received a death sentence and enter the stated date of execution. *Please note:* Enter the execution date that is pronounced in court.

Defendant Assignment: Indicate where defendant is initially assigned to serve his/her sentence.

ADC = Incarceration in a Department of Correction facility;

ADC, Admin. Transfer Authorized= Incarceration in a Department of Correction facility, with the option to administratively transfer to a Community Correction Center if the offender is eligible.

CCC = Incarceration in a Department of Community Correction Center via judicial transfer;

County Jail = Incarceration in a county jail (not county jail backup);

Probation = A term of supervised probation with or without incarceration in a DCC facility or county jail as a special condition;

SIS = A term of suspended imposition of sentence; or

Conditions of disposition or probation are attached: Indicate if conditions of disposition or probation are attached. *Please note:* "A trial court may clearly place conditions on a defendant when the court suspends the imposition of sentence or places the defendant on probation; however, the same cannot be said for a sentence of imprisonment." *Parmley v. State*, 2011 Ark. App. 685 (2011).

Pre-Sentence Investigation Report: Indicate if a copy of the pre-sentence investigation on sentencing information is attached.

Prosecutor's Short Report: Indicate if the prosecutor's short report is attached. For those defendants committed to the ADC, a copy of the report must be attached to the ADC's copy of the Sentencing Order.

Defendant has previously failed a drug court program: Indicate if the defendant has ever previously failed a drug court program. This includes if the sentence on the current Order is the result of failing a drug court program.

Appellate Rights: Indicate whether the defendant was informed of his/her right to appeal the conviction.

Appeal Bond: Enter the amount of the defendant's appeal bond.

Delivery of Defendant: Indicate whether the County Sheriff is to transport the defendant to a county jail, take custody for referral to a CCC, or transport the defendant to the ADC.

Reporting Date: Indicate if the defendant shall report to a DCC probation officer for a reporting date to CCC.

Signatures

Prosecuting Attorney: Signature of the Prosecuting Attorney or Deputy Prosecuting Attorney who represented the State at trial. Indicate the date of the signature and print the attorney's name.

Circuit Judge: Signature of the circuit judge who imposed the sentence. Indicate the date of the signature and print the circuit judge's name.

Additional Information

Use this space for any other information not previously listed on this form, i.e., multiple counts of an offense that are to run consecutive to each other. If additional space is needed, attach a separate sheet.

Revised: January 26, 2018