

Arkansas Sentencing Commission * July 2018

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This document was produced by Arkansas Sentencing Commission staff. It is intended for use **ONLY** as a guide for filling out the Sentencing Order. If you have any specific questions, or need assistance with an Order, please contact staff at one of the above e-mail addresses and someone will be get in touch with you ASAP. Thank you!

Judicial Transfer Sentence

Defendant Sentence* (See page 2) Imposed <input type="checkbox"/> ADC <input checked="" type="checkbox"/> Jud. Tran. <input type="checkbox"/> County Jail <u>48</u> months Probation <u> </u> months SIS <u>12</u> months Other <input type="checkbox"/> Life <input type="checkbox"/> LWOP <input type="checkbox"/> Death	If probation or SIS accompanied by period of confinement, state time: <u> </u> days or <u> </u> months. Sentence was enhanced <u> </u> months, pursuant to A.C.A. § <u> </u> . Enhancement is to run: <input type="checkbox"/> Concurrent <input type="checkbox"/> Consecutive. Defendant was sentenced as a habitual offender, pursuant to A.C.A. §5-4-501, subsection <input type="checkbox"/> (a) <input type="checkbox"/> (b) <input type="checkbox"/> (c) <input type="checkbox"/> (d)
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Only check CCC on the back page when a Defendant has been sentenced to CCC via Judicial Transfer. DO NOT CHECK THIS BOX FOR PROBATION/SIS PLUS. Finally, check the bottom box for instructions to the County Sheriff.

DEFENDANT IS ASSIGNED TO: <input type="checkbox"/> ADC <input type="checkbox"/> ADC, Admin. Transfer Authorized <input checked="" type="checkbox"/> CCC <input type="checkbox"/> COUNTY JAIL <input type="checkbox"/> PROBATION <input type="checkbox"/> SIS
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The County Sheriff is hereby ordered to: <input type="checkbox"/> transport the defendant to county jail <input checked="" type="checkbox"/> take custody for referral to CCC <input type="checkbox"/> transport to ADC Defendant shall report to ACC probation officer for report date to CCC <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Probation Plus Sentence

Defendant Sentence* (See page 2) Imposed <input type="checkbox"/> ADC <input type="checkbox"/> Jud. Tran. <input type="checkbox"/> County Jail <u> </u> months Probation <u>24</u> months SIS <u> </u> months Other <input type="checkbox"/> Life <input type="checkbox"/> LWOP <input type="checkbox"/> Death	If probation or SIS accompanied by period of confinement , state time: <u> </u> days or <u>12</u> months. Sentence was enhanced <u> </u> months, pursuant to A.C.A. § <u> </u> . Enhancement is to run: <input type="checkbox"/> Concurrent <input type="checkbox"/> Consecutive. Defendant was sentenced as a habitual offender, pursuant to A.C.A. §5-4-501, subsection <input type="checkbox"/> (a) <input type="checkbox"/> (b) <input type="checkbox"/> (c) <input type="checkbox"/> (d)
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DEFENDANT IS ASSIGNED TO: <input type="checkbox"/> ADC <input type="checkbox"/> ADC, Admin. Transfer Authorized <input type="checkbox"/> CCC <input type="checkbox"/> COUNTY JAIL <input checked="" type="checkbox"/> PROBATION <input type="checkbox"/> SIS
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*Limitation on period of confinement is as follows:
365 days for CCC and
120 days for county jail.*

Defendant's Assignment is Probation, not County Jail or CCC. As a *condition of probation*, D will be confined for 12 months either in County Jail or CCC. The two boxes below are where you indicate the location in which the Defendant is to spend his time.

The County Sheriff is hereby ordered to: <input type="checkbox"/> transport the defendant to county jail <input type="checkbox"/> take custody for referral to CCC <input type="checkbox"/> transport to ADC Defendant shall report to ACC probation officer for report date to CCC <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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SIS Plus Sentence

Defendant Sentence* (See page 2) Imposed <input type="checkbox"/> ADC <input type="checkbox"/> Jud. Tran. <input type="checkbox"/> County Jail _____ months Probation _____ months SIS _____ 36 months Other <input type="checkbox"/> Life <input type="checkbox"/> LWOP <input type="checkbox"/> Death	If probation or SIS accompanied by period of confinement , state time: <u>73</u> days or _____ months. Sentence was enhanced _____ months, pursuant to A.C.A. § _____. Enhancement is to run: <input type="checkbox"/> Concurrent <input type="checkbox"/> Consecutive. Defendant was sentenced as a habitual offender, pursuant to A.C.A. §5-4-501, subsection <input type="checkbox"/> (a) <input type="checkbox"/> (b) <input type="checkbox"/> (c) <input type="checkbox"/> (d)
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DEFENDANT IS ASSIGNED TO:	<input type="checkbox"/> ADC <input type="checkbox"/> ADC, Admin. Transfer Authorized <input type="checkbox"/> CCC <input type="checkbox"/> COUNTY JAIL <input type="checkbox"/> PROBATION <input checked="" type="checkbox"/> SIS
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*Limitation on period of confinement is as follows:
365 days for CCC and
120 days for county jail.*

Defendant's Assignment is **SIS, not County Jail or CCC**. As a condition of SIS, D will be confined for 73 days either in County Jail or CCC, typically county jail when it's an odd number such as this. The two boxes below are where you indicate the location in which the Defendant is to spend his time.

The County Sheriff is hereby ordered to:	<input checked="" type="checkbox"/> transport the defendant to county jail <input type="checkbox"/> take custody for referral to CCC <input type="checkbox"/> transport to ADC
Defendant shall report to ACC probation officer for report date to CCC	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

County Jail Sentence

Defendant Sentence* (See page 2) Imposed <input type="checkbox"/> ADC <input type="checkbox"/> Jud. Tran. <input checked="" type="checkbox"/> County Jail _____ 12 months Probation _____ months SIS _____ months Other <input type="checkbox"/> Life <input type="checkbox"/> LWOP <input type="checkbox"/> Death	If probation or SIS accompanied by period of confinement, state time: _____ days or _____ months. Sentence was enhanced _____ months, pursuant to A.C.A. § _____. Enhancement is to run: <input type="checkbox"/> Concurrent <input type="checkbox"/> Consecutive. Defendant was sentenced as a habitual offender, pursuant to A.C.A. §5-4-501, subsection <input type="checkbox"/> (a) <input type="checkbox"/> (b) <input type="checkbox"/> (c) <input type="checkbox"/> (d)
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The County Jail Box should **only** be checked when sentencing a Defendant for a MISDEMEANOR crime. This Box should **not** be used for Probation/SIS Plus when a Defendant is being confined to county jail.

A few other pointers....

- ✚ A term of imprisonment may never be followed by a term of probation. Therefore, the ADC Box or Judicial Transfer Box should never be checked, time entered, AND have a term of months in the Probation Box. See A.C.A. §5-4-104(e)(3).
- ✚ Whether imposed at the same or a different time, multiple periods of probation or suspension run concurrently, not consecutively. If a defendant is sentenced to a term of prison and an additional term of SIS, the SIS begins to run on the day the defendant is lawfully set at liberty. If no prison term is imposed, the term of probation or SIS commences to run on the day it is imposed. See A.C.A. §5-4-307.
- ✚ The Sentencing Order should not be used for sanctioning a defendant in Drug Court.
- ✚ The correct way to extend probation or SIS is to use a new Sentencing Order. The amount of time put in the months blank should be the total amount of any time left on the old probation/SIS term and any additional term the defendant is being sentenced to. Do not write "extend 12" or "continue 24" in the blank on the Order.
- ✚ Always put a seriousness level for felony offenses, even if the current offense is a revocation. Seriousness level determines transfer eligibility and should always be put on the Sentencing Order.
- ✚ Total time to be served on the Sentencing Order should only be filled out when sentencing a defendant to the ADC or Judicial Transfer, and should always be in months. This box should be left blank when a defendant has been sentenced to County Jail, Probation, or SIS.