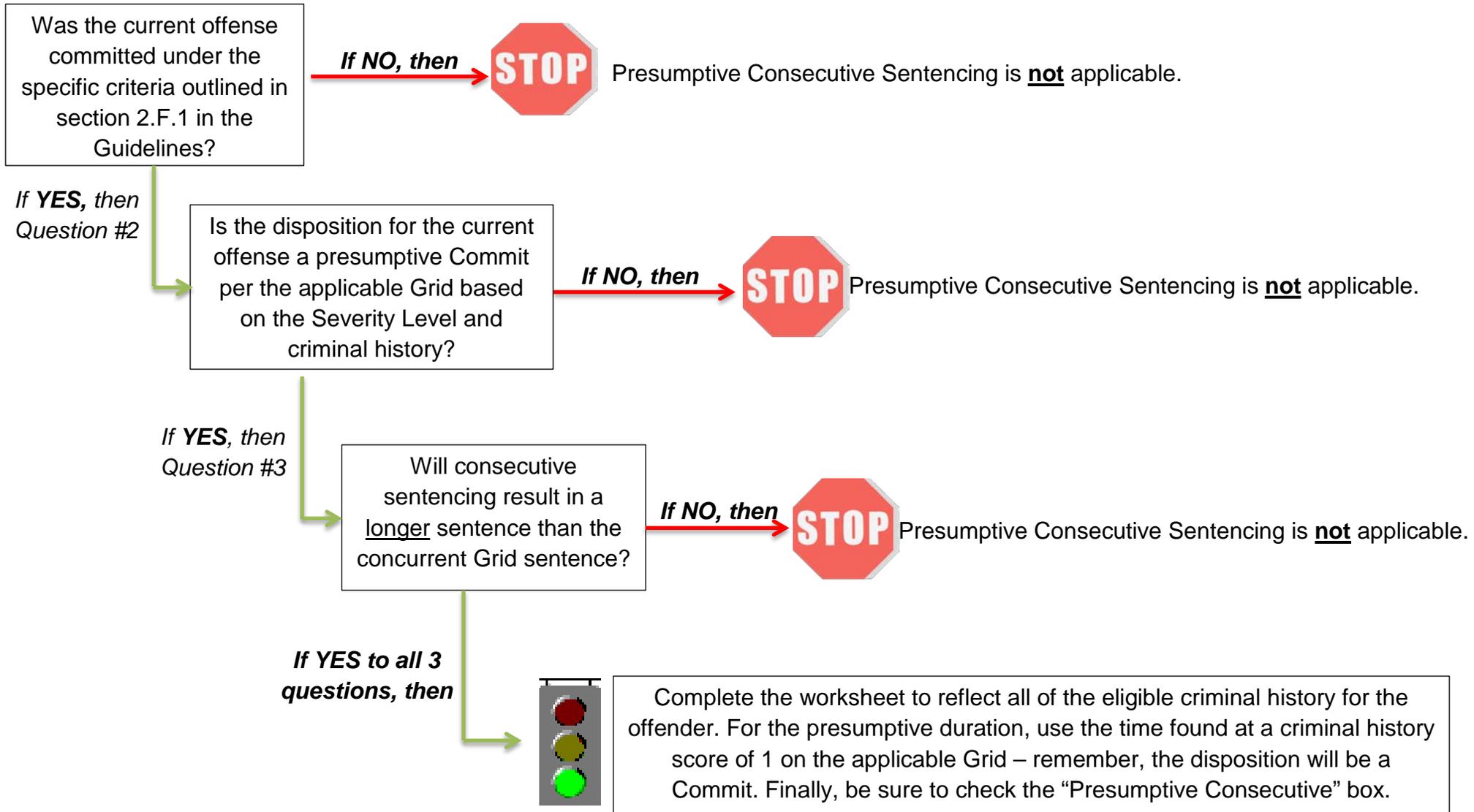


Presumptive Consecutive Sentencing



Presumptive Consecutive Sentencing

When determining if Presumptive Consecutive Sentencing will be applicable, you must answer the following questions:

1. **Was the current offense committed under the specific criteria outlined in section 2.F.1 of the Guidelines?** The easiest way to determine this is based on the custody status you are assigning to the new offense. If you are assigning Confined or Escape as the custody status then the offender committed the new offense under the right conditions: when they were serving the term of imprisonment portion of the sentence (Confined), if they escaped from the term of imprisonment portions of the executed prison sentence (Confined) and, once out, commit a new offense (Escape).
2. **Is the disposition for the current offense a presumptive Commit per the applicable Grid based on the Severity Level and criminal history?** This question is answered by completing a worksheet for the current offense. Completing the worksheet will do two things: 1) it will determine if the disposition is a commit; and, 2) it will give you a concurrent sentence to compare the consecutive duration to.

Now you can determine if Presumptive Consecutive sentencing will be longer by applying a simple math formula: $A + B = C$.

A = the duration remaining on the term of imprisonment portion of the *previous* offense – the one you used to find the custody status;

B = the duration found in the 1 column of the applicable Grid for the corresponding Severity Level of the current offense;

C = the new sentence duration and the amount that will be used to determine if the Concurrent sentence based on the Severity Level of the current offense and the criminal history score will be longer.

Examples follow, but remember, there are a lot of factors that go into Presumptive Consecutive Sentencing.

Presumptive Consecutive Sentencing Example

Prior felony offense:

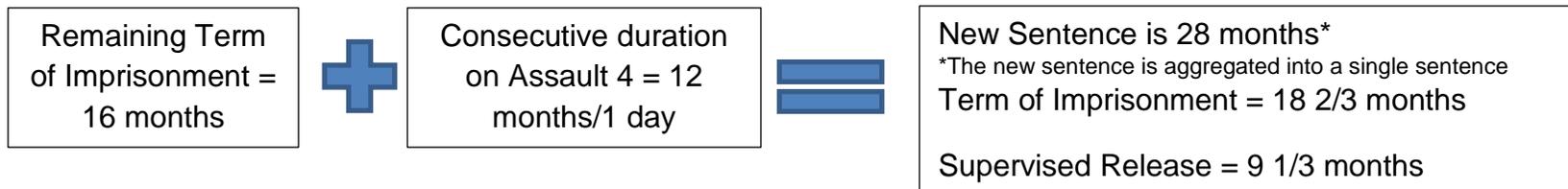
Original Imposed Sentence: 27 months
Term of Imprisonment: 18 months
Supervised Release Period: 9 months

Two months into the Term of Imprisonment on an executed sentence, an Assault 4 is committed under Minn. Stat. § 609.2231, subd. 1(3). Can the Court pronounce a Presumptive Consecutive sentence on the new offense?

What is the custody status being assigned to the Assault 4? Confined – one of the qualifying custody status types that tells us the offense was committed under the criteria outlined in section 2.F.1 of the Guidelines.

Is the disposition for the current offense a Commit? Yes – the disposition for all assaults committed by an inmate serving a prison sentence will be a Commit regardless of the criminal history calculation. For the sake of this example, the criminal history is calculated to 7.

What is the consecutive duration for this offender? 12 months/1 day – Assault 4 under Minn. Stat. § 609.2231, subd. 1(3) is a Severity Level 1.



Will the new sentence result in a longer sentence than the concurrent Grid Time? 28 months will be the duration that you will compare the concurrent Grid time of 21 months. For this scenario, Presumptive Consecutive sentencing is longer, so a consecutive sentence of 12 months/1 day Commit would be correct.