

1 (M3)	Most Misd. 3's; Theft (<\$50)	RS	RS-1	RS-2	RS-3	RS-4	RS-6	3-6	NA	+/- 3
	DUI (M) Poss. Small Amount Marij.									

1. Designated areas of the matrix indicate restrictive intermediate punishments may be imposed as a substitute for incarceration.
2. When restrictive intermediate punishments are appropriate, the duration of the restrictive intermediate punishment programs are recommended not to exceed the guideline ranges.
3. When the range is RS through a number of months (e.g. RS-6), RIP may be appropriate.
4. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. 9755(b) and 9756(b).
5. Statutory classification (e.g., F1, F2, etc.) in brackets reflect the omnibus OGS assignment for the given grade.

Key:

BC = boot camp	RIP = restrictive intermediate punishments
CNTY = county	RS = restorative sanctions
INCAR = incarceration	SBI = serious bodily injury
PWID = possession with intent to deliver	SL = statutory limit (longest minimum sentence)
REVOC = repeat violent offender category	[tilde = no recommendation (aggravated sentence would exceed statutory limit)]
RFEL = repeat felony 1 and felony 2 offender category	< ; > = less than; greater than

Source

The provisions of this § 303.16 adopted February 15, 1994, effective August 12, 1994, 24 Pa.B. 2483; amended March 14, 1997, effective June 13, 1997, 27 Pa.B. 1252; amended February 9, 2005, effective June 3, 2005, 35 Pa.B. 1508; amended September 5, 2008, effective December 5, 2008, 38 Pa.B. 4971; amended September 13, 2012, effective December 28, 2012, 42 Pa.B. 6072. Immediately preceding text appears at serial pages (341527) and (341528).

Notes of Decisions

Consecutive Sentence

In imposing a sentence, the trial judge may determine whether, given the facts of a particular case, a sentence should run consecutive to or concurrent with another sentence being imposed; trial judge clearly disclosed his reasons for sentencing appellant to consecutive sentences, i.e., appellant sold an unregistered security to 69 elderly victims, defrauding them of over \$2.5 million and causing them great hardship and financial distress. *Commonwealth v. Perry*, 883 A.2d 599, 603—604 (Pa. Super. 2005).

Ineffective Assistance of Counsel

Trial counsel rendered ineffective assistance by not filing a post-sentence motion challenging excessiveness of defendant's sentence for drug offenses; defendant was sentenced to a minimum of 120 months which was over five times the aggravated sentence of 22 months. *Commonwealth v. Green*, 957 A.2d 1238, 1242 (Pa. Super. 2008).

Range of Sentence

The standard range designated in the sentencing guidelines is the standard range for the minimum sentence. *Dunn v. Collieran*, 247 F.3d 450 (3rd Cir. 2001).

Sentencing Outside Guideline Recommendations

Sentencing court abused its discretion in imposing the statutory maximum sentences on each respective criminal court where the court failed to make a legally sufficient contemporaneous statement on the record and where the court advanced reasons for imposing a sentence in the aggravated range and then imposed sentence outside of the guidelines. *Commonwealth v. Wagner*, 702 A.2d 1084 (Pa. Super. 1997).

Cross References

This section cited in 204 Pa. Code § 303.9 (relating to guideline sentence recommendation: general); and 204 Pa. Code

§ 303.12 (relating to guideline sentence recommendations: sentencing programs).

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