

# **Michigan Sentencing Guidelines**

**1988**

**Second Edition**

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# **Instructions**

## **BASIC INFORMATION AND GENERAL INSTRUCTIONS**

**A. There are a number of terms, used repeatedly throughout the Michigan Sentencing Guidelines, that have precise definitions in the guideline context. Please consult the Definitions section prior to using the guidelines.**

**B. Which offenses are included in the sentencing guidelines and hence require completion of the sentencing information report (SIR)?**

1. The Michigan Sentencing Guidelines do not cover all criminal offenses in Michigan.
2. The Crime List section of the Michigan Sentencing Guidelines Manual contains all offenses that meet the above criteria. If the offense is not listed in the Crime List, the Sentencing Guidelines are not applicable.
3. Even though the Sentencing Guidelines do not apply where an offender is to be sentenced as an habitual offender, the judge must complete the SIR on the underlying offense. This information will aid in the development of guidelines to cover habitual offenders.
4. In instances when there are multiple convictions for a single offender, the judge must complete the SIR for the conviction that carries the highest statutory maximum. In instances in which the multiple convictions have the same statutory maximum, the judge may choose the conviction offense upon which to score the offender.

**C. Who is responsible for the SIR?**

1. The scoring of each prior record and offense variable is the responsibility of the sentencing judge.
2. The accuracy of the information on the SIR is the responsibility of the sentencing judge.

## IDENTIFICATION INFORMATION

- A. **Judge:** Indicate the sentencing judge's complete name.
- B. **Offender:** Indicate the offender's complete name.
- C. **P.O.:** Indicate the probation officer's complete name.
- D. **Circuit #:** Indicate the assigned circuit court number.
- E. **Docket #:** Indicate the complete docket number.

## CURRENT OFFENSE DATA

- A. **Original Charge:** Record complete statutory title for original charge.
- B. **MCLA Original Charge:** Record complete MCLA citation for original charge.
- C. **Conviction Offense:** Record complete statutory title for conviction charge.
- D. **MCLA Conviction Offense:** Record complete MCLA citation for conviction charge.

## GUIDELINES INFORMATION

### A. Crime Group

1. The felonies covered by the Sentencing Guidelines have been categorized into the following crimes groups:

- Assault
- Burglary
- Criminal Sexual Conduct
- Drug
- Fraud
- Homicide
- Larceny
- Property Destruction
- Robbery
- Weapons Possession

2. Offenses have been classified into crime groups based on their underlying similarity. For example, Assault w/ intent to Rob Armed is to be scored as a Robbery even though Assault appears in the offense title. The Crime List is cross-referenced to reflect all such changes.

## **B. Statutory Maximum Conviction Offense**

The judge should determine the statutory maximum of the conviction offense and record it on the SIR.

## **PRIOR RECORD SCORE**

### **A. Evaluating the Prior Record Variables**

1. Several important terms (e.g., prior conviction, felony) are defined in the Definition section.
2. Turn to the Prior Record Variable pages in the appropriate crime group. (NOTE: the prior record variables are listed separately in each crime group.)
3. For purposes of scoring, Prior Record Variables 1 through 6 refer only to prior convictions. Concurrent and Subsequent convictions should not be used for Prior Record Variables 1 through 6.
4. Concurrent and Subsequent convictions are to be used in Prior Record Variable 7 only.
5. Probation violations do not count as prior, concurrent, or subsequent convictions.
6. Do not score any prior felony convictions, misdemeanors, or juvenile delinquency adjudications that precede conviction-free periods of 10 years or more. A conviction-free period exists if more than 10 years have elapsed between the discharge date from any conviction or adjudication and the commission of the next offense that results in a conviction. When discharge date is not available, add (a) the amount of time the offender is sentenced to probation, or (b) the amount of time of the minimum incarceration term, to the conviction date to determine an approximate discharge date. To determine whether the decay factor is applicable complete the following steps.

a. Start from the date of the instant offense and go back in time to the most recent prior conviction and determine the discharge date. If there is less than 10 years between the two dates, the most recent prior conviction is to be scored. If the gap is more than 10 years, that prior conviction and any previous convictions are not to be scored.

b. If there is a prior conviction within the most recent 10 year period, start from the offense date of the most recent prior conviction and go back in time to the discharge date of the next prior conviction. If there is less than 10 years between the two dates, the next prior conviction is to be scored. If there is more than a 10 year gap, that prior conviction and all previous convictions are not be scored.

c. Continue in a similar fashion until there is a 10 year gap or until there are no further prior convictions.

7. Evaluate each of the Prior Record Variables and record the appropriate point total on the SIR. The judge should record a "0" if there is no score for an individual offense variable.

#### **B. Prior Record Level**

1. Once the Prior Record Variables have been scored, the point values should be added together. The total of the prior record points is the Prior Record Score. The judge should record the Prior Record Score on the SIR.

2. An offender's Prior Record Score is used to determine the Prior Record Level. To determine whether the offender is to be placed in Prior Record Level A, B, C, or D, the judge should consult the "Prior Record Levels" box at the end of each prior record section in this manual. The judge should record the appropriate letter on the SIR.



## **OFFENSE SCORE**

### **A. Evaluating the Offense Variables**

1. Several important terms (e.g., transaction) are defined in the Definitions section.
2. Turn to the pages that cover the crime group of the conviction offense. This listing contains a description of each of the offense variables that are to be evaluated in the crime group. Offense variables 20, 21, and 22 are reserved for use in the Driving Offense crime group which will be added at a later date.
3. Determine the offender's score on each variable by determining the single applicable category with the highest point score.
4. Where the facts are proven or acknowledged and are not consistent with the conviction offense (e.g., aggravated use of a weapon with a conviction offense of Unarmed Robbery), the actual facts are to be applied when scoring the appropriate variables.
5. Evaluate each of the Offense Variables and record the appropriate point total on the SIR. The judge should record a "0" if there is no score for an individual offense variable.

### **B. Offense Variable Levels**

1. Once the Offense Variables have been scored, the point values should be added together. The total of the Offense Variable points is the Offense Score. The judge should record the Offense Score on the SIR.
2. An offender's Offense Score is used to determine the Offense Variable Level. To determine whether the offender is to be placed in Offense Variable Level I, II, III, or IV, the judge should consult the "Offense Variable Levels" box at the end of each offense variable section in this manual. The judge should record the appropriate Roman numeral on the SIR.

## **GUIDELINE SENTENCE RANGE**

- A. Locate the sentencing grid that refers to the same crime group and statutory maximum as the conviction offense.
- B. The Guideline Sentence Range is found in the cell that lies at the intersection of the row and column that match the Offense Level and the Prior Record Level.
- C. All Guideline Sentence Ranges are in months. Except for jail sentences, the ranges refer to the minimum sentence. Where jail sentences are within the guideline range, the sentence refers to the jail term.
- D. The judge should record Guideline Sentence Range on the SIR.

## **HABITUAL INFORMATION**

The Sentencing Guidelines do not apply to Habitual Offender Convictions. In order to develop guidelines for Habitual Offenders, the judge must record, on the SIR, when an offender is convicted as an habitual offender, the level of conviction, and the new statutory maximum.

## **ACTUAL SENTENCE**

- A. The judge should specify the actual sentence by placing the length of the sentence (in months) on the SIR. For example, if the sentence is a split between jail and probation, the judge should place the length of probation after "Probation:" and the length of jail incarceration after "Jail:".
- B. In the event of a delayed sentence, the judge should record the delayed sentence on the SIR and send the SIR to the Guidelines office. A second SIR should be sent to the Guidelines office when a sentence is actually imposed.
- C. In the event of a Habitual Offender conviction, the judge should record the sentence that results from the Habitual Offender conviction on the SIR.
- D. The judge should indicate on the SIR whether the actual sentence is the result of a Sentence Agreement/Prosecutor Recommendation.

## **DEPARTURE**

- A. Whenever the judge determines that a minimum sentence outside the recommended minimum range should be imposed, the judge may do so.
- B. When such a sentence is imposed, the judge must explain on the sentencing information report and on the record the aspects of the case that have persuaded the judge to impose a sentence outside the recommended minimum range.
- C. To explain a departure on the sentencing information report, the judge must complete the Departure Reason section on the SIR.
- D. If the actual sentence is outside the Guideline Sentence Range and no reason is given for the departure, the SIR will be returned to the judge.

## **FINISHING THE SIR**

- A. Each SIR is to be signed and dated by the sentencing judge.
- B. The judge should attach the Basic Information Report from the Department of Corrections (BIR) to the SIR and send it to the State Court Administrative Office.
- C. The judge should be sure to complete the departure reason section of the SIR.

# Definitions

**Conviction:** A "conviction" is an adjudication of guilt in an adult criminal matter.

**Prior Conviction:** "Prior convictions" are convictions that occur prior to the commission of the instant offense.

**Concurrent Conviction:** "Concurrent convictions" are convictions that arise out of the same set of activities as the instant offense.

**Subsequent Conviction:** "Subsequent convictions" are convictions that occur after the commission of the instant offense and are unrelated to the activities that lead to the instant offense.

**Crime Group:** The offenses covered by the Michigan Sentencing Guidelines have been divided into separate crime groups. The groups, listed alphabetically, are as follows: Assault, Burglary, Criminal Sexual Conduct, Drug, Fraud, Homicide, Larceny, Property Destruction, Robbery, and Weapons Possession. To determine whether an offense falls into a particular crime group, please consult the Crime List section of the manual.

**Departure:** A departure occurs whenever the judge sentences an offender to a minimum sentence that is not within the recommended range as determined by the intersection of the Prior Record and Offense Levels.

**Felony:** For purposes of Michigan Sentencing Guidelines, a "felony" is an offense punishable by more than one year of incarceration. Convictions from states other than Michigan or the federal government are to be considered felony convictions if the offense was punishable by more than one year of incarceration or, when the statutory penalty is not available, if the crime was described as a felony in the convicting jurisdiction at the time of the prior conviction.

**Grid:** Each grid provides a recommended minimum sentence range for combinations of the Offense and Prior Record Levels for each statutory maximum. Within each crime group there is a sentencing guidelines grid for crimes carrying the identical statutory maximum penalty. (NOTE: The one exception to the above rule concerns CSC-2nd Degree and CSC-3rd Degree.)

**Cell:** A "cell" is the intersection of an Offense Level and a Prior Record Level. There is one cell for each combination of Offense and Prior Record Levels.

**Guideline Sentence Range:** The "guideline sentence range" is the set of recommended minimum sentences for offenders falling into a specific cell in a grid.

**Misdemeanor:** A "misdemeanor" is an offense punishable by one year or less of incarceration and falling into one of the following crime groups--Assault, Burglary, Criminal Sexual Conduct, Drug, Fraud, Larceny, Property Destruction, Robbery, and Weapons Possession. Convictions from states other than Michigan or the federal government are to be considered misdemeanor convictions if the offense was punishable by one year or less of incarceration or, when the statutory penalty is not available, if the crime was described as a misdemeanor in the convicting jurisdiction at the time of the prior conviction.

**Offender:** The Michigan Sentencing Guidelines use the term "offender" rather than "defendant" to underscore the fact that the sentencing guidelines evaluation is taking place after the person has been convicted of a felony.

**Offense Variable (OV):** The factors (called variables) that are used to evaluate the seriousness of the offense. There is a different set of offense variables for each crime group.

**Offense Score:** The weights for each of the OVs are added together to determine the offender's offense score.

**Offense Variable Level (OV LEVEL):** The offender's offense score is divided into four similarity classifications. These are denoted by Roman numerals I through IV.

**Prior Record Variable (PRV):** The factors (called variables) that are used to evaluate the offender's criminal history. The same PRVs are used in each of the crime groups.

**Prior Record Score:** The weights for each of the PRVs are added together to determine the offender's prior record score.

**Prior Record Level:** The offender's prior record score is divided into four similarity classifications. These are denoted by the letters A through D.

**Sentencing Information Report (SIR):** The SIR is the form which records all information pertinent to the sentencing of the offender. This form should be sent into the State Court Administrative Office monthly.

**Basic Information Report (BIR):** The Basic Information Report is a Department of Corrections form that contains data concerning the offender and the offense. The BIR should be attached to each SIR.

**Statutory Maximum:** This is the legislatively-mandated maximum sentence for a specific felony conviction.

**Transaction:** The acts occurred in a continuous time sequence and displayed a single intent or goal.

# **Crime List**



# CRIME LIST - ASSAULT

STATUTORY MAXIMUM	MCLA	OFFENSES
LIFE OR TERM OF YEARS	750.83 750.89 750.349	Assault w/intent to commit murder Assault w/intent to rob armed (See ROBBERY) Kidnapping
180 MONTHS	750.88	Assault w/intent to rob unarmed (See ROBBERY)
120 MONTHS	750.84 750.86 750.87 750.136a 750.520g(1)	Assault w/intent to do great bodily harm Assault w/intent to maim Assault w/intent to commit felony Torture children Assault w/intent sexual penetration (See CSC)
60 MONTHS	750.83 750.84 750.86 750.87 750.88  750.89  750.136a 750.349 750.520g(1) 750.520g(2)	Assault w/intent to commit murder (ATT) Assault w/intent to do great bodily harm (ATT) Assault w/intent to maim (ATT) Assault w/intent to commit felony (ATT) Assault w/intent to rob unarmed (ATT) (See ROBBERY) Assault w/intent to rob armed (ATT) (See ROBBERY) Torture children (ATT) Kidnapping (ATT) Assault w/intent sexual penetration (ATT) (See CSC) Assault w/intent CSC, 2nd degree (See CSC)
48 MONTHS	750.82 750.136 750.197c	Felonious Assault Cruelty to children Assault on a jail custodian or corrections officer
30 MONTHS	750.520g(2)	Assault w/intent CSC, 2nd degree (ATT) (See CSC)
24 MONTHS	750.82 750.136 750.197c 750.479 750.479a 752.861	Felonious Assault (ATT) Cruelty to children (ATT) Assault on a jail custodian or corrections officer (ATT) Resisting officer Assault upon Police Officer Kill or injure, negligent use of firearm

**CRIME LIST - BURGLARY**

STATUTORY MAXIMUM	MCLA	OFFENSES
180 MONTHS	750.110	Breaking & Entering occupied dwelling
120 MONTHS	750.110 750.116	Breaking & Entering unoccupied dwelling Possession of burglar's tools
60 MONTHS	750.110 750.110 750.111 750.116	Breaking & Entering occupied dwelling (ATT) Breaking & Entering unoccupied dwelling (ATT) Entering without breaking Possession of burglar's tools (ATT)
36 MONTHS	752.811	Breaking & Entering coin operated device
30 MONTHS	750.111	Entering without breaking (ATT)

# CRIME LIST - CRIMINAL SEXUAL CONDUCT

STATUTORY MAXIMUM	MCLA	OFFENSES
LIFE OR TERM OF YEARS	750.520b	Criminal sexual conduct, 1st
180 MONTHS	750.158 750.520c 750.520d	Sodomy/sex delinquent Criminal sexual conduct, 2nd Criminal sexual conduct, 3rd
120 MONTHS	750.520g(1)	Assault w/intent sexual penetration
60 MONTHS	750.158 750.338 750.338a 750.338b 750.520b 750.520c 750.520d 750.520g(1) 750.520g(2)	Sodomy/sex delinquent (ATT) Gross indecency/males Gross indecency/females Gross indecency/male, female Criminal sexual conduct, 1st (ATT) Criminal sexual conduct, 2nd (ATT) Criminal sexual conduct, 3rd (ATT) Assault w/intent sexual penetration (ATT) Assault w/intent CSC, 2nd degree
30 MONTHS	750.338 750.338a 750.338b 750.520g(2)	Gross indecency/males (ATT) Gross indecency/females (ATT) Gross indecency/male, female (ATT) Assault w/intent CSC, 2nd degree (ATT)
24 MONTHS	750.451 750.520e	Prostitution, 3rd offense Criminal sexual conduct, 4th

# CRIME LIST - DRUG

STATUTORY MAXIMUM	MCLA	OFFENSES
240 MONTHS	333.7401 (2)(a)(iv)	Manufacture, deliver, or possess w/intent to manufacture or deliver, a controlled substance classified in schedule 1 or 2 which is either a narcotic drug or described in 333.7214 (a)(iv) and which is an amount less than 50 grams or any mixture containing that substance.
120 MONTHS	333.7402 (2)(a)	Create, deliver, or possess w/intent to deliver, a counterfeit substance classified in schedule 1 or 2 which is either a narcotic drug or described in 333.7214 (a)(iv).
84 MONTHS	333.7401 (2)(b)	Manufacture, deliver, or possess w/intent to manufacture or deliver, any other controlled substance classified in schedule 1, 2, or 3, except marijuana.
60 MONTHS	333.7401 (2)(a)(iv)	Manufacture...narcotic...less than 50 grams, etc. (ATT) (Does not apply to delivery: <u>People v Wright</u> , 74 Mich App 297, 301-302 (1977)).
	333.7402 (2)(a)	Create...counterfeit substance...in schedule 1 or 2, etc. (ATT).
	333.7402 (2)(b)	Create, deliver, or possess w/intent to deliver any other counterfeit substance classified in schedule 1, 2, or 3.
	800.281	Furnishing controlled substance to prisoners.
48 MONTHS	333.7401 (2)(c)	Manufacture, deliver, or possess w/intent to manufacture or deliver, a controlled substance classified in schedule 4 or marijuana.
	333.7402 (2)(c)	Create, deliver, or possess w/intent to deliver any other counterfeit substance classified in schedule 4.
	333.7403 (2)(a)(iv)	Knowingly or intentionally possess a controlled substance classified in schedule 1 or 2 which is either a narcotic drug or described in 333.7214 (a)(iv), which is in an amount of 25 grams or more, but less than 50 grams of any mixture containing that substance.
	333.7403 (2)(a)(v)	Knowingly or intentionally possess a controlled substance classified in schedule 1 or 2 which is either a narcotic drug or described in 333.7214 (a)(iv), which is in an amount of less than 25 grams of any mixture containing that substance.

# CRIME LIST - DRUG

STATUTORY MAXIMUM	MCLA	OFFENSES
48 MONTHS	333.7407 (1)	Violations of 333.7407(1)(a) unlawful distribution of schedule 1 or 2 substances, (b) use illegal controlled substance license number, (c) acquire controlled substance by fraud etc., (d) furnish false information, etc., (e) make a punch, etc., to print or reproduce the trademark of another upon a drug or container so as to render the drug a counterfeit substance.
42 MONTHS	333.7401 (2)(b)	Manufacture...any other controlled substance, etc. (ATT)
30 MONTHS	333.7402 (2)(b)	Create, deliver, or possess w/intent to deliver any other counterfeit substance classified in schedule 1, 2, or 3. (ATT)
	800.281	Furnishing controlled substance to prisoners. (ATT)
24 MONTHS	333.7401 (2)(c)	Manufacture...a controlled substance classified in schedule 4 or marijuana. (ATT)
	333.7401 (2)(d)	Manufacture, deliver, or possess w/intent to manufacture or deliver, a controlled substance classified in schedule 5.
	333.7402 (2)(c)	Create...a counterfeit substance classified in schedule 4. (ATT)
	333.7402 (2)(d)	Create, deliver, or possess w/intent to deliver a counterfeit substance classified in schedule 5.
	333.7403 (2)(a)(iv)	Knowingly...possess a controlled substance classified in schedule 1 or 2, etc. (ATT)
	333.7403 (2)(a)(v)	Knowingly...possess a controlled substance classified in schedule 1 or 2, etc. (ATT)

**CRIME LIST - DRUG**

STATUTORY MAXIMUM	MCLA	OFFENSES
24 MONTHS	333.7403 (2)(b)	Knowingly or intentionally possess a controlled substance classified in schedule 1, 2, 3, or 4, except a controlled substance classified in schedule 1 for which a penalty is prescribed in subdivision (a), (c), or (d).
	333.7405	Violations of 333.7405 (a) illegal distribution by licensee, (b) illegal manufacture by licensee, (c) failure to keep required records, (d) refusal to allow lawful inspections, (e) keeping structure for violation of controlled substance law.
	333.7407 (1)	Violations of 333.7407 (1) (a) unlawful distribution of schedule 1 or 2 substances, (b) use illegal controlled substance license number, (c) acquire controlled substance by fraud, etc., (d) furnish false information, etc., (e) make a punch, etc., to print or reproduce the trademark of another upon a drug or container so as to render the drug a counterfeit substance. (ATT)

# CRIME LIST - FRAUD

STATUTORY MAXIMUM	MCLA	OFFENSES
168 MONTHS	750.248 750.249	Forge public records Utter and publish forged instruments
120 MONTHS	257.254 750.174 750.218 750.280	Possess title stolen motor vehicle Embezzle over \$100 False pretenses over \$100 Gross frauds
84 MONTHS	750.250 750.251 750.252 445.1538	Forge treasury notes Forge bank bills Possess counterfeit notes Franchise law violation
60 MONTHS	257.254 257.257 432.30 438.41 750.174 750.218 750.248 750.249 750.253 750.254 750.280 750.362 750.363	Possess title stolen motor vehicle (ATT) Forge motor vehicle title Forgery of State Lottery ticket Criminal usury Embezzle over \$100 (ATT) False pretenses over \$100 (ATT) Forge public records (ATT) Utter and publish forged instruments (ATT) Utter counterfeit note Possess counterfeit bank notes Gross frauds (ATT) Larceny by conversion over \$100 Larceny by false personation
48 MONTHS	400.60 750.157p 750.157q 750.157u	Welfare fraud over \$500 Possess credit card Deliver credit card Forge signature credit card
42 MONTHS	445.1538 750.250 750.251 750.252	Franchise law violation (ATT) Forge treasury notes (ATT) Forge bank bills (ATT) Possess counterfeit notes (ATT)
30 MONTHS	257.257 432.30 438.41 750.253 750.254 750.362 750.363	Forge motor vehicle title (ATT) Forgery of State Lottery ticket (ATT) Criminal usury (ATT) Utter counterfeit note (ATT) Possess counterfeit bank notes (ATT) Larceny by conversion over \$100 (ATT) Larceny by false personation (ATT)
24 MONTHS	400.60 750.131a 750.157p 750.157q 750.157u 750.362a	Welfare fraud over \$500 (ATT) Checks, non-sufficient funds, 3 or more Possess credit card (ATT) Deliver credit card (ATT) Forge signature credit card (ATT) Larceny, rented motor vehicle over \$100

## CRIME LIST - HOMICIDE

STATUTORY MAXIMUM	MCLA	OFFENSES
LIFE OR TERM OF YEARS	750.317	Murder second degree
180 MONTHS	750.321	Manslaughter
	750.329	Manslaughter, death from wound



# CRIME LIST - LARCENY

STATUTORY MAXIMUM	MCLA	OFFENSES
120 MONTHS	750.357	Larceny from a person (See ROBBERY)
60 MONTHS	750.356	Larceny over \$100
	750.356a	Larceny, motor vehicle
	750.357	Larceny from a person (ATT) (See ROBBERY)
	750.362	Larceny by conversion over \$100 (See FRAUD)
	750.363	Larceny by false personation (See FRAUD)
	750.413	Unlawfully driving away automobile
	750.535	Receive stolen property over \$100
48 MONTHS	750.157n	Steal credit card
	750.357a	Larceny livestock
	750.360	Larceny; place of abode, work, storage, conveyance, workshop, and other places (Larceny in a Building)
30 MONTHS	750.356	Larceny over \$100 (ATT)
	750.356a	Larceny, motor vehicle (ATT)
	750.362	Larceny by conversion over \$100 (ATT) (See FRAUD)
	750.363	Larceny by false personation (ATT) (See FRAUD)
	750.413	Unlawfully driving away automobile (ATT)
	750.535	Receive stolen property over \$100 (ATT)
24 MONTHS	322.131	Removal of timber over \$200 without approval
	750.157n	Steal credit card (ATT)
	750.357a	Larceny livestock (ATT)
	750.360	Larceny; place of abode, work, storage, conveyance, workshop, and other places (Larceny in a Building)(ATT)
	750.362a	Larceny, rental property
	750.414	Use auto without authority

# CRIME LIST - PROPERTY DESTRUCTION

STATUTORY MAXIMUM	MCLA	OFFENSES
240 MONTHS	750.72	Arson, dwelling
120 MONTHS	750.73 750.75	Burn real property Burn insured property
60 MONTHS	750.72 750.73 750.75	Arson, dwelling (ATT) Burn real property (ATT) Burn insured property (ATT)
48 MONTHS	750.74 750.77 750.377a 750.377b 750.380 750.383a	Burn personal property over \$50 Prepare to burn over \$50 Malicious injury to personal property over \$100 Malicious injury to property of police Malicious injury to house over \$100 Malicious destruction of Utility Equipment (ATT)
24 MONTHS	750.74 750.77 750.377a 750.377b 750.380 750.383a	Burn personal property over \$50 (ATT) Prepare to burn over \$50 (ATT) Malicious injury to personal property over \$100 (ATT) Malicious injury to property of police (ATT) Malicious injury to house over \$100 (ATT) Malicious destruction of utility-equipment (ATT)

**CRIME LIST - ROBBERY**

STATUTORY MAXIMUM	MCLA	OFFENSES
LIFE OR TERM OF YEARS	750.89 750.529 750.531	Assault w/intent to rob armed Robbery armed Bank robbery
180 MONTHS	750.88 750.530	Assault w/intent to rob unarmed Robbery unarmed
120 MONTHS	750.357	Larceny from a person
60 MONTHS	750.88 750.89 750.529 750.530 750.531 750.357	Assault w/intent to rob unarmed (ATT) Assault w/intent to rob armed (ATT) Robbery armed (ATT) Robbery unarmed (ATT) Bank robbery (ATT) Larceny from a person (ATT)

**CRIME LIST - WEAPONS POSSESSION**

STATUTORY MAXIMUM	MCLA	OFFENSES
60 MONTHS	750.224 750.224b	Sell illegal weapon Short-barreled shotgun, short-barreled rifle; manufacture or sale
	750.226 750.227	Carry weapon with unlawful intent Carry concealed weapon
30 MONTHS	750.224 750.224b	Sell illegal weapon (ATT) Short-barreled shotgun, short-barreled rifle; manufacture or sale (ATT)
	750.226 750.227	Carry weapon with unlawful intent (ATT) Carry concealed weapon (ATT)

# **Assault**

# **PRIOR RECORD VARIABLES - ASSAULT**

PRV	Points	Variable Name And Categories	Instructions
<b>PRV 1</b>		<b>PRIOR HIGH SEVERITY FELONY CONVICTIONS</b>	<p><b>A. A high severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:</b></p> <ul style="list-style-type: none"> <li>• Assault (life, 120, 60, 48 month maxima)</li> <li>• Burglary (180 month maximum)</li> <li>• CSC (life, 180, 120, 60 month maxima)</li> <li>• Homicide (life, 180 month maxima)</li> <li>• Larceny (120 month maximum)</li> <li>• Robbery (All)</li> </ul> <p><b>All other felony convictions included in the crime groups covered by the guidelines are low severity felony convictions.</b></p> <p><b>B. If a prior felony conviction falls outside of the crime groups covered by the guidelines and the judge determines that it is similar to a high severity felony conviction [e.g., Conspiracy to Commit Murder 750.157b(2)], it should be included in scoring this variable.</b></p>
<b>PRV 2</b>		<b>PRIOR LOW SEVERITY FELONY CONVICTIONS</b>	<p><b>A. A low severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:</b></p> <ul style="list-style-type: none"> <li>• Assault (24 month maximum)</li> <li>• Burglary (120, 60, 48, 30, 24 month maxima)</li> <li>• CSC (30, 24 month maxima)</li> <li>• Drug (All)</li> <li>• Fraud (All)</li> <li>• Larceny (60, 48, 30, 24 month maxima)</li> <li>• Property Destruction (All)</li> <li>• Weapons Possession (All)</li> </ul> <p><b>All other felony convictions included in the crime groups covered by the guidelines are high severity convictions.</b></p> <p><b>B. If a prior felony conviction falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a low severity felony conviction (e.g., Escape 750.193), it should be included in scoring this variable.</b></p>
<b>PRV 3</b>		<b>JUVENILE-HIGH SEVERITY ADJUDICATIONS</b>	<p><b>A. The adjudicated offense must occur after the offender's 13th birthday and before the offender's 17th birthday to be scored.</b></p> <p><b>B. A high severity juvenile adjudication refers to an adjudication involving conduct included in the following crime groups and statutory maxima:</b></p> <ul style="list-style-type: none"> <li>• Assault (life, 120, 60, 48 month maxima)</li> <li>• Burglary (180 month maximum)</li> <li>• CSC (life, 180, 120, 60 month maxima)</li> <li>• Homicide (life, 180 month maxima)</li> <li>• Larceny (120 month maximum)</li> <li>• Robbery (All)</li> </ul> <p><b>All other juvenile adjudications included in the crime groups covered by the guidelines are low severity.</b></p> <p><b>C. If a prior juvenile adjudication falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a high severity juvenile adjudication, it should be included in scoring this variable.</b></p>

# **PRIOR RECORD VARIABLES - ASSAULT**

<b>PRV Points</b>	<b>Variable Name And Categories</b>	<b>Instructions</b>
<b>PRV 4</b>	<b>JUVENILE--LOW SEVERITY ADJUDICATIONS</b>	<p>A. The adjudicated offense must occur after the offender's 13th birthday and before the offender's 17th birthday to be scored.</p> <p>B. A low severity juvenile adjudication refers to an adjudication involving conduct included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (24 month maximum)</li> <li>• Burglary (120, 60, 48, 30, 24 month maxima)</li> <li>• CSC (30, 24 month maxima)</li> <li>• Drug (All)</li> <li>• Fraud (All)</li> <li>• Larceny (60, 48, 30, 24 month maxima)</li> <li>• Property Destruction (All)</li> <li>• Weapons Possession (All)</li> </ul> <p>All other juvenile adjudications included in the crime groups covered by the guidelines are high severity.</p> <p>C. If a prior juvenile adjudication falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a low severity juvenile adjudication, it should be included in scoring this variable.</p> <p>D. Curfew and status offenses are not to be counted as low severity.</p>
	<p>10 4 or more prior low severity juvenile adjudications</p> <p>5 2 or 3 prior low severity juvenile adjudications</p> <p>0 0 or 1 prior low severity juvenile adjudications</p>	
<b>PRV 5</b>	<b>PRIOR MISDEMEANOR CONVICTIONS</b>	<p>Score a misdemeanor only if it is related to one of the following crime groups: Assault, Burglary, Criminal Sexual Conduct, Drug, Fraud, Larceny, Property Destruction, Robbery, or Weapons Possession.</p>
	<p>10 4 or more prior misdemeanor convictions</p> <p>5 2 or 3 prior misdemeanor convictions</p> <p>0 0 or 1 prior misdemeanor convictions</p>	
<b>PRV 6</b>	<b>PRIOR RELATIONSHIP TO CRIMINAL JUSTICE SYSTEM</b>	<p>A. A post-conviction relationship exists if, at the time of the instant offense, the offender was:</p> <ul style="list-style-type: none"> <li>• Incarcerated by the Michigan Department of Corrections (includes escapes)</li> <li>• Incarcerated in jail (includes escapes)</li> <li>• on parole or probation</li> <li>• awaiting sentence on a probation violation, guilty verdict or guilty plea</li> <li>• on delayed sentence status</li> <li>• on 333.7411</li> </ul> <p>B. An other relationship exists if, at the time of the instant offense, the offender was:</p> <ul style="list-style-type: none"> <li>• on bond and/or bail</li> <li>• on pre-trial diversion</li> <li>• on Holmes Youthful Trainee status</li> </ul> <p>C. Score the appropriate point value if the offender was involved with the criminal justice system of another state or the Federal Government as specified by the relationships mentioned above.</p> <p>D. Relationship to the Criminal Justice System, applies to relationships determined by felony, juvenile and/or misdemeanor convictions or charges.</p>
	<p>15 Post-conviction relationship exists or the offender committed the instant offense within six months of termination of probation or parole</p> <p>5 Other relationship exists</p> <p>0 No relationship exists</p>	

# **PRIOR RECORD VARIABLES - ASSAULT**

PRV	Points	Variable Name And Categories	Instructions
<b>PRV 7</b>		<b>SUBSEQUENT/CONCURRENT FELONY CONVICTIONS</b>	<p>A. Score the appropriate point value when the offender is convicted of multiple felony counts or is convicted of a felony subsequent to the commission of the instant offense.</p> <p>B. A felony firearm conviction should not be used when scoring this variable.</p>
	<b>20</b>	<b>2 or more subsequent/concurrent convictions</b>	
	<b>10</b>	<b>1 subsequent/concurrent conviction</b>	
	<b>0</b>	<b>No subsequent/concurrent convictions</b>	

<b>PRIOR RECORD LEVELS</b>	
<b>SCORE</b>	<b>LEVEL</b>
<b>0</b>	<b>A</b>
<b>1-24</b>	<b>B</b>
<b>25-49</b>	<b>C</b>
<b>50+</b>	<b>D</b>



## OFFENSE VARIABLES - ASSAULT

OV	Points	Variable Name And Categories	Instructions
OV 1		<b>AGGRAVATED USE OF WEAPON</b>	<p>A. In multiple offender cases, when one offender is assessed points for the presence, type, and/or use of a weapon, all offenders shall be assessed the same number of points.</p> <p>B. A firearm refers to an operational or non-operational firearm, or any instrument fashioned to appear to be a firearm.</p> <p>C. Score "5" if an offender uses an object in his or her pocket to suggest the presence of a firearm.</p> <p>* Do not score "5" if the conviction offense is Robbery Armed or Felonious Assault.</p>
	25	A firearm is discharged by offender during commission of the offense	
	15	A firearm pointed toward victim or touching with another weapon	
	5*	A firearm displayed, implied, or possessed; any other weapon displayed	
	0	No firearm discharged, displayed, implied, or possessed; no other weapon	
OV 2		<b>PHYSICAL ATTACK AND/OR INJURY</b>	<p>A. In multiple offender cases when one offender is assessed points for physical attack and/or injury, all offenders shall be assessed the same number of points.</p> <p>B. Score "100" when death results from the commission of a crime and homicide is not the conviction offense.</p> <p>C. Terrorism is conduct that is designed to increase substantially the fear and anxiety that the victim suffers during the offense.</p> <p>D. Score "0" if a victim is struck in an assaultive crime and there is no bodily injury.</p>
	100	Victim killed	
	50	Victim treated with excessive brutality	
	25	Bodily injury and/or subjected to terrorism	
	0	No injury	
OV 5		<b>VICTIM WAS CARRIED AWAY OR HELD CAPTIVE</b>	Score "0" if the conviction offense is kidnapping.
	15	Victim was moved to another place of greater danger or to a situation of greater danger, or was held captive significantly beyond that which was necessary to commit the offense	
	0	Victim was not carried away or held captive	
OV 6		<b>MULTIPLE VICTIMS</b>	<p>Count each person who was placed in danger of injury or loss of life as a victim.</p> <p>* Score "100" points only in Homicide crime group.</p>
	100*	Multiple deaths	
	10	2 or more victims	
	0	Not a multiple victim situation	

## OFFENSE VARIABLES - ASSAULT

OV	Points	Variable Name And Categories	Instructions
OV 7		<b>OFFENDER EXPLOITATION OF VICTIM VULNERABILITY</b>	<p>A. The mere existence of one or more of these factors should not automatically be equated with victim vulnerability.</p> <p>B. Exploitation refers to the manipulation of the victim for selfish or unethical purposes.</p> <p>C. Vulnerability refers to the readily apparent susceptibility of the victim to injury, physical restraint, persuasion, or temptation.</p> <p>D. Abuse of authority status refers to situations where a victim is exploited out of fear or deference to an authority figure (e.g., parent-child, doctor-patient).</p>
	15	Offender exploits the victim due to a physical disability, mental disability, youth, agedness, or an abuse of authority status	
	5	Offender exploits the victim through a difference in size/strength, or because the victim was intoxicated, under the influence of drugs, asleep, or unconscious	
	0	No exploitation	
OV 9		<b>OFFENDER'S ROLE</b>	The entire criminal episode or situation should be taken into account in determining whether an offender is a leader.
	10	Leader in multiple offender situation	
	0	Not a leader	
OV 13		<b>PSYCHOLOGICAL INJURY TO VICTIM</b>	
	5	Serious psychological injury to victim or victim's family necessitating professional treatment	
	0	No psychological injury	
OV 25		<b>CONTEMPORANEOUS CRIMINAL ACTS</b>	<p>A. A criminal act is contemporaneous if: (1) it occurs within twenty-four hours of the offense upon which the offender is being sentenced or within six months if it is identical to or similar in nature and (2) it has not and will not result in a separate conviction.</p> <p>B. A felony firearm charge should not be used when scoring this variable.</p>
	15	3 or more contemporaneous criminal acts	
	5	2 contemporaneous criminal acts	
	0	0 or 1 contemporaneous criminal acts	

## OFFENSE VARIABLES - ASSAULT

### ASSAULT OFFENSE VARIABLE LEVELS

SCORE	LEVEL
0-9	I
10-24	II
25-49	III
50+	IV

**LIFE****Prior Record Level****Offense  
Level**I  
II  
III  
IV

A	B	C	D
0-36	12-36	24-60	60-120
12-48	24-60	48-96	96-240
60-144	72-180	96-240	120-300
84-180	96-180	120-300	180-300 or life

750.83  
750.89Assault w/Intent to commit murder  
Kidnapping**120 MONTHS****Prior Record Level****Offense  
Level**I  
II  
III  
IV

A	B	C	D
0-9	0-12	0-24	12-60
0-12	0-24	12-36	24-72
0-24	12-36	24-60	36-80
12-48	24-60	36-80	48-80

750.84  
750.86  
750.87  
750.131aAssault w/Intent to do great bodily harm  
Assault w/Intent to maim  
Assault w/Intent to commit felony  
Torture children

**60 MONTHS****Prior Record Level****Offense  
Level**I  
II  
III  
IV

A	B	C	D
0-6	0-12	0-12	12-36
0-12	0-12	0-12	18-40
0-12	0-12	12-36	24-40
12-40	18-40	24-40	30-40

750.83  
750.84  
750.86  
750.87  
750.136a  
750.349Assault w/intent to commit murder (ATT)  
Assault w/intent to do great bodily harm (ATT)  
Assault w/intent to maim (ATT)  
Assault w/intent to commit felony (ATT)  
Torture children (ATT)  
Kidnapping (ATT)**48 MONTHS****Prior Record Level****Offense  
Level**I  
II  
III  
IV

A	B	C	D
0-6	0-9	0-12	12-32
0-9	0-12	0-12	12-32
0-12	0-12	6-24	12-32
0-12	12-24	12-32	24-32

750.82  
750.136  
750.197cFelonious Assault  
Cruelty to children  
Assault on a jail custodian or corrections officer

**24 MONTHS****Prior Record Level****Offense  
Level**

	A	B	C	D
I	0-6	0-9	0-12	6-12
II	0-9	0-12	0-12	6-12
III	0-12	0-12	0-12	9-16
IV	6-12	6-12	12-16	12-16

750.82  
750.136  
750.197c  
750.479  
750.479a  
752.861

Felonious Assault (ATT)  
Cruelty to children (ATT)  
Assault on a jail custodian or corrections officer (ATT)  
Resisting officer  
Assault upon Police Officer  
Kill or injure, negligent use of firearm

# **Burglary**

# **PRIOR RECORD VARIABLES - BURGLARY**

PRV	Points	Variable Name And Categories	Instructions
<b>PRV 1</b>		<b>PRIOR HIGH SEVERITY FELONY CONVICTIONS</b>	<p><b>A. A high severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:</b></p> <ul style="list-style-type: none"> <li>• Assault (life, 120, 60, 48 month maxima)</li> <li>• Burglary (180 month maximum)</li> <li>• CSC (life, 180, 120, 60 month maxima)</li> <li>• Homicide (life, 180 month maxima)</li> <li>• Larceny (120 month maximum)</li> <li>• Robbery (All)</li> </ul> <p><b>All other felony convictions included in the crime groups covered by the guidelines are low severity felony convictions.</b></p> <p><b>B. If a prior felony conviction falls outside of the crime groups covered by the guidelines and the judge determines that it is similar to a high severity felony conviction [e.g., Conspiracy to Commit Murder 750.157b(2)], it should be included in scoring this variable.</b></p>
<b>PRV 2</b>		<b>PRIOR LOW SEVERITY FELONY CONVICTIONS</b>	<p><b>A. A low severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:</b></p> <ul style="list-style-type: none"> <li>• Assault (24 month maximum)</li> <li>• Burglary (120, 60, 48, 30, 24 month maxima)</li> <li>• CSC (30, 24 month maxima)</li> <li>• Drug (All)</li> <li>• Fraud (All)</li> <li>• Larceny (60, 48, 30, 24 month maxima)</li> <li>• Property Destruction (All)</li> <li>• Weapons Possession (All)</li> </ul> <p><b>All other felony convictions included in the crime groups covered by the guidelines are high severity convictions.</b></p> <p><b>B. If a prior felony conviction falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a low severity felony conviction (e.g., Escape 750.193), it should be included in scoring this variable.</b></p>
<b>PRV 3</b>		<b>JUVENILE--HIGH SEVERITY ADJUDICATIONS</b>	<p><b>A. The adjudicated offense must occur after the offender's 13th birthday and before the offender's 17th birthday to be scored.</b></p> <p><b>B. A high severity juvenile adjudication refers to an adjudication involving conduct included in the following crime groups and statutory maxima:</b></p> <ul style="list-style-type: none"> <li>• Assault (life, 120, 60, 48 month maxima)</li> <li>• Burglary (180 month maximum)</li> <li>• CSC (life, 180, 120, 60 month maxima)</li> <li>• Homicide (life, 180 month maxima)</li> <li>• Larceny (120 month maximum)</li> <li>• Robbery (All)</li> </ul> <p><b>All other juvenile adjudications included in the crime groups covered by the guidelines are low severity.</b></p> <p><b>C. If a prior juvenile adjudication falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a high severity juvenile adjudication, it should be included in scoring this variable.</b></p>



# PRIOR RECORD VARIABLES - BURGLARY

PRV Points	Variable Name And Categories	Instructions
<b>PRV 4</b>	<b>JUVENILE-LOW SEVERITY ADJUDICATIONS</b>	<p>A. The adjudicated offense must occur after the offender's 13th birthday and before the offender's 17th birthday to be scored.</p> <p>B. A low severity juvenile adjudication refers to an adjudication involving conduct included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (24 month maximum)</li> <li>• Burglary (120, 60, 48, 30, 24 month maxima)</li> <li>• CSC (30, 24 month maxima)</li> <li>• Drug (All)</li> <li>• Fraud (All)</li> <li>• Larceny (60, 48, 30, 24 month maxima)</li> <li>• Property Destruction (All)</li> <li>• Weapons Possession (All)</li> </ul> <p>All other juvenile adjudications included in the crime groups covered by the guidelines are high severity.</p> <p>C. If a prior juvenile adjudication falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a low severity juvenile adjudication, it should be included in scoring this variable.</p> <p>D. Curfew and status offenses are not to be counted as low severity adjudications.</p>
<b>PRV 5</b>	<b>PRIOR MISDEMEANOR CONVICTIONS</b>	<p>Score a misdemeanor only if it is related to one of the following crime groups: Assault, Burglary, Criminal Sexual Conduct, Drug, Fraud, Larceny, Property Destruction, Robbery, or Weapons Possession.</p>
<b>PRV 6</b>	<b>PRIOR RELATIONSHIP TO CRIMINAL JUSTICE SYSTEM</b>	<p>A. A post-conviction relationship exists if, at the time of the instant offense, the offender was:</p> <ul style="list-style-type: none"> <li>• incarcerated by the Michigan Department of Corrections (includes escapes)</li> <li>• incarcerated in jail (includes escapes)</li> <li>• on parole or probation</li> <li>• awaiting sentence on a probation violation, guilty verdict or guilty plea</li> <li>• on delayed sentence status</li> <li>• on 333.7411</li> </ul> <p>B. An other relationship exists if, at the time of the instant offense, the offender was:</p> <ul style="list-style-type: none"> <li>• on bond and/or bail</li> <li>• on pre-trial diversion</li> <li>• on Holmes Youthful Trainee status</li> </ul> <p>C. Score the appropriate point value if the offender was involved with the criminal justice system of another state or the Federal Government as specified by the relationships mentioned above.</p> <p>D. Relationship to the Criminal Justice System, applies to relationships determined by felony, juvenile and/or misdemeanor convictions or charges.</p>

# **PRIOR RECORD VARIABLES - BURGLARY**

PRV	Points	Variable Name And Categories	Instructions
<b>PRV 7</b>		<b>SUBSEQUENT/CONCURRENT FELONY CONVICTIONS</b>	<p>A. Score the appropriate point value when the offender is convicted of multiple felony counts or is convicted of a felony subsequent to the commission of the instant offense.</p> <p>B. A felony firearm conviction should not be used when scoring this variable.</p>
	20	2 or more subsequent/concurrent convictions	
	10	1 subsequent/concurrent conviction	
	0	No subsequent/concurrent convictions	

PRIOR RECORD LEVELS	
SCORE	LEVEL
0	A
1-24	B
25-49	C
50+	D

## OFFENSE VARIABLES - BURGLARY

OV	Points	Variable Name And Categories	Instructions
<b>OV 1</b>		<b>AGGRAVATED USE OF WEAPON</b>	<p>A. In multiple offender cases, when one offender is assessed points for the presence, type, and/or use of a weapon, all offenders shall be assessed the same number of points.</p> <p>B. A firearm refers to an operational or non-operational firearm, or any instrument fashioned to appear to be a firearm.</p> <p>C. Score "5" if an offender uses an object in his or her pocket to suggest the presence of a firearm.</p> <p>* Do not score "5" if the conviction offense is Robbery Armed or Felonious Assault.</p>
	25	A firearm is discharged by offender during commission of the offense	
	15	A firearm pointed toward victim or touching with another weapon	
	5*	A firearm displayed, implied, or possessed; any other weapon displayed	
	0	No firearm discharged, displayed, implied, or possessed; no other weapon	
<b>OV 2</b>		<b>PHYSICAL ATTACK AND/OR INJURY</b>	<p>A. In multiple offender cases when one offender is assessed points for physical attack and/or injury, all offenders shall be assessed the same number of points.</p> <p>B. Score "100" when death results from the commission of a crime and homicide is not the conviction offense.</p> <p>C. Terrorism is conduct that is designed to increase substantially the fear and anxiety that the victim suffers during the offense.</p> <p>D. Score "0" if a victim is struck in an assaultive crime and there is no bodily injury.</p>
	100	Victim killed	
	50	Victim treated with excessive brutality	
	25	Bodily injury and/or subjected to terrorism	
	0	No injury	
<b>OV 5</b>		<b>VICTIM WAS CARRIED AWAY OR HELD CAPTIVE</b>	Score "0" if the conviction offense is kidnapping.
	15	Victim was moved to another place of greater danger or to a situation of greater danger, or was held captive significantly beyond that which was necessary to commit the offense	
	0	Victim was not carried away or held captive	
<b>OV 8</b>		<b>CONTINUING PATTERN OF CRIMINAL BEHAVIOR</b>	<p>A. Presence of multiple offenders should not automatically be defined as constituting an organized criminal group.</p> <p>B. Score "10" if the instant offense is directly related to membership in an organized criminal group.</p> <p>C. This may include a juvenile gang.</p> <p>D. The degree of sophistication of the group is not so important as the fact of existence, which can in part be inferred from the length of time the organization has been in operation.</p>
	10	The offense is a part of a pattern of criminal activities over a period of time from which the offender derives a substantial portion of his or her income and/or the offense is directly related to membership in an organized criminal group	
	0	No continuing criminal behavior and/or membership in an organized criminal group	

## OFFENSE VARIABLES - BURGLARY

OV	Points	Variable Name And Categories	Instructions
OV 9		<b>OFFENDER'S ROLE</b>	The entire criminal episode or situation should be taken into account in determining whether an offender is a leader.
	10	Leader in multiple offender situation	
	0	Not a leader	
OV 10		<b>POSSESSION OF BURGLAR'S TOOLS</b>	<p>A. In multiple offender cases, when one offender is assessed points for the possession of burglar's tools all offenders shall be assessed the same number of points.</p> <p>B. Score "5" where the instrument would amount to a burglar tool within the meaning of MCLA 750.116. For example, burglar's tools may include: nitroglycerine, or other explosives, thermite, engine, machine, tool or implement, device, chemical or substance, adapted and designed for cutting or burning through, forcing or breaking open any building, room, vault, safe or other depository.</p> <p>C. Score "0" where the offender is convicted of possession of burglar's tools.</p>
	5	Possession of burglar's tools	
	0	No burglar's tools	
OV 11		<b>PERSON(S) PRESENT DURING COMMISSION OF OFFENSE</b>	<p>A. Score "10" only where a person other than the offender(s) is present on premises during the commission of a burglary.</p> <p>B. It is not necessary that the offender(s) be aware of the presence of another person.</p>
	10	One or more persons present on premises	
	0	No persons present	
OV 13		<b>PSYCHOLOGICAL INJURY TO VICTIM</b>	
	5	Serious psychological injury to victim or victim's family necessitating professional treatment	
	0	No psychological injury	
OV 17		<b>AGGREGATE VALUE OF PROPERTY OBTAINED, DAMAGED, OR DESTROYED</b>	<p>A. Trial court may consider the total amount of money involved in admitted but uncharged offenses or in charges which have been dismissed pursuant to a plea agreement.</p> <p>B. In multiple offender cases, the aggregate value of property obtained, damaged, or destroyed is determined by adding together the aggregate value of property obtained, damaged, or destroyed by each offender.</p>
	10	More than \$5,000 or property having significant historical, social, or sentimental value	
	5	\$1,000 to \$5,000	
	1	\$200 to \$999	
	0	Less than \$200	

# OFFENSE VARIABLES - BURGLARY

OV	Points	Variable Name And Categories	Instructions
<b>OV 24</b>		<b>WANTON OR MALICIOUS DAMAGE</b>	
<b>10</b>		Wanton or malicious damage incurred above and beyond that necessary to commit the crime, and not formally charged	
<b>0</b>		No wanton or malicious damage	
<b>OV 25</b>		<b>CONTEMPORANEOUS CRIMINAL ACTS</b>	<p>A. A criminal act is contemporaneous if: (1) it occurs within twenty four hours of the offense upon which the defendant is being sentenced or within six months if it is identical to or similar in nature and (2) it has not and will not result in a separate conviction.</p> <p>B. A felony firearm charge should not be used when scoring this variable.</p>
<b>15</b>		3 or more contemporaneous criminal acts	
<b>5</b>		2 contemporaneous criminal acts	
<b>0</b>		0 or 1 contemporaneous criminal acts	

## BURGLARY OFFENSE VARIABLE LEVELS

SCORE	LEVEL
0	I
1-10	II
11-25	III
26+	IV

# GRIDS - BURGLARY

## 180 MONTHS

### Prior Record Level

		A	B	C	D
Offense Level	I	0-6	0-12	6-24	12-48
	II	0-12	0-12	6-36	18-60
	III	0-12	0-18	12-48	30-84
	IV	12-36	12-48	24-72	60-120

750.110

Breaking & Entering occupied dwelling

## 120 MONTHS

### Prior Record Level

		A	B	C	D
Offense Level	I	0-6	0-12	0-12	12-36
	II	0-12	0-12	0-24	18-42
	III	0-12	0-12	12-36	24-60
	IV	12-24	12-36	24-60	36-80

750.110

Breaking & Entering unoccupied dwelling

750.116

Possession of burglar's tools

**60 MONTHS****Prior Record Level**

		A	B	C	D
Offense Level	I	0-6	0-9	0-12	6-30
	II	0-9	0-9	0-12	12-36
	III	0-9	0-12	0-24	12-40
	IV	0-12	0-12	12-24	24-40

750.110

Breaking &amp; Entering occupied dwelling (ATT)

750.110

Breaking &amp; Entering unoccupied dwelling (ATT)

750.111

Entering without breaking

750.116

Possession of burglar's tools (ATT)

**36 MONTHS****Prior Record Level**

		A	B	C	D
Offense Level	I	0-3	0-3	0-6	6-12
	II	0-3	0-6	0-9	6-12
	III	0-9	0-9	0-12	12-20
	IV	0-12	0-12	12-20	12-24

752.811

Breaking &amp; Entering coin operated device

# GRIDS - BURGLARY

## 30 MONTHS

Prior Record Level

Offense Level		Prior Record Level			
		A	B	C	D
I		0-3	0-3	0-6	3-12
II		0-3	0-6	0-9	6-12
III		0-6	0-9	0-12	12-20
IV		0-12	0-12	12-20	12-20

750.111

Entering without breaking (ATT)



# **Criminal Sexual Conduct**

# PRIOR RECORD VARIABLES - CRIMINAL SEXUAL CONDUCT

PRV	Points	Variable Name And Categories	Instructions
<b>PRV 1</b>		<b>PRIOR HIGH SEVERITY FELONY CONVICTIONS</b>	<p>A. A high severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (life, 120, 60, 48 month maxima)</li> <li>• Burglary (180 month maximum)</li> <li>• CSC (life, 180, 120, 60 month maxima)</li> <li>• Homicide (life, 180 month maxima)</li> <li>• Larceny (120 month maximum)</li> <li>• Robbery (All)</li> </ul> <p>All other felony convictions included in the crime groups covered by the guidelines are low severity felony convictions.</p> <p>B. If a prior felony conviction falls outside of the crime groups covered by the guidelines and the judge determines that it is similar to a high severity felony conviction [e.g., Conspiracy to Commit Murder 750.157b(2)], it should be included in scoring this variable.</p>
<b>PRV 2</b>		<b>PRIOR LOW SEVERITY FELONY CONVICTIONS</b>	<p>A. A low severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (24 month maximum)</li> <li>• Burglary (120, 60, 48, 30, 24 month maxima)</li> <li>• CSC (30, 24 month maxima)</li> <li>• Drug (All)</li> <li>• Fraud (All)</li> <li>• Larceny (30, 48, 30, 24 month maxima)</li> <li>• Property Destruction (All)</li> <li>• Weapons Possession (All)</li> </ul> <p>All other felony convictions included in the crime groups covered by the guidelines are high severity convictions.</p> <p>B. If a prior felony conviction falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a low severity felony conviction (e.g., Escape 750.193), it should be included in scoring this variable.</p>
<b>PRV 3</b>		<b>JUVENILE--HIGH SEVERITY ADJUDICATIONS</b>	<p>A. The adjudicated offense must occur after the offender's 13th birthday and before the offender's 17th birthday to be scored.</p> <p>B. A high severity juvenile adjudication refers to an adjudication involving conduct included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (life, 120, 60, 48 month maxima)</li> <li>• Burglary (180 month maximum)</li> <li>• CSC (life, 180, 120, 60 month maxima)</li> <li>• Homicide (life, 180 month maxima)</li> <li>• Larceny (120 month maximum)</li> <li>• Robbery (All)</li> </ul> <p>All other juvenile adjudications included in the crime groups covered by the guidelines are low severity.</p> <p>C. If a prior juvenile adjudication falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a high severity juvenile adjudication, it should be included in scoring this variable.</p>

# **PRIOR RECORD VARIABLES - CRIMINAL SEXUAL CONDUCT**

<b>PRV</b>	<b>Points</b>	<b>Variable Name And Categories</b>	<b>Instructions</b>
<b>PRV 4</b>		<b>JUVENILE--LOW SEVERITY ADJUDICATIONS</b>	<p>A. The adjudicated offense must occur after the offender's 13th birthday and before the offender's 17th birthday to be scored.</p> <p>B. A low severity juvenile adjudication refers to an adjudication involving conduct included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (24 month maximum)</li> <li>• Burglary (120, 60, 48, 30, 24 month maxima)</li> <li>• CSC (30, 24 month maxima)</li> <li>• Drug (All)</li> <li>• Fraud (All)</li> <li>• Larceny (60, 48, 30, 24 month maxima)</li> <li>• Property Destruction (All)</li> <li>• Weapons Possession (All)</li> </ul> <p>All other juvenile adjudications included in the crime groups covered by the guidelines are high severity.</p> <p>C. If a prior juvenile adjudication falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a low severity juvenile adjudication, it should be included in scoring this variable.</p> <p>D. Curfew and status offenses are not to be counted as low severity adjudications.</p>
<b>PRV 5</b>		<b>PRIOR MISDEMEANOR CONVICTIONS</b>	<p>Score a misdemeanor only if it is related to one of the following crime groups: Assault, Burglary, Criminal Sexual Conduct, Drug, Fraud, Larceny, Property Destruction, Robbery, or Weapons Possession.</p>
	<b>10</b>	<b>4 or more prior misdemeanor convictions</b>	
	<b>5</b>	<b>2 or 3 prior misdemeanor convictions</b>	
	<b>0</b>	<b>0 or 1 prior misdemeanor convictions</b>	
<b>PRV 6</b>		<b>PRIOR RELATIONSHIP TO CRIMINAL JUSTICE SYSTEM</b>	<p>A. A post-conviction relationship exists if, at the time of the instant offense, the offender was:</p> <ul style="list-style-type: none"> <li>• Incarcerated by the Michigan Department of Corrections (includes escapee)</li> <li>• Incarcerated in jail (includes escapee)</li> <li>• on parole or probation</li> <li>• awaiting sentence on a probation violation, guilty verdict or guilty plea</li> <li>• on delayed sentence status</li> <li>• on 333.7411</li> </ul> <p>B. An other relationship exists if, at the time of the instant offense, the offender was:</p> <ul style="list-style-type: none"> <li>• on bond and/or bail</li> <li>• on pre-trial diversion</li> <li>• on Holmes Youthful Trainee status</li> </ul> <p>C. Score the appropriate point value if the offender was involved with the criminal justice system of another state or the Federal Government as specified by the relationships mentioned above.</p> <p>D. Relationship to the Criminal Justice System, applies to relationships determined by felony, juvenile and/or misdemeanor convictions or charges.</p>
	<b>15</b>	<b>Post-conviction relationship exists or the offender committed the instant offense within six months of termination of probation or parole</b>	
	<b>5</b>	<b>Other relationship exists</b>	
	<b>0</b>	<b>No relationship exists</b>	

# **PRIOR RECORD VARIABLES - CRIMINAL SEXUAL CONDUCT**

PRV	Points	Variable Name And Categories	Instructions
<b>PRV 7</b>		<b>SUBSEQUENT/CONCURRENT FELONY CONVICTIONS</b>	<p>A. Score the appropriate point value when the offender is convicted of multiple felony counts or is convicted of a felony subsequent to the commission of the instant offense.</p> <p>B. A felony firearm conviction should not be used when scoring this variable.</p>
	<b>20</b>	<b>2 or more subsequent/concurrent convictions</b>	
	<b>10</b>	<b>1 subsequent/concurrent conviction</b>	
	<b>0</b>	<b>No subsequent/concurrent convictions</b>	

PRIOR RECORD LEVELS	
SCORE	LEVEL
0	A
1-24	B
25-49	C
50+	D

# OFFENSE VARIABLES - CRIMINAL SEXUAL CONDUCT

OV	Points	Variable Name And Categories	Instructions
OV 1		<b>AGGRAVATED USE OF WEAPON</b>	<p>A. In multiple offender cases, when one offender is assessed points for the presence, type, and/or use of a weapon, all offenders shall be assessed the same number of points.</p> <p>B. A firearm refers to an operational or non-operational firearm, or any instrument fashioned to appear to be a firearm.</p> <p>C. Score "5" if an offender uses an object in his or her pocket to suggest the presence of a firearm.</p> <p>* Do not score "5" if the conviction offense is Robbery Armed or Felonious Assault.</p>
	25	A firearm is discharged by offender during commission of the offense	
	15	A firearm pointed toward victim or touching with another weapon	
	5*	A firearm displayed, implied, or possessed; any other weapon displayed	
	0	No firearm discharged, displayed, implied, or possessed; no other weapon	
OV 2		<b>PHYSICAL ATTACK AND/OR INJURY</b>	<p>A. In multiple offender cases when one offender is assessed points for physical attack and/or injury, all offenders shall be assessed the same number of points.</p> <p>B. Score "100" when death results from the commission of a crime and homicide is not the conviction offense.</p> <p>C. Terrorism is conduct that is designed to increase substantially the fear and anxiety that the victim suffers during the offense.</p> <p>D. Score "0" if a victim is struck in an assaultive crime and there is no bodily injury.</p>
	100	Victim killed	
	50	Victim treated with excessive brutality	
	25	Bodily injury and/or subjected to terrorism	
	0	No injury	
OV 5		<b>VICTIM WAS CARRIED AWAY OR HELD CAPTIVE</b>	Score "0" if the conviction offense is kidnapping.
	15	Victim was moved to another place of greater danger or to a situation of greater danger, or was held captive significantly beyond that which was necessary to commit the offense	
	0	Victim was not carried away or held captive	
OV 6		<b>MULTIPLE VICTIMS</b>	<p>Count each person who was placed in danger of injury or loss of life as a victim.</p> <p>* Score "100" points only in Homicide crime group.</p>
	100*	Multiple deaths	
	10	2 or more victims	
	0	Not a multiple victim situation	

# OFFENSE VARIABLES - CRIMINAL SEXUAL CONDUCT

OV	Points	Variable Name And Categories	Instructions
OV 7		<b>OFFENDER EXPLOITATION OF VICTIM VULNERABILITY</b>	<p>A. The mere existence of one or more of these factors should not automatically be equated with victim vulnerability.</p> <p>B. Exploitation refers to the manipulation of the victim for selfish or unethical purposes.</p> <p>C. Vulnerability refers to the readily apparent susceptibility of the victim to injury, physical restraint, persuasion, or temptation.</p> <p>D. Abuse of authority status refers to situations where a victim is exploited out of fear or deference to an authority figure (e.g., parent-child, doctor-patient).</p>
	15	Offender exploits the victim due to a physical disability, mental disability, youth, agedness, or an abuse of authority status	
	5	Offender exploits the victim through a difference in size/strength, or because the victim was intoxicated, under the influence of drugs, asleep, or unconscious	
	0	No exploitation	
OV 9		<b>OFFENDER'S ROLE</b>	The entire criminal episode or situation should be taken into account in determining whether an offender is a leader.
	10	Leader in multiple offender situation	
	0	Not a leader	
OV 12		<b>CRIMINAL SEXUAL PENETRATION(S)</b>	Score all penetrations involving the offender arising out of the same criminal transaction.
	50*	2 or more criminal sexual penetrations	* In CSC 1st and CSC 3rd do not score the one penetration that forms the basis of the conviction offense.
	25*	1 criminal sexual penetration	
	0	No criminal sexual penetrations	
OV 13		<b>PSYCHOLOGICAL INJURY TO VICTIM</b>	
	5	Serious psychological injury to victim or victim's family necessitating professional treatment	
	0	No psychological injury	

# OFFENSE VARIABLES - CRIMINAL SEXUAL CONDUCT

OV	Points	Variable Name And Categories	Instructions
OV 25		<b>CONTEMPORANEOUS CRIMINAL ACTS</b>	<p>A. A criminal act is contemporaneous if: (1) it occurs within twenty-four hours of the offense upon which the offender is being sentenced or within six months if it is identical to or similar in nature and (2) it has not and will not result in a separate conviction.</p> <p>B. A felony firearm charge should not be used when scoring this variable.</p>
	15	3 or more contemporaneous criminal acts	
	5	2 contemporaneous criminal acts	
	0	0 or 1 contemporaneous criminal acts	

## CRIMINAL SEXUAL CONDUCT OFFENSE VARIABLE LEVELS

SCORE	LEVEL
0-9	I
10-24	II
25-49	III
50+	IV

# GRIDS - CRIMINAL SEXUAL CONDUCT

## LIFE

### Prior Record Level

Offense  
Level

I  
II  
III  
IV

A	B	C	D
12-72	24-84	60-120	72-180
24-96	36-96	96-240	120-300
60-120	96-180	120-300	180-360 or life
96-240	120-300	180-360 or life	240-480 or life

750.520b

Criminal sexual conduct, 1st

## 180 MONTHS CSC 2ND

### Prior Record Level

Offense  
Level

I  
II  
III  
IV

A	B	C	D
0-24	0-36	12-48	24-96
0-36	12-36	36-96	48-120
12-48	24-60	48-120	60-120
24-60	36-84	60-120	72-120

750.520c

Criminal sexual conduct, 2nd



# GRIDS - CRIMINAL SEXUAL CONDUCT

## 180 MONTHS CSC 3RD

### Prior Record Level

		A	B	C	D
Offense Level	I	1-36	12-48	24-60	36-96
	II	12-48	24-60	36-96	60-120
	III	24-60	30-72	48-120	72-120
	IV	36-72	60-120	72-120	84-120

750.520d  
750.158

Criminal sexual conduct, 3rd  
Sodomy/sex delinquent

## 120 MONTHS

### Prior Record Level

		A	B	C	D
Offense Level	I	0-12	0-24	12-48	24-60
	II	0-18	12-36	18-48	36-80
	III	0-24	12-48	24-60	36-80
	IV	12-48	24-60	36-80	60-80

750.520g(1)

Assault w/intent sexual penetration

# GRIDS - CRIMINAL SEXUAL CONDUCT

## 60 MONTHS

### Prior Record Level

Offense Level		A	B	C	D
I		0-12	0-12	6-24	12-36
II		0-12	0-18	12-24	18-40
III		0-24	6-24	12-30	24-40
IV		12-30	18-36	24-40	24-40

750.158	Sodomy/sex delinquent (ATT)
750.338	Gross indecency/males
750.338a	Gross indecency/females
750.338b	Gross indecency/male, female
750.520b	Criminal sexual conduct, 1st (ATT)
750.520c	Criminal sexual conduct, 2nd (ATT)
750.520d	Criminal sexual conduct, 3rd (ATT)
750.520g(1)	Assault w/ intent sexual penetration (ATT)
750.520g(2)	Assault w/ intent CSC, 2nd degree

## 30 MONTHS

### Prior Record Level

Offense Level		A	B	C	D
I		0-6	0-9	0-12	6-12
II		0-9	0-12	0-12	6-12
III		0-12	0-12	3-12	12-20
IV		12-20	12-20	16-20	16-20

750.338	Gross indecency/males (ATT)
750.338a	Gross indecency/females (ATT)
750.338b	Gross indecency/male, female (ATT)
750.520g(2)	Assault w/ intent CSC, 2nd degree (ATT)

# GRIDS - CRIMINAL SEXUAL CONDUCT

## 24 MONTHS

### Prior Record Level

		A	B	C	D
Offense Level	I	0-6	0-9	0-12	6-12
	II	0-9	0-12	0-12	6-12
	III	0-12	0-12	0-12	12-16
	IV	6-12	6-12	12-16	12-16

750.451  
750.520e

Prostitution, 3rd offense  
Criminal sexual conduct, 4th

**Drug**

## PRIOR RECORD VARIABLES - DRUG

PRV	Points	Variable Name And Categories	Instructions
<b>PRV 1</b>		<b>PRIOR HIGH SEVERITY FELONY CONVICTIONS</b>	<p>A. A high severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (life, 120, 60, 48 month maxima)</li> <li>• Burglary (180 month maximum)</li> <li>• CSC (life, 180, 120, 60 month maxima)</li> <li>• Homicide (life, 180 month maxima)</li> <li>• Larceny (120 month maximum)</li> <li>• Robbery (All)</li> </ul> <p>All other felony convictions included in the crime groups covered by the guidelines are low severity felony convictions.</p> <p>B. If a prior felony conviction falls outside of the crime groups covered by the guidelines and the judge determines that it is similar to a high severity felony conviction [e.g., Conspiracy to Commit Murder 750.157b(2)], it should be included in scoring this variable.</p>
<b>PRV 2</b>		<b>PRIOR LOW SEVERITY FELONY CONVICTIONS</b>	<p>A. A low severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (24 month maximum)</li> <li>• Burglary (120, 60, 48, 30, 24 month maxima)</li> <li>• CSC (30, 24 month maxima)</li> <li>• Drug (All)</li> <li>• Fraud (All)</li> <li>• Larceny (60, 48, 30, 24 month maxima)</li> <li>• Property Destruction (All)</li> <li>• Weapons Possession (All)</li> </ul> <p>All other felony convictions included in the crime groups covered by the guidelines are high severity convictions.</p> <p>B. If a prior felony conviction falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a low severity felony conviction (e.g., Escape 750.193), it should be included in scoring this variable.</p>
<b>PRV 3</b>		<b>JUVENILE-HIGH SEVERITY ADJUDICATIONS</b>	<p>A. The adjudicated offense must occur after the offender's 13th birthday and before the offender's 17th birthday to be scored.</p> <p>B. A high severity juvenile adjudication refers to an adjudication involving conduct included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (life, 120, 60, 48 month maxima)</li> <li>• Burglary (180 month maximum)</li> <li>• CSC (life, 180, 120, 60 month maxima)</li> <li>• Homicide (life, 180 month maxima)</li> <li>• Larceny (120 month maximum)</li> <li>• Robbery (All)</li> </ul> <p>All other juvenile adjudications included in the crime groups covered by the guidelines are low severity.</p> <p>C. If a prior juvenile adjudication falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a high severity juvenile adjudication, it should be included in scoring this variable.</p>

# PRIOR RECORD VARIABLES - DRUG

PRV	Points	Variable Name And Categories	Instructions
<b>PRV 4</b>		<b>JUVENILE--LOW SEVERITY ADJUDICATIONS</b>	<p>A. The adjudicated offense must occur after the offender's 13th birthday and before the offender's 17th birthday to be scored.</p> <p>B. A low severity juvenile adjudication refers to an adjudication involving conduct included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (24 month maximum)</li> <li>• Burglary (120, 60, 48, 30, 24 month maxima)</li> <li>• CSC (30, 24 month maxima)</li> <li>• Drug (All)</li> <li>• Fraud (All)</li> <li>• Larceny (60, 48, 30, 24 month maxima)</li> <li>• Property Destruction (All)</li> <li>• Weapons Possession (All)</li> </ul> <p>All other juvenile adjudications included in the crime groups covered by the guidelines are high severity.</p> <p>C. If a prior juvenile adjudication falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a low severity juvenile adjudication, it should be included in scoring this variable.</p> <p>D. Curfew and status offenses are not to be counted as low severity adjudications.</p>
	10	4 or more prior low severity juvenile adjudications	
	5	2 or 3 prior low severity juvenile adjudications	
	0	0 or 1 prior low severity juvenile adjudications	
<b>PRV 5</b>		<b>PRIOR MISDEMEANOR CONVICTIONS</b>	<p>Score a misdemeanor only if it is related to one of the following crime groups: Assault, Burglary, Criminal Sexual Conduct, Drug, Fraud, Larceny, Property Destruction, Robbery, or Weapons Possession.</p>
	10	4 or more prior misdemeanor convictions	
	5	2 or 3 prior misdemeanor convictions	
	0	0 or 1 prior misdemeanor convictions	
<b>PRV 6</b>		<b>PRIOR RELATIONSHIP TO CRIMINAL JUSTICE SYSTEM</b>	<p>A. A post-conviction relationship exists if, at the time of the instant offense, the offender was:</p> <ul style="list-style-type: none"> <li>• incarcerated by the Michigan Department of Corrections (includes escapee)</li> <li>• incarcerated in jail (includes escapee)</li> <li>• on parole or probation</li> <li>• awaiting sentence on a probation violation, guilty verdict or guilty plea</li> <li>• on delayed sentence status</li> <li>• on 333.7411</li> </ul> <p>B. An other relationship exists if, at the time of the instant offense, the offender was:</p> <ul style="list-style-type: none"> <li>• on bond and/or bail</li> <li>• on pre-trial diversion</li> <li>• on Holmes Youthful Trainee status</li> </ul> <p>C. Score the appropriate point value if the offender was involved with the criminal justice system of another state or the Federal Government as specified by the relationships mentioned above.</p> <p>D. Relationship to the Criminal Justice System, applies to relationships determined by felony, juvenile and/or misdemeanor convictions or charges.</p>
	15	Post-conviction relationship exists or the offender committed the instant offense within six months of termination of probation or parole	
	5	Other relationship exists	
	0	No relationship exists	

# **PRIOR RECORD VARIABLES - DRUG**

PRV	Points	Variable Name And Categories	Instructions
<b>PRV 7</b>		<b>SUBSEQUENT/CONCURRENT FELONY CONVICTIONS</b>	<p>A. Score the appropriate point value when the offender is convicted of multiple felony counts or is convicted of a felony subsequent to the commission of the instant offense.</p> <p>B. A felony firearm conviction should not be used when scoring this variable.</p>
	<b>20</b>	<b>2 or more subsequent/concurrent convictions</b>	
	<b>10</b>	<b>1 subsequent/concurrent conviction</b>	
	<b>0</b>	<b>No subsequent/concurrent convictions</b>	

<b>PRIOR RECORD LEVELS</b>	
<b>SCORE</b>	<b>LEVEL</b>
<b>0</b>	<b>A</b>
<b>1-24</b>	<b>B</b>
<b>25-49</b>	<b>C</b>
<b>50+</b>	<b>D</b>

# OFFENSE VARIABLES - DRUG

OV	Points	Variable Name And Categories	Instructions
OV 8		<b>CONTINUING PATTERN OF CRIMINAL BEHAVIOR</b>	<p>A. Presence of multiple offenders should not automatically be defined as constituting an organized criminal group.</p> <p>B. Score "10" if the instant offense is directly related to membership in an organized criminal group.</p> <p>C. This may include a juvenile gang.</p> <p>D. The degree of sophistication of the group is not so important as the fact of existence, which can in part be inferred from the length of time the organization has been in operation.</p>
	10	The offense is a part of a pattern of criminal activities over a period of time from which the offender derives a substantial portion of his or her income and/or the offense is directly related to membership in an organized criminal group	
	0	No continuing criminal behavior and/or membership in an organized criminal group	
OV 9		<b>OFFENDER'S ROLE</b>	The entire criminal episode or situation should be taken into account in determining whether an offender is a leader.
	10	Leader in multiple offender situation	
	0	Not a leader	
OV 15		<b>NATURE OF CONTROLLED SUBSTANCE</b>	
	10	Cocaine, heroin, and Schedule 1 and 2 narcotics	
	5	Other controlled substances (except heroin, cocaine, Schedule 1 and 2 narcotics, and marijuana)	
	0	Marijuana	
OV 16		<b>AGGRAVATED CONTROLLED SUBSTANCE OFFENSE</b>	<p>A. A commercial seller is a wholesaler who customarily sells quantities too large for personal use to persons who will resell the drugs.</p> <p>B. Trafficking is selling drugs on a continuing basis to the ultimate consumer; it does not include merely being reimbursed for sharing a portion of one's personal supply.</p> <p>C. A minor is someone who is 17 years old or younger.</p>
	25	Situations involving the sale or delivery of a controlled substance by a commercial seller or sale or delivery of any substance from an adult to a minor who is 3 or more years younger than the adult	
	15	Situations involving the sale or delivery of 11 grams or more of a compound containing heroin or cocaine, or possession of substances having such dollar value, or under such circumstances as to indicate trafficking	
	5	Other situations involving the delivery of any controlled substance other than marijuana	
	0	Marijuana	



# OFFENSE VARIABLES - DRUG

OV	Points	Variable Name And Categories	Instructions
OV 25		CONTEMPORANEOUS CRIMINAL ACTS	A. A criminal act is contemporaneous if: (1) it occurs within twenty four hours of the offense upon which the defendant is being sentenced or within six months if it is identical or similar in nature and (2) it has not and will not result in a separate conviction.
	15	3 or more contemporaneous criminal acts	
	5	2 contemporaneous criminal acts	B. A felony firearm charge should not be used when scoring this variable.
	0	0 or 1 contemporaneous criminal acts	

DRUG OFFENSE VARIABLE LEVELS	
SCORE	LEVEL
0	I
1-10	II
11-25	III
26+	IV

**240 MONTHS\*****Prior Record Level**

		A	B	C	D
<b>Offense Level</b>	I	12-24	12-24	12-36	12-48
	II	12-24	12-30	12-48	18-60
	III	12-30	12-36	12-60	24-96
	IV	12-48	18-60	24-96	60-160

333.7401  
(2)(a)(iv)

Manufacture, deliver, or possess with  
intent to manufacture or deliver, a  
controlled substance classified in  
schedule 1 or 2 which is either a narcotic  
drug or described in 333.7214 (a) (iv) and  
which is in an amount less than 50 grams  
of any mixture containing that substance.

"The judge may depart below any mandatory minimum "If the court finds on the  
record that there are substantial and compelling reasons to do so."

**120 MONTHS****Prior Record Level**

		A	B	C	D
<b>Offense Level</b>	I	0-6	0-9	0-12	12-36
	II	0-9	0-12	0-18	18-42
	III	0-12	0-12	12-36	24-60
	IV	12-24	12-36	24-60	36-80

333.7402  
(2)(a)

Create, deliver, or possess w/intent to  
deliver, a counterfeit substance  
classified in schedule 1 or 2 which is either a  
narcotic drug or described in 333.7214 (a) (iv).

**84 MONTHS**

Prior Record Level

		A	B	C	D
Offense Level	I	0-3	0-6	0-12	12-30
	II	0-6	0-9	0-12	12-36
	III	0-9	0-12	6-24	18-48
	IV	0-12	6-18	18-48	24-56

333.7401  
(2)(b)Manufacture, deliver, or possess with  
intent to manufacture or deliver, any other  
controlled substance classified in sched-  
ule 1, 2, or 3, except marijuana.

**60 MONTHS****Prior Record Level****Offense  
Level**

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>I</b>	<b>0-3</b>	<b>0-6</b>	<b>0-12</b>	<b>6-30</b>
<b>II</b>	<b>0-6</b>	<b>0-6</b>	<b>0-12</b>	<b>12-36</b>
<b>III</b>	<b>0-9</b>	<b>0-12</b>	<b>0-24</b>	<b>12-40</b>
<b>IV</b>	<b>0-12</b>	<b>0-12</b>	<b>12-24</b>	<b>24-40</b>

333.7401  
(2)(a)(iv)Manufacture...narcotic...less than 50 grams,  
etc. (ATT)333.7402  
(2)(a)Create...counterfeit substance...in schedule 1  
or 2, etc. (ATT)333.7402  
(2)(b)Create, deliver, or possess w/intent to deliver,  
any other counterfeit substance classified in  
schedule 1, 2, or 3.

800.281

Furnishing controlled substance to prisoners.

**48 MONTHS\*****Prior Record Level****Offense****Level****I****II****III****IV**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>12-18</b>	<b>12-18</b>	<b>12-24</b>	<b>12-24</b>
<b>12-18</b>	<b>12-24</b>	<b>12-24</b>	<b>18-32</b>
<b>12-24</b>	<b>12-30</b>	<b>12-30</b>	<b>24-32</b>
<b>12-30</b>	<b>18-32</b>	<b>24-32</b>	<b>24-32</b>

**333.7403**  
**(2)(a)(iv)**

Knowingly or intentionally possess a controlled substance classified in schedule 1 or 2 which is either a narcotic drug or described in 333.7214 (a)(iv), which is in an amount of 25 grams or more, but less than 50 grams of any mixture containing that substance.

"The judge may depart below any mandatory minimum "if the court finds on the record that there are substantial and compelling reasons to do so."

**48 MONTHS****Prior Record Level**

		A	B	C	D
Offense Level	I	0-3	0-6	0-9	6-24
	II	0-6	0-6	0-12	6-30
	III	0-9	0-12	0-12	12-32
	IV	0-12	0-12	12-24	18-32

333.7401  
(2)(c)

Manufacture, deliver, or possess w/intent to manufacture or deliver, a controlled substance classified in schedule 4 or marijuana.

333.7402  
(2)(c)

Create, deliver, or possess w/intent to deliver any other counterfeit substance classified in schedule 4.

333.7403  
(2)(a)(v)

Knowingly or intentionally possess a controlled substance classified in schedule 1 or 2 which is either a narcotic drug or described in 333.7214 (a)(iv), which is in an amount less than 25 grams of any mixture containing that substance.

333.7407  
(1)

Violations of 333.7407 (1) (a) unlawful distribution of schedule 1 or 2 substances, (b) use illegal controlled substance license number, (c) acquire controlled substance by fraud, etc., (d) furnish false information etc., make a punch, etc. to print or reproduce the trademark of another upon a drug or container so as to render the drug a counterfeit substance.

**42 MONTHS****Prior Record Level**

		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Offense Level</b>	<b>I</b>	0-3	0-3	0-6	6-12
	<b>II</b>	0-3	0-6	0-9	6-12
	<b>III</b>	0-9	0-9	0-12	12-20
	<b>IV</b>	0-12	0-12	12-20	12-28

333.7401  
(2)(b)

Manufacture...any other controlled substance,  
etc. (ATT)

**30 MONTHS****Prior Record Level**

		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Offense Level</b>	<b>I</b>	0-3	0-3	0-6	3-12
	<b>II</b>	0-3	0-6	0-9	6-12
	<b>III</b>	0-6	0-9	0-12	12-20
	<b>IV</b>	0-12	0-12	12-20	12-20

333.7402  
(2) (b)

Create, deliver, or possess w/ intent to deliver any  
other counterfeit substance classified in schedule  
1, 2, 3. (ATT)

800.281

Furnishing controlled substances to prisoners. (ATT)

**24 MONTHS****Prior Record Level****Offense  
Level****I  
II  
III  
IV**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>0-3</b>	<b>0-3</b>	<b>0-6</b>	<b>0-12</b>
<b>0-3</b>	<b>0-6</b>	<b>0-6</b>	<b>0-12</b>
<b>0-6</b>	<b>0-6</b>	<b>0-9</b>	<b>6-12</b>
<b>0-6</b>	<b>0-9</b>	<b>6-12</b>	<b>12-16</b>

**333.7401  
(2)(c)****Manufacture...a controlled substance  
classified in schedule 4 or marijuana. (ATT)****333.7401  
(2)(d)****Manufacture, deliver, or possess w/intent to  
manufacture or deliver, a controlled sub-  
stance classified in schedule 5.****333.7402  
(2)(c)****Create...a counterfeit substance classified in  
schedule 4. (ATT)****333.7402  
(2)(d)****Create, deliver, or possess w/intent to deliver  
a counterfeit substance classified in schedule 5.****333.7403  
(2)(a)(iv)****Knowingly...possess a controlled substance  
classified in schedule 1 or 2, etc. (ATT)****333.7403  
(2)(a)(v)****Knowingly...possess a controlled substance  
classified in schedule 1 or 2, etc. (ATT)****333.7403  
(2)(b)****Knowingly or intentionally possess a con-  
trolled substance classified in schedule 1, 2, 3,  
or 4, except a controlled substance classified  
in schedule 1 for which a penalty is prescribed  
in subdivision (a), (c), or (d).****333.7405****Violations of 333.7405 (a) illegal distribution by  
licensee, (b) illegal manufacture by licensee, (c)  
failure to keep required records, (d) refusal to allow  
lawful inspections, (e) keeping structure for violation of  
controlled substance law.****333.7407  
(1)****Violations of 333.7407 (a) unlawful distribution  
of schedule 1 or 2 substances, (b) use of  
illegal controlled substance license number,  
(c) acquire controlled substance by fraud, etc.,  
(d) furnish false information, etc., make a  
punch, etc., to print or reproduce the trade  
mark of another upon a drug or container so  
as to render the drug a counterfeit substance. (ATT)**



**Fraud**

## PRIOR RECORD VARIABLES - FRAUD

PRV	Points	Variable Name And Categories	Instructions
<b>PRV 1</b>		<b>PRIOR HIGH SEVERITY FELONY CONVICTIONS</b>	<p>A. A high severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (life, 120, 60, 48 month maxima)</li> <li>• Burglary (180 month maximum)</li> <li>• CSC (life, 180, 120, 60 month maxima)</li> <li>• Homicide (life, 180 month maxima)</li> <li>• Larceny (120 month maximum)</li> <li>• Robbery (All)</li> </ul> <p>All other felony convictions included in the crime groups covered by the guidelines are low severity felony convictions.</p> <p>B. If a prior felony conviction falls outside of the crime groups covered by the guidelines and the judge determines that it is similar to a high severity felony conviction [e.g., Conspiracy to Commit Murder 750.157b(2)], it should be included in scoring this variable.</p>
<b>PRV 2</b>		<b>PRIOR LOW SEVERITY FELONY CONVICTIONS</b>	<p>A. A low severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (24 month maximum)</li> <li>• Burglary (120, 60, 48, 30, 24 month maxima)</li> <li>• CSC (30, 24 month maxima)</li> <li>• Drug (All)</li> <li>• Fraud (All)</li> <li>• Larceny (60, 48, 30, 24 month maxima)</li> <li>• Property Destruction (All)</li> <li>• Weapons Possession (All)</li> </ul> <p>All other felony convictions included in the crime groups covered by the guidelines are high severity convictions.</p> <p>B. If a prior felony conviction falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a low severity felony conviction (e.g., Escape 750.193), it should be included in scoring this variable.</p>
<b>PRV 3</b>		<b>JUVENILE--HIGH SEVERITY ADJUDICATIONS</b>	<p>A. The adjudicated offense must occur after the offender's 13th birthday and before the offender's 17th birthday to be scored.</p> <p>B. A high severity juvenile adjudication refers to an adjudication involving conduct included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (life, 120, 60, 48 month maxima)</li> <li>• Burglary (180 month maximum)</li> <li>• CSC (life, 180, 120, 60 month maxima)</li> <li>• Homicide (life, 180 month maxima)</li> <li>• Larceny (120 month maximum)</li> <li>• Robbery (All)</li> </ul> <p>All other juvenile adjudications included in the crime groups covered by the guidelines are low severity.</p> <p>C. If a prior juvenile adjudication falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a high severity juvenile adjudication, it should be included in scoring this variable.</p>

## PRIOR RECORD VARIABLES - FRAUD

PRV Points	Variable Name And Categories	Instructions
<b>PRV 4</b>	<b>JUVENILE--LOW SEVERITY ADJUDICATIONS</b>	<p>A. The adjudicated offense must occur after the offender's 13th birthday and before the offender's 17th birthday to be scored.</p> <p>B. A low severity juvenile adjudication refers to an adjudication involving conduct included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (24 month maximum)</li> <li>• Burglary (120, 60, 48, 30, 24 month maxima)</li> <li>• CSC (30, 24 month maxima)</li> <li>• Drug (All)</li> <li>• Fraud (All)</li> <li>• Larceny (60, 48, 30, 24 month maxima)</li> <li>• Property Destruction (All)</li> <li>• Weapons Possession (All)</li> </ul> <p>All other juvenile adjudications included in the crime groups covered by the guidelines are high severity.</p> <p>C. If a prior juvenile adjudication falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a low severity juvenile adjudication, it should be included in scoring this variable.</p> <p>D. Curfew and status offenses are not to be counted as low severity adjudications.</p>
<b>PRV 5</b>	<b>PRIOR MISDEMEANOR CONVICTIONS</b>	<p>Score a misdemeanor only if it is related to one of the following crime groups: Assault, Burglary, Criminal Sexual Conduct, Drug, Fraud, Larceny, Property Destruction, Robbery, or Weapons Possession.</p>
10	4 or more prior misdemeanor convictions	
5	2 or 3 prior misdemeanor convictions	
0	0 or 1 prior misdemeanor convictions	
<b>PRV 6</b>	<b>PRIOR RELATIONSHIP TO CRIMINAL JUSTICE SYSTEM</b>	<p>A. A post-conviction relationship exists if, at the time of the instant offense, the offender was:</p> <ul style="list-style-type: none"> <li>• incarcerated by the Michigan Department of Corrections (includes escapee)</li> <li>• incarcerated in jail (includes escapee)</li> <li>• on parole or probation</li> <li>• awaiting sentence on a probation violation, guilty verdict or guilty plea</li> <li>• on delayed sentence status</li> <li>• on 333.7411</li> </ul> <p>B. An other relationship exists if, at the time of the instant offense, the offender was:</p> <ul style="list-style-type: none"> <li>• on bond and/or bail</li> <li>• on pre-trial diversion</li> <li>• on Holmes Youthful Trainee status</li> </ul> <p>C. Score the appropriate point value if the offender was involved with the criminal justice system of another state or the Federal Government as specified by the relationships mentioned above.</p> <p>D. Relationship to the Criminal Justice System, applies to relationships determined by felony, juvenile and/or misdemeanor convictions or charges.</p>
15	Post-conviction relationship exists or the offender committed the instant offense within six months of termination of probation or parole	
5	Other relationship exists	
0	No relationship exists	

# **PRIOR RECORD VARIABLES - FRAUD**

PRV	Points	Variable Name And Categories	Instructions
<b>PRV 7</b>		<b>SUBSEQUENT/CONCURRENT FELONY CONVICTIONS</b>	<b>A. Score the appropriate point value when the offender is convicted of multiple felony counts or is convicted of a felony subsequent to the commission of the instant offense.</b>
	<b>20</b>	<b>2 or more subsequent/concurrent convictions</b>	<b>B. A felony firearm conviction should not be used when scoring this variable.</b>
	<b>10</b>	<b>1 subsequent/concurrent conviction</b>	
	<b>0</b>	<b>No subsequent/concurrent convictions</b>	

## **PRIOR RECORD LEVELS**

SCORE	LEVEL
<b>0</b>	<b>A</b>
<b>1-24</b>	<b>B</b>
<b>25-49</b>	<b>C</b>
<b>50+</b>	<b>D</b>

## OFFENSE VARIABLES - FRAUD

OV	Points	Variable Name And Categories	Instructions
OV 8		<b>CONTINUING PATTERN OF CRIMINAL BEHAVIOR</b>	<p>A. Presence of multiple offenders should not automatically be defined as constituting an organized criminal group.</p> <p>B. Score "10" if the instant offense is directly related to membership in an organized criminal group.</p> <p>C. This may include a juvenile gang.</p> <p>D. The degree of sophistication of the group is not as important as the fact of existence, which can in part be inferred from the length of time the organization has been in operation.</p>
	10	The offense is a part of a pattern of criminal activities over a period of time from which the offender derives a substantial portion of his or her income and/or the offense is directly related to membership in an organized criminal group	
	0	No continuing criminal behavior and/or membership in an organized criminal group	
OV 9		<b>OFFENDER'S ROLE</b>	The entire criminal episode or situation should be taken into account in determining whether an offender is a leader.
	10	Leader in multiple offender situation	
	0	Not a leader	
OV 17		<b>AGGREGATE VALUE OF PROPERTY OBTAINED, DAMAGED, OR DESTROYED</b>	<p>A. Trial court may consider the total amount of money involved in admitted but uncharged offenses or in charges which have been dismissed pursuant to a plea agreement.</p> <p>B. In multiple offender cases, the aggregate value of property obtained, damaged, or destroyed is determined by adding together the aggregate value of property obtained, damaged, or destroyed by each offender.</p>
	10	More than \$5,000 or property having significant historical, social, or sentimental value	
	5	\$1,000 to \$5,000	
	1	\$200 to \$999	
	0	Less than \$200	
OV 25		<b>CONTEMPORANEOUS CRIMINAL ACTS</b>	<p>A. A criminal act is contemporaneous if: (1) it occurs within twenty-four hours of the offense upon which the offender is being sentenced or within six months if it is identical or similar in nature and (2) it has not and will not result in a separate conviction.</p> <p>B. A felony firearm charge should not be used when scoring this variable.</p>
	15	3 or more contemporaneous criminal acts	
	5	2 contemporaneous criminal acts	
	0	0 or 1 contemporaneous criminal acts	

## OFFENSE VARIABLES - FRAUD

### FRAUD OFFENSE VARIABLE LEVELS

SCORE	LEVEL
0	I
1-10	II
11-25	III
26+	IV

**168 MONTHS****Prior Record Level**

		A	B	C	D
Offense Level	I	0-6	0-12	0-12	12-48
	II	0-12	0-12	3-24	18-60
	III	0-12	0-12	12-48	24-84
	IV	12-24	12-36	24-72	60-112

750.248  
750.249

Forge public records  
Utter and publish forged instrument

**120 MONTHS****Prior Record Level**

		A	B	C	D
Offense Level	I	0-6	0-9	0-12	12-36
	II	0-9	0-12	0-18	18-42
	III	0-12	0-12	12-36	24-60
	IV	12-24	12-36	24-60	36-80

750.174  
750.218  
257.254  
750.280

Embezzle over \$100  
False pretenses over \$100  
Possess title stolen motor vehicle  
Gross frauds

## 84 MONTHS

## Prior Record Level

		A	B	C	D
Offense Level	I	0-3	0-6	0-12	12-30
	II	0-6	0-9	0-12	12-36
	III	0-9	0-12	6-24	18-48
	IV	0-12	6-18	18-48	24-56

750.250

Forge treasury notes

750.251

Forge bank bills

750.252

Possess counterfeit notes

445.1538

Franchise law violation



**60 MONTHS****Prior Record Level****Offense  
Level****I  
II  
III  
IV**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>0-3</b>	<b>0-6</b>	<b>0-12</b>	<b>6-30</b>
<b>0-6</b>	<b>0-6</b>	<b>0-12</b>	<b>12-36</b>
<b>0-9</b>	<b>0-12</b>	<b>0-24</b>	<b>12-40</b>
<b>0-12</b>	<b>0-12</b>	<b>12-24</b>	<b>24-40</b>

257.254	Possess title stolen motor vehicle (ATT)
257.257	Forge motor vehicle title
432.30	Forgery of State Lottery ticket
438.41	Criminal usury
750.174	Embezzle over \$100 (ATT)
750.218	False pretenses over \$100 (ATT)
750.248	Forge public records (ATT)
750.249	Utter and publish forged instruments (ATT)
750.253	Utter counterfeit note
750.254	Possess counterfeit bank notes
750.280	Gross frauds (ATT)
750.362	Larceny by conversion over \$100
750.363	Larceny false personation

**48 MONTHS****Prior Record Level**

<b>Offense Level</b>		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>I</b>		<b>0-3</b>	<b>0-6</b>	<b>0-9</b>	<b>6-24</b>
<b>II</b>		<b>0-6</b>	<b>0-6</b>	<b>0-12</b>	<b>6-30</b>
<b>III</b>		<b>0-9</b>	<b>0-12</b>	<b>0-12</b>	<b>12-32</b>
<b>IV</b>		<b>0-12</b>	<b>0-12</b>	<b>12-24</b>	<b>18-32</b>

400.60  
750.157p  
750.157q  
750.157u

Welfare fraud over \$500  
Possess credit card  
Deliver credit card  
Forge signature credit card

**42 MONTHS****Prior Record Level**

<b>Offense Level</b>		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>I</b>		<b>0-3</b>	<b>0-3</b>	<b>0-6</b>	<b>6-12</b>
<b>II</b>		<b>0-3</b>	<b>0-6</b>	<b>0-9</b>	<b>6-12</b>
<b>III</b>		<b>0-9</b>	<b>0-9</b>	<b>0-12</b>	<b>12-20</b>
<b>IV</b>		<b>0-12</b>	<b>0-12</b>	<b>12-20</b>	<b>12-28</b>

445.1538  
750.250  
750.251  
750.252

Franchise law violation (ATT)  
Forge treasury notes (ATT)  
Forge bank bills (ATT)  
Possess counterfeit notes (ATT)

**30 MONTHS****Prior Record Level**

		A	B	C	D
Offense Level	I	0-3	0-3	0-6	3-12
	II	0-3	0-6	0-9	6-12
	III	0-6	0-9	0-12	12-20
	IV	0-12	0-12	12-20	12-20

257.257

Forge motor vehicle title (ATT)

438.41

Criminal usury (ATT)

750.253

Utter counterfeit note (ATT)

750.254

Possess counterfeit bank notes (ATT)

750.362

Larceny by conversion over \$100 (ATT)

750.363

Larceny by false personation (ATT)

**24 MONTHS****Prior Record Level****Offense  
Level**

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>I</b>	<b>0-3</b>	<b>0-3</b>	<b>0-6</b>	<b>0-12</b>
<b>II</b>	<b>0-3</b>	<b>0-3</b>	<b>0-6</b>	<b>6-12</b>
<b>III</b>	<b>0-6</b>	<b>0-6</b>	<b>0-9</b>	<b>6-12</b>
<b>IV</b>	<b>0-6</b>	<b>0-9</b>	<b>6-12</b>	<b>12-16</b>

400.60  
 750.131a  
 750.157p  
 750.157q  
 750.157u

Welfare fraud over \$500 (ATT)  
 Checks, non-sufficient funds, 3 or more  
 Possess credit card (ATT)  
 Deliver credit card (ATT)  
 Forge signature credit card (ATT)

# Homicide

# **PRIOR RECORD VARIABLES - HOMICIDE**

PRV	Points	Variable Name And Categories	Instructions
<b>PRV 1</b>		<b>PRIOR HIGH SEVERITY FELONY CONVICTIONS</b>	<p>A. A high severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (life, 120, 60, 48 month maxima)</li> <li>• Burglary (180 month maximum)</li> <li>• CSC (life, 180, 120, 60 month maxima)</li> <li>• Homicide (life, 180 month maxima)</li> <li>• Larceny (120 month maximum)</li> <li>• Robbery (All)</li> </ul> <p>All other felony convictions included in the crime groups covered by the guidelines are low severity felony convictions.</p> <p>B. If a prior felony conviction falls outside of the crime groups covered by the guidelines and the judge determines that it is similar to a high severity felony conviction [e.g., Conspiracy to Commit Murder 750.157b(2)], it should be included in scoring this variable.</p>
<b>PRV 2</b>		<b>PRIOR LOW SEVERITY FELONY CONVICTIONS</b>	<p>A. A low severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (24 month maximum)</li> <li>• Burglary (120, 60, 48, 30, 24 month maxima)</li> <li>• CSC (30, 24 month maxima)</li> <li>• Drug (All)</li> <li>• Fraud (All)</li> <li>• Larceny (60, 48, 30, 24 month maxima)</li> <li>• Property Destruction (All)</li> <li>• Weapons Possession (All)</li> </ul> <p>All other felony convictions included in the crime groups covered by the guidelines are high severity convictions.</p> <p>B. If a prior felony conviction falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a low severity felony conviction (e.g., Escape 750.193), it should be included in scoring this variable.</p>
<b>PRV 3</b>		<b>JUVENILE--HIGH SEVERITY ADJUDICATIONS</b>	<p>A. The adjudicated offense must occur after the offender's 13th birthday and before the offender's 17th birthday to be scored.</p> <p>B. A high severity juvenile adjudication refers to an adjudication involving conduct included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (life, 120, 60, 48 month maxima)</li> <li>• Burglary (180 month maximum)</li> <li>• CSC (life, 180, 120, 60 month maxima)</li> <li>• Homicide (life, 180 month maxima)</li> <li>• Larceny (120 month maximum)</li> <li>• Robbery (All)</li> </ul> <p>All other juvenile adjudications included in the crime groups covered by the guidelines are low severity.</p> <p>C. If a prior juvenile adjudication falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a high severity juvenile adjudication, it should be included in scoring this variable.</p>

# PRIOR RECORD VARIABLES - HOMICIDE

PRV Points	Variable Name And Categories	Instructions
<b>PRV 4</b>	<b>JUVENILE--LOW SEVERITY ADJUDICATIONS</b>	<p>A. The adjudicated offense must occur after the offender's 13th birthday and before the offender's 17th birthday to be scored.</p> <p>B. A low severity juvenile adjudication refers to an adjudication involving conduct included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (24 month maximum)</li> <li>• Burglary (120, 60, 48, 30, 24 month maxima)</li> <li>• CSC (30, 24 month maxima)</li> <li>• Drug (All)</li> <li>• Fraud (All)</li> <li>• Larceny (60, 48, 30, 24 month maxima)</li> <li>• Property Destruction (All)</li> <li>• Weapons Possession (All)</li> </ul> <p>All other juvenile adjudications included in the crime groups covered by the guidelines are high severity.</p> <p>C. If a prior juvenile adjudication falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a low severity juvenile adjudication, it should be included in scoring this variable.</p> <p>D. Curfew and status offenses are not to be counted as low severity adjudications.</p>
<b>PRV 5</b>	<b>PRIOR MISDEMEANOR CONVICTIONS</b>	<p>Score a misdemeanor only if it is related to one of the following crime groups: Assault, Burglary, Criminal Sexual Conduct, Drug, Fraud, Larceny, Property Destruction, Robbery, or Weapons Possession.</p>
<b>PRV 6</b>	<b>PRIOR RELATIONSHIP TO CRIMINAL JUSTICE SYSTEM</b>	<p>A. A post-conviction relationship exists if, at the time of the instant offense, the offender was:</p> <ul style="list-style-type: none"> <li>• incarcerated by the Michigan Department of Corrections (includes escapee)</li> <li>• incarcerated in jail (includes escapee)</li> <li>• on parole or probation</li> <li>• awaiting sentence on a probation violation, guilty verdict or guilty plea</li> <li>• on delayed sentence status</li> <li>• on 333.7411</li> </ul> <p>B. An other relationship exists if, at the time of the instant offense, the offender was:</p> <ul style="list-style-type: none"> <li>• on bond and/or bail</li> <li>• on pre-trial diversion</li> <li>• on Holmes Youthful Trainee status</li> </ul> <p>C. Score the appropriate point value if the offender was involved with the criminal justice system of another state or the Federal Government as specified by the relationships mentioned above.</p> <p>D. Relationship to the Criminal Justice System, applies to relationships determined by felony, juvenile and/or misdemeanor convictions or charges.</p>

# **PRIOR RECORD VARIABLES - HOMICIDE**

PRV	Points	Variable Name And Categories	Instructions
<b>PRV 7</b>		<b>SUBSEQUENT/CONCURRENT FELONY CONVICTIONS</b>	<p>A. Score the appropriate point value when the offender is convicted of multiple felony counts or is convicted of a felony subsequent to the commission of the instant offense.</p> <p>B. A felony firearm conviction should not be used when scoring this variable.</p>
	<b>20</b>	<b>2 or more subsequent/concurrent convictions</b>	
	<b>10</b>	<b>1 subsequent/concurrent conviction</b>	
	<b>0</b>	<b>No subsequent/concurrent convictions</b>	

PRIOR RECORD LEVELS	
SCORE	LEVEL
<b>0</b>	<b>A</b>
<b>1-24</b>	<b>B</b>
<b>25-49</b>	<b>C</b>
<b>50+</b>	<b>D</b>



# OFFENSE VARIABLES - HOMICIDE

OV	Points	Variable Name And Categories	Instructions
OV 3		<b>INTENT TO KILL OR INJURE</b>	<p>A. The sentencing judge must score this variable consistent with a jury verdict unless the judge has information that was not presented to the jury.</p> <p>B. Score "10" where a killing is intentional within the definitions of murder second degree or voluntary manslaughter but the death occurred in a combative situation or in response to victimization of the offender by the decedent.</p>
	50	Premeditated intent to kill; or homicide committed during the perpetration or attempt to perpetrate arson, criminal sexual penetration in the first or third degree, robbery, breaking and entering of a dwelling, larceny of any kind, extortion, or kidnapping	
	25	Unpremeditated intent to kill; or intent to do great bodily harm; or creation of a very high risk of death or great bodily harm with knowledge that death or great bodily harm was the probable result	
	10	Intent to injure; or homicide committed in an extreme emotional state caused by an adequate provocation and before a reasonable amount of time has elapsed for the offender to calm; or gross negligence amounting to an unreasonable disregard for life	
	0	Other homicides	
OV 4		<b>AGGRAVATED PHYSICAL ABUSE</b>	<p>A. Torture or sadism occurs whenever the offender subjected the victim to extreme or prolonged pain or humiliation, apparently inflicted to produce suffering or for the gratification of the offender.</p> <p>B. Criminal sexual penetration includes vaginal or non-vaginal penetration of any kind, with sexual organ, with other parts of the body or with any other objects.</p>
	40	Torture or sadism involved	
	25	Aggravated physical injury or criminal sexual penetration	
	0	None	
OV 6		<b>MULTIPLE VICTIMS</b>	<p>Count each person who was placed in danger of injury or loss of life as a victim.</p> <p>* Score "100" points only in Homicide crime group.</p>
	100*	Multiple deaths	
	10	2 or more victims	
	0	Not a multiple victim situation	

# OFFENSE VARIABLES - HOMICIDE

OV	Points	Variable Name And Categories	Instructions
OV 7		OFFENDER EXPLOITATION OF VICTIM VULNERABILITY	<p>A. The mere existence of one or more of these factors should not automatically be equated with victim vulnerability.</p> <p>B. Exploitation refers to the manipulation of the victim for selfish or unethical purposes.</p> <p>C. Vulnerability refers to the readily apparent susceptibility of the victim to injury, physical restraint, persuasion, or temptation.</p> <p>D. Abuse of authority status refers to situations where a victim is exploited out of fear or deference to an authority figure (e.g., parent-child, doctor-patient).</p>
	15	Offender exploits the victim due to a physical disability, mental disability, youth, agedness, or an abuse of authority status	
	5	Offender exploits the victim through a difference in size/strength, or because the victim was intoxicated, under the influence of drugs, asleep, or unconscious	
	0	No exploitation	
OV 9		OFFENDER'S ROLE	The entire criminal episode or situation should be taken into account in determining whether an offender is a leader.
	10	Leader in multiple offender situation	
	0	Not a leader	
OV 13		PSYCHOLOGICAL INJURY TO VICTIM	
	5	Serious psychological injury to victim or victim's family necessitating professional treatment	
	0	No psychological injury	
OV 25		CONTEMPORANEOUS CRIMINAL ACTS	<p>A. A criminal act is contemporaneous if: (1) it occurs within twenty-four hours of the offense upon which the offender is being sentenced or within six months if it is identical to or similar in nature and (2) it has not and will not result in a separate conviction.</p> <p>B. A felony firearm charge should not be used when scoring this variable.</p>
	15	3 or more contemporaneous criminal acts	
	5	2 contemporaneous criminal acts	
	0	0 or 1 contemporaneous criminal acts	

## OFFENSE VARIABLES - HOMICIDE

### • HOMICIDE OFFENSE VARIABLE LEVELS

SCORE	LEVEL
0-9	I
10-24	II
25-49	III
50+	IV

# GRIDS - HOMICIDE

## LIFE

### Prior Record Level

Offense  
Level

I  
II  
III  
IV

A	B	C	D
12-84	36-120	60-144	120-180
48-180	60-180	120-300	144-300
96-300	120-300	120-300	180-360 or life
120-300 or life	144-300 or life	180-360 or life	240-480 or life

750.317

Murder Second Degree

## 180 MONTHS

### Prior Record Level

Offense  
Level

I  
II  
III  
IV

A	B	C	D
0-36	12-60	24-72	36-96
12-60	24-84	36-96	48-120
24-84	36-96	48-120	72-120
36-96	48-120	72-120	84-120

750.321  
750.329

Manslaughter  
Manslaughter, death from wound

# **Larceny**

# **PRIOR RECORD VARIABLES - LARCENY**

PRV	Points	Variable Name And Categories	Instructions
<b>PRV 1</b>		<b>PRIOR HIGH SEVERITY FELONY CONVICTIONS</b>	<p>A. A high severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (life, 120, 60, 48 month maxima)</li> <li>• Burglary (180 month maximum)</li> <li>• CSC (life, 180, 120, 60 month maxima)</li> <li>• Homicide (life, 180 month maxima)</li> <li>• Larceny (120 month maximum)</li> <li>• Robbery (All)</li> </ul> <p>All other felony convictions included in the crime groups covered by the guidelines are low severity felony convictions.</p> <p>B. If a prior felony conviction falls outside of the crime groups covered by the guidelines and the judge determines that it is similar to a high severity felony conviction (e.g., Conspiracy to Commit Murder 750.157b(2)), it should be included in scoring this variable.</p>
<b>PRV 2</b>		<b>PRIOR LOW SEVERITY FELONY CONVICTIONS</b>	<p>A. A low severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (24 month maximum)</li> <li>• Burglary (120, 60, 48, 30, 24 month maxima)</li> <li>• CSC (30, 24 month maxima)</li> <li>• Drug (All)</li> <li>• Fraud (All)</li> <li>• Larceny (60, 48, 30, 24 month maxima)</li> <li>• Property Destruction (All)</li> <li>• Weapons Possession (All)</li> </ul> <p>All other felony convictions included in the crime groups covered by the guidelines are high severity convictions.</p> <p>B. If a prior felony conviction falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a low severity felony conviction (e.g., Escape 750.193), it should be included in scoring this variable.</p>
<b>PRV 3</b>		<b>JUVENILE--HIGH SEVERITY ADJUDICATIONS</b>	<p>A. The adjudicated offenses must occur after the offender's 13th birthday and before the offender's 17th birthday to be scored.</p> <p>B. A high severity juvenile adjudication refers to an adjudication involving conduct included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (life, 120, 60, 48 month maxima)</li> <li>• Burglary (180 month maximum)</li> <li>• CSC (life, 180, 120, 60 month maxima)</li> <li>• Homicide (life, 180 month maxima)</li> <li>• Larceny (120 month maximum)</li> <li>• Robbery (All)</li> </ul> <p>All other juvenile adjudications included in the crime groups covered by the guidelines are low severity.</p> <p>C. If a prior juvenile adjudication falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a high severity juvenile adjudication, it should be included in scoring this variable.</p>

# **PRIOR RECORD VARIABLES - LARCENY**

PRV Points	Variable Name And Categories	Instructions
<b>PRV 4</b>	<b>JUVENILE--LOW SEVERITY ADJUDICATIONS</b>	<p>A. The adjudicated offense must occur after the offender's 13th birthday and before the offender's 17th birthday to be scored.</p> <p>B. A low severity juvenile adjudication refers to an adjudication involving conduct included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (24 month maximum)</li> <li>• Burglary (120, 60, 48, 30, 24 month maxima)</li> <li>• CSC (30, 24 month maxima)</li> <li>• Drug (All)</li> <li>• Fraud (All)</li> <li>• Larceny (60, 48, 30, 24 month maxima)</li> <li>• Property Destruction (All)</li> <li>• Weapons Possession (All)</li> </ul> <p>All other juvenile adjudications included in the crime groups covered by the guidelines are high severity.</p> <p>C. If a prior juvenile adjudication falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a low severity juvenile adjudication, it should be included in scoring this variable.</p> <p>D. Curfew and status offenses are not to be counted as low severity adjudications.</p>
	<p>10 4 or more prior low severity juvenile adjudications</p> <p>5 2 or 3 prior low severity juvenile adjudications</p> <p>0 0 or 1 prior low severity juvenile adjudications</p>	
<b>PRV 5</b>	<b>PRIOR MISDEMEANOR CONVICTIONS</b>	<p>Score a misdemeanor only if it is related to one of the following crime groups: Assault, Burglary, Criminal Sexual Conduct, Drug, Fraud, Larceny, Property Destruction, Robbery, or Weapons Possession.</p>
	<p>10 4 or more prior misdemeanor convictions</p> <p>5 2 or 3 prior misdemeanor convictions</p> <p>0 0 or 1 prior misdemeanor convictions</p>	
<b>PRV 6</b>	<b>PRIOR RELATIONSHIP TO CRIMINAL JUSTICE SYSTEM</b>	<p>A. A post-conviction relationship exists if, at the time of the instant offense, the offender was:</p> <ul style="list-style-type: none"> <li>• Incarcerated by the Michigan Department of Corrections (includes escapee)</li> <li>• Incarcerated in jail (includes escapee)</li> <li>• on parole or probation</li> <li>• awaiting sentence on a probation violation, guilty verdict or guilty plea</li> <li>• on delayed sentence status</li> <li>• on 333.7411</li> </ul> <p>B. An other relationship exists if, at the time of the instant offense, the offender was:</p> <ul style="list-style-type: none"> <li>• on bond and/or bail</li> <li>• on pre-trial diversion</li> <li>• on Holmes Youthful Trainee status</li> </ul> <p>C. Score the appropriate point value if the offender was involved with the criminal justice system of another state or the Federal Government as specified by the relationships mentioned above.</p> <p>D. Relationship to the Criminal Justice System, applies to relationships determined by felony, juvenile and/or misdemeanor convictions or charges.</p>
	<p>15 Post-conviction relationship exists or the offender committed the instant offense within six months of termination of probation or parole</p> <p>5 Other relationship exists</p> <p>0 No relationship exists</p>	

# **PRIOR RECORD VARIABLES - LARCENY**

PRV	Points	Variable Name And Categories	Instructions
<b>PRV 7</b>		<b>SUBSEQUENT/CONCURRENT FELONY CONVICTIONS</b>	<p>A. Score the appropriate point value when the offender is convicted of multiple felony counts or is convicted of a felony subsequent to the commission of the instant offense.</p> <p>B. A felony firearm conviction should not be used when scoring this variable.</p>
	<b>20</b>	<b>2 or more subsequent/concurrent convictions</b>	
	<b>10</b>	<b>1 subsequent/concurrent conviction</b>	
	<b>0</b>	<b>No subsequent/concurrent convictions</b>	

<b>PRIOR RECORD LEVELS</b>	
<b>SCORE</b>	<b>LEVEL</b>
<b>0</b>	<b>A</b>
<b>1-24</b>	<b>B</b>
<b>25-49</b>	<b>C</b>
<b>50+</b>	<b>D</b>



# OFFENSE VARIABLES - LARCENY

OV	Points	Variable Name And Categories	Instructions
OV 8		CONTINUING PATTERN OF CRIMINAL BEHAVIOR	<p>A. Presence of multiple offenders should not automatically be defined as constituting an organized criminal group.</p> <p>B. Score "10" if the instant offense is directly related to membership in an organized criminal group.</p> <p>C. This may include a juvenile gang.</p> <p>D. The degree of sophistication of the group is not as important as the fact of existence, which can in part be inferred from the length of time the organization has been in operation.</p>
	10	The offense is a part of a pattern of criminal activities over a period of time from which the offender derives a substantial portion of his or her income and/or the offense is directly related to membership in an organized criminal group	
	0	No continuing criminal behavior and/or membership in an organized criminal group	
OV 9		OFFENDER'S ROLE	The entire criminal episode or situation should be taken into account in determining whether an offender is a leader.
	10	Leader in multiple offender situation	
	0	Not a leader	
OV 14		MOTOR VEHICLE THEFT	<p>A. Score "10" where motor vehicle is stripped; i.e., major part(s) taken.</p> <p>B. "True Joy-riding" refers to cases where there is no intent to permanently deprive the owner.</p>
	10	Motor vehicle was taken or major parts removed	
	0	Joy-riding or no motor vehicle theft	
OV 17		AGGREGATE VALUE OF PROPERTY OBTAINED, DAMAGED, OR DESTROYED	<p>A. Trial court may consider the total amount of money involved in admitted but uncharged offenses or in charges which have been dismissed pursuant to a plea agreement.</p> <p>B. In multiple offender cases, the aggregate value of property obtained, damaged, or destroyed is determined by adding together the aggregate value of property obtained, damaged, or destroyed by each offender.</p>
	10	More than \$5,000 or property having significant historical, social, or sentimental value	
	5	\$1,000 to \$5,000	
	1	\$200 to \$999	
	0	Less than \$200	

# OFFENSE VARIABLES - LARCENY

OV	Points	Variable Name And Categories	Instructions
OV 25		CONTEMPORANEOUS CRIMINAL ACTS	A. A criminal act is contemporaneous if: (1) it occurs within twenty four hours of the offense upon which the defendant is being sentenced or within six months if it is identical to or similar in nature and (2) it has not and will not result in a separate conviction.
15		3 or more contemporaneous criminal acts	B. A felony firearm charge should not be used when scoring this variable.
5		2 contemporaneous criminal acts	
0		0 or 1 contemporaneous criminal acts	

LARCENY OFFENSE VARIABLE LEVELS	
SCORE	LEVEL
0	I
1-10	II
11-25	III
26+	IV

**60 MONTHS****Prior Record Level**

		A	B	C	D
Offense Level	I	0-3	0-6	0-12	6-30
	II	0-6	0-6	0-12	12-36
	III	0-9	0-12	0-24	12-40
	IV	0-12	0-12	12-24	24-40

750.356

Larceny over \$100

750.356a

Larceny, motor vehicle

750.413

Unlawfully driving away automobile

750.535

Receive stolen property over \$100

**48 MONTHS****Prior Record Level**

		A	B	C	D
Offense Level	I	0-3	0-6	0-9	6-24
	II	0-6	0-6	0-12	6-30
	III	0-9	0-12	0-12	12-32
	IV	0-12	0-12	12-24	18-32

750.157n

Steal credit card

750.357a

Larceny livestock

750.360

Larceny; place of abode, work, storage,  
conveyance, worship & other places (Larceny in a building)

**30 MONTHS****Prior Record Level**

		A	B	C	D
Offense Level	I	0-3	0-3	0-6	3-12
	II	0-3	0-6	0-9	6-12
	III	0-6	0-9	0-12	12-20
	IV	0-12	0-12	12-20	12-20

750.356

Larceny over \$100 (ATT)

750.356a

Larceny, motor vehicle (ATT)

750.413

Unlawfully driving away automobile (ATT)

750.535

Receive stolen property over \$100 (ATT)

**24 MONTHS****Prior Record Level**

		A	B	C	D
Offense Level	I	0-3	0-3	0-6	0-12
	II	0-3	0-6	0-6	6-12
	III	0-6	0-6	0-9	6-12
	IV	0-6	0-9	6-12	12-16

322.131

Removal of timber without approval

750.414

Use auto without authority

750.157n

Steal credit card (ATT)

750.357a

Larceny livestock (ATT)

750.360

Larceny; place of abode, work, storage, conveyance, worship, &amp; other places (Larceny in a building) (ATT)

750.362a

Larceny, rental property

# **Property Destruction**

# **PRIOR RECORD VARIABLES - PROPERTY DESTRUCTION**

PRV	Points	Variable Name And Categories	Instructions
<b>PRV 1</b>		<b>PRIOR HIGH SEVERITY FELONY CONVICTIONS</b>	<p>A. A high severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (life, 120, 60, 48 month maxima)</li> <li>• Burglary (180 month maximum)</li> <li>• CSC (life, 180, 120, 60 month maxima)</li> <li>• Homicide (life, 180 month maxima)</li> <li>• Larceny (120 month maximum)</li> <li>• Robbery (All)</li> </ul> <p>All other felony convictions included in the crime groups covered by the guidelines are low severity felony convictions.</p> <p>B. If a prior felony conviction falls outside of the crime groups covered by the guidelines and the judge determines that it is similar to a high severity felony conviction [e.g., Conspiracy to Commit Murder 750.157b(2)], it should be included in scoring this variable.</p>
	50	2 or more prior high severity felony convictions	
	25	1 prior high severity felony conviction	
	0	No prior high severity felony convictions	
<b>PRV 2</b>		<b>PRIOR LOW SEVERITY FELONY CONVICTIONS</b>	<p>A. A low severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (24 month maximum)</li> <li>• Burglary (120, 60, 48, 30, 24 month maxima)</li> <li>• CSC (30, 24 month maxima)</li> <li>• Drug (All)</li> <li>• Fraud (All)</li> <li>• Larceny (60, 48, 30, 24 month maxima)</li> <li>• Property Destruction (All)</li> <li>• Weapons Possession (All)</li> </ul> <p>All other felony convictions included in the crime groups covered by the guidelines are high severity convictions.</p> <p>B. If a prior felony conviction falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a low severity felony conviction (e.g., Escape 750.193), it should be included in scoring this variable.</p>
	40	3 or more prior low severity felony convictions	
	25	2 prior low severity felony convictions	
	10	1 prior low severity felony conviction	
	0	No prior low severity felony convictions	
<b>PRV 3</b>		<b>JUVENILE--HIGH SEVERITY ADJUDICATIONS</b>	<p>A. The adjudicated offense must occur after the offender's 13th birthday and before the offender's 17th birthday to be scored.</p> <p>B. A high severity juvenile adjudication refers to an adjudication involving conduct included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (life, 120, 60, 48 month maxima)</li> <li>• Burglary (180 month maximum)</li> <li>• CSC (life, 180, 120, 60 month maxima)</li> <li>• Homicide (life, 180 month maxima)</li> <li>• Larceny (120 month maximum)</li> <li>• Robbery (All)</li> </ul> <p>All other juvenile adjudications included in the crime groups covered by the guidelines are low severity.</p> <p>C. If a prior juvenile adjudication falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a high severity juvenile adjudication, it should be included in scoring this variable.</p>
	25	2 or more prior high severity juvenile adjudications	
	10	1 prior high severity juvenile adjudication	
	0	No prior high severity juvenile adjudications	

## PRIOR RECORD VARIABLES - PROPERTY DESTRUCTION

PRV Points	Variable Name And Categories	Instructions
<b>PRV 4</b>	<b>JUVENILE--LOW SEVERITY ADJUDICATIONS</b>	<p>A. The adjudicated offense must occur after the offender's 13th birthday and before the offender's 17th birthday to be scored.</p> <p>B. A low severity juvenile adjudication refers to an adjudication involving conduct included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (24 month maximum)</li> <li>• Burglary (120, 60, 48, 30, 24 month maxima)</li> <li>• CSC (30, 24 month maxima)</li> <li>• Drug (All)</li> <li>• Fraud (All)</li> <li>• Larceny (60, 48, 30, 24 month maxima)</li> <li>• Property Destruction (All)</li> <li>• Weapons Possession (All)</li> </ul> <p>All other juvenile adjudications included in the crime groups covered by the guidelines are high severity.</p> <p>C. If a prior juvenile adjudication falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a low severity juvenile adjudication, it should be included in scoring this variable.</p> <p>D. Curfew and status offenses are not to be counted as low severity adjudications.</p>
	<p><b>10</b> 4 or more prior low severity juvenile adjudications</p> <p><b>5</b> 2 or 3 prior low severity juvenile adjudications</p> <p><b>0</b> 0 or 1 prior low severity juvenile adjudications</p>	
<b>PRV 5</b>	<b>PRIOR MISDEMEANOR CONVICTIONS</b>	<p>Score a misdemeanor only if it is related to one of the following crime groups: Assault, Burglary, Criminal Sexual Conduct, Drug, Fraud, Larceny, Property Destruction, Robbery, or Weapons Possession.</p>
	<p><b>10</b> 4 or more prior misdemeanor convictions</p> <p><b>5</b> 2 or 3 prior misdemeanor convictions</p> <p><b>0</b> 0 or 1 prior misdemeanor convictions</p>	
<b>PRV 6</b>	<b>PRIOR RELATIONSHIP TO CRIMINAL JUSTICE SYSTEM</b>	<p>A. A post-conviction relationship exists if, at the time of the instant offense, the offender was:</p> <ul style="list-style-type: none"> <li>• incarcerated by the Michigan Department of Corrections (includes escapee)</li> <li>• incarcerated in jail (includes escapee)</li> <li>• on parole or probation</li> <li>• awaiting sentence on a probation violation, guilty verdict or guilty plea</li> <li>• on delayed sentence status</li> <li>• on 333.7411</li> </ul> <p>B. An other relationship exists if, at the time of the instant offense, the offender was:</p> <ul style="list-style-type: none"> <li>• on bond and/or bail</li> <li>• on pre-trial diversion</li> <li>• on Holmes Youthful Trainee status</li> </ul> <p>C. Score the appropriate point value if the offender was involved with the criminal justice system of another state or the Federal Government as specified by the relationships mentioned above.</p> <p>D. Relationship to the Criminal Justice System, applies to relationships determined by felony, juvenile and/or misdemeanor convictions or charges.</p>
	<p><b>15</b> Post-conviction relationship exists or the offender committed the instant offense within six months of termination of probation or parole</p> <p><b>5</b> Other relationship exists</p> <p><b>0</b> No relationship exists</p>	

# **PRIOR RECORD VARIABLES - PROPERTY DESTRUCTION**

PRV	Points	Variable Name And Categories	Instructions
<b>PRV 7</b>		<b>SUBSEQUENT/CONCURRENT FELONY CONVICTIONS</b>	<p>A. Score the appropriate point value when the offender is convicted of multiple felony counts or is convicted of a felony subsequent to the commission of the instant offense.</p> <p>B. A felony firearm conviction should not be used when scoring this variable.</p>
	<b>20</b>	<b>2 or more subsequent/concurrent convictions</b>	
	<b>10</b>	<b>1 subsequent/concurrent conviction</b>	
	<b>0</b>	<b>No subsequent/concurrent convictions</b>	

PRIOR RECORD LEVELS	
SCORE	LEVEL
0	A
1-24	B
25-49	C
50+	D



## OFFENSE VARIABLES - PROPERTY DESTRUCTION

OV	Points	Variable Name And Categories	Instructions
OV 8		<b>CONTINUING PATTERN OF CRIMINAL BEHAVIOR</b>	<p>A. Presence of multiple offenders should not automatically be defined as constituting an organized criminal group.</p> <p>B. Score "10" if the instant offense is directly related to membership in an organized criminal group.</p> <p>C. This may include a juvenile gang.</p> <p>D. The degree of sophistication of the group is not so important as the fact of existence, which can in part be inferred from the length of time the organization has been in operation.</p>
	10	The offense is a part of a pattern of criminal activities over a period of time from which the offender derives a substantial portion of his or her income and/or the offense is directly related to membership in an organized criminal group	
	0	No continuing criminal behavior and/or membership in an organized criminal group	
OV 9		<b>OFFENDER'S ROLE</b>	The entire criminal episode or situation should be taken into account in determining whether an offender is a leader.
	10	Leader in multiple offender situation	
	0	Not a leader	
OV 17		<b>AGGREGATE VALUE OF PROPERTY OBTAINED, DAMAGED, OR DESTROYED</b>	<p>A. Trial court may consider the total amount of money involved in admitted but uncharged offenses or in charges which have been dismissed pursuant to a plea agreement.</p> <p>B. In multiple offender cases, the aggregate value of property obtained, damaged, or destroyed is determined by adding together the aggregate value of property obtained, damaged, or destroyed by each offender.</p>
	10	More than \$5,000 or property having significant historical, social, or sentimental value	
	5	\$1,000 to \$5,000	
	1	\$200 to \$999	
	0	Less than \$200	
OV 18		<b>INJURY OR THREAT TO LIFE</b>	
	100	Acts resulted in loss of human life	
	15	Acts resulted in injury to person	
	5	Acts created threat to human life	
	0	No loss, injury, or threat	

## OFFENSE VARIABLES - PROPERTY DESTRUCTION

OV	Points	Variable Name And Categories	Instructions
<b>OV 19</b>		<b>POSSESSION OF INCENDIARY DEVICE OR EXPLOSIVES</b>	<p>A. Score "0" where the offender is convicted of "preparation to burn" or "possession of incendiary device."</p> <p>B. Matches are not "incendiary devices."</p> <p>C. Incendiary device does refer to the use of gasoline or other flammable substances, blow torches, fire bombs, Molotov cocktails, etc.</p>
	<b>10</b>	Offender possesses incendiary device or explosives	
	<b>0</b>	No such possession	
<b>OV 25</b>		<b>CONTEMPORANEOUS CRIMINAL ACTS</b>	<p>A. A criminal act is contemporaneous if: (1) it occurs within twenty four hours of the offense upon which the defendant is being sentenced or within six months if it is identical to or similar in nature and (2) it has not and will not result in a separate conviction.</p> <p>B. A felony firearm charge should not be used when scoring this variable.</p>
	<b>15</b>	3 or more contemporaneous criminal acts	
	<b>5</b>	2 contemporaneous criminal acts	
	<b>0</b>	0 or 1 contemporaneous criminal acts	

### PROPERTY DESTRUCTION OFFENSE VARIABLE LEVELS

SCORE	LEVEL
0	I
1-10	II
11-25	III
26+	IV

# GRIDS - PROPERTY DESTRUCTION

## 240 MONTHS

### Prior Record Level

		A	B	C	D
Offense Level	I	0-9	0-12	6-36	12-48
	II	0-12	0-12	12-48	18-60
	III	0-24	6-36	12-60	24-96
	IV	12-48	18-60	24-96	60-160

750.72

Arson, dwelling

## 120 MONTHS

### Prior Record Level

		A	B	C	D
Offense Level	I	0-6	0-9	0-12	12-36
	II	0-9	0-12	0-18	18-42
	III	0-12	0-12	12-36	24-60
	IV	12-24	12-36	24-60	36-80

750.73  
750.75

Burn real property  
Burn insured property

# GRIDS - PROPERTY DESTRUCTION

## 60 MONTHS

### Prior Record Level

Offense Level		A	B	C	D
I		0-3	0-6	0-12	6-30
II		0-6	0-6	0-12	12-36
III		0-9	0-12	0-24	12-40
IV		0-12	0-12	12-24	24-40

750.72  
750.73  
750.75

Arson, dwelling (ATT)  
Burn real property (ATT)  
Burn insured property (ATT)

## 48 MONTHS

### Prior Record Level

Offense Level		A	B	C	D
I		0-3	0-6	0-9	6-24
II		0-6	0-6	0-12	6-30
III		0-9	0-12	0-12	12-32
IV		0-12	0-12	12-24	18-32

750.74  
750.77  
750.377a  
750.377b  
750.380  
750.383a

Burn personal property over \$50  
Prepare to burn over \$50  
Malicious injury to personal property over \$100  
Malicious injury to property of police  
Malicious injury to house over \$100  
Malicious destruction of Utility Equipment

**24 MONTHS****Prior Record Level**

		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Offense Level</b>	<b>I</b>	<b>0-3</b>	<b>0-3</b>	<b>0-6</b>	<b>0-12</b>
	<b>II</b>	<b>0-3</b>	<b>0-3</b>	<b>0-6</b>	<b>6-12</b>
	<b>III</b>	<b>0-6</b>	<b>0-6</b>	<b>0-9</b>	<b>6-12</b>
	<b>IV</b>	<b>0-6</b>	<b>0-9</b>	<b>6-12</b>	<b>12-16</b>

**750.74****Burn personal property over \$50 (ATT)****750.77****Prepare to burn over \$50 (ATT)****750.377a****Malicious injury to personal property over \$100 (ATT)****750.377b****Malicious injury to property of police (ATT)****750.380****Malicious injury to house over \$100 (ATT)****750.383a****Malicious destruction of utility equipment (ATT)**

# **Robbery**

## PRIOR RECORD VARIABLES - ROBBERY

PRV	Points	Variable Name And Categories	Instructions
<b>PRV 1</b>		<b>PRIOR HIGH SEVERITY FELONY CONVICTIONS</b>	<p><b>A. A high severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:</b></p> <ul style="list-style-type: none"> <li>• Assault (life, 120, 60, 48 month maxima)</li> <li>• Burglary (180 month maximum)</li> <li>• CSC (life, 180, 120, 60 month maxima)</li> <li>• Homicide (life, 180 month maxima)</li> <li>• Larceny (120 month maximum)</li> <li>• Robbery (All)</li> </ul> <p><b>All other felony convictions included in the crime groups covered by the guidelines are low severity felony convictions.</b></p> <p><b>B. If a prior felony conviction falls outside of the crime groups covered by the guidelines and the judge determines that it is similar to a high severity felony conviction [e.g., Conspiracy to Commit Murder 750.157b(2)], it should be included in scoring this variable.</b></p>
<b>PRV 2</b>		<b>PRIOR LOW SEVERITY FELONY CONVICTIONS</b>	<p><b>A. A low severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:</b></p> <ul style="list-style-type: none"> <li>• Assault (24 month maximum)</li> <li>• Burglary (120, 60, 48, 30, 24 month maxima)</li> <li>• CSC (30, 24 month maxima)</li> <li>• Drug (All)</li> <li>• Fraud (All)</li> <li>• Larceny (60, 48, 30, 24 month maxima)</li> <li>• Property Destruction (All)</li> <li>• Weapons Possession (All)</li> </ul> <p><b>All other felony convictions included in the crime groups covered by the guidelines are high severity convictions.</b></p> <p><b>B. If a prior felony conviction falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a low severity felony conviction (e.g., Escape 750.193), it should be included in scoring this variable.</b></p>
<b>PRV 3</b>		<b>JUVENILE--HIGH SEVERITY ADJUDICATIONS</b>	<p><b>A. The adjudicated offense must occur after the offender's 13th birthday and before the offender's 17th birthday to be scored.</b></p> <p><b>B. A high severity juvenile adjudication refers to an adjudication involving conduct included in the following crime groups and statutory maxima:</b></p> <ul style="list-style-type: none"> <li>• Assault (life, 120, 60, 48 month maxima)</li> <li>• Burglary (180 month maximum)</li> <li>• CSC (life, 180, 120, 60 month maxima)</li> <li>• Homicide (life, 180 month maxima)</li> <li>• Larceny (120 month maximum)</li> <li>• Robbery (All)</li> </ul> <p><b>All other juvenile adjudications included in the crime groups covered by the guidelines are low severity.</b></p> <p><b>C. If a prior juvenile adjudication falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a high severity juvenile adjudication, it should be included in scoring this variable.</b></p>

# PRIOR RECORD VARIABLES - ROBBERY

PRV Points	Variable Name And Categories	Instructions
<b>PRV 4</b>	<b>JUVENILE--LOW SEVERITY ADJUDICATIONS</b>	<p>A. The adjudicated offense must occur after the offender's 13th birthday and before the offender's 17th birthday to be scored.</p> <p>B. A low severity juvenile adjudication refers to an adjudication involving conduct included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (24 month maximum)</li> <li>• Burglary (120, 60, 48, 30, 24 month maxima)</li> <li>• CSC (30, 24 month maxima)</li> <li>• Drug (All)</li> <li>• Fraud (All)</li> <li>• Larceny (60, 48, 30, 24 month maxima)</li> <li>• Property Destruction (All)</li> <li>• Weapons Possession (All)</li> </ul> <p>All other juvenile adjudications included in the crime groups covered by the guidelines are high severity.</p> <p>C. If a prior juvenile adjudication falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a low severity juvenile adjudication, it should be included in scoring this variable.</p> <p>D. Curfew and status offenses are not to be counted as low severity adjudications.</p>
	<p><b>10</b> 4 or more prior low severity juvenile adjudications</p> <p><b>5</b> 2 or 3 prior low severity juvenile adjudications</p> <p><b>0</b> 0 or 1 prior low severity juvenile adjudications</p>	
<b>PRV 5</b>	<b>PRIOR MISDEMEANOR CONVICTIONS</b>	<p>Score a misdemeanor only if it is related to one of the following crime groups: Assault, Burglary, Criminal Sexual Conduct, Drug, Fraud, Larceny, Property Destruction, Robbery, or Weapons Possession.</p>
	<p><b>10</b> 4 or more prior misdemeanor convictions</p> <p><b>5</b> 2 or 3 prior misdemeanor convictions</p> <p><b>0</b> 0 or 1 prior misdemeanor convictions</p>	
<b>PRV 6</b>	<b>PRIOR RELATIONSHIP TO CRIMINAL JUSTICE SYSTEM</b>	<p>A. A post-conviction relationship exists if, at the time of the instant offense, the offender was:</p> <ul style="list-style-type: none"> <li>• incarcerated by the Michigan Department of Corrections (includes escapes)</li> <li>• incarcerated in jail (includes escapes)</li> <li>• on parole or probation</li> <li>• awaiting sentence on a probation violation, guilty verdict or guilty plea</li> <li>• on delayed sentence status</li> <li>• on 333.7411</li> </ul> <p>B. An other relationship exists if, at the time of the instant offense, the offender was:</p> <ul style="list-style-type: none"> <li>• on bond and/or bail</li> <li>• on pre-trial diversion</li> <li>• on Holmes Youthful Trainee status</li> </ul> <p>C. Score the appropriate point value if the offender was involved with the criminal justice system of another state or the Federal Government as specified by the relationships mentioned above.</p> <p>D. Relationship to the Criminal Justice System, applies to relationships determined by felony, juvenile and/or misdemeanor convictions or charges.</p>
	<p><b>15</b> Post-conviction relationship exists or the offender committed the instant offense within six months of termination of probation or parole</p> <p><b>5</b> Other relationship exists</p> <p><b>0</b> No relationship exists</p>	



# **PRIOR RECORD VARIABLES - ROBBERY**

PRV	Points	Variable Name And Categories	Instructions
PRV 7		<b>SUBSEQUENT/CONCURRENT FELONY CONVICTIONS</b>	<p>A. Score the appropriate point value when the offender is convicted of multiple felony counts or is convicted of a felony subsequent to the commission of the instant offense.</p> <p>B. A felony firearm conviction should not be used when scoring this variable.</p>
	20	2 or more subsequent/concurrent convictions	
	10	1 subsequent/concurrent conviction	
	0	No subsequent/concurrent convictions	

## **PRIOR RECORD LEVELS**

SCORE	LEVEL
0	A
1-24	B
25-49	C
50+	D

## OFFENSE VARIABLES - ROBBERY

OV	Points	Variable Name And Categories	Instructions
OV 1		<b>AGGRAVATED USE OF WEAPON</b>	<p>A. In multiple offender cases, when one offender is assessed points for the presence, type, and/or use of a weapon, all offenders shall be assessed the same number of points.</p> <p>B. A firearm refers to an operational or non-operational firearm, or any instrument fashioned to appear to be a firearm.</p> <p>C. Score "5" if an offender uses an object in his or her pocket to suggest the presence of a firearm.</p> <p>* Do not score "5" if the conviction offense is Robbery Armed or Felonious Assault.</p>
	25	A firearm is discharged by offender during commission of the offense	
	15	A firearm pointed toward victim or touching with another weapon	
	5*	A firearm displayed, implied, or possessed; any other weapon displayed	
	0	No firearm discharged, displayed, implied, or possessed; no other weapon	
OV 2		<b>PHYSICAL ATTACK AND/OR INJURY</b>	<p>A. In multiple offender cases when one offender is assessed points for physical attack and/or injury, all offenders shall be assessed the same number of points.</p> <p>B. Score "100" when death results from the commission of a crime and homicide is not the conviction offense.</p> <p>C. Terrorism is conduct that is designed to increase substantially the fear and anxiety that the victim suffers during the offense.</p> <p>D. Score "0" if a victim is struck in an assaultive crime and there is no bodily injury.</p>
	100	Victim killed	
	50	Victim treated with excessive brutality	
	25	Bodily injury and/or subjected to terrorism	
	0	No injury	
OV 5		<b>VICTIM WAS CARRIED AWAY OR HELD CAPTIVE</b>	Score "0" if the conviction offense is kidnapping.
	15	Victim was moved to another place of greater danger or to a situation of greater danger, or was held captive significantly beyond that which was necessary to commit the offense	
	0	Victim was not carried away or held captive	
OV 6		<b>MULTIPLE VICTIMS</b>	<p>Count each person who was placed in danger of injury or loss of life as a victim.</p> <p>* Score "100" points only in Homicide crime group.</p>
	100*	Multiple deaths	
	10	2 or more victims	
	0	Not a multiple victim situation	

## OFFENSE VARIABLES - ROBBERY

OV	Points	Variable Name And Categories	Instructions
OV 7		<b>OFFENDER EXPLOITATION OF VICTIM VULNERABILITY</b>	<p>A. The mere existence of one or more of these factors should not automatically be equated with victim vulnerability.</p> <p>B. Exploitation refers to the manipulation of the victim for selfish or unethical purposes.</p> <p>C. Vulnerability refers to the readily apparent susceptibility of the victim to injury, physical restraint, persuasion, or temptation.</p> <p>D. Abuse of authority status refers to situations where a victim is exploited out of fear or deference to an authority figure (e.g., parent-child, doctor-patient).</p>
	15	Offender exploits the victim due to a physical disability, mental disability, youth, agedness, or an abuse of authority status	
	5	Offender exploits the victim through a difference in size/strength, or because the victim was intoxicated, under the influence of drugs, asleep, or unconscious	
	0	No exploitation	
OV 9		<b>OFFENDER'S ROLE</b>	The entire criminal episode or situation should be taken into account in determining whether an offender is a leader.
	10	Leader in multiple offender situation	
	0	Not a leader	
OV 13		<b>PSYCHOLOGICAL INJURY TO VICTIM</b>	
	5	Serious psychological injury to victim or victim's family necessitating professional treatment	
	0	No psychological injury	
OV 17		<b>AGGREGATE VALUE OF PROPERTY OBTAINED, DAMAGED, OR DESTROYED</b>	<p>A. Trial court may consider the total amount of money involved in admitted but uncharged offenses or in charges which have been dismissed pursuant to a plea agreement.</p> <p>B. In multiple offender cases, the aggregate value of property obtained, damaged, or destroyed is determined by adding together the aggregate value of property obtained, damaged, or destroyed by each offender.</p>
	10	More than \$5,000 or property having significant historical, social, or sentimental value	
	5	\$1,000 to \$5,000	
	1	\$200 to \$999	
	0	Less than \$200	

# OFFENSE VARIABLES - ROBBERY

OV	Points	Variable Name And Categories	Instructions
OV 25		CONTEMPORANEOUS CRIMINAL ACTS	<p>A. A criminal act is contemporaneous if: (1) It occurs within twenty-four hours of the offense upon which the offender is being sentenced or within six months if it is identical to or similar in nature and (2) It has not and will not result in a separate conviction.</p> <p>B. A felony firearm charge should not be used when scoring this variable.</p>
15		3 or more contemporaneous criminal acts	
5		2 contemporaneous criminal acts	
0		0 or 1 contemporaneous criminal acts	

ROBBERY OFFENSE VARIABLE LEVELS	
SCORE	LEVEL
0-9	I
10-24	II
25-49	III
50+	IV

# GRIDS - ROBBERY

## LIFE

### Prior Record Level

		A	B	C	D
Offense Level	I	0-36	12-48	18-60	36-120
	II	12-48	18-60	24-72	48-240
	III	18-60	24-72	36-96	60-300
	IV	36-96	60-180	96-240	120-300 or life

750.89

Assault w/Intent to rob armed

750.529

Robbery armed

750.531

Bank robbery

## 180 MONTHS

### Prior Record Level

		A	B	C	D
Offense Level	I	0-12	0-24	12-48	24-72
	II	0-24	0-36	12-48	36-96
	III	0-36	12-48	24-72	48-120
	IV	24-60	36-72	60-120	60-120

750.88

Assault w/Intent to rob unarmed

750.530

Robbery unarmed

**120 MONTHS****Prior Record Level**

<b>Offense Level</b>		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
I		0-9	0-12	0-24	12-60
II		0-12	0-24	12-36	24-72
III		0-24	12-36	12-36	36-80
IV		12-48	24-60	36-80	48-80

750.357

Larceny from a person

**60 MONTHS****Prior Record Level**

<b>Offense Level</b>		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
I		0-6	0-9	0-12	12-40
II		0-9	0-12	0-12	18-40
III		0-12	0-12	12-30	24-40
IV		12-40	18-40	24-40	24-40

750.88

Assault w/intent to rob unarmed (ATT)

750.89

Assault w/intent to rob armed (ATT)

750.529

Robbery armed (ATT)

750.530

Robbery unarmed (ATT)

750.531

Bank robbery (ATT)

750.357

Larceny from a person (ATT)

# **Weapons Possession**

# **PRIOR RECORD VARIABLES - WEAPONS POSSESSION**

PRV	Points	Variable Name And Categories	Instructions
<b>PRV 1</b>		<b>PRIOR HIGH SEVERITY FELONY CONVICTIONS</b>	<p>A. A high severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (life, 120, 60, 48 month maxima)</li> <li>• Burglary (180 month maximum)</li> <li>• CSC (life, 180, 120, 60 month maxima)</li> <li>• Homicide (life, 180 month maxima)</li> <li>• Larceny (120 month maximum)</li> <li>• Robbery (All)</li> </ul> <p>All other felony convictions included in the crime groups covered by the guidelines are low severity felony convictions.</p> <p>B. If a prior felony conviction falls outside of the crime groups covered by the guidelines and the judge determines that it is similar to a high severity felony conviction [e.g., Conspiracy to Commit Murder 750.157b(2)], it should be included in scoring this variable.</p>
	<b>50</b>	<b>2 or more prior high severity felony convictions</b>	
	<b>25</b>	<b>1 prior high severity felony conviction</b>	
	<b>0</b>	<b>No prior high severity felony convictions</b>	
<b>PRV 2</b>		<b>PRIOR LOW SEVERITY FELONY CONVICTIONS</b>	<p>A. A low severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (24 month maximum)</li> <li>• Burglary (120, 60, 48, 30, 24 month maxima)</li> <li>• CSC (30, 24 month maxima)</li> <li>• Drug (All)</li> <li>• Fraud (All)</li> <li>• Larceny (60, 48, 30, 24 month maxima)</li> <li>• Property Destruction (All)</li> <li>• Weapons Possession (All)</li> </ul> <p>All other felony convictions included in the crime groups covered by the guidelines are high severity convictions.</p> <p>B. If a prior felony conviction falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a low severity felony conviction (e.g., Escape 750.193), it should be included in scoring this variable.</p>
	<b>40</b>	<b>3 or more prior low severity felony convictions</b>	
	<b>25</b>	<b>2 prior low severity felony convictions</b>	
	<b>10</b>	<b>1 prior low severity felony conviction</b>	
	<b>0</b>	<b>No prior low severity felony convictions</b>	
<b>PRV 3</b>		<b>JUVENILE--HIGH SEVERITY ADJUDICATIONS</b>	<p>A. The adjudicated offense must occur after the offender's 13th birthday and before the offender's 17th birthday to be scored.</p> <p>B. A high severity juvenile adjudication refers to an adjudication involving conduct included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (life, 120, 60, 48 month maxima)</li> <li>• Burglary (180 month maximum)</li> <li>• CSC (life, 180, 120, 60 month maxima)</li> <li>• Homicide (life, 180 month maxima)</li> <li>• Larceny (120 month maximum)</li> <li>• Robbery (All)</li> </ul> <p>All other juvenile adjudications included in the crime groups covered by the guidelines are low severity.</p> <p>C. If a prior juvenile adjudication falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a high severity juvenile adjudication, it should be included in scoring this variable.</p>
	<b>25</b>	<b>2 or more prior high severity juvenile adjudications</b>	
	<b>10</b>	<b>1 prior high severity juvenile adjudication</b>	
	<b>0</b>	<b>No prior high severity juvenile adjudications</b>	



# **PRIOR RECORD VARIABLES - WEAPONS POSSESSION**

PRV Points	Variable Name And Categories	Instructions
<b>PRV 4</b>	<b>JUVENILE--LOW SEVERITY ADJUDICATIONS</b>	<p>A. The adjudicated offense must occur after the offender's 13th birthday and before the offender's 17th birthday to be scored.</p> <p>B. A low severity juvenile adjudication refers to an adjudication involving conduct included in the following crime groups and statutory maxima:</p> <ul style="list-style-type: none"> <li>• Assault (24 month maximum)</li> <li>• Burglary (120, 60, 48, 30, 24 month maxima)</li> <li>• CSC (30, 24 month maxima)</li> <li>• Drug (All)</li> <li>• Fraud (All)</li> <li>• Larceny (60, 48, 30, 24 month maxima)</li> <li>• Property Destruction (All)</li> <li>• Weapons Possession (All)</li> </ul> <p>All other juvenile adjudications included in the crime groups covered by the guidelines are high severity.</p> <p>C. If a prior juvenile adjudication falls outside of the crime groups covered by the guidelines and the judge determines it is similar to a low severity juvenile adjudication, it should be included in scoring this variable.</p> <p>D. Curfew and status offenses are not to be counted as low severity adjudications.</p>
10	4 or more prior low severity juvenile adjudications	
5	2 or 3 prior low severity juvenile adjudications	
0	0 or 1 prior low severity juvenile adjudications	
<b>PRV 5</b>	<b>PRIOR MISDEMEANOR CONVICTIONS</b>	<p>Score a misdemeanor only if it is related to one of the following crime groups: Assault, Burglary, Criminal Sexual Conduct, Drug, Fraud, Larceny, Property Destruction, Robbery, or Weapons Possession.</p>
10	4 or more prior misdemeanor convictions	
5	2 or 3 prior misdemeanor convictions	
0	0 or 1 prior misdemeanor convictions	
<b>PRV 6</b>	<b>PRIOR RELATIONSHIP TO CRIMINAL JUSTICE SYSTEM</b>	<p>A. A post-conviction relationship exists if, at the time of the instant offense, the offender was:</p> <ul style="list-style-type: none"> <li>• Incarcerated by the Michigan Department of Corrections (includes escape)</li> <li>• Incarcerated in jail (includes escape)</li> <li>• on parole or probation</li> <li>• awaiting sentence on a probation violation, guilty verdict or guilty plea</li> <li>• on delayed sentence status</li> <li>• on 333.7411</li> </ul> <p>B. An other relationship exists if, at the time of the instant offense, the offender was:</p> <ul style="list-style-type: none"> <li>• on bond and/or bail</li> <li>• on pre-trial diversion</li> <li>• on Holmes Youthful Trainee status</li> </ul> <p>C. Score the appropriate point value if the offender was involved with the criminal justice system of another state or the Federal Government as specified by the relationships mentioned above.</p> <p>D. Relationship to the Criminal Justice System, applies to relationships determined by felony, juvenile and/or misdemeanor convictions or charges.</p>
15	Post-conviction relationship exists or the offender committed the instant offense within six months of termination of probation or parole	
5	Other relationship exists	
0	No relationship exists	

# **PRIOR RECORD VARIABLES - WEAPONS POSSESSION**

PRV	Points	Variable Name And Categories	Instructions
<b>PRV 7</b>		<b>SUBSEQUENT/CONCURRENT FELONY CONVICTIONS</b>	<p>A. Score the appropriate point value when the offender is convicted of multiple felony counts or is convicted of a felony subsequent to the commission of the instant offense.</p> <p>B. A felony firearm conviction should not be used when scoring this variable.</p>
	<b>20</b>	<b>2 or more subsequent/concurrent convictions</b>	
	<b>10</b>	<b>1 subsequent/concurrent conviction</b>	
	<b>0</b>	<b>No subsequent/concurrent convictions</b>	

## **PRIOR RECORD LEVELS**

SCORE	LEVEL
<b>0</b>	<b>A</b>
<b>1-24</b>	<b>B</b>
<b>25-49</b>	<b>C</b>
<b>50+</b>	<b>D</b>

# OFFENSE VARIABLES - WEAPONS POSSESSION

OV	Points	Variable Name And Categories	Instructions
OV 8		CONTINUING PATTERN OF CRIMINAL BEHAVIOR	<p>A. Presence of multiple offenders should not automatically be defined as constituting an organized criminal group.</p> <p>B. Score "10" if the instant offense is directly related to membership in an organized criminal group.</p> <p>C. This may include a juvenile gang.</p> <p>D. The degree of sophistication of the group is not so important as the fact of existence, which can in part be inferred from the length of time the organization has been in operation.</p>
	10	The offense is a part of a pattern of criminal activities over a period of time from which the offender derives a substantial portion of his or her income and/or the offense is directly related to membership in an organized criminal group	
	0	No continuing criminal behavior and/or membership in an organized criminal group	
OV 9		OFFENDER'S ROLE	The entire criminal episode or situation should be taken into account in determining whether an offender is a leader.
	10	Leader in multiple offender situation	
	0	Not a leader	
OV 18		INJURY OR THREAT TO LIFE	
	100	Acts resulted in loss of human life	
	15	Acts resulted in injury to person	
	5	Acts created threat to human life	
	0	No loss, injury, or threat	
OV 23		WEAPON: LETHAL POTENTIAL	
	10	Explosives, automatic rifles, sawed-off shotguns, machine guns	
	5	Ordinary pistol, rifle, shotgun, cutting weapon	
	0	Other potential weapons	

# OFFENSE VARIABLES - WEAPONS POSSESSION

OV	Points	Variable Name And Categories	Instructions
OV 25		CONTEMPORANEOUS CRIMINAL ACTS	A. A criminal act is contemporaneous if: (1) it occurs within twenty four hours of the offense upon which the defendant is being sentenced or within six months if it is identical or similar in nature and (2) it has not and will not result in a separate conviction.
15		3 or more contemporaneous criminal acts	B. A felony firearm charge should <u>not</u> be used when scoring this variable.
5		2 contemporaneous criminal acts	
0		0 or 1 contemporaneous criminal acts	

## WEAPONS POSSESSION OFFENSE VARIABLE LEVELS

SCORE	LEVEL
0	I
1-10	II
11-25	III
26+	IV