



District of Columbia Sentencing Commission
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SUBJECT: Arrest-to-Sentencing Analysis: Carjacking and Murder Offenses

The following analyses showcase the arrest-to-sentencing trends for Carjacking and Murder arrests that were made in the District of Columbia in Calendar Year 2022. Each arrest-to-sentencing analysis begins with an individual adult felony arrest and tracks that arrest through final disposition and/or sentencing. The papering decision (whether the prosecuting authority - USAO or OAG - elected to immediately file charges in Superior Court related to the arrest) is a component of this analysis. It is important to recognize that the D.C. Sentencing Commission only analyzes arrest papering rates based on charges initially brought in the D.C. Superior Court. This means that charges transferred to U.S. District Court or charges re-brought after an initial decision not to paper a case are not included in the papered case data.

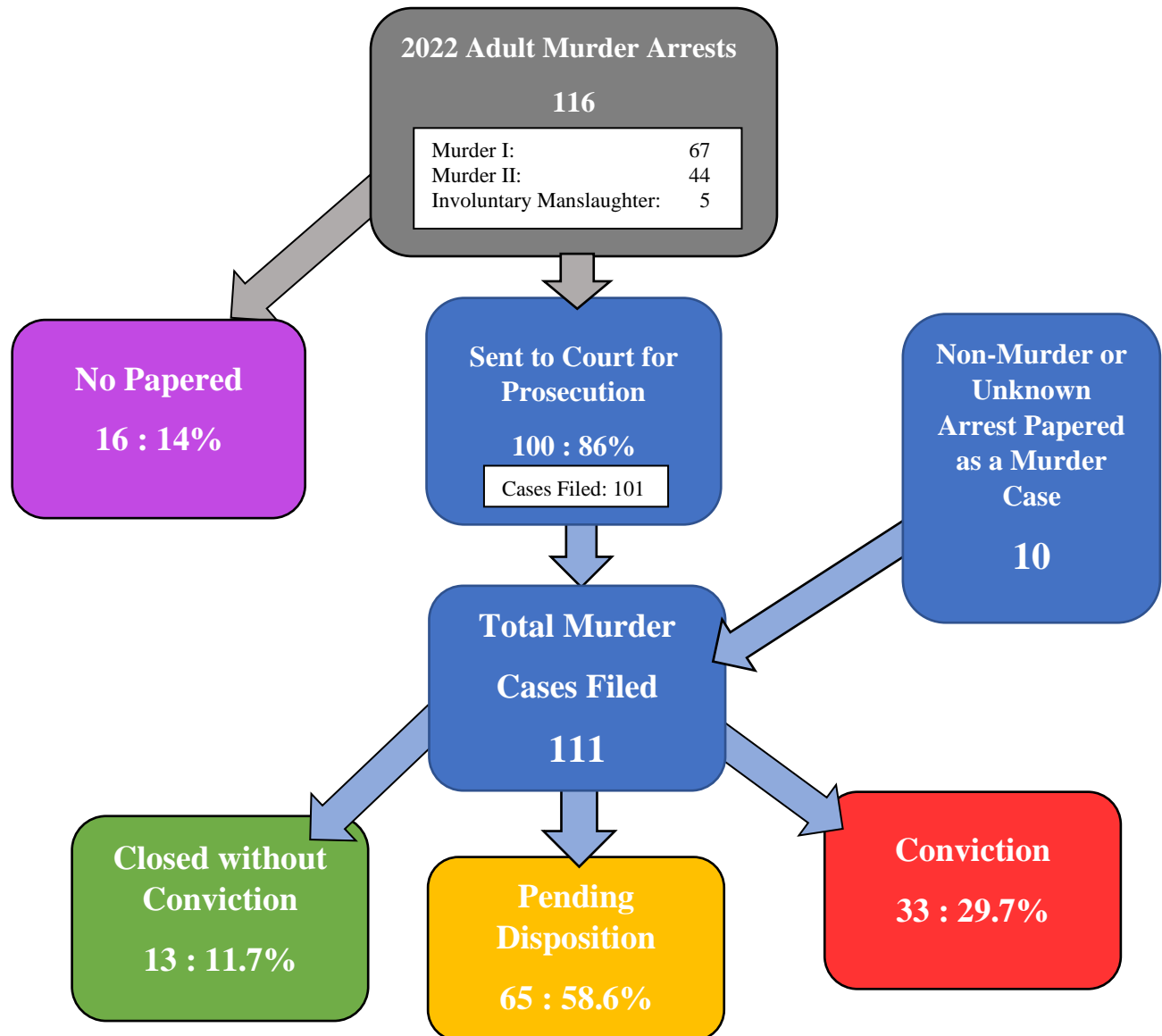
The second portion of the analysis focuses on the conviction and sentencing trends for papered arrests that ultimately resulted in a finding of guilt. The conviction and sentencing trends are examined by the disposition type (plea bargain v. trial) of a case. The vast majority of Carjacking and Murder cases were resolved via a plea agreement, either a traditional plea or a plea pursuant to Superior Court Criminal Rule 11(c)(1)(C). A Rule 11(c)(1)(C) plea is a plea agreement where the prosecution and the defense agree upon a specified sentence or sentencing range. This agreed upon sentence is presented to the Court, which can either accept or reject the plea. If accepted, the plea agreement becomes binding on the Court. Comparatively, a traditional plea is an agreement between the prosecution and the defense; the Court is free to impose any legal sentence it determines is appropriate.

A subsequent analysis of sentencing trends for Murder offenses sentenced in 2023, regardless of when the arrest took place, is also provided. This secondary analysis is independent of the arrest-to-sentencing analysis, though it is more reflective of the 2023 sentencing trends for Murder offenses. This is included because it is common for Murder cases to take longer to progress through the criminal justice system than cases comprised of “less serious” offenses. The majority of 2022 papered Murder arrests are currently pending disposition in the D.C. Superior Court. Consequently, the available conviction and sentencing data for the Murder arrest-to-sentencing analysis is very limited.

I. Murder Offenses – Arrest to Sentencing Analysis

In 2022, there were a total of 116 adult Murder arrests made in D.C. The majority (86%, n=100) of these arrests were papered, resulting in 101 non-fugitive cases filed in the D.C. Superior Court. Note that a single papered arrest can generate multiple D.C. Superior Court cases. Any filed cases where the arrested individual is being prosecuted as a fugitive from justice are excluded from the analysis.¹

Additionally, there were 10 papered Murder cases where the defendant was not initially arrested for Murder (2 cases) or arrest charge information is unavailable (8 cases). In total, there were 111 Murder cases filed in the D.C. Superior Court in 2022. The below diagram outlines the papering and sentencing outcomes of the Murder arrests and cases, respectively.

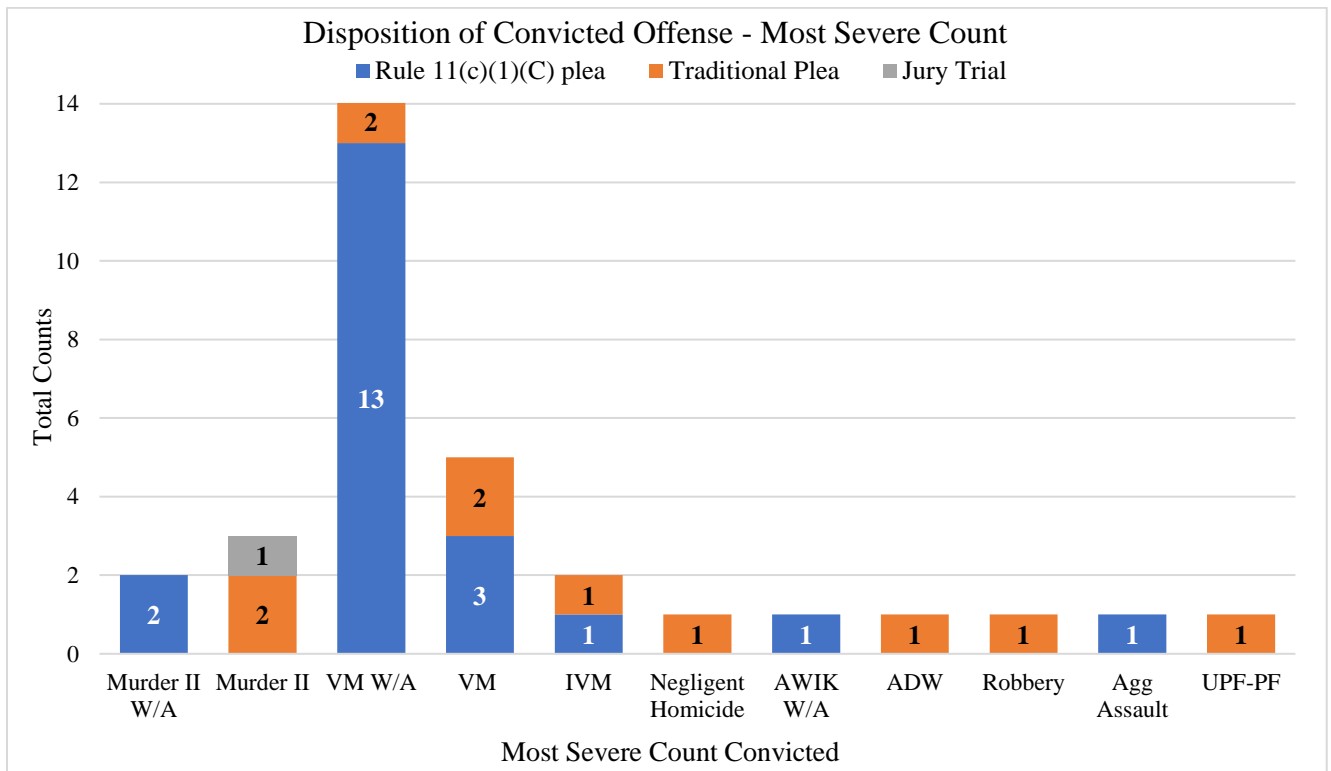


¹ Of the 100 papered arrests, one resulted in a fugitive from justice case, and has been excluded from the analysis. Of the remaining 99 papered arrests, two arrests (two different defendants) each generated two court cases. A total of 101 cases were filed from the 100 papered arrests.

The remainder of the analysis will report on the conviction and sentencing trends for the 33 cases that resulted in a finding of guilt. Conviction and sentencing trends are reported at the case level. Cases with multiple convictions are classified based on the most serious count (MSC) convicted.

A. Conviction Trends:

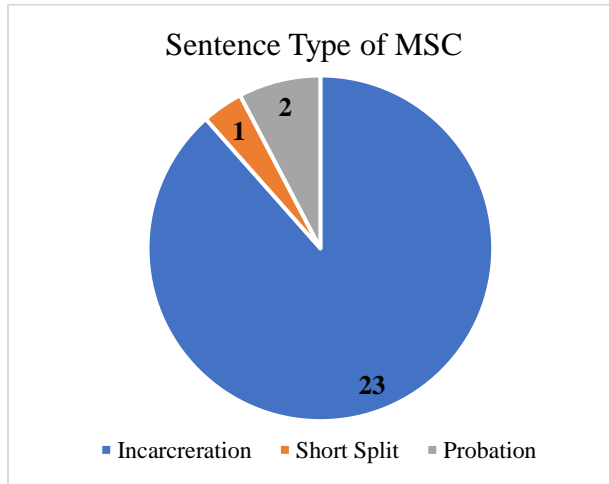
- In the vast majority of cases resulting in a conviction (85%, n=28), the defendant was convicted of a Murder offense.
 - o All Murder convictions within the time period analyzed were for either Murder II or manslaughter offenses (both armed and unarmed).
- The disposition type of each of the 33 convicted cases is presented below. A total of 21 cases (64%) were resolved via a Rule 11(c)(1)(C) plea, whereas 11 cases were resolved with a traditional plea. Only one conviction was a result of a guilty verdict following a jury trial.
- In two-thirds (22, 66%) of cases, the defendant was convicted of a manslaughter offense, with voluntary manslaughter W/A being the most frequently convicted offense. Voluntary Manslaughter W/A represented 45% of all Murder cases.
 - o The majority (77%, n=17) of Manslaughter convictions (both Voluntary and Involuntary) were the result of a Rule 11(c)(1)(C) plea.



Note that four Voluntary Manslaughter W/A cases, two Murder II cases, and the Robbery case have not yet been sentenced (as of January 8, 2024). These seven cases are excluded from the following sentencing analysis, which reports on the sentence type and sentence length trends for the most serious offense of conviction.

B. Sentencing Trends

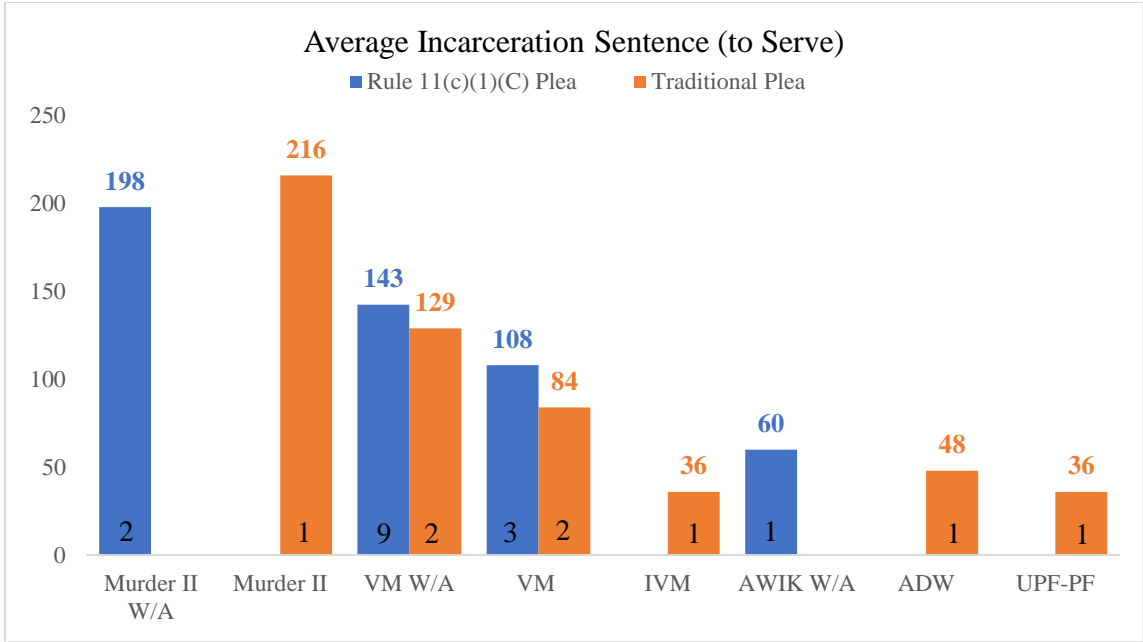
As of January 8, 2024, 26 of the 33 convicted cases have been sentenced in the D.C. Superior Court. The distribution of sentence type and average incarceration sentence lengths for the MSC in a case are reported below. Three cases resulted in either a probation or short split sentence.² Both probation sentences were the result of a Rule 11(c)(1)(C) plea, while the short split sentence was the result of a traditional plea.³



The chart below shows the average incarceration sentence (to serve) for the 23 cases that resulted in a prison sentence. The reported sentence lengths are in months and refer to the total executed sentence. This information is reported by disposition type to allow for a comparison of sentence lengths between cases that were disposed of via a Rule 11(c)(1)(C) plea versus a traditional plea. The values reported at the top of the chart represent the average prison sentence to serve, while the values reported at the base of each bar represent the number of counts sentenced for that specific offense.

² A sentence where the Court imposes a sentence within the applicable prison range, suspends execution of all but six months or less (but not all) of it, and places the defendant on probation up to five years. DCVSG § 7.32

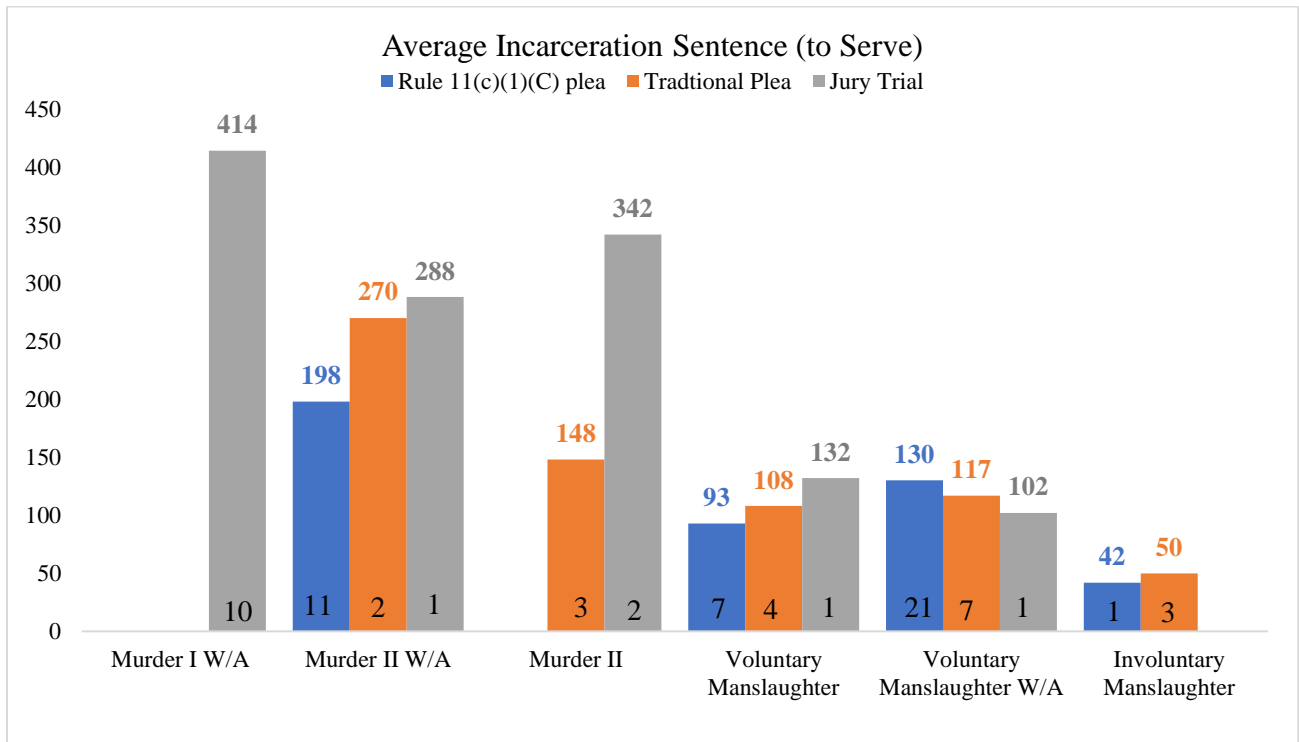
³ One Negligent Homicide case received a short split sentence. One Aggravated Assault case and one Involuntary Manslaughter case received probation sentences.



II. 2023 Murder Sentencing Trends

Analyzing Murder convictions irrespective of arrest year shows that in 2023 there were a total of 84 Murder counts sentenced, belonging to a total of 75 cases. In each of the 75 cases, the Murder charge was determined to be the most serious offense of conviction.

The vast majority of defendants convicted of Murder received a prison sentence. One probation sentence was imposed for a Voluntary Manslaughter conviction. This sentence was the result of a Rule 11(c)(1)(C) plea. Of the remaining 74 counts, 63 received a prison sentence, while the remaining 11 (15%) received a long split sentence.⁴ The average sentence length information is reported below for each offense, broken down by case disposition type (traditional plea, Rule 11(c)(1)(C) plea, or jury trial). Note that the reported sentence lengths are in months and refer to the total *executed* sentence (the amount of time the defendant will initially serve, rather than the total sentence, some period of which is suspended in a long split sentence).

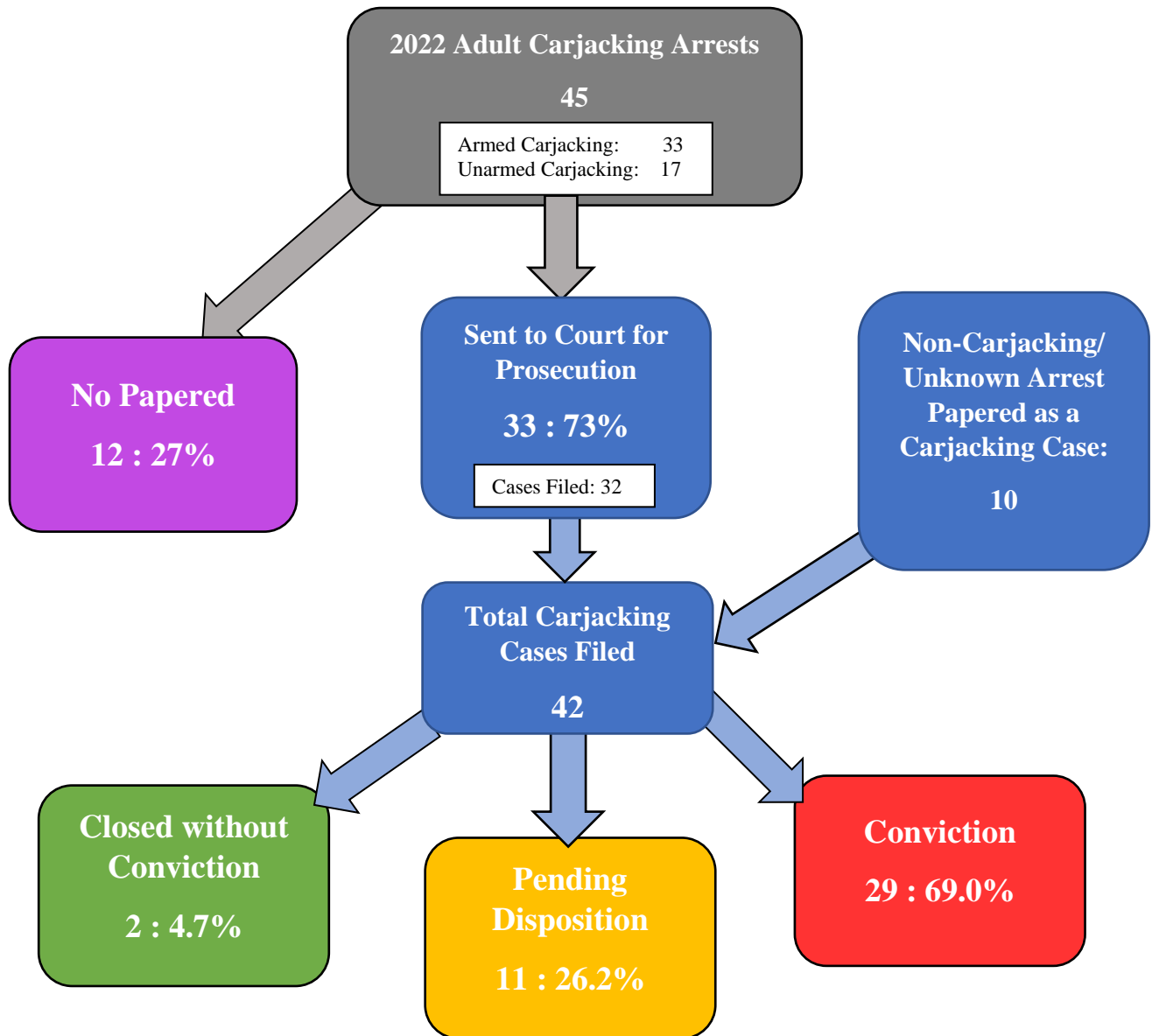


⁴ A compliant long split sentence is one where the Court imposes a sentence within the applicable prison range, suspends execution of all but a term that also falls within the applicable prison range, such that the time initially served (not suspended) is more than six months, and places the defendant on probation for a period up to five years. DCVSG § 7.18.

III. Carjacking Arrest-to-Sentencing Analysis

In 2022, there were a total of 45 adult Carjacking arrests made in D.C., 73% (n=33) of these arrests were papered, resulting in 32 non-fugitive cases filed in the D.C. Superior Court. Note that a single papered arrest can generate multiple D.C. Superior Court cases. Any filed cases where the arrested individual is being prosecuted as a fugitive from justice are excluded from the analysis.⁵

Additionally, there were 10 papered Carjacking cases where the defendant was not initially arrested for Carjacking (7) or arrest charge information is unavailable (3). In total, there were 42 Carjacking cases filed in the D.C. Superior Court in 2022. The below diagram outlines the papering and sentencing outcomes of the Carjacking arrests and cases, respectively.

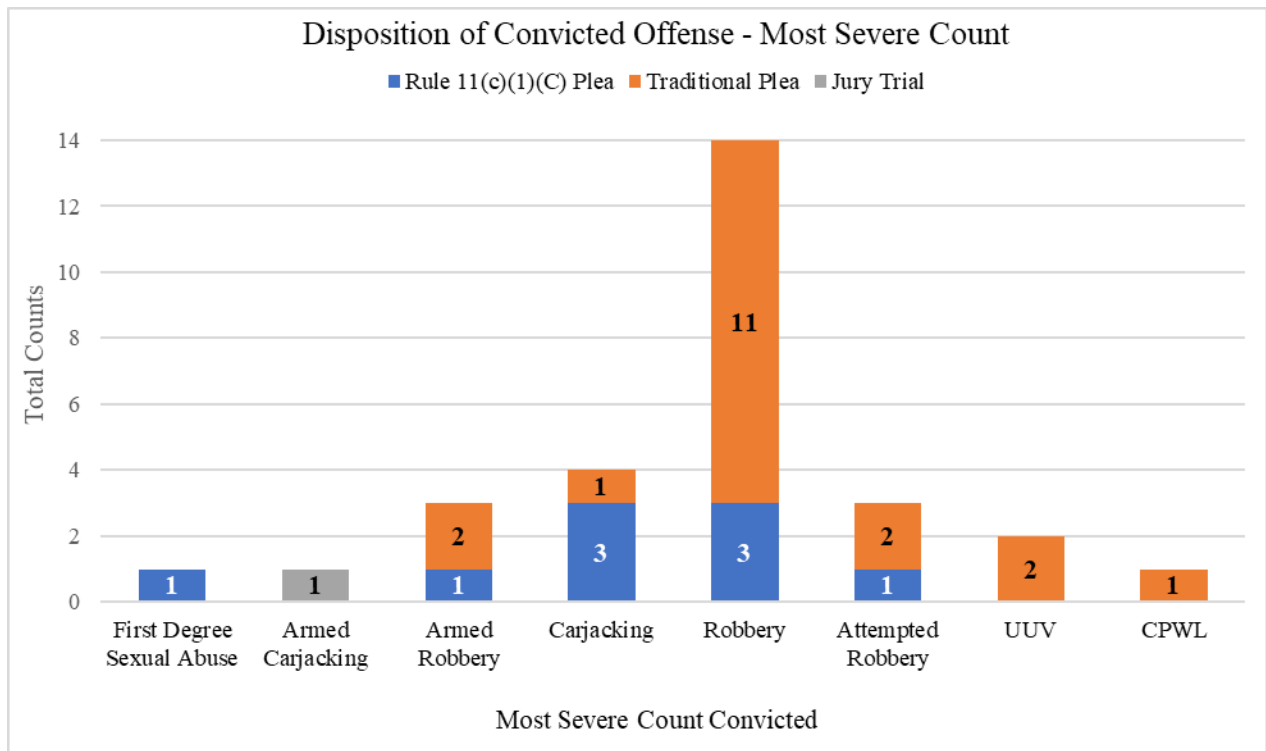


⁵ Of the 33 papered arrests, 3 resulted in fugitive from justice cases only, and have been excluded from the analysis. Of the remaining 30 papered arrests, two arrests each generated two court cases. A total of 32 cases were filed from the 33 papered arrests.

The remainder of the analysis will report on the conviction and sentencing trends for the 29 cases that resulted in a finding of guilt. In cases with multiple counts of conviction, cases are classified based on the most severe count (MSC).

Conviction Trends:

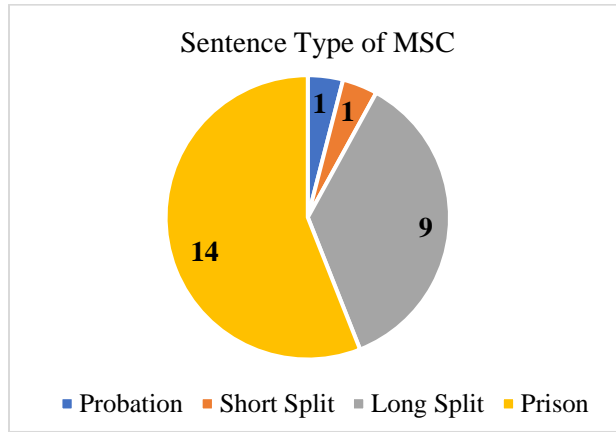
- Seven cases (24%) resulted in a conviction for a Carjacking offense. The Carjacking count was the MSC in five of the seven cases.
- The disposition type of each of the 29 convicted cases is presented below. Most cases (66%, n=19) were the result of a traditional plea agreement, whereas only 9 cases (31%) were resolved via a Rule 11(c)(1)(C) plea. Only one case went to trial.
- Unarmed Robbery was the most serious offense of conviction for just under half (48%) of all Carjacking cases. All robbery convictions were the result of a plea agreement.
 - o The majority (69%, n=20) of charged Carjacking cases were pled down to a Robbery offense (armed, unarmed, and attempt).



Note that two Carjacking, one Robbery, and one First Degree Sex Abuse cases, have not yet been sentenced (as of January 8, 2024). These four cases are excluded from the following sentencing analysis, which reports on the sentence type and sentence length trends for the most serious offense of conviction.

A. Sentencing Trends

As of January 8, 2024, 25 of the 29 cases have been sentenced in the D.C. Superior Court. The distribution of sentence type and average incarceration sentences for the MSC is reported below. Two cases resulted in either a probation or short split sentence.⁶ Neither of these sentences was the result of a Rule 11(c)(1)(C) plea.



The chart below shows the average incarceration sentence (to serve) for the 23 cases that resulted in a prison or long split sentence. The reported sentence lengths are in months and refer to the total *executed* sentence (rather than the total sentence, some period of which is suspended in a long split sentence). This information is reported by disposition type to allow for a comparison of sentence lengths between cases that are disposed of via a Rule 11(c)(1)(C) plea versus a traditional plea. Note that the lone Armed Carjacking conviction was the result of a jury trial, which is excluded from the below analysis. This count received an incarceration sentence of 182 months executed. The values reported at the top of the chart represent the average prison sentence to serve, while the values reported at the base of each bar represent the number of counts sentenced for that specific offense. It should be noted that an Armed Carjacking conviction has a 15-year mandatory minimum sentence and an Unarmed Carjacking conviction has a 7-year mandatory minimum sentence. However, these mandatory minimum sentences may be avoided if the defendant is sentenced pursuant to the Youth Rehabilitation Act.⁷

⁶ One Attempted Robbery conviction resulted in a probation sentence. One Unauthorized Use of a Vehicle (UUV) count resulted in a short split sentence.

⁷ D.C. Code § 24-901(6).

