

Rule 11(c)(1)(C) Plea Quarterly Report – FY2023 Quarter Four

Each quarter of the fiscal year, the Commission releases a data report on felony sentences imposed by D.C. Superior Court judges that were the result of a Rule 11(c)(1)(C) plea agreement. Rule 11(c)(1)(C) pleas occur when 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. Sentences imposed pursuant to an accepted Rule 11(c)(1)(C) are always deemed compliant with the Guidelines regardless of if they fall within the Guidelines recommended sentence type and range. This report uses live data, which means it is constantly changing. Until the publishing of the final fiscal year report, the Commission will update the previous preliminary quarterly totals in the most current release.

I. Quick Reference Chart

Rule 11(c)(1)(C) plea sentencing trends – count level analysis¹ (July 1, 2023 – September 30, 2023)

| FY 23 Overall | | |
|---|--|--------|
| Total Original Felony Counts Sentenced ² | 373 | |
| Non-11(c)(1)(C) Pleas | 321 (86%) | |
| 11(c)(1)(C) Pleas | 52 (14%) | |
| Rule 11(c)(1)(C) Plea Breakdown ³ | | |
| Compliant in the Box | 48 (92%) | |
| Compliant outside the Box | Above Box | 0 (0%) |
| | Below Box | 3 (6%) |
| No CH Score ⁴ | 1 (2%) | |
| Most Frequent Among 11(c)(1)(C) Pleas | | |
| Sentence Type | Prison <i>88% of all 11(c)(1)(C) Counts</i> | |
| Offense Type | Violent and Weapon <i>62% of all 11(c)(1)(C) Counts</i> | |
| CH Group | CH Group A <i>31% of all 11(c)(1)(C) Counts</i> | |

¹ Count level analysis provides an overview of sentencing practices that occur for each individual felony offense sentenced. Each case may have one or more counts sentenced and each sentenced individual may be convicted in one or more cases in a given calendar year.

² This analysis focuses on the day of sentencing; it does not include felony sentences following a remand from the Court of Appeals or after probation revocations.

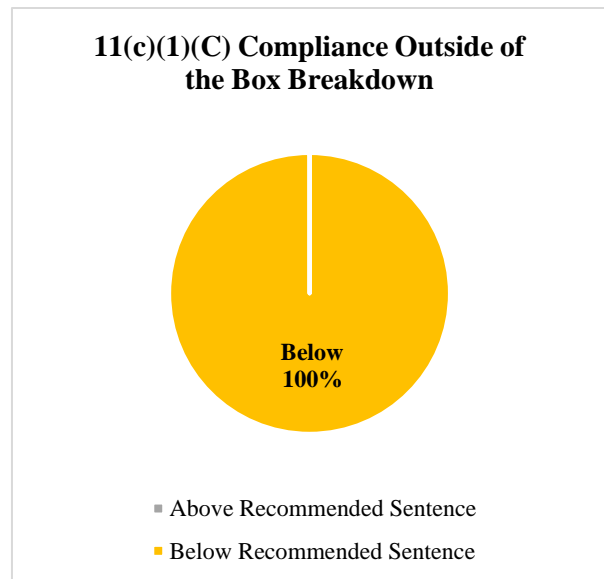
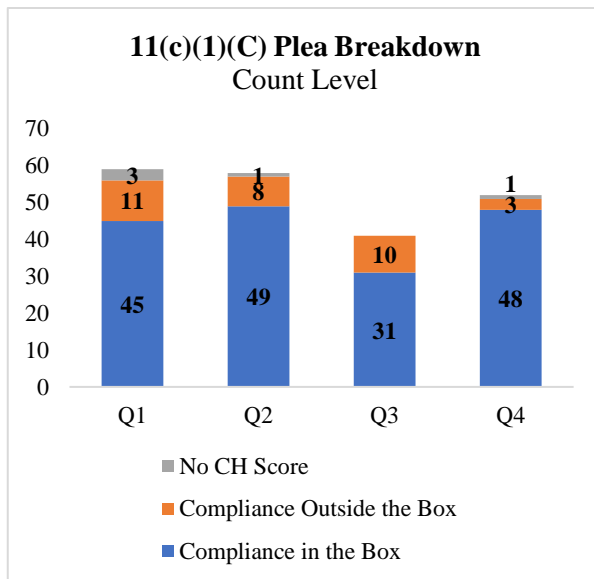
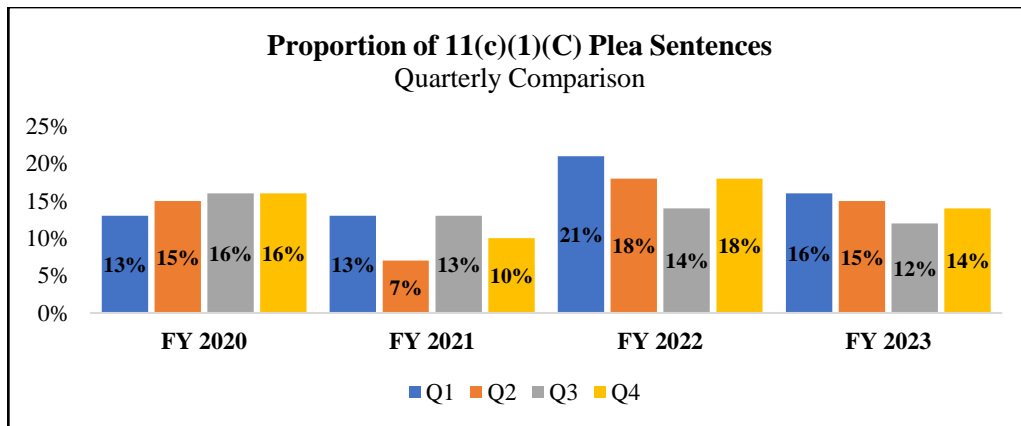
³ Sentences following a Rule 11(c)(1)(C) plea are analyzed as compliant in the box sentences if they fall within the recommended Guidelines range and sentencing options and are analyzed as compliant outside the box sentences if they fall outside the recommended Guidelines range and sentencing options.

⁴ “No CH” refers to cases where Superior Court did not request a PSR or a CH score calculation.

II. FY2023 Yearly Summary

- From July 1, 2023 to September 30, 2023, there were a total of 35 felony cases, consisting of 52 counts, that were sentenced pursuant to an accepted Rule 11(c)(1)(C) plea.
- All Rule 11(c)(1)(C) pleas that were Compliant outside the Box were given a sentence below the Guidelines recommended sentence (3 counts, 100%).

| | Q1 | Q2 | Q3 | Q4 |
|-------------------------------|--------------|--------------|--------------|--------------|
| Total Counts Sentenced | 369 | 396 | 330 | 373 |
| Non- Rule 11(c)(1)(C) Plea | 310 (84%) | 338 (85%) | 289 (88%) | 321 (86%) |
| Rule 11(c)(1)(C) Plea | 59 (16%) | 58 (15%) | 41 (12%) | 52 (14%) |

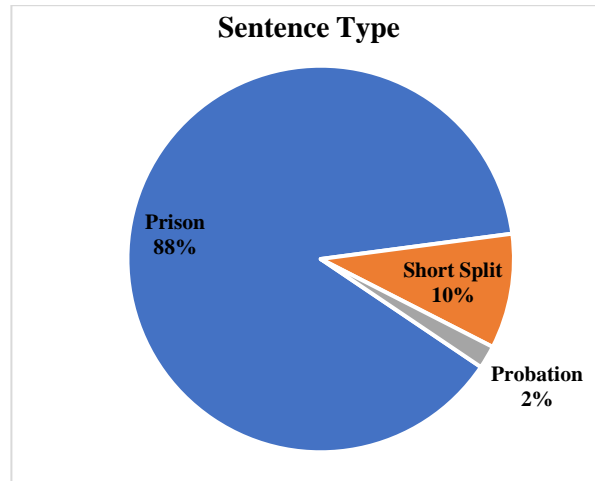


III. Quarter 4: July 1, 2023 – September 30, 2023

A. Sentencing Trends – Count Level

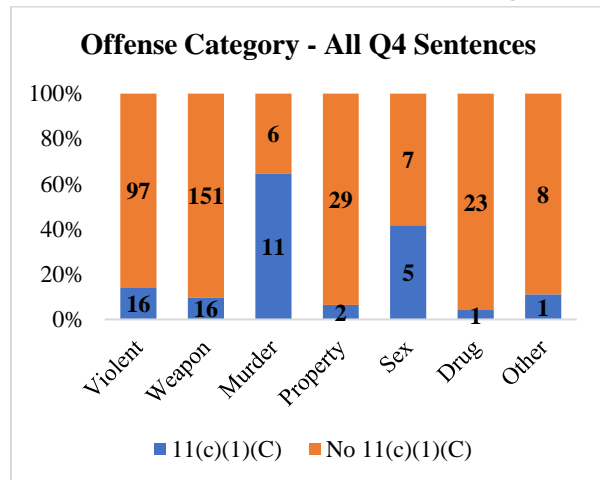
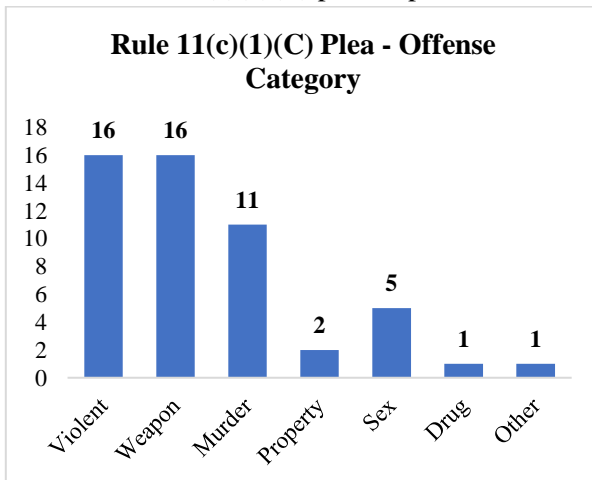
1. Sentence Type⁵

- The majority of sentences following a Rule 11(c)(1)(C) plea were prison sentences (46 counts, 88%).



2. Offense Category⁶

- Combined, Violent and Weapon offenses represented 62% of all sentences imposed in Q4 that were the result of a Rule 11(c)(1)(C) plea.
- Rule 11(c)(1)(C) pleas represented 65% of all Murder counts that were sentenced in Q4.



B. Individual Trends – Count Level

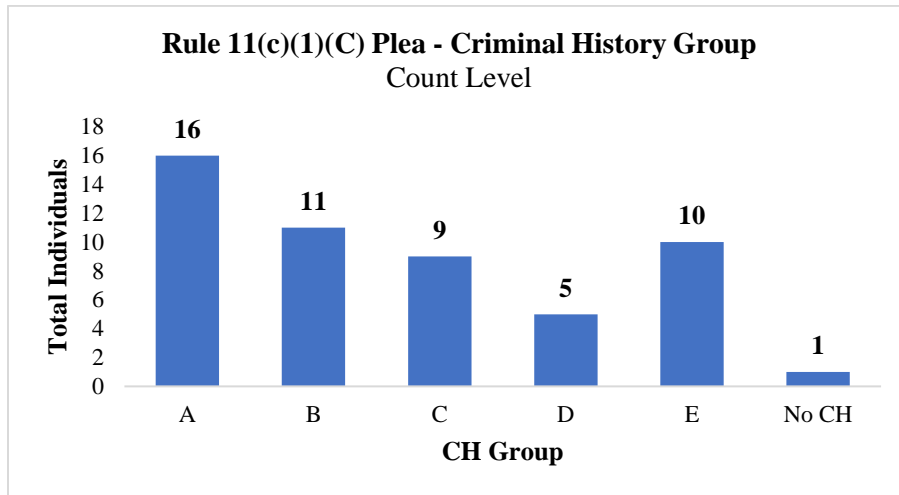
⁵ Long split sentences are categorized as prison sentences because a compliant long split requires the defendant to serve at least the minimum Guidelines compliant prison sentence.

⁶ Please reference page 28 of the [2023 SCDC Annual Report](#) for a list of the Commission’s offense categories and common offenses within each category.

In FY 2023 Q4, there were 33 individuals sentenced as the result of a Rule 11(c)(1)(C) plea.

1. *Criminal History*

- The majority of individuals who were sentenced pursuant to a Rule 11(c)(1)(C) plea were in Criminal History Group A (31%).



2. *Demographics*

There were 33 individuals sentenced as the result of an 11(c)(1)(C) plea in Q4. Of these 33 individuals:

- Majority were males (82%).⁷
 - 4 Females
 - 27 Males
 - 2 Unknown
- Majority were Black (82%).⁸
 - 27 Black
 - 4 White
 - 2 Unknown
- The age at offense ranged from 16 to 59, with an average of 32 years old and a median of 34 years old.

Of the 235 individuals not sentenced under a Rule 11(c)(1)(C):

- Majority were males (92%).
- Majority were Black (92%).
- The age at offense ranged from 16 to 70 years old, with an average of 30 years old and a median of 27 years old.

⁷ The Commission's data on gender is a limited binary categorization (i.e. only male or female). Gender information is obtained from Superior Court records.

⁸ Race category data used by the Commission does not capture ethnicity, thus Black individuals of Hispanic origin or White individuals of Hispanic origin are not separately presented.