

Rule 11(c)(1)(C) Plea Yearly Report – Fiscal Year 2023

This data report provides information on felony sentences imposed by D.C. Superior Court judges that were the result of a Rule 11(c)(1)(C) plea agreement during fiscal year 2023, which ran from October 1, 2022 to September 30, 2023. 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. Under the D.C. Voluntary Sentencing Guidelines rules, 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.

I. Quick Reference Charts

Rule 11(c)(1)(C) plea sentencing trends – count level analysis¹ (October 1, 2022 – September 30, 2023)

FY 23 Overall		
Total Original Felony Counts Sentenced ²		1,599
Non-11(c)(1)(C) Pleas ³		1,389 (87%)
11(c)(1)(C) Pleas		210 (13%)
Rule 11(c)(1)(C) Plea Breakdown ⁴		
Compliant in the Box		177 (84%)
Compliant outside the Box	Above Box	4 (2%)
	Below Box	28 (13%)
No CH Score ⁵		1 (<1%)
Most Frequent Among 11(c)(1)(C) Pleas		
Sentence Type		Prison <i>90% of all 11(c)(1)(C) Counts</i>
Offense Type		Violent <i>37% of all 11(c)(1)(C) Counts</i>
CH Group		CH Group B <i>28% 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 initial sentencings; it does not include felony sentences following a remand from the Court of Appeals or after probation revocations.

³ This includes sentences following a guilty verdict or a plea agreement not under Rule 11(c)(1)(C).

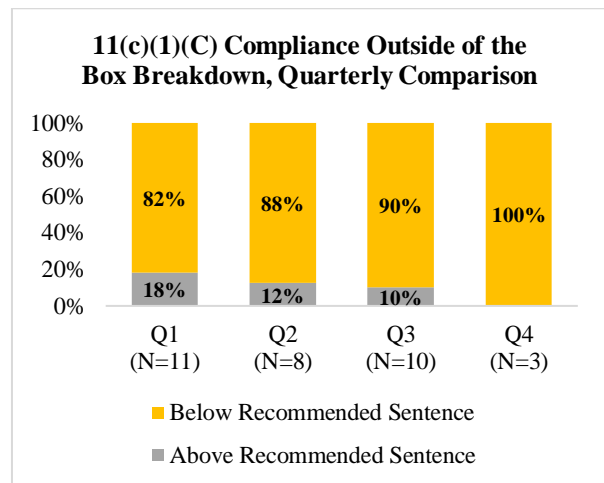
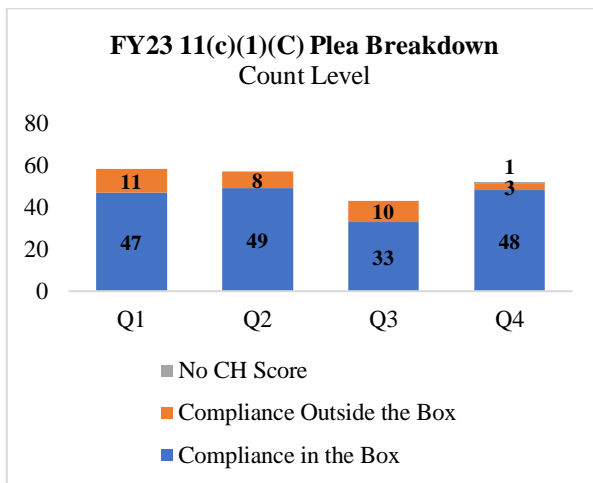
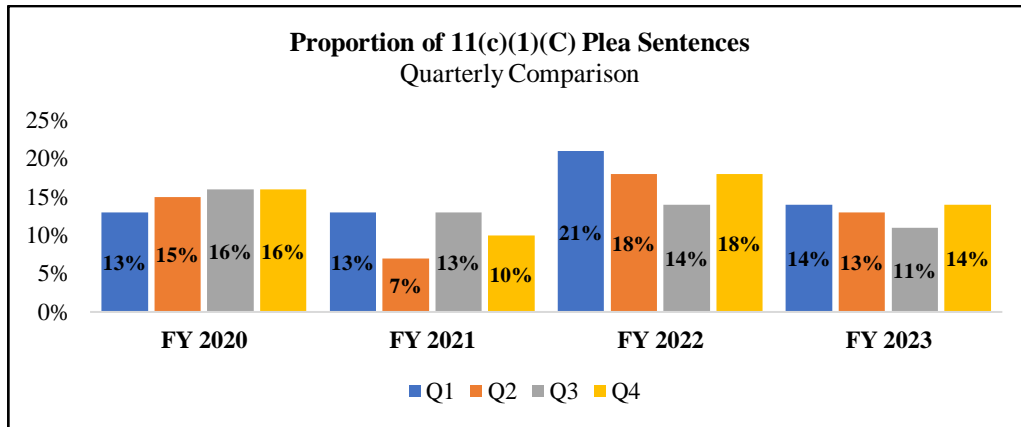
⁴ Sentences following a Rule 11(c)(1)(C) plea are analyzed as compliant in the box sentences if they fall within the recommended Guidelines range and sentencing options and are analyzed as compliant outside the box sentences if they fall outside the recommended Guidelines range and sentencing options.

⁵ “No CH” refers to cases where Superior Court did not request a PSR or a CH score calculation.

II. FY2023 Yearly Summary

- From October 1, 2022 to September 30, 2023, there were a total of 143 felony cases, consisting of 210 counts, that were sentenced pursuant to an accepted Rule 11(c)(1)(C) plea.
- Approximately 84% of all Rule 11(c)(1)(C) plea sentences imposed in FY2023 were determined to be Compliant in the Box sentences.
- A majority of the Rule 11(c)(1)(C) plea sentences imposed in FY2023 that were Compliant outside the Box were given a sentence *below* the Guidelines recommended sentence (28 counts, 88%).

	Q1	Q2	Q3	Q4
Total Counts Sentenced	401	444	381	373
Non- Rule 11(c)(1)(C) Plea	343 (86%)	387 (87%)	338 (89%)	321 (86%)
Rule 11(c)(1)(C) Plea	58 (14%)	57 (13%)	43 (11%)	52 (14%)

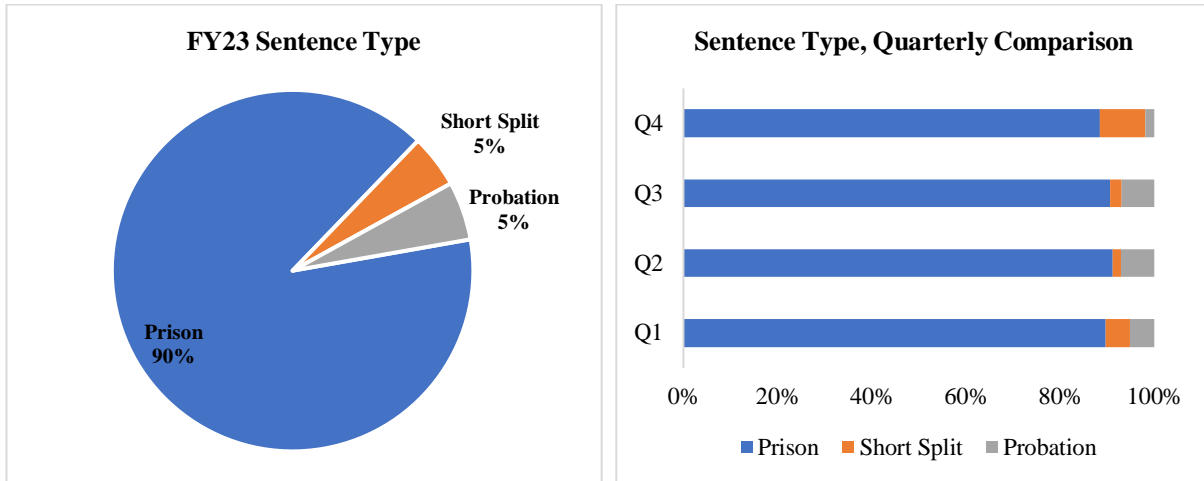


III. FY23: October 1, 2022 – September 30, 2023

A. Sentencing Trends – Count Level

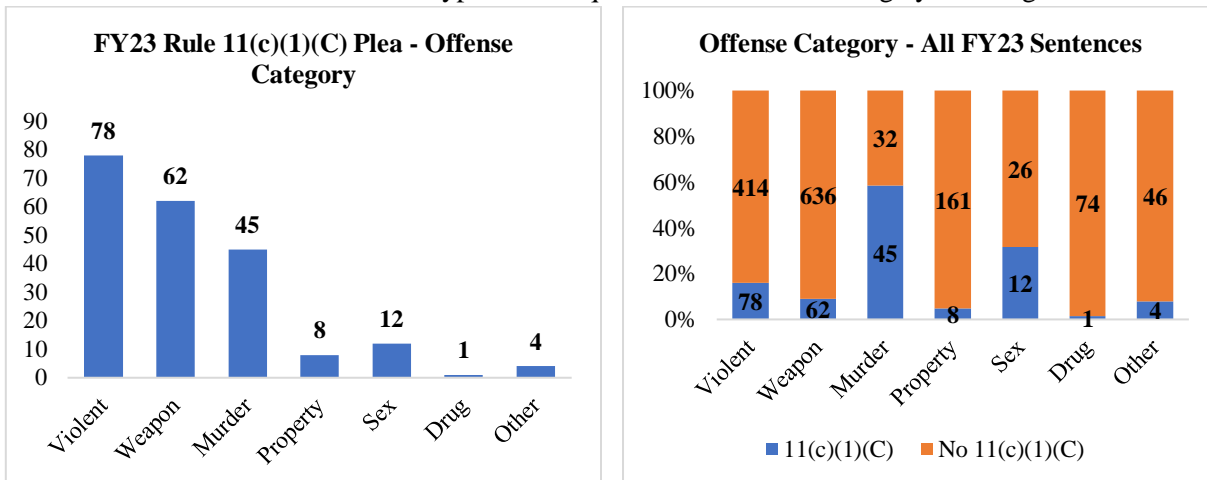
1. Sentence Type⁶

- The majority of sentences following a Rule 11(c)(1)(C) plea in FY2023 were prison sentences (189 counts, 90%).
- The distribution of sentence types across quarters has remained constant throughout FY2023.



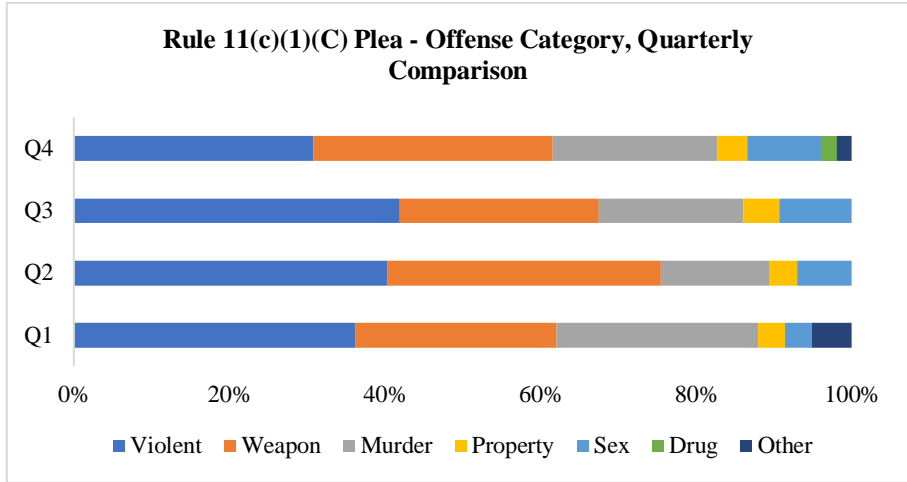
2. Offense Category⁷

- Combined, Violent and Weapon offenses represented 67% of all sentences imposed in FY2023 that were the result of a Rule 11(c)(1)(C) plea.
- Rule 11(c)(1)(C) pleas represented 58% of all Murder counts that were sentenced in FY2023.
- The distribution of offense types across quarters has remained largely unchanged.



⁶ 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.

⁷ 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.

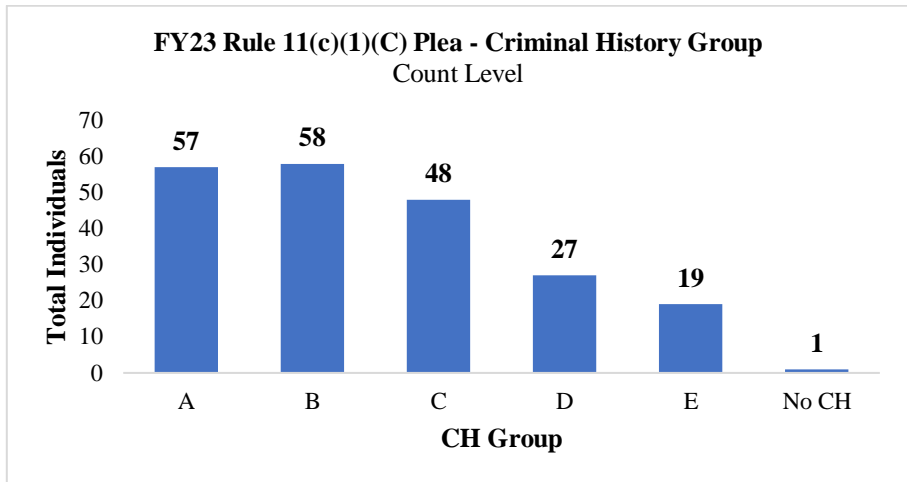


B. Individual Trends – Count Level

In FY 2023, there were 134 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 in FY2023 were in Criminal History Group B (28%), followed by Criminal History Group A (27%).
- The median criminal history score remained relatively constant quarter to quarter, whereas the average criminal history score slightly increased each quarter.

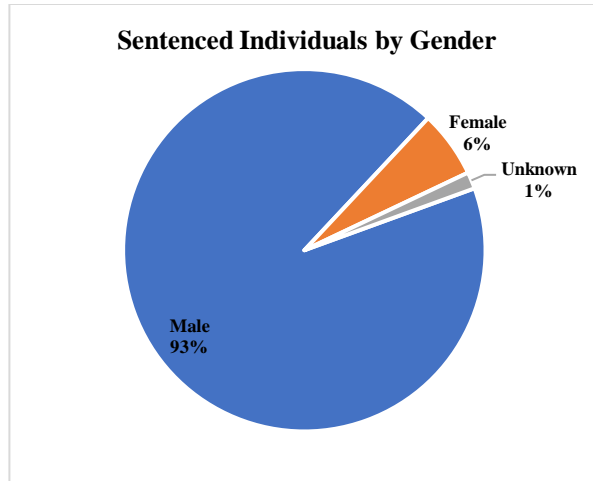


	Q1 (N=58)	Q2 (N=57)	Q3 (N=43)	Q4 (N=52)
Median CH Score	1.25	1.5	1.5	1.5
Average CH Score	1.94	2.23	2.26	2.86

2. Demographics

a. Gender⁸

- 124 males were sentenced pursuant to a Rule 11(c)(1)(C) in FY2023, representing 92.5% of the sentenced population.
 - 93.2% of defendants not sentenced under a Rule 11(c)(1)(C) in FY2023 were Male.⁹
- Females only represented 6.0% of the sentenced population.
 - Females represented 6.8% of defendants not sentenced under a Rule 11(c)(1)(C).



	Q1 (N=38)	Q2 (N=36)	Q3 (N=27)	Q4 (N=33)
Male	97.4%	97.2%	92.6%	81.8%
Female	2.6%	2.8%	7.4%	12.1%
Unknown	0.0%	0.0%	0.0%	6.1%

b. Race¹⁰

- Consistent every quarter, almost all individuals sentenced under a Rule 11(c)(1)(C) Plea in FY2023 were Black (89.6%, n=120).
 - During this same timeframe, 92.8% of individuals not sentenced under a Rule 11(c)(1)(C) Plea were Black (n=934).
- The remaining individuals sentenced were categorized as follows: Unknown (5.2%, n=7), White (4.5%, n=6), and Hispanic (0.7%, n=1).
 - For those not sentenced under a Rule 11(c)(1)(C) Plea, individuals were categorized as follows: White (4.7%, n=47), Unknown (1.7%, n=17), Hispanic (0.7%, n=7), and Asian (0.1%, n=1).

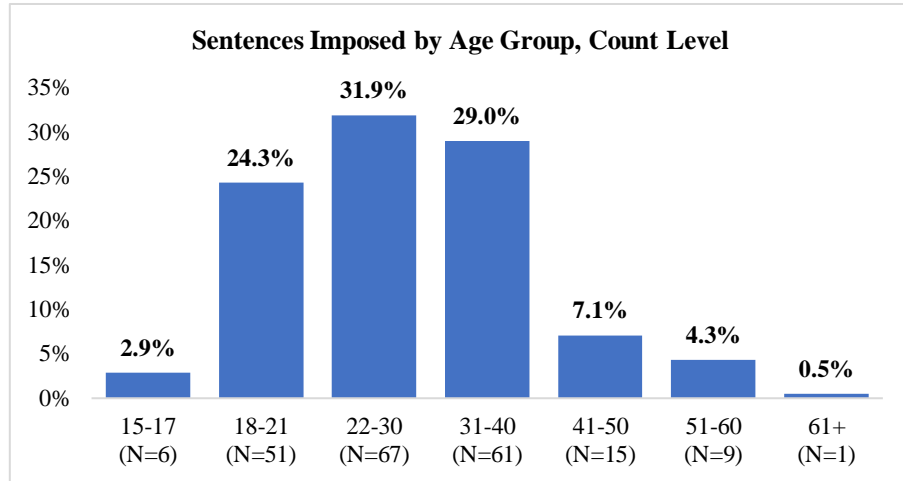
⁸ The Commission’s data on gender is a limited binary categorization (i.e., only male or female). Gender information is obtained from Superior Court records.

⁹ Gender information was available for 99.5% (n=1,001) of defendants not sentenced under a Rule 11(c)(1)(C) plea.

¹⁰ 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.

c. Age

- Individuals who were between the ages of 22 and 40 at the time of the offense accounted for 61% of all sentences pursuant to a Rule 11(c)(1)(C) in FY2023.
- The 22-30 age group was the most prevalent age group, representing 31.9% (n=67) of all individuals sentenced under a Rule 11(c)(1)(C).
 - The 22-30 age group was also the most prevalent age group for individuals not sentenced under a Rule 11(c)(1)(C) in FY2023 (37.9%, n=526).



- The age group composition has remained relatively stable quarter to quarter.
- The majority of individuals sentenced under a Rule 11(c)(1)(C) plea were aged 18 to 30 during the first half of the fiscal year, but in the second half, the age trend shifted, with the majority being between the ages of 22 and 40 at the time of the offense.

	Q1 (N=58)	Q2 (N=57)	Q3 (N=43)	Q4 (N=52)
15-17	0.0%	1.8%	7.0%	3.8%
18-21	32.8%	36.8%	9.3%	13.5%
22-30	36.2%	29.8%	34.9%	26.9%
31-40	20.7%	24.6%	27.9%	44.2%
41-50	10.3%	0.0%	14.0%	5.8%
51-60	0.0%	5.3%	7.0%	5.8%
61+	0.0%	1.8%	0.0%	0.0%



IV. Conclusion

In fiscal year 2023, quarterly sentencing trends for counts sentenced pursuant to a Rule 11(c)(1)(C) plea have shown relative stability. Rule 11(c)(1)(C) pleas accounted for 11 to 14 percent of the total number of counts sentenced each quarter. A majority of the Rule 11(c)(1)(C) plea sentences imposed each quarter were determined to be Compliant in the Box sentences. Of the sentences that were Compliant outside the Box, a majority were given a sentence below the Guidelines recommended sentence. There was only one Rule 11(c)(1)(C) count in FY2023 that did not have a criminal history score, and that was because a presentence report was not requested by the Court. The distribution of sentence and offense types across quarters has remained constant throughout FY2023, with prison sentences and violent offenses accounting for the majority of Rule 11(c)(1)(C) pleas sentenced. Most of the individuals sentenced pursuant to a Rule 11(c)(1)(C) plea in FY2023 were in Criminal History Groups A and B. The average criminal history score of defendants sentenced pursuant to a Rule 11(c)(1)(C) plea has slightly increased each quarter. There were no quarterly changes in demographic trends for defendants sentenced under a Rule 11(c)(1)(C) plea. A majority of sentenced individuals were Black and Male, between 22 and 30 at the time of the offense, aligning with the trends for defendants not sentenced under a Rule 11(c)(1)(C) plea.