



District of Columbia Sentencing Commission

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Hon. Milton C. Lee
Chairman

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SUBJECT: Murder Offenses: Disposition and Sentencing Trends

Included in this response is a high-level evaluation of sentencing trends using data sourced from the D.C. Superior Court (DCSC). The data contains information on cases sentenced between January 1, 2017 and December 31, 2021 that were initially charged with Murder I or Murder I while armed. Within these cases, the response analyzes the “most serious count sentenced”¹ and compares this sentence to the other counts sentenced in that case, referred to as the “lesser counts sentenced.”²

There were 109 cases sentenced between January 1, 2017 and December 31, 2021 that were initially charged with at least one Murder I or Murder I while armed offense. There were six cases where a Murder I offense was initially charged and 103 cases where a Murder I while armed offense was initially charged, respectively representing 6% and 94% of the total number of cases.³

¹ The most serious count sentenced is determined by the following ranked criteria:

1. Imposition of a life sentence
2. Sentencing Guidelines Severity Group, in the following order: M1, M2, M3, M4, M5, D1, M6, M7, D2, M8, M9, D3, D4
3. Sentence Length
4. Offense Type, in the following order: Homicide, Sex, Violent, Weapon, Property, Drug, Other, Miscellaneous
5. Whether the offense of conviction was a while-armed offense
6. The number of counts, as ordered by the Court.

² There is only one most serious count sentenced in any case. Lesser counts sentenced refer to all the other counts that were sentenced but were not the most serious count sentenced. In cases with multiple murder convictions, only one count is considered the most serious.

³ Cases that were initially charged with both a Murder I and a Murder I w/a offense are counted as Murder I w/a offenses.

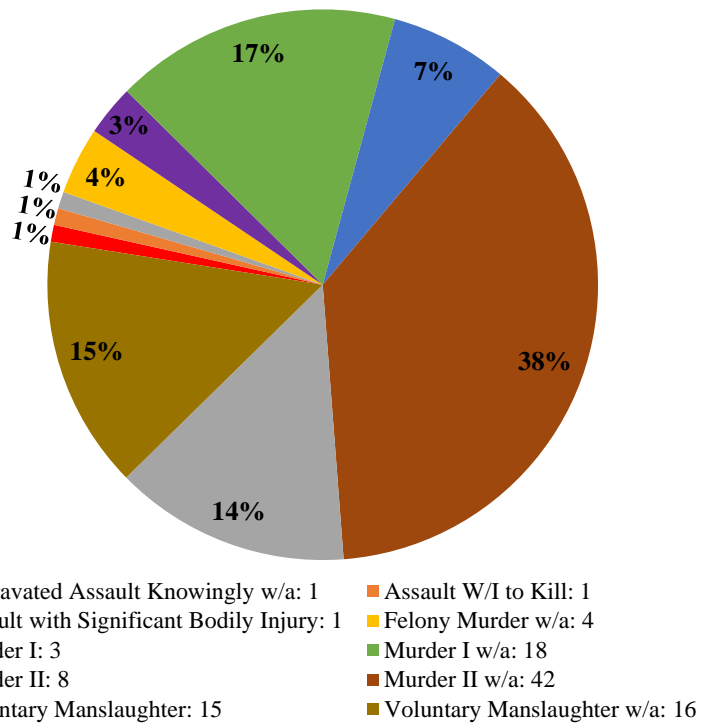
I. Key Findings

- There was a total of 109 cases, made up of 277 individual counts, sentenced between January 1, 2017 and December 31, 2021 where at least one of the initially charged counts was a Murder I or Murder I while armed offense.⁴
- For all cases in which Murder I or Murder I while armed was initially charged, Murder II while armed was the most serious offense sentenced in 42 (approximately 40%) of the 109 cases.
- Combined, Voluntary Manslaughter and Voluntary Manslaughter while armed represented 29% of the most serious counts sentenced.
- Most (71%) of the cases were sentenced via a plea. No cases were sentenced via a bench trial.
- The sentence imposed for the most serious offense of conviction ranged from 18 to 540 months. Comparatively, all the lesser counts sentenced had a sentence range of 6 to 540 months.

⁴ Murder I offenses accounted for 25 (21 armed, 4 unarmed) of these 277 counts. The majority of these 277 counts were for Murder II offenses (49 armed, 9 unarmed).

II. Most Serious Offense Sentenced

The pie chart below breaks down the number of cases in 2017 through 2021 that were initially charged with Murder I or Murder I while armed by the most serious count sentenced in each case. Murder II while armed was the most serious offense sentenced in 38% of the cases, representing the greatest percent of the most serious offenses sentenced for cases with an initial charge of Murder I or Murder I while armed during this timeframe. Aggravated Assault Knowingly while armed, Assault with Significant Bodily Injury, and Assault with the Intent to Kill each equally represented the smallest percentage (1% each) of the most serious offenses sentenced.



The table below identifies the most serious count sentenced, separated by the initial charge. Of the 99 cases initially charged with Murder I while armed, 41% were convicted of Murder II while armed as the most serious charge. This is followed by the most serious charges of: Murder I while armed, Voluntary Manslaughter while armed and Voluntary Manslaughter, each of which represented approximately 16% of Murder I while armed cases.

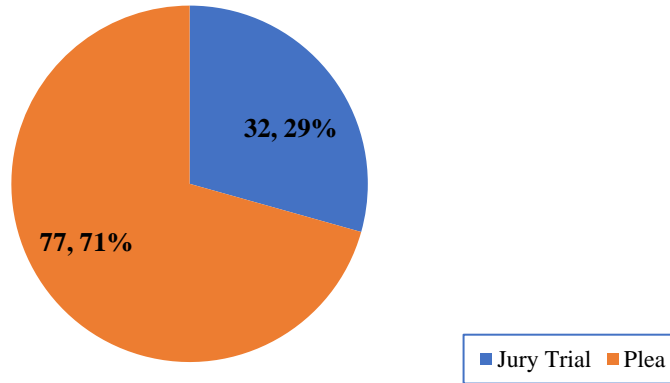
Note that the most serious sentenced offense was the same as the initial charge for 21% of the 109 Murder cases included in this analysis; all three Felony Murder while armed cases were convicted of Felony Murder while armed, two (29%) of the Murder I cases were convicted of Murder I, and 18 (18%) of the Murder I while armed cases were convicted of Murder I while armed.

Initial Charge: Felony Murder w/a	
Most Serious Count Sentenced	3
Felony Murder w/a	3
Initial Charge: Murder I	
Most Serious Count Sentenced	7
Murder I	2
Murder II	2
Murder II w/a	1
Voluntary Manslaughter	1
Voluntary Manslaughter w/a	1
Initial Charge: Murder I w/a	
Most Serious Count Sentenced	99
Murder II w/a	41
Murder I w/a	18
Voluntary Manslaughter w/a	15
Voluntary Manslaughter	14
Murder II	6
Murder I	1
Felony Murder w/a	1
Aggravated Assault Knowingly w/a	1
Assault W/I to Kill	1
Assault with Significant Bodily Injury	1

III. Method of Disposition

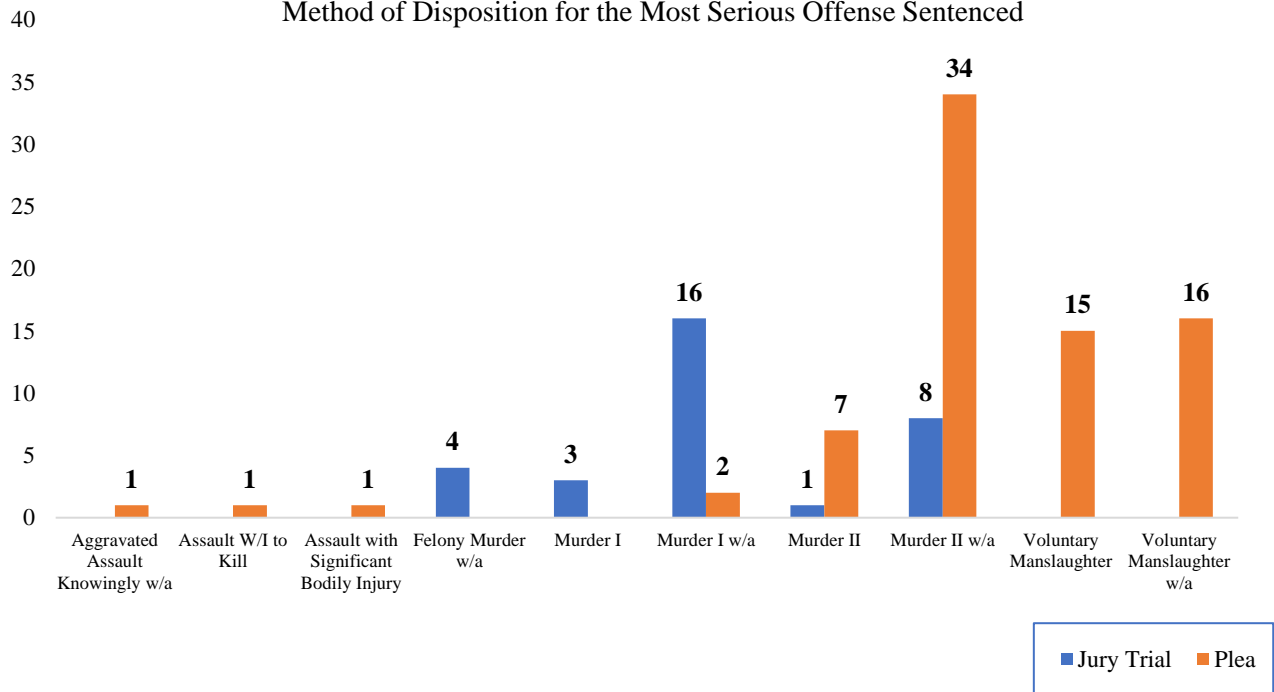
Between 2017 and 2021, there were 109 cases that had an initial charge of Murder I or Murder I while armed. Most of these cases were sentenced via a plea agreement (71%), as depicted in the pie chart below. No cases were sentenced via a bench trial; all of the cases that were sentenced by trial were with a jury.

Method of Disposition for the Most Serious Offense Sentenced



The chart below portrays the method of disposition for these cases, separated by the most serious offense sentenced. Cases where Murder I while armed was the most serious offense sentenced represented the greatest number of cases to be sentenced via a jury trial. In contrast, cases where Murder II while armed was the most serious offense sentenced represented the greatest number of cases to be sentenced via a plea agreement.

Method of Disposition for the Most Serious Offense Sentenced



IV. Sentence Length Imposed

The table below compares the range of sentences imposed for the most serious count sentenced in each case to the lesser counts sentenced in each case.⁵ As noted in the table, the range of sentences imposed were similar for both levels of seriousness. The maximum sentence imposed for both levels of seriousness was 540 months and the minimum sentence imposed only differed by 12 months, 18 for the most serious counts compared to 6 months for the lesser counts.

Sentence Length Imposed	
Level of Seriousness	Sentence Imposed Range
Most Serious Offenses Sentenced	18 – 540 months
Lesser Counts Sentenced	6 – 540 months

The table below analyzes the sentence length imposed and disposition type for the most serious counts sentenced. Murder I while armed received the greatest average sentence imposed (412 months) and Assault with Significant Bodily Injury received the lowest average sentence imposed (18 months). However, there was only one Assault with Significant Bodily Injury count compared to 17 Murder I while armed counts. The majority of the most serious counts were sentenced following a plea agreement, while only about 30% of the most serious counts sentenced were sentenced following a jury trial. Murder II while armed showed the greatest variance in disposition type, with 19% of counts being sentenced following a jury trial and 81% being sentenced following a plea agreement.

Offense Name	Sentence Imposed Range (months)	Average Sentence Imposed (months)	Disposition Breakdown
Murder I w/a (17 counts)	360 – 540	412	Jury Trial: 88% Plea: 12%
Murder I (3 counts)	360 – 480	400	Jury Trial: 100% Plea: 0%
Felony Murder w/a (4 counts)	360 – 450	383	Jury Trial: 100% Plea: 0%
Murder II w/a (42 counts)	84 – 408	220	Jury Trial: 19% Plea: 81%
Murder II (8 counts)	84 – 324	197	Jury Trial: 12% Plea: 88%
Voluntary Manslaughter w/a (16 counts)	78 – 180	131	Jury Trial: 0% Plea: 100%
Voluntary Manslaughter (15 counts)	48 – 120	89	Jury Trial: 0% Plea: 100%
Assault W/I to Kill (1 count)	60 – 60	60	Jury Trial: 0% Plea: 100%
Assault with Significant Bodily Injury (1 count)	18 – 18	18	Jury Trial: 0% Plea: 100%

⁵ There were 6 counts that were given a life sentence, made up of three Felony Murder w/a convictions, one First Degree Sexual Abuse conviction, and two Murder I w/a convictions. These convictions were not included in the analysis.

The table below analyzes the sentence length imposed for the lesser counts sentenced, separated by the offense severity group of the convicted offense. Most of the lesser counts sentenced (41%) fell in Offense Severity Group M5. The average sentence length imposed remained constant with the offense severity; the highest average sentence imposed was for counts in offense severity group M1, and the lowest average sentence imposed was for counts in offense severity groups M8 and M9. Non-Felony counts received a much lower average sentence, making up about half of the average sentence imposed for counts in offense severity groups M8 and M9.

Offense Severity Group	Sentence Imposed Range (months)	Average Sentence Imposed (months)
M1 (4 counts)	360 – 540	458
M2 (8 counts)	168 – 324	218
M3 (13 counts)	102 – 360	164
M4 (3 counts)	72 – 108	92
M5 (67 counts)	12 – 360	72
M6 (25 counts)	18 – 60	44
M7 (6 counts)	20 – 96	41
M8 (23 counts)	9 – 96	30
M9 (11 counts)	7 – 96	30
Misdemeanors (3 counts)	6 – 36	18