
II. GENERAL INSTRUCTIONS - Administrative Procedures § 12-25-35

Responsibility for Completing Worksheets

The worksheets may be completed by a probation officer, the prosecutor, or any other person designated by the sentencing judge. § 12-25-35 (a) This responsibility may be divided; for example, the judge may designate one person to complete the case information and the sentencing factors information and to total the scores for determining the sentencing worksheet recommendations prior to sentencing and another person to complete the actual sentence information before the form is forwarded by the clerk to the sentencing commission. *How this is done is up to the sentencing judge who has the final responsibility for seeing that the forms are completed, considered by the court, and sent to the Court Clerk for forwarding to the Alabama Sentencing Commission.*

Responsibilities of Worksheet Preparer

The Worksheet Preparer(s) obtains the necessary information needed to complete the worksheet; totals the scores; and determines the recommended sentence based on the worksheet scores, distributes the worksheets to the appropriate parties, and presents the completed recommendation to the sentencing judge.

Worksheet Distribution

A copy of the sentencing worksheets reflecting the sentencing recommendations must be presented to the prosecutor, the defendant and/or his attorney, and the sentencing judge prior to sentencing. § 12-25-35 (d)

The final worksheets showing not only the recommendations, but also the actual sentence and disposition of the sentence, must be given to the

Court Clerk to forward to the Alabama Sentencing Commission.

Use of the Worksheets by the Sentencing Judge

Prior to sentencing, the trial court shall review the sentencing standards worksheets and consider the suitability of the applicable voluntary sentencing recommendations. In imposing sentence, the court shall indicate on the record that the worksheets and applicable sentencing standards have been reviewed and considered. § 12-25-35 (b)

After sentencing, the sentencing judge shall give the completed worksheets showing sentence recommendations, the actual sentence, and if applicable, the reasons for departure, to the Court Clerk to forward to the Alabama Sentencing Commission. § 12-25-35 (e)

Departure from the Worksheet Recommendations

The worksheets are designed with the expectation they will provide appropriate recommendations in at least 75% of the covered cases. The sentencing judge may choose to sentence any covered case outside the standards in accordance with existing law.

When the trial court imposes a sentence that departs from the voluntary standards, the Alabama Sentencing Commission requests that the court provide a brief written reason for the departure. This information will be used by the Commission in evaluating the standards and determining where changes should be made. Providing this information gives each sentencing judge an opportunity to have input into future changes to the standards. § 12-25-35 (c).

Neither the departure nor the reason stated for the departure shall be subject to appellate review, but is to be provided to the Alabama Sentencing Commission for future consideration concerning modification of the voluntary sentencing standards and for statistical purposes only. § 12-25-35 (c).

Responsibilities of the Court Clerk

Following the imposition of a sentence in a felony case, the clerk of the court in which the case was disposed shall forward a copy of the sentencing order or orders, a copy of the voluntary sentencing standards worksheets prepared in the case, and a copy of any departure explanation to the commission within 45 days after the imposition of sentence. § 12-25-35 (e).

These documents may be sent in paper form or electronically. Paper forms must be sent to:

Alabama Sentencing Commission
300 Dexter Avenue
Montgomery, AL 36104

The Court Clerk should ensure that the actual sentence recorded on the worksheets is the same as reflected on the case action summary.

Appellate Review

Failure to follow the standards, or failure to follow any or all of the standards in the prescribed manner, shall not be reviewable on appeal or serve as the basis of any other post-conviction relief. § 12-25-35 (f)

Judicial Disagreement with Worksheet Scoring and Instructions

To comply with the sentencing standards, the sentence imposed must be imposed according to the Instructions in this manual. Any sentence imposed outside the standards must be in accordance with existing law, exclusive of the standards. If a judge disagrees with the standards recommendation or weighting of factors and chooses to disregard the recommendation or the weighting of any factor as set out in the worksheets or worksheet instructions, the only option is to sentence under existing law exclusive of the standards recommendation. The judge's disagreement may be properly expressed by stating

the disagreement as a reason for departure on the worksheets.