

El Derecho Del Pueblo

Columna de comentario [Social Justice Rising](#) sobre la policía abogado y maestro Matthew “Mateo” Katz.

The People’s Right

A column of social commentary [Destiny](#) and legal advice by attorney and teacher Matthew “Mateo” Katz.

So you got picked up by the police for possession of cannabis, which, depending on the amount you might be convicted of having, could rise to a Class X Felony! But, Class X, Class 1, Class 2, Misdemeanor Class A, Class B... what does all of this mean?!? And, what’s the difference between the sentence that they “can give me” and the sentence that I’ll actually serve, if convicted??

Okay, we all know that the mystery of the law is in great part there to confuse the common folk in order to keep the government in a powerful position. Much of the rules are so obscure that judges and lawyers debate them every day. However, there are some rules that are clear to most legal professionals that are not clear to the common folk. An example of such rules are the criminal sentencing guidelines.

Criminal court judges, prosecutors and defense attorneys deal with these rules every day, and know them inside out. The goal of this series of articles is to explain them to non-lawyers in a way so that you’ll know them almost as well!

First, let’s start with the following chart, which explains the possible sentence dispositions for felony offenses:

OFFENSE
SENTENCE
EXTENDED TERM
POSSIBLE FINE
PROBATION
COND. DIS.

First Degree Murder

20-60 yrs.

60-100 yrs.

Up to \$25,000

NO

Class X

6-30 yrs.

30-60 yrs.

Up to \$25,000

NO

Class 1

4-15 yrs.

15-30 yrs.

Up to \$25,000

Up to 4 yrs.

Class 2

3-7 yrs.

7-14 yrs.

Up to \$25,000

Up to 4 yrs.

Class 3

2-5 yrs.

5-10 yrs.

Up to \$25,000

Up to 30 mos.

Class 4

1-3 yrs.

3-6 yrs.

Up to \$25,000

Up to 30 mos.

As you can see, there is a varying range of sentences that the law can impose, depending on how the criminal defendant's case is classified. It is important to remember that only after a conviction can a court impose any sentence. This means that only after you agree to plea (admit to being) guilty or after a trial in which a jury or, if you waive you're right to a jury, the judge, finds you guilty.

The last column in the chart is for probation or conditional discharge. This means that the defendant will face no jail time whatsoever, however for probation s/he will have to meet regularly with a probation officer and abide by certain terms set by the judge and the officer.

A probation order involving a drug case might require the defendant to submit consistently to random drug testing. A probation order in a sex case might require that the defendant register with the sex offender registration log, which will publish this offender's information in a public record that will allow everyone to see and know who is living in their neighborhood.

Conditional discharge is very much like probation, only that there are no requirements the offender report in with a probation officer. Next week- more on felonies and *misdemeanors*.