



What's New in MAGS

MAGS 10.0, April 2021

On April 1, 2021, an updated version of the Maryland Automated Guidelines System (MAGS, version 10.0) will be released for immediate use. The following is a summary of the changes to MAGS. In addition, the Maryland State Commission on Criminal Sentencing Policy (MSCCSP) suggests that users reference the MAGS User Manual and Frequently Asked Questions (FAQ) documents, which have been revised in accordance with the new version of MAGS and are available on the MSCCSP website, www.msccsp.org.

- Effective April 1, 2021, *Ethnicity* and *Race* are mandatory fields on the *Offender Information* tab. An "Unknown" option has also been added to the Ethnicity field and should be selected if the defendant's Hispanic/Latino origin is unknown.

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Last Name: MCWILLIAMS First Name: THOMAS SID: 2236954

Offender Information | Offender Score | List of Offenses | Victim Information | Sentence | GLS/Overall Sentence | Alternatives to Incarceration | Departure / Submit

Maryland Sentencing Guidelines Worksheet Save this page Next

* Worksheet Prepared By: KEN PHELPS
* Title/Agency: State's Attorney's Office

* Last Name: MCWILLIAMS * First Name: THOMAS Middle Name: EDWARD Suffix: Please Select
* SID#: 2236954
Sex: Male * Date of Birth: 04 / 01 / 1980 (MM/DD/YYYY)
PSI: No * Jurisdiction: 8 - Charles Circuit: 7

REPRESENTATION: Public Defender

* ETHNICITY: Hispanic/Latino Origin
No

* RACE:
 American Indian or Alaskan Native
 Asian
 Black or African American
 Native Hawaiian or other Pacific Islander
 White
 Other
 Unknown

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[MSCCSP](#)



- In combination with the newly adopted instructions regarding binding pleas that are deemed guidelines-compliant, under the *Disposition Type* field on the *GLS/Overall Sentence* tab, the former “ABA plea agreement” disposition type has been replaced with “MSCCSP binding plea agreement”, and the former “Non-ABA plea agreement” has been replaced with “Other plea agreement”. MAGS users may select the question mark information icon to read the definitions of the various disposition types.

By rule, sentences adjudicated by an MSCCSP binding plea are guidelines-compliant. MAGS will indicate that a sentence is not a guidelines departure when the case has been adjudicated via an MSCCSP binding plea by displaying “(MSCCSP Binding Plea)” in red next to “No” for Departure on the *Departure/Submit* tab.



Guidance for Unsubmitted Worksheets Adjudicated Via an ABA Plea Agreement Prior to April 1, 2021

- All unsubmitted worksheets that were previously adjudicated and marked as an “ABA plea agreement” with a sentence date prior to April 1, 2021 will automatically convert to and reflect an “MSCCSP binding plea agreement” in MAGS. To note, an MSCCSP binding plea meets the former criteria for an ABA plea agreement. In this scenario, while the worksheet will reflect an “MSCCSP binding plea agreement” in the *Disposition Type* field, practitioners may note that the case was actually adjudicated via an ABA plea agreement in the *Additional Information* box on the *GLS/Overall Sentence* tab (see example below).

MARYLAND SENTENCING GUIDELINES WORKSHEET				OFFENDER NAME - Last, First, Middle SMITH, JOHN, EDWARD				SID # 1578345	SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	BIRTHDATE 10 01 1980	JURISDICTION 2				
PSI <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		DATE OF OFFENSE 01 15 2021		DATE OF SENTENCING 03 25 2021		DISPOSITION TYPE <input checked="" type="checkbox"/> MSCCSP binding plea agreement <input type="checkbox"/> Other plea agreement <input type="checkbox"/> Plea, no agreement <input type="checkbox"/> Court trial <input type="checkbox"/> Jury trial		RECONSIDERATION OR 3-JUDGE PANEL REVIEW <input type="checkbox"/> Reconsideration (COVs only) <input checked="" type="checkbox"/> 3-Judge Panel Review <input type="checkbox"/> Nether		REPRESENTATION <input checked="" type="checkbox"/> Private <input type="checkbox"/> Public defender <input type="checkbox"/> Court appointed <input type="checkbox"/> Self		ETHNICITY Hispanic/Latino origin <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown		RACE (Select all that apply) <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Black or African American <input checked="" type="checkbox"/> White <input type="checkbox"/> Other <input type="checkbox"/> Unknown	
AT THIS SENTENCING NUMBER OF: 1		CRIMINAL EVENTS 1		WORKSHEET # 1 OF		CRIMINAL EVENT # 1									
CONVICTED OFFENSE TITLE				I-VII	CJIS CODE		MD CODE, ART, & SECTION		STAT. MAX	MIN TERM	CASE #				
1st Convicted Offense CDS Possession - Cocaine, 1st offense (SENTENCE DATE on/en after 10/1/17)				VII	1-1110, 1-1111, 1-1112, 1-1113, 1-1114, 1-1115		CR, §5-601(c)(1)(g)		1Y		C02CR21001122				
2nd Convicted Offense															
3rd Convicted Offense															
OFFENSE SCORE(S) - Offense Against a Person Only				OFFENDER SCORE				GUIDELINES RANGE		ACTUAL SENTENCE - Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Program (Drug Court, Home Detention, Etc.)					
A. Seriousness Category 1 1 1 = V - VII 3 3 3 = IV 5 5 5 = III 8 8 8 = II 10 10 10 = I B. Victim Injury 0 0 0 = No injury 1 1 1 = Injury, non-permanent 2 2 2 = Permanent injury or death C. Weapon Presence 0 0 0 = No weapon 1 1 1 = Weapon other than firearm 2 2 2 = Firearm or explosive D. Special Victim Vulnerability 0 0 0 = No 1 1 1 = Yes				A. Relationship to C29 When Instant Offense Occurred <input checked="" type="checkbox"/> None or pending cases 1 = Court or other criminal justice supervision B. Juvenile Delinquency <input checked="" type="checkbox"/> 23 years or older; or 0 findings of a delinquent act w/in 5 years of the date of the most recent offense 1 = Under 23 years and: 1 or 2 findings of a delinquent act w/in 5 years of the date of the most recent instant offense 2 = Under 23 years and: 3 or more findings of a delinquent act w/in 5 years of the date of the most recent instant offense C. Prior Adult Criminal Record 0 = None <input checked="" type="checkbox"/> Moderate 1 = Minor <input type="checkbox"/> Major D. Prior Adult Parole/Prob Validation 0 = No <input checked="" type="checkbox"/> Yes				1st Con. Off. P 1M TO 2nd Con. Off. TO 3rd Con. Off. TO		1st Convicted Offense Suspended 1 year(s) 0 month(s) 0 day(s) Jail/Prison 0 year(s) 0 month(s) 0 day(s) Credit 0 day(s) Total Sentence 1 year(s) 0 month(s) 0 day(s) Home Detention 0 month(s)					
OFFENSE SCORE(S)				OFFENDER SCORE(S)				Overall Guidelines Range Multiple Courts Only		Additional Sentence Information Probation 2Y Community Service 40 Hours Fine \$ Was the offender sentenced to a Corrections Option under Commission criteria? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, select all that apply: <input type="checkbox"/> Drug court <input type="checkbox"/> HGS, § 8-507 order <input type="checkbox"/> Home detention <input type="checkbox"/> Suspended sentence per CR, § 5-601(e) <input type="checkbox"/> Inpatient substance abuse treatment <input type="checkbox"/> Work release <input type="checkbox"/> Inpatient mental health treatment <input type="checkbox"/> Weekend (or other discontinuous) incarceration <input type="checkbox"/> Other problem solving court (specify):					
VICTIM INFORMATION Victim <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Victim participation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Victim notification form <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Victim notified plea <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Victim notified date <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Victim present <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Written VIS <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Oral VIS <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No No contact requested <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No No contact ordered <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				REASONS FOR GUIDELINES DEPARTURE Departure Code 9 or 18 (Please Explain): DEPARTURE <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				50% of Sentence Announced for COVs <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Was the offender sentenced to some other alternative to incarceration? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, select all that apply: <input checked="" type="checkbox"/> Outpatient substance abuse treatment <input type="checkbox"/> Outpatient mental health treatment <input type="checkbox"/> Other (explain):					
								Additional Information or Institutional/Parole Recommendation Case was adjudicated via an ABA plea agreement on 3/25/21.		KEN PHELPS Worksheet Completed By State's Attorney's Office Title Sentencing Judge (Please Print) Sentencing Judge's Signature					

Court clerks should attach completed copies to the commitment or probation order and also distribute copies to the following: sentencing judge, court file, prosecution, and defense

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- MAGS has been revised to allow users to enter sentences that fall below non-suspendable mandatory minimums, if the offense involves an “attempt” or “conspiracy”. Pursuant to *DeLeon v. State*, 102 Md. App. 58 (1994) and *Wyatt v. State*, 169 Md. App. 394 (2006), both conspiracies and attempts are subject to only the maximum punishment for the crime that the person conspired to or attempted to commit. Unless otherwise outlined in statute, conspiracies and attempts are not subject to non-suspendable mandatory minimums associated with a given offense.

Therefore, unless otherwise outlined in statute, when a user selects an offense containing a non-suspendable mandatory minimum, and the offense involves an “attempt” or “conspiracy”, the mandatory minimum will no longer display on the *Offense/Offender Score* screen, and the individual guidelines range for the offense will no longer be adjusted to account for the non-suspendable mandatory minimum.

In this example, *Unlawful use of a firearm in commission of a felony or crime of violence- 1st offense* is selected. The offense involves a “conspiracy”, so the appropriate radio button is selected. While *Unlawful use of a firearm in commission of a felony or crime of violence- 1st offense* carries a 5-year non-suspendable mandatory minimum, because “conspiracy” is selected, the non-suspendable mandatory minimum does not apply and therefore, does not appear in the “Min. Term” field. The individual guidelines range is also not adjusted to account for the mandatory minimum.

Maryland Sentencing Guidelines Worksheet - OFFENSE/OFFENDER SCORE

Event # 1 Count 3

Offense Date 11 / 15 / 2020 Case # C08CR20005467

Convicted Offense Title: Unlawful use of firearm in commission of felony or crime of violence

Attempt Conspiracy Solicitation

Enhancement: None

Flag offense for multiple victim stacking rule: No

I-VII III CJS Code 1-5299 Source CR, §4-204(c)(1) Stat. Max 20Y Min. Term

Offender Score

A. Relationship to CJS When Instant Offense Occurred: 0 = None or Pending Cases, 1 = Court or Other Criminal Justice Supervision

B. Juvenile Delinquency: 0 = 23 years or older or 0 findings of a delinquent act w/in 5 years of the date of the most recent instant offense, 1 = Under 23 years and: 1 or 2 findings of a delinquent act w/in 5 years of the date of the most recent instant offense, 2 = Under 23 years and: 3 or more findings of a delinquent act w/in 5 years of the date of the most recent instant offense

C. Prior Adult Criminal Record: 0 = None, 1 = Minor, 3 = Moderate, 5 = Major. Apply Decay Factor: No/Yes

D. Prior Adult Parole/Probation Violation: 0 = No, 1 = Yes

Offender Score: 0

Offense Score (Against a Person Only)

A. Seriousness Category: 5

B. Victim Injury: 1 (Injury, Non-Permanent)

C. Weapon Presence: 2 (Firearm or Explosive)

D. Special Victim Vulnerability: 0

Offense Score: 8

Guidelines Range for Offense: 4Y To 9Y

Overall Guidelines Range: 4Y To 9Y



Additionally, the *Subsequent COV/ 10 year/ 25 year/ Life* mandatory minimum enhancement will be disabled.

Maryland Sentencing Guidelines Worksheet - OFFENSE/OFFENDER SCORE				Save this page	Delete this Offense	Close
Event #	1	Count	3			
Offense Date	11 / 15 / 2020 (MM/DD/YYYY)	Case #	C08CR20005467			
Convicted Offense Title	Unlawful use of firearm in commission of felony or crime of violence		Most Common Offenses	Search		
Enhancement	<input type="radio"/> Attempt <input checked="" type="radio"/> Conspiracy <input type="radio"/> Solicitation					
Flag offense for multiple victim stacking rule	None Subsequent drug offense / range doubled (CR. §5-905) Subsequent COV / 10Y MM (CR. §14-101) Subsequent COV / 25Y MM (CR. §14-101) Subsequent COV / LIFE MM (CR. §14-101) Repeat sex offender / LIFE max (CR. §3-313)					
I-VII	III	CJIS Code	at. Max	20Y	Min. Term	

Furthermore, users are able to input a total sentence that falls below the 5-year non-suspendable mandatory minimum, given that it does not apply in this scenario.

Maryland Sentencing Guidelines Worksheet - OFFENSE SENTENCE				Save this page	Close
Offense: Unlawful use of firearm in commission of felony or crime of violence, 1st offense Event #: 1 Count : 3 Case #: C08CR20005467					
Sentence for Offense		Options		Sentence Served	
Total Sentence	<input type="checkbox"/> Life or 4 Year(s) Month(s) Day(s)	Subsequent Offender Proven	No	<input type="checkbox"/> Is the sentence for this offense consecutive to another count in this sentencing event? No	
Suspended	4 Year(s) Month(s) Day(s)	Restitution Proven	No	PBJ Was a probation before judgment granted for this offense? No	
Credit for Time Served	0 Day(s) DAYS CALCULATOR	Economic loss to the victim/Restitution (\$ amount)	<input type="checkbox"/> Unknown Amount		
Home Detention	0 Month(s)				
Jail/Prison	0 Year(s) 0 Month(s) 0 Day(s)				
Guidelines Applicable Sentence	0 Year(s)				

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- Additional language has been added to the *Alternatives to Incarceration* tab to clarify that a defendant’s pre-sentence participation in drug court or other problem-solving court constitutes a “Corrections Options Program” and should be marked accordingly in MAGS.

- The **Days Calculator** on the *Individual Offense Sentence* screen has been revised to mirror how credit for time served is calculated in Maryland Electronic Courts (MDEC), in that the start date and end date are included when calculating the number of days served. The judges and/or attorneys are responsible for determining the official number of days of credit.