

## DEPARTURE REPORT

**When to Complete:** This report should be completed and forwarded to the Arkansas Sentencing Commission (1) when there is an agreed upon departure (i.e. plea agreement) from the guidelines, between the prosecution and the defense which is accepted by the court, **and** (2) when (a) the disposition differs from the presumptive disposition; (b) the sentence length differs from the presumptive sentence length; or (c) the disposition and duration differ from the presumptive disposition and duration provided in the guidelines. The written reason for the departure shall be supplied by the parties to the court and are to be attached to the Judgment and Commitment or Judgment and Disposition before forwarding to the Sentencing Commission.

Effective Date: July 1, 2005 (For all offenses committed prior to July 1, 2005, that have not reached a final disposition as to judgment in court, sentence should follow the law in effect at the time the offense occurred.)

**Offender Name:** Record the name of the offender as it appears on the *Judgment and Commitment or Judgment and Disposition form*.

**County #:** The uniform identification number for each county. This number is used in conjunction with the Circuit Case Number as the complete record identifier for this case.

**Judge Name:** The name of the judge completing the Departure Report.

**Circuit Court Case #:** The number used for filing cases in the circuit court.

**Reasons for Departure:** In making decisions about departing from the guidelines, and in writing reasons for departures, A.C.A. 16-90-804 (Supp. 1993) should be consulted.

If the departure reasons were stated in open court, a certified transcript of the reasons given may be attached to this report in lieu of listing the reasons.

Reasons stated for departure should be brief, but specific. They should distinguish the unusual nature of the current case, and indicate why the departure is more appropriate, fair, or equitable than the presumptive sentence.

Decisions with respect to sentencing disposition and sentence duration are logically separate. Departures with respect to disposition and duration are logically separate. A departure may be made from a presumptive disposition without departing from the presumptive duration, or vice-versa. If there is a departure from both a presumptive disposition and presumptive duration, two departure decisions have been made, each requiring written reasons. Reasons for both decisions should be given on a single Departure Report.

**Distribution:** White: Court File; Blue: Arkansas Department of Corrections or the Department of Community Correction for those committed to a correctional facility (only applicable to offenses committed prior to July 1, 2005); Green: Arkansas Sentencing Commission, 101 East Capitol, Suite 470, Little Rock, AR 72201 (**Please note: attach a copy of the Judgment and Commitment or Judgment and Disposition**); Goldenrod: Prosecutor; Pink: Defense Attorney.