

9.1 Scope of Chapter

While North Carolina's sentencing laws regulate the range of sentences a judge may impose for a given offense, judges retain discretion within those ranges, such as the authority to choose, in many instances, between a probationary sentence and imprisonment, a decision with significant consequences for the defendant. The guarantees of equal protection and due process provide protection against arbitrary and discriminatory sentencing decisions. This chapter reviews the requirements for raising a constitutional challenge, recent studies in North Carolina on the question of race in sentencing, and other sources of statistical information that may be useful in addressing the potential influence of race in sentencing. Additionally, in light of the discretion that judges have at sentencing, the chapter provides guidance on sentencing advocacy to help attorneys inform the court about a client's background, identify services and resources to assist clients, and advocate for alternatives to incarceration. This chapter focuses on the sentence imposed based on the charge and conviction. For a discussion of charging and plea decisions, see *supra* Chapter 5, Selective Prosecution: Plea Negotiations and Charging Decisions by Prosecutors.