

# Subcommittee Members

Co-Chairs: Senator John S. Edwards  
& Hon. Shannon L. Taylor  
Hon. Stacey W. Moreau  
Timothy S. Coyne

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Subcommittee Report  
From October 4, 2021, Meeting



## Commonwealth of Virginia

220 Deer Run Road  
Danville, Virginia 24540

Department of Corrections  
Division of Community Corrections  
Adult Probation and Parole  
District 14

TELEPHONE NO.  
(434) 791 -5231  
FAX NO.  
(434) 791-5288

June 22, 2021

Probationer

PO: Tanya Jones

DOB: 11/01/19XX  
SSN: 123-45-6789

Danville Circuit Court

CR14000505 Welfare Fraud: Larceny  
CR14000505 Welfare Fraud: Larceny  
CR14000506 Welfare Fraud: Larceny  
CR14000507 Welfare Fraud: Larceny

Total Revocable Time: 11 years, 11 months, 29 days

Previous Violation(s) for current court and docket numbers only:

12/10/2014 Violation of condition 8  
7/20/2015 Violation of condition 1  
6/25/2016 Violation of condition 6 and 8  
8/17/2017 Violation of condition 11  
5/18/2019 Violation of condition 8

This violation constitutes the fourth technical violation of conditions 2-8 and 10.  
**(or appropriate verbiage based on the violation)**

Special condition violation: YES [ ] NO [ X ]

New law violation: YES [ ] NO [ X ]



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July 21, 2021

Stephen J. Probationer

SSN: 123-45-6789

Danville Circuit Court

CR14000545 Grand Larceny  
CR14000551 Obtain Money by False Pretense

Total Revocable Time: 7 years, 6 months

Previous Violation(s) for current court and docket numbers only:

04/15/2016 Violation of condition 8  
04/21/2017 Violation of conditions 4, 8, and 10  
01/19/2018 Violation of conditions 1, 4, 6, 8, 10, and 11  
05/17/2019 Violation of conditions 6, 8, and 10  
06/19/2020 Violation of special condition  
01/22/2021 Violations of 8, 10, and 11

This violation constitutes the sixth technical violation of conditions 2-8 and 10 and the third violation of condition 11.

Special condition violation: YES [ X ] NO [ ]

New law violation: YES [ ] NO [ ]

As of 04/19/2021, the probationer has not been convicted of any new offenses since his last hearing date of 01/22/2021.



**Sentencing Guidelines**  
Case Details Worksheet

SWIFT/DCN: \_\_\_\_\_

1. Defendant's Name: \_\_\_\_\_

2. Defendant Information: Gender: \_\_\_\_\_ Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_ Age: \_\_\_\_\_ Handicapped: \_\_\_\_\_

3. Type of Counsel:  Retained  Court Appointed  Public Defender  Other

4. Pretrial Status:  Secured Bond  Unsecured Bond  Own Recognizance  Confinement  Third Party Release  Unknown

5. Pretrial Supervision by Pretrial Services Agency:  No  Yes  Yes, ordered but did not complete/attend

6. Posttrial Status:  Secured Bond  Unsecured Bond  Own Recognizance  Confinement  Third Party Release  Unknown

7. Source of Bond:  Personal  Family  Other  Bonding Company  N/A  Unknown

8. Total Time Served Prior to Sentencing: Years \_\_\_\_\_ Months \_\_\_\_\_ Days \_\_\_\_\_

9. Number of Codefendants: \_\_\_\_\_

10. Legal Status at Offense (check all that apply):

- Escaped  Inmate  Mandatory Parole  Discretionary Parole
- Geriatric Release - § 53.1-40.01  Post Release - §19.2-295.2  Probation  Bond
- Recognizance  Community Program  Pre-Trial Supervision  Good Behavior
- Juvenile Probation  Juvenile Parole  Summons  Other \_\_\_\_\_  None

11. Weapon Use:  None  Possessed  Used to Injure  Used to Threaten (Includes by voice, note, text, etc.)

12. Weapon Type:  Firearm  Knife  Explosive  Simulated/Feigned Weapon  Blunt Object  
 Note/Verbal  Vehicle  Animal  Other \_\_\_\_\_  N/A

13. Offender's Role  Alone  Leader  Accomplice  Police Officer/LEO  Not Determined

14. Value of Property Taken/Damaged: Highest value for one item \$ \_\_\_\_\_ Total value of all items \$ \_\_\_\_\_

15. Location:  Bank  Business  Residence  Street/Outside  Automobile  Other \_\_\_\_\_  N/A

16. Injury to Victim:  Death  Life Threatening  Serious Physical  Physical  
 Emotional  Threatened  None  N/A

17. Victim Relationship to Offender:  None/Stranger  Known  Friend  
 Family  Police Officer/LEO  Other \_\_\_\_\_

18. Victim Information: Gender: \_\_\_\_\_ Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_ Age: \_\_\_\_\_ Handicapped: \_\_\_\_\_

19. Type of Primary Drug: \_\_\_\_\_ Quantity of Primary Drug: \_\_\_\_\_

20. Number of Felony Juvenile Adjudications: Person \_\_\_\_\_ Property \_\_\_\_\_ Drug \_\_\_\_\_ Other \_\_\_\_\_

Source for Question #21:  Defense Attorney  Defendant  PSI/PSR  Commonwealth's Attorney  Probation Officer

21. Other factors known at the time of sentencing (check all that apply)

- a. Drug abuse (admitted, family information, documented in reports) .....  Yes  Treatment: (in or completed treatment)  prior to offense .....  after arrest
- b. Alcohol abuse (admitted, family information, documented in reports) .....  prior to offense .....  after arrest
- c. Mental health issues (admitted, family information, documented in reports) .....  prior to offense .....  after arrest
- d. Under the influence of drugs/alcohol at the time of the offense .....
- e. Employment (Last 2 years):  Full or part-time for at least 18 months  Full-time student  Disabled  
 Stay-at-home spouse/parent  Retired  Unemployed/Not stable
- f. Housing (Last 2 years):  Stable/same residence 1+ yrs  Multiple Changes  Homeless at the time of the offense
- g. Provides support: Enter Number dependents or family members supported \_\_\_\_\_
- h. Education:  Less than High school  High school/GED  Technical Training  Some College  
 College Degree  Post-graduate/Professional  Currently Enrolled (School, College Training)
- i. Military:  Active  Reserve  Honorably Discharged  Undesirable Discharge  
 Medical Discharge  General Discharge  Bad Conduct Discharge
- j. Defendant's Response:  Accepts Responsibility  Sought Treatment  Developed Rehabilitation Plans  
 Remorseful  Paid All or Part Restitution
- k. Other: \_\_\_\_\_

# Case Details

## Preliminary Results

Based on 1,282 Worksheets Keyed for July and 579 Worksheets Keyed for August  
(Total 1,861)

14%

Missing the entire case details worksheet

61%

Missing a response to question 21

# Modification of Recommendation

## Preliminary Results

Based on 1,282 Worksheets Keyed for July and 579 Worksheets Keyed for August  
(Total 1,861)

10%

Box checked for substantial assistance, acceptance of responsibility or expression of remorse (n = 187)

31% - Already in strict concurrence

59% - Brought into strict concurrence\*

10% - Still not in strict concurrence

\*Note: Of the 187 cases, 129 were not in concurrence with the guidelines recommendation. Of the 129 cases, 86% percent are calculated as in concurrence based on the modification.

Strict concurrence is defined as an effective sentence between the low end and high end of the guidelines recommendation. Unlike general concurrence, rounding and alternative rules are not applied.

### ◆ Final Disposition Fill In After Sentence Has Been Pronounced

- Modification of Recommendation Based on Substantial Assistance, Acceptance of Responsibility or Expression of Remorse**  
The decision to modify the guidelines recommendation must be made by the judge. If the recommended low end is 3 years or less, the low end is adjusted to no incarceration. If recommended low end is more than 3 years, the low end is reduced by 50%.

If accepted by the court the

Adjusted Range is: \_\_\_\_\_ TO \_\_\_\_\_

### ◆ SENTENCE

Total Time Imposed Before Suspension .....  Life Sentence +  Years  Months  Days  Sentenced to Time Served

Total Effective Time to Serve .....  Life Sentence +  Years  Months  Days

Incarceration Sentence to Run Concurrently With Another Event

Restitution \$ \_\_\_\_\_  Fine \$ \_\_\_\_\_

### Post Release

Post Release Incarceration Term § 18.2-10 (suspended) .....  Years  Months  Days  
(6 months to 3 years)

Post Release Supervision Period § 19.2-295.2(A) .....  Years  Months  Days  
(6 months to 3 years)

**Probation** (Sentenced to no time, probation up to statutory maximum, Sentenced to incarceration, probation up to 5 years)

Probation Period (Supervised) § 19.2-303 .....  Indefinite  Years  Months  Days

### Good Behavior

Good Behavior Period (§ 19.2-306) \_\_\_\_\_ Years \_\_\_\_\_ Months \_\_\_\_\_ Days (Up to Statutory Maximum)

### Agreements and Other Details (check all that apply)

Written Plea Agreement Accepted = Rule 3A:8(c)(1) (A) or (C)

Plea and Recommendation Accepted = Rule 3A:8(c)(1)(B)

Oral Sentence Recommendation Accepted

### Other Sentencing Programs (check all that apply)

Day Reporting

Electronic Monitoring

Intensive Probation

Substance Abuse Treatment

§ 18.2-251/§ 18.2-258.1

§ 19.2-298.02, § 19.2-303.6 (Deferred Disposition)

Community-Based Program \_\_\_\_\_

CCAP

Drug Court

Youthful Offender

DJJ Commitment  Indeterminate  Determinate

Other \_\_\_\_\_

### ◆ REASON FOR DEPARTURE AND/OR MODIFICATION OF JURY SENTENCE

Must be completed pursuant to § 19.2-298.01(B) and/or § 19.2-295(B)/ § 19.2-303

Accepted Nonviolent Risk Assessment recommendation, no departure reason needed.  Office Use Only

### ◆ SENTENCING DATE

Month  Day  Year

Judge's Signature \_\_\_\_\_

### ◆ ATTACH COURT ORDER AND MAIL Pursuant to § 19.2-298.01(E)

After sentencing, send to: Virginia Criminal Sentencing Commission • 100 North Ninth Street • Fifth Floor • Richmond, Virginia 23219

Office Use Only



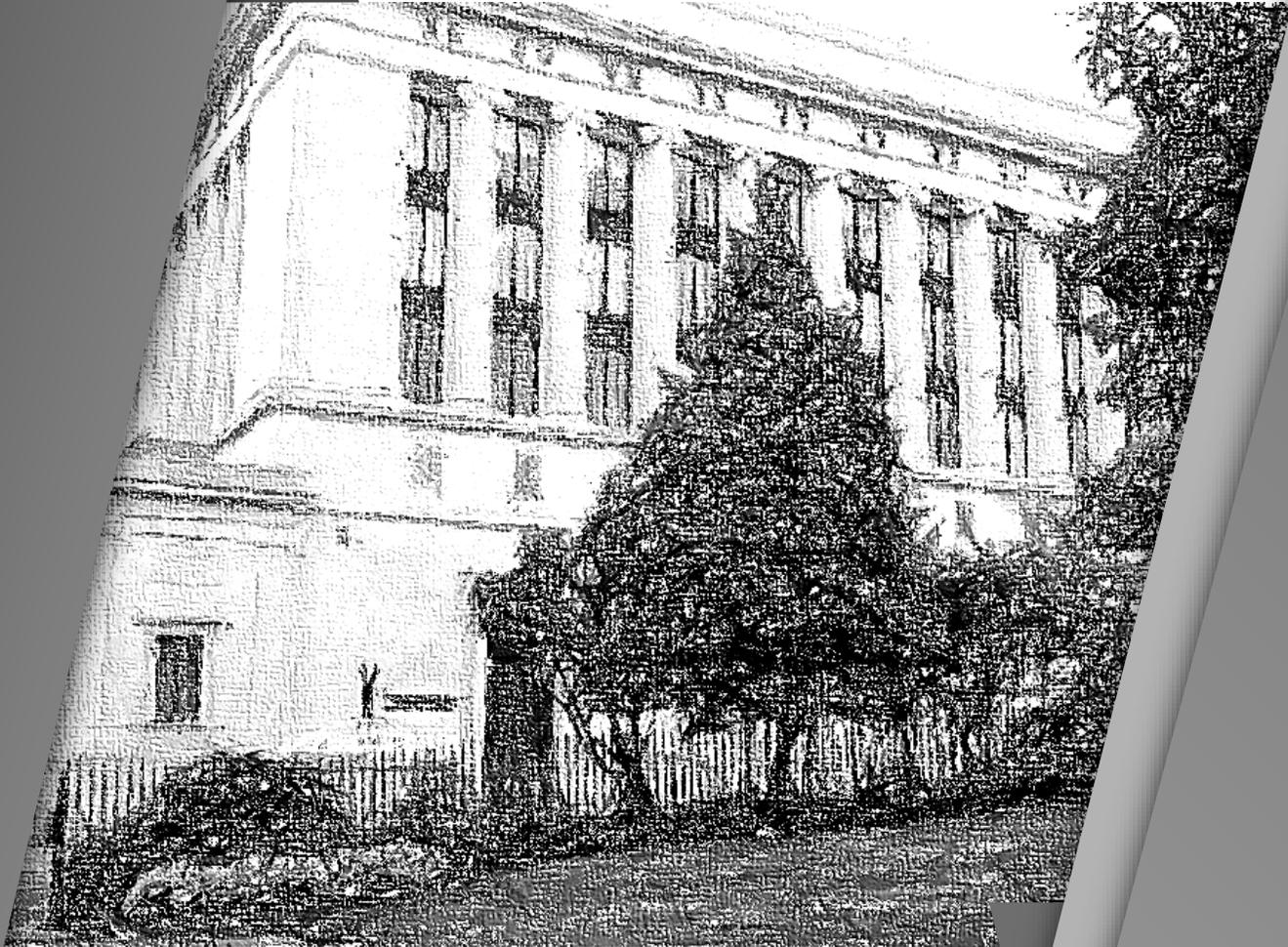
# Modification of Recommendation

## Guidance Based on Departure Reasons

Judges and attorneys have requested more guidance in applying the modified recommendation. Based on the analysis of nearly 200 departure reasons, the court sentenced below the guidelines when the **defendant demonstrated a change in attitude or behavior prior to sentencing**. Below are specific reasons used in the past to justify a sentence below the historically based sentence recommendation:

1. Positive or promising behavior while awaiting sentencing (e.g., drug free, employment, education, lifestyle change, etc.)
2. Began rehabilitation process without court intervention; took initiative to make a change (e.g., enrolled or completed substance abuse treatment, mental health counseling, sex offender treatment, found housing, etc.)
3. Demonstrated being responsible for the support and care of family members (e.g., providing financial support, working with social services, etc.)
4. Maintained, obtained employment or job skills before sentencing
5. Completed school, college, or a training program before sentencing
6. Admitted guilt shortly after the offense, during the arrest, etc., and prior to an appearance in court.
7. Aided in preventing the crime from escalating into a more serious offense (e.g., prevented a death, assault, rape, etc.)
8. Current offense is an old crime that was committed when the defendant had a different lifestyle; the defendant is not the same person today.
9. Behavior out of the norm and low possibility for recidivism (e.g., no prior record or limited record; extremely young or elderly)
10. Time served is sufficient based on the defendant's demeanor in court or the defendant's demonstrated acceptance of responsibility/expression of remorse prior to appearance in court.
11. Substantial assistance as determined by the Commonwealth and accepted by the judge.
12. Other reasons sufficient for the court to sentence below the historical sentence recommendation.

Results are based on a manual review of departure reasons provided by judges. Cases were selected when the reason given was classified as acceptance of responsibility or expression of remorse. Substantial assistance departures were not reviewed because the details may only be known by the Commonwealth and the court.



VCSC

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November 3, 2021.