Sentencing Guidelines Cover Sheet

Complete this form ONLY for applicable felonies sentenced on or after **July 1, 2018.**

Scheduled Sentencing Date: ☐☐ / ☐☐ / ☐☐

◆ OFFENDER

First _____ Middle _____ Last _____ Suffix_____

Date of Birth: ☐☐ / ☐☐ / ☐☐☐☐
Month Day Year

Social Security Number: ☐☐☐ . ☐☐ . ☐☐☐☐

CCRE: V A ☐☐☐☐☐☐☐☐

CORIS Offender ID: ☐☐☐☐☐☐☐

PSI: ☐☐☐☐☐☐☐

◆ COURT

Judicial Circuit ☐☐   City/County _____   FIPS Code: ☐☐☐

Sentencing Judge's Name _____   ☐☐☐☐
For Office Use Only

Preparer Name_____ ☐ Commonwealth's Attorney   ☐ Probation Officer

Prosecuting Commonwealth's Attorney _____ Defense Attorney _____

◆ CONVICTIONS

Offense	Counts	VCC	Offense Date
			Month Day Year
Primary Offense _____	☐☐	☐☐☐☐ - ☐☐☐ - ☐☐☐	☐☐ / ☐☐ / ☐☐
Additional Offenses _____	☐☐	☐☐☐☐ - ☐☐☐ - ☐☐☐	☐☐ / ☐☐ / ☐☐
_____	☐☐	☐☐☐☐ - ☐☐☐ - ☐☐☐	☐☐ / ☐☐ / ☐☐

Primary Offense Code Section § _____   Docket Number _____

◆ METHOD OF ADJUDICATION

☐ Jury Trial   Sentence Set by Jury: ☐☐☐ Years ☐☐☐ Months ☐☐☐ Days   ☐ Life ☐ Juvenile ☐ Fine Only

☐ Bench Trial   ☐ Guilty Plea   ☐ Alford Plea/Nolo contendere

◆ SENTENCING GUIDELINES RECOMMENDATION

Section B

☐ Probation/No Incarceration
☐ Incarceration 1 Day to 3 Months
☐ Incarceration 1 Day to 6 Months
☐ Incarceration 3 to 6 Months
☐ Probation/No Incarceration or Incarceration to 6 Months

Section B
Mandatory Minimum _____

Section C

☐ Life Sentence
☐ Incarceration *(Enter Midpoint and Range Below)*

Range Midpoint ☐☐☐ Years ☐☐☐ Months ___ Days

Sentence Range ☐☐☐ Years ☐☐☐ Months ___ Days **TO** ☐☐☐ Years ☐☐☐ Months ___ Days

☐ Recommendation Adjusted for **Mandatory Minimum**

☐ Non Guidelines Offense
(Primary offense is a non guidelines offense)

◆ Final Disposition   Fill In After Sentence Has Been Pronounced

◆ SENTENCE

	Years	Months	Days
Total Time <u>Imposed</u> Before Suspension .... ☐ **Life Sentence +**			
Total <u>Effective</u> Time to Serve .... ☐ **Life Sentence +**				☐ Sentenced to Time Served

Post Release

Post Release Term § 18.2-10						
Post Release Supervision Period § 19.2-295.2(A)						

Probation Period (Supervised) § 19.2-303 .... ☐ **Indefinite**

☐ Good Behavior Period ____ ____ ____
  Years Months Days

Check all that apply

☐ Incarceration Sentence to Run Concurrently With Another Sentencing Event
☐ 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
☐ Restitution $_____   ☐ Fine $_____

Other Sentencing Programs *(check all that apply)*

☐ Day Reporting
☐ Detention Center Incarceration
☐ Diversion Center Incarceration
☐ Electronic Monitoring
☐ § 18.2-251/§ 18.2-258.1
☐ Substance Abuse Treatment
☐ Intensive Probation

☐ Community-Based Program _____
☐ **CCAP** Detention/Diversion Center Incarceration, 22-28 weeks
☐ **CCAP** Detention/Diversion Center Incarceration, 42-48 weeks
☐ Drug Court
☐ Youthful Offender *(Enter 4 yrs. to serve)*
☐ **DJJ** Commitment   ☐ **Indeterminate** ☐ **Determinate**
☐ Other _____

Office Use Only   Other   CBP

◆ 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

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_____
_____
_____
_____
_____

◆ 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

Traffic/Felony ❖ Section A

Offender Name: _____

◆ **Primary Offense**

A. DWI - Third conviction within 5 years (1 count) 1

B. DWI - Third conviction within 10 years (1 count) 1

C. DWI - Fourth or subsequent conviction within 10 years (1 count) 9

D. Habitual Offender: endangerment, second or subsequent, or DWI and declared
habitual offender for DWI, involuntary manslaughter (1 count) 9

E. Drive on revoked license after DWI, involuntary manslaughter, or DWI victim
permanently impaired (maiming) - endangerment (1 count) 9

F. Drive on revoked license after DWI, involuntary manslaughter, or DWI victim
permanently impaired (maiming) and DWI, etc., violation (1 count) 9

G. Drive on revoked license after DWI, involuntary manslaughter, or DWI victim permanently
impaired (maiming) - second or subsequent (1 count) 9

Score

H. Hit and run, driver fails to stop and aid victim or hit and run, property damage $1,000 or more
      1 count 1
      2 counts 4

I. Disregard police command to stop, endangerment (1 count) 5

J. Driving after forfeiture of license, etc., 3rd offense within 10 Years (1 count) ... 1

| 0 | |

◆ **Primary Offense Remaining Counts** <u>Total</u> the maximum penalties for counts of the primary not scored above

Years:	5 - 7 1
	8 - 18 2
	19 - 28 3
	29 - 38 4
	39 or more 5

| 0 | |

◆ **Additional Offenses** <u>Total</u> the maximum penalties for additional offenses, including counts

Years:	Less than 1 0
	1 - 7 1
	8 - 18 2
	19 - 28 3
	29 - 38 4
	39 or more 5

| 0 | |

◆ **Victim Injury**

Threatened, emotional, physical or serious 1
Life threatening 2

| 0 | |

◆ **Prior Convictions/Adjudications** <u>Total</u> the maximum penalties for the 5 most recent and serious prior record events

Years:	Less than 2 0
	2 - 38 1
	39 or more 2

| 0 | |

◆ **Prior Incarcerations/Commitments**

Primary Offense:
J: Driving, after forfeiture of license

Number	Score
1	1
2 or more	4

Primary Offense:
All other offenses

If YES, add 4

| 0 | |

◆ **Legally Restrained at Time of Offense**

Primary Offense
J: Driving, after forfeiture of license

	Points
Any legal restraint	4

Primary Offense:
All other offenses

	Points
None	0
Other than post-incarceration supervision	2
Post-incarceration supervision	5

| 0 | |

*SCORE THE FOLLOWING FACTOR **ONLY** IF PRIMARY OFFENSE IS **I: DISREGARD POLICE COMMAND TO STOP** OR **H:***
HIT AND RUN WITH <u>PROPERTY</u> DAMAGE $1,000 OR MORE (§ 46.2-894, § 46.2-817 (B))

◆ **Prior Criminal Traffic Convictions/Adjudications**

Primary Offense:
I: Disregard police command to stop

Any prior felony traffic convictions/adjudications

If YES, add 8

Primary Offense:
H: Hit and run with <u>property</u> damage $1,000 or more

Number	Score
0-3 prior criminal misdemeanor traffic conv./adj.	0
4+ prior criminal misdemeanor traffic conv./adj.	1
1+ prior felony traffic convictions/adjudications	2

| 0 | |

Total Score

| | |

If total is 8 or less, go to **Section B**. If total is 9 or more, go to **Section C**.

Traffic/Felony ❖ Section B

Offender Name: _____

◆ Primary Offense

A. DWI – Third conviction within 5 years (1 count)..10

B. DWI – Third conviction within 10 years (1 count)..10

C. Hit and run, driver fails to stop and aid victim (1 count)..............................10

D. Hit and run, property damage $1,000 or more (1 count) 8

E. Disregard police command to stop, endangerment (1 count).........................9

F. Driving after forfeiture of license, etc., 3rd offense within 10 Years (1 count)............9

Score

[|]

◆ Primary Offense Remaining Counts   Total the maximum penalties for counts of the primary not scored above

Years: 5 - 9..2

10 - 19..3

20 - 29..4

30 - 39..5

40 or more..6

[0 |]

◆ Additional Offenses   Total the maximum penalties for additional offenses, including counts

Years: Less than 1 0

1 - 9..2

10 - 19..3

20 - 29..4

30 - 39..5

40 or more..6

[0 |]

◆ Victim Injury

Threatened, emotional, physical or serious.............................2

Life threatening...3

[0 |]

◆ Legally Restrained at Time of Offense ———— If YES, add 1 ➤ [0 |]

SCORE THE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE IS C OR D: HIT AND RUN (§ 46.2-894)

◆ Prior Criminal Traffic Convictions/Adjudications

Number: 0 Felonies: 1 - 4 Misdemeanors 1

5+ Misdemeanors 2

1+ Felonies: 0 Misdemeanors 1

1 - 4 Misdemeanors 2

5+ Misdemeanors 3

[0 |]

**SCORE THE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE IS
F: DRIVING AFTER FORFEITURE OF LICENSE, ETC. - 3RD OFFENSE WITHIN 10 YEARS (§ 18.2-272(A))**

◆ Prior Incarcerations/Commitments ———— If YES, add 2 ➤ [0 |]

Total Score ————————————➤ [|]

See **Traffic Section B Recommendation Table** to convert score to guidelines sentence.

Traffic/Felony ❖ Section C

Offender Name: _____

◆ Primary Offense

Prior Record Classification

☐ Category I ☐ Category II ☐ Other

A. DWI - Third conviction within 5 years (1 count) .... 20 .... 10 5
B. DWI - Third conviction within 10 years (1 count) .... 20 .... 10 5
C. DWI - Fourth or subsequent conviction within 10 years
    1 count .... 40 .... 20 10
    2 counts .... 48 .... 24 12
    3 counts .... 68 .... 34 17
D. Habitual offender: endangerment, second or subsequent, or DWI and declared
    habitual offender for DWI, involuntary manslaughter
    1 count .... 40 .... 20 10
    2 counts .... 48 .... 24 12
    3 counts .... 68 .... 34 17
E. Drive on revoked license after DWI, involuntary manslaughter, or DWI victim
    permanently impaired (maiming) - endangerment
    1 count .... 40 .... 20 10
    2 counts .... 48 .... 24 12
    3 counts .... 68 .... 34 17
F. Drive on revoked license after DWI, involuntary manslaughter, or DWI victim
    permanently impaired (maiming) and DWI, etc., violation
    1 count .... 40 .... 20 10
    2 counts .... 48 .... 24 12
    3 counts .... 68 .... 34 17
G. Drive on revoked license after DWI, involuntary manslaughter, or DWI victim
    permanently impaired (maiming) - second or subsequent

Score

    1 count .... 40 .... 20 10
    2 counts .... 48 .... 24 12
    3 counts .... 68 .... 34 17
H. Hit and run, driver fails to stop and aid victim or hit and run, property damage
    $1,000 or more (1 count) .... 20 .... 10 5   **0**
I. Disregard police command to stop, endangerment (1 count) .... 40 .... 20 10
J. Driving after forfeiture of license, etc., 3rd offense within 10 yrs (1 count) .... 32 .... 16 8

◆ Primary Offense Remaining Counts Assign points to each count of the primary not scored above and total the points

    Maximum Penalty: 5, 10 1
    (years)

◆ Additional Offenses Assign points to each additional offense (including counts) and total the points

    Maximum Penalty: Less than 5 0
    (years)   5, 10 1
       20 2
       30 3
       40 or more 5

◆ DWI Convictions for Current Event

    Primary Offense: Habitual offender or Drive on a revoked license with DWI as additional offense 11
       DWI fourth offense, Driving after forfeiture of license, etc., 3rd offense within 10 yrs 2   **0**
       DWI third offense, Hit and run or Disregard command to stop (with DWI as additional offense) 0

◆ Victim Injury

    Threatened or emotional 2
    Physical, serious 4   **0**   **0**
    Life threatening 5

◆ Prior Convictions/Adjudications Assign points to the 5 most recent and serious prior record events and total the points

    Maximum Penalty: Less than 20 0
    (years)   20, 30, 40 or more 1   **0**   **0**

◆ Prior Felony Convictions/Adjudications Against Person

    Number   1 1   4 4
    of Counts: 2 2   5 or more 5   **0**   **0**
       3 3

◆ Prior Felony Convictions/Adjudications with the Same VCC Prefix as Primary Offense

    Number   1 2   4 8
    of Counts: 2 4   5 or more 10   **0**
       3 6

◆ Legally Restrained at Time of Offense

Primary Offense: H: Hit and run (§ 46.2-894)	Primary Offense: All other offenses
If YES, add 4	If YES, add 2

   0   **0**

SCORE THE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE IS H: HIT AND RUN (§ 46.2-894)

◆ Prior Criminal Traffic Convictions/Adjudications

    Number: 0 Felonies: 1 - 4 Misdemeanors 4
       5+ Misdemeanors 8
    1+ Felonies: 0 Misdemeanors 4
       1 - 4 Misdemeanors 8
       5+ Misdemeanors 12

Total Score

See **Traffic Section C Recommendation Table** for guidelines sentence range.

◆ Additional Offenses   Continuation Sheet

Offender Name: _____

Offense	Counts	VCC	Offense Date

Offense Date columns: Month   Day   Year