

INTRODUCTION TO SENTENCING GUIDELINES

A VIRTUAL EXPERIENCE 2020-2021



There are three components to this training. In the self-study portion, participants must (1) watch videos on thirteen different topics and (2) answer a question on each topic and participate in a live webinar. The third component is a live webinar. During the live two-hour live webinar, staff will review key components of the videos, assist with the scoring of two case examples, provide additional details on factors and answer questions live by chat, text or Zoom. You may watch all the videos in one day (83 minutes) or watch them when you have time. The videos are available on:

YouTube (https://www.youtube.com/watch?v=xJzc5xxw7g4&list=PLFfhZYBrnXWpUx1-GrrfQr49p2_7OlqyO)

VCSC website (<http://www.vcsc.virginia.gov/training.html>)

Mobile Website (<http://bycell.co/cpuul>).

The videos may be viewed on a PC, tablet or cell phone. The two-hour webinar will be held at least once per month.

1. Please print the instructions and exercises attached or call the Commission and we will send you a hard copy by U.S. mail. (804.225.4398)

2. After you watch each video, answer the question at the end of each video and text the key word (VCSC "ENTER KEYWORD" - example VCSC PRIMARY) to **56512** for the answer. If you have any problems with texting, please call the hotline for the answers. *The handout, printed in step, one includes the question for each video and the keyword.*

3. Try to complete the two case examples on your own and call the hotline if you need help or have questions. During the live webinar, after staff reviews the key points from the videos, you will be given 30 minutes to make changes to your worksheet while consulting staff.

When you are ready to register for the live webinar, please look for available dates and times on www.vcsc.virginia.gov or mobile.vcsc.virginia.gov.

Register using the mobile website (mobile.vcsc.virginia.gov, Virtual Training) or email danielle.mccowan-lewis@vcsc.virginia.gov.

Questions: Please call **804.225.4398** or text 804.393.9588

Part 1

Self-Study and Self-Test

Pages 3 - 8

Part 2

Live Webinar

Pages 9 - 33

EXERCISES

To start, text the letters **VCSC** to **56512** to receive the link to the mobile website, electronic guidelines manual and VCC search. Follow the link and review the resources.

Video 1. Primary Offense (Video: 10 minutes - See Appendix Attached)

Please select the primary offense from these two offenses:

- Robbery of a Residence with a Firearm § 18.2-58 5Y-Life ROB-1207-F9
- Rape, Victim Age 13 or Older § 18.2-61(A,i) 5Y-Life RAP-1129-F9

*For the answer, text **VCSC PRIMARY** to 56512*

Also see the Guidelines Manual – General Instructions, Pages 5-6

Video 2. Additional Offenses (Video: 10 minutes)

Please select the primary offense and identify the additional offenses in this sentencing event:

- Grand Larceny
\$1,000 or more § 18.2-95 1Y-20Y LAR-2359-F9
- Conspiracy to Commit
Grand Larceny \$1,000 or more § 18.2-95/§ 18.2-22 1Y-10Y LAR-2359-C9
- Prescription Fraud § 18.2-258.1(A) 1Y-5Y NAR-3016-F6

*For the answer, text **VCSC ADD** to 56512*

Also see the Guidelines Manual – General Instructions, Pages 11-13

Video 3. Scoring Worksheets, A & B vs. Worksheet C (Video: 4 minutes)

True or False?

On Sections A & B you total the maximum penalties and on Section C you assign points based on the maximum penalty of each count.

*For the answer, text **VCSC SCORING** to 56512*

Also see the Guidelines Manual – General Instructions, Pages 10, 11 & 28

Video 4. Victim Injury (Video: 4 minutes)

What type of injury is scored when the victim becomes pregnant as the result of a sexual assault?

*For the answer, text **VCSC INJURY** to 56512*

Also see the Guidelines Manual – General Instructions, Pages 18-19

□ **Video 5. Weapon Factors** (Video: 3 minutes)

From whose perspective are weapons factors scored?

For the answer, text **VCSC WEAPONS** to 56512

Also see the Guidelines Manual – General Instructions, Pages 14-17

□ **Video 6. Prior Record Factors** (Video: 12 minutes)

Identify the five offenses from each sentencing event that would be scored for the factor “Prior Convictions/Adjudications”. Score the factor using the partial Worksheet A printed below. Bonus points: What would be the score for “Prior Convictions/Adjudications” on Worksheet C?

07/20/09	Virginia Beach Juvenile Court	Robbery (Max Life)	Committed to a State Facility
05/27/11	Norfolk General	Reckless Driving (Max 12 M)	Fine
02/20/13	Newport News Circuit Court	Possession of Cocaine (Max 10 Y)	10 Years <u>Susp.</u>
08/03/15	Hampton	Drunk in Public (Max Fine)	\$50 Fine
09/05/15	Madison, Oregon	First Degree Larceny (Max 20 Y) Over <u>\$1,500</u> - 2 counts	Serve 60 days
01/18/16	Norfolk Circuit	Burglary (Max 20 Y) Petit Larceny (Max 12 M)	20 Yrs. <u>Susp.</u> Serve 3 Years Probation

LARCENY ♦ A

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

Years:	Less than 2.....	0	21 - 36.....	3	0
	2 - 11.....	1	37 or more.....	4	
	12 - 20.....	2			

LARCENY ♦ C

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

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

For the answer, text **VCSC FIVE** to 56512

Also see the Guidelines Manual – General Instructions, Pages 23-36

□ **Video 7. Prior Specific Offenses** (Video: 8 minutes)

Identify the following offenses as Person, Property, Drug, Traffic or Other:

- Petit Larceny From the Person § 18.2-95 1Y-20Y LAR-2369-F6
- Operate Vehicle While License
Revoked – Endangerment § 46.2-357(B,2) 1Y-5Y LIC-6832-F9

*For the answer, text **VCSC PRIOR** to 56512*

Also see the Guidelines Manual – General Instructions, Pages 29-36

Operate Vehicle While License Revoked- Endangerment- Person Crime

□ **Video 8. Juvenile Record** (Video: 4 minutes)

When are juvenile adjudications **NOT** scored on the sentencing guidelines?

(select all that apply)

- A. A felony adjudication was reported by the defendant, but cannot be verified
- B. Defendant is 33 years old and a DWI at age 17 has been verified by court records
- C. An 18-year-old defendant has a verified truancy record from juvenile court
- D. A 20-year-old defendant was convicted of shoplifting at the age of 14 and has no further contact with the courts until the current offense.

*For the answer, text **VCSC JUVENILE** to 56512*

Also see the Guidelines Manual – General Instructions, Pages 25, 27 & 29

□ **Video 9. Legal Restraint** (Video: 4 minutes)

Legal Restraint is scored for what offense(s) at conviction (primary, additional, both)?

*For the answer, text **VCSC RESTRAINT** to 56512*

Also see the Guidelines Manual – General Instructions, Pages 37-38

□ **Video 10. Classifying Prior Record** (Video: 7 minutes)

Based on the defendant’s criminal history below, how should the defendant’s prior record be classified? Category I, II or Other

7/20/16	VA Beach Juvenile Court	Robbery ROB-1213-F9 (Max. Life)	Committed to a State Facility
05/27/18	Hampton Circuit Court	Attempted Burglary BUR-2213-F9 (Max. 10Y)	10 Years, 9 Years Suspended Serve 1 Year
03/22/20	Norfolk Circuit Court	Possession of Cocaine NAR-3022-F5 (Max. 10y)	10 Years, 10 Years Suspended Serve 3 Years on Probation

*For the answer, text **VCSC CLASSIFY** to 56512*

Also see the Guidelines Manual – General Instructions, Page 23

□ **Video 11. Risk Assessment** (Video: 5 minutes)

1. For the Factor “Offender’s Relationship with Victim” on the Sex Offender Risk Assessment, how are internet relationships scored?

- a. Relative
- b. Known to Victim
- c. Stranger
- d. Stepparent

2. If the Nonviolent Risk Assessment recommends an alternative, give an example of an alternative sentence. _____

*For the answer, text **VCSC RISK** to 56512*

Also see the Guidelines Manual – General Instructions,
Sex Offender Risk Assessment Pages 41-46,
Nonviolent Risk Assessment Pages 47-51

□ **Video 12. Mandatory Minimums** (Video: 6 minutes)

Does this recommendation need to be modified because of the mandatory minimums in the sentencing event? If so, what is the guidelines recommendation?

1 count Possession of Sch. I/II Drug § 18.2-250 NAR-3022-F5
No Mandatory Minimum

2 counts Transport 1 oz. or of Sch. I/II Into the Commonwealth § 18.2-248.01 NAR-3066-F9
3Y Mandatory Minimum

Section B	Section C
<input type="radio"/> Probation/No Incarceration	<input type="radio"/> Life Sentence
<input type="radio"/> Incarceration 1 Day to 3 Months	<input checked="" type="radio"/> Incarceration (Enter Midpoint and Range Below)
<input type="radio"/> Incarceration 1 Day to 6 Months	Range Midpoint: <input type="text" value="5"/> <input type="text" value="5"/> <input type="text" value="0"/> yyy/mm/ddd
<input type="radio"/> Incarceration 3 to 6 Months	Sentence Range: <input type="text" value="4"/> <input type="text" value="0"/> <input type="text" value="0"/> to <input type="text" value="6"/> <input type="text" value="7"/> <input type="text" value="0"/>
<input type="radio"/> Probation/No Incarceration or Incarceration to 6 Months	<input type="checkbox"/> Recommendation Adjusted for Mandatory Minimum
Mandatory Minimum: <input type="text"/> <input type="text"/> <input type="text"/> yyy/mm/ddd	

For the answer, text **VCSC MANMIN** to 56512

Also see the Guidelines Manual – General Instructions, Pages 39-40

□ **Video 13. Recording the Guidelines Recommendation** (Video: 6 minutes)

Are guidelines recommendations automatically populated when completing guidelines manually? Which method automatically records guidelines recommendations?

For the answer, text **VCSC RECOMMEND** to 56512

Also see the SWIFT manual

□ **Register for the Live Webinar**

Each month, a two-hour webinar will be offered to answer specific questions and to allow participants to test their knowledge by completing guidelines. Please see the case examples attached. Participants will be encouraged to email their questions in advance or text them to the staff during the webinar.

Register for the seminar by using the mobile website, calling the Commission at (804) 225-4398 or sending an email to danielle.mccowan-lewis@vcsc.virginia.gov.



CONTACT INFO:

SWIFT@vcsc.virginia.gov

804.225.4398 (Hotline)

804.393.9588 (Text)

804.786.3934 (Fax)

LIVE REVIEW: KEY FACTORS & BASIC RULES

Video 1. Primary Offense

Please select the primary offense from these two offenses:

•Robbery of a Residence with a Firearm	§ 18.2-58	5Y-Life	ROB-1207-F9
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Please select the primary offense & identify the additional offenses in this sentencing event:

•Grand Larceny \$1,000 or more	§ 18.2-95	1Y-20Y	LAR-2359-F9
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•Prescription Fraud	§ 18.2-258.1(A)	1Y-5Y	NAR-3016-F6

Video 3. Scoring Worksheets, A & B vs. Worksheet C

On Sections A & B you total the maximum penalties and on Section C you assign points based on the maximum penalty of each count. (*True or False*)

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What type of injury is scored when the victim becomes pregnant as the result of a sexual assault? _____

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From whose perspective are weapons factors scored? _____

Video 6. Prior Record Factors

Identify the five offenses from each sentencing event that would be scored for the factor "Prior Convictions/Adjudications." *What would be the score for "Prior Convictions / Adjudications" on Worksheet A & C?*

07/20/09	Virginia Beach Juvenile Court	Robbery (Max Life)	Committed to a State Facility
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Identify the following offenses as Person, Property, Drug, Traffic or Other:

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	Circuit Court	BUR-2213-F9 (Max. 10Y)	Serve 1 Year
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	Circuit Court	NAR-3022-F5 (Max. 10y)	Serve 3 Years on Probation

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1. For the Factor "Offender's Relationship with Victim" on the Sex Offender Risk Assessment, how are internet relationships scored?

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1 count Possession of Sch. I/II Drug § 18.2-250 NAR-3022-F5
No Mandatory Minimum

2 counts Transport 1 oz. or of Sch. I/II § 18.2-248.01 NAR-3066-F9
Into the Commonwealth 3Y Mandatory Minimum

Section B	Section C
<input type="radio"/> Probation/No Incarceration <input type="radio"/> Incarceration 1 Day to 3 Months <input type="radio"/> Incarceration 1 Day to 6 Months <input type="radio"/> Incarceration 3 to 6 Months <input type="radio"/> Probation/No Incarceration or Incarceration to 6 Months	<input type="radio"/> Life Sentence <input checked="" type="radio"/> Incarceration (Enter Midpoint and Range Below) Range Midpoint: <input type="text" value="5"/> <input type="text" value="5"/> <input type="text" value="0"/> yyy/mm/ddd Sentence Range: <input type="text" value="4"/> <input type="text" value="0"/> <input type="text" value="0"/> to <input type="text" value="6"/> <input type="text" value="7"/> <input type="text" value="0"/>
Mandatory Minimum: <input type="text"/> <input type="text"/> <input type="text"/> yyy/mm/ddd	<input type="checkbox"/> Recommendation Adjusted for Mandatory Minimum

Video 13. Recording the Guidelines Recommendation (Video: 6 minutes)

Are guidelines recommendations automatically populated when completing guidelines manually? Which method automatically records guidelines recommendations?

Virginia Sentencing Guidelines

Quick Reference

Accessory Before the Fact: Principal in the second degree or aiding and abetting a felony are scored as though the offender completed the offense. **(Gen Instr 22)**

Additional Offenses: Convictions with a different VCC from the primary offense are additional offenses. A completed offense has a different VCC from an attempted offense, and is scored as a primary and an additional offense - not as two counts of the primary (e.g., LAR-2359-F9 and LAR-2359-A9). **(Gen Instr 11)**

On Sections A & B, the maximum penalties are added together for each additional offense; locate the total years in the range and enter the corresponding score. For Section C, assign points to each offense based on the maximum penalty; add the points together and enter the total points on Worksheet C.

Category I/II Classification on Section C: Search the offender's complete criminal history (juvenile & adult) for felony convictions listed on Table A. If a prior conviction is listed, classify offender as Category I or II. A prior conviction is any conviction prior to the date of sentencing for the instant offense. **(Gen Instr 23)**

Legal Restraint: Determine if the offender has any obligations to the court. Offenders driving while declared a habitual offender and felony offenders who are being sentenced for felon possessing a firearm are to be scored as being legally restrained. **(Gen Instr 37-38)**

Life: Offenses punishable by a statutory maximum penalty of life receive the highest number of points listed under Primary Offense Additional Counts, Additional Offenses and Prior Convictions/Adjudications. **(Gen Instr 12)**

Mandatory Minimums: If the guidelines recommendation falls below the mandatory minimum, the mandatory minimum takes precedent over the guidelines recommendation. If an event includes multiple counts of a mandatory minimum, the midpoint and low end of the range must at least reflect the mandatory minimum as though the counts ran concurrently; the high end must at least reflect the mandatory minimums as though the counts ran consecutively. **(Gen Instr 39-40)**

Misdemeanors: Score misdemeanors with a maximum penalty of twelve months as one year. **(Gen Instr 11)**

Primary Offense: The primary offense is the offense with:

1. Harshest Statutory Maximum Penalty (Minimum penalty does not determine the primary offense)
2. Offense With the Highest Numerical Value For Primary Offense on Section C
3. Offense With the Highest Total Score on Section C
4. Offense That Results in the Highest Guideline Recommendation
5. Offense With the Highest Statutory Maximum is Not a Guidelines Offense - No Worksheet is Completed
Statutory Maximum Penalty is the Same for Guidelines and Non-Guidelines Offense - The Guidelines Offense is the Primary. **(Gen Instr 5-7)**

Primary Offense Remaining Counts: If all the counts for the primary offense cannot be scored under the factor "Primary Offense", score all the remaining counts (with the same VCC) under this factor. **(Gen Instr 10)**

Prior Convictions/Adjudications factor:

1. Score only the five most recent adult and juvenile felony type conviction events / adjudication events. If less than five felony type events, score misdemeanor events including criminal traffic. Use only the most serious offense from each event.
2. Convictions / Adjudications pending sentencing with a different judge or in a different jurisdiction are separate events.
3. Convictions on appeal from circuit court are scored. Convictions on appeal from general district or juvenile court are not scored.
4. Probation/CCCA revocations are scored based on the maximum penalty of the original offense.
5. Identify factors of out-of-state and local ordinance convictions and find a comparable VCC. Score the conviction based on Virginia's current penalty structure. Treat ambiguous convictions in a way that will not adversely affect the offender. Military offenses or out-of-state convictions that do not violate Virginia law are not scored. **(Gen Instr 27-28)**

On Sections A & B, add the maximum penalties together for the 5 most recent and serious prior convictions/adjudications and locate the total in the years range and enter the score. For Section C, assign points to each of the 5 most recent and serious offenses and add the points together; enter the total points on Worksheet C for Prior Convictions/Adjudications. **(Gen Instr 27-28)**

Prior Incarceration/Commitment: Score if the offender receives at least one day to serve as a result of an adult or juvenile sentencing; pre-dispositional, pre-trial and pre-sentence detention are not scored. However, if an offender is sentenced to time-served, prior incarceration is scored. If an offender is currently serving time as a result of a sentence, then prior incarceration is scored. Boot camp, diversion and detention centers are scored as prior periods of incarceration. **(Gen Instr 28)**

Virginia Sentencing Guidelines
Quick Reference

Prior Juvenile Record: Scored only if the offender has a prior delinquent record. **(Gen Instr 29)**

Type of Prior Record Factors: Score the offender's complete criminal history including counts. You will see the word "Number" on the worksheet which indicates that you score the total number of convictions. **(Gen Instr 29-36)**

Quantity of Cocaine: Score this factor for the completed, conspired or attempted sale of cocaine - powder or crack, §18.2-248(C). Total the weight of all cocaine involved in the sale. **(Gen Instr 20)**

Risk Assessment:

Nonviolent: See the General Instructions section for complete instructions. **(Gen Instr 47-51)**

Adult Felony Convictions: Points are assigned if the offender was convicted as an adult or a juvenile that was adjudicated as an adult for a delinquent offense prior to the current sentencing date. **(Gen Instr 50)**

Ineligibility Conditions: Do not complete the risk assessment if the offender has been convicted of any Category I/II offenses at the time of sentencing (including the instant offense) or if the quantity of cocaine sold is 28.35 grams or more. **(Gen Instr 48)**

Prior Arrests/Confinement: Do not score criminal traffic or traffic infraction offenses here. Misdemeanor DWIs are considered criminal traffic offenses for guidelines purposes. **(Gen Instr 50-51)**

Sex Offender: See the General Instructions section for complete instructions. **(Gen Instr 41-46)**

Location of Offense: For Residence to be scored, the act must take place within the confines of a structure on the property. **(Gen Instr 44)**

Relative: Is the relationship by blood, marriage, or adoption? However, stepparents are scored separately. **(Gen Instr 43)**

Treatment: If the offender has multiple forms of treatment, score the type that picks up the lowest number of points. **(Gen Instr 46)**

Sentencing Event: Score guideline factors based on: sentencing, adjudication or conviction events. An event is defined as all offenses pending sentencing on the same day before the same judge, regardless of multiple offense dates, arrest dates, indictment dates, conviction dates, case/docket numbers or attorneys. **(Gen Instr 3)**

Victim Injury: *Emotional injury* requires some type of counseling. *Physical injury* must be described in an official report or the victim is treated and released. *Serious physical injury* is a life threatening injury or death. Victim injury is scored even if a co-defendant inflicted the injury. **(Gen Instr 18-19)**

Victim Less than Age 13 at Time of Offense: For sexual assaults occurring over a period of years, score this factor if the victim was under 13 years of age at any time during the offense. This factor is only found on the Other Sexual Assault worksheet. **(Gen Instr 19)**

Weapon: Instructions for each worksheet will indicate how to score weapon use. The offender does not have to be charged with use of a weapon for the factor to be scored. Weapon use is scored if a codefendant uses a weapon. If more than one weapon is used, select the weapon that scores the highest. **(Gen Instr 15-17)**

Hotline: (804) 225-4398 - Text: (804) 393-9588

www.vcsc.virginia.gov or mobile.vcsc.virginia.gov

Link to SWIFT!: <https://cisweb.courts.state.va.us/VcscAct/login/457688/a.html>

Rev. 9/09/2020

EXERCISES: INFORMATION & INSTRUCTIONS

1. **WORKSHEETS:** Please score the two case examples on the worksheets provided or use a blank form on ***SWIFT***. After logging into ***SWIFT***, select the worksheet you want to use and do not enter a name. Click on submit and you can begin scoring the sentencing guidelines. If you need a ***SWIFT*** account, please email swift@vcsc.virginia.gov and provide your name, bar number (if an attorney) and your primary court. You will have access to all participating courts.
2. **RESOURCES:** As you score the examples, please refer to the Sentencing Guidelines Manual. *(An electronic version of the manual is available at mobile.vcsc.virginia.gov or you can text the letters VCSC to 56512 to receive a link to the VCSC mobile website and electronic manual.)* You may also want to review the videos or the PowerPoint presentations.
3. **SUPPORT:** Assistance with these exercises and with all your sentencing guidelines questions is available by calling the hotline at **804.225.4398**, by sending a text to **804-393-9588** or by sending any staff member an email.
4. **FACTS NEEDED FOR EXERCISES:** Please find below additional information that is needed to score the case examples.
 - a. Prior larceny convictions must be scored based on Virginia's current penalty structure and threshold. If you do not know the value of the property taken or do not know that it was valued at \$1,000 or more, it must be scored as a misdemeanor.
 - b. Simple possession of marijuana is now a civil offense and prior convictions for simple possessions are not scored on the sentencing guidelines. Also, if the quantity of marijuana sold is not more than one ounce or the quantity is unknown, the prior conviction is not scored.
 - c. If multiple weapons are used in the offense, score the weapon that picks up the highest number of points for the "Weapon Used" factors.
 - d. To determine the statutory maximum for an offense, the best resource to determine penalty structure is the Virginia Crime Code (VCC) book. You can find an offense by searching for the offense in the alphabetical listing or the statutory listing of the VCC book. The VCC book is available in an electronic and pdf format at www.vcsc.virginia.gov or mobile.vcsc.virginia.gov. You may also want to refer to the online *Code of Virginia*.



EXERCISES: CASE EXAMPLE 1 — JIM BAKER

Offenses: 6 counts **Embezzlement**, \$1000 or more
 LAR-2707-F9 (1-20 yrs.)
 § 18.2-111

1 count **Forgery**
 FRD-2520-F5 (1-10 yrs.)
 § 18.2-172



Facts: The defendant worked for Company X for 5 years and shortly thereafter began embezzling funds. In total, the documented amount embezzled was \$15,700.00. It is believed the actual amount was closer to \$35,000. The embezzlement was discovered after the defendant forged a company check to pay for an Amazon order. At the age of 49 the male defendant was arrested for seven felony offenses.

Prior Record

Date of Conviction	Jurisdiction	Offense at Conviction	Sentence
4/5/91	Norfolk Juvenile Court	Larceny from Person \$5 or more	1 year supervised probation \$1200 restitution
10/12/14	Portsmouth Circuit	Grand Larceny	Time Served, 3 yrs Good Behavior
1/5/15	Chesapeake General District Court	Possess Marijuana	Fine
3/7/15	Chesapeake General District Court	Possess Marijuana, Second Offense	6 months suspended \$50 fine
6/7/15	Norfolk Circuit Court	PWID 1/2 Oz. to 5 Lbs. Marijuana	5 yrs suspended 1 year probation
10/5/17	Norfolk Circuit Circuit Court	Forgery Petit Larceny	5 yrs suspended, CCAP 5 yrs supervised probation 12 months suspended
9/23/20	Norfolk Circuit Court	Probation Violation	Revoke and Resuspended 5 yrs supervised probation

* On probation at time of offense





Sentencing Guidelines Cover Sheet

Scheduled Sentencing Date:

____/____/____

Complete this form ONLY for applicable felonies sentenced on or after July 1, 2020.

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

Primary Offense _____

Counts

VCC

____-____-____

Offense Date

____/____/____
Month Day Year

For a comprehensive list of all offenses in the sentencing event, please refer to the **Offense Details** page following **Section D**.

Primary Offense Code Section § _____

Docket Number _____

Drug Type in Event *Please check all that apply. This information is for research purposes only.*

- Cocaine Codeine Fentanyl Heroin Hydrocodone Methadone
- Methamphetamine Methylphenidate Morphine Oxycodone Any other Schedule I/II drug _____

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 _____ TO _____
Years Months Days

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

Recommendation Adjusted for **Mandatory Minimum**

NONVIOLENT RISK ASSESSMENT Section D of Drug, Fraud, and Larceny Worksheets

- Recommended for Alternative Punishment Not Applicable (INELIGIBILITY CONDITIONS marked on Section D)
- NOT Recommended for Alternative Punishment Not a DRUG, FRAUD or LARCENY Offense

◆ Final Disposition Fill In After Sentence Has Been Pronounced

◆ SENTENCE

Total Time Imposed Before Suspension Life Sentence +

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Total Effective Time to Serve Life Sentence +

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 Sentenced to Time Served

Post Release												
Post Release Incarceration Term § 18.2-10 (suspended)	<table border="1"><tr><td> </td><td> </td><td> </td></tr></table>				<table border="1"><tr><td> </td><td> </td></tr></table>			<table border="1"><tr><td> </td><td> </td><td> </td><td> </td></tr></table>				
Post Release Supervision Period § 19.2-295.2(A)	<table border="1"><tr><td> </td><td> </td><td> </td></tr></table>				<table border="1"><tr><td> </td><td> </td></tr></table>			<table border="1"><tr><td> </td><td> </td><td> </td><td> </td></tr></table>				

Probation Period (Supervised) § 19.2-303 Indefinite

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Good Behavior Period (§ 19.2-306) _____
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)*

- | | | | | | | | |
|--|--|--|--|--|--|--|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> Day Reporting <input type="checkbox"/> Electronic Monitoring <input type="checkbox"/> Intensive Probation <input type="checkbox"/> Substance Abuse Treatment <input type="checkbox"/> § 18.2-251/§ 18.2-258.1 | <ul style="list-style-type: none"> <input type="checkbox"/> Community-Based Program _____ <input type="checkbox"/> CCAP Detention/Diversion Center Incarceration, 22-28 weeks <input type="checkbox"/> CCAP Detention/Diversion Center Incarceration, 42-48 weeks <input type="checkbox"/> Drug Court <input type="checkbox"/> Youthful Offender <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table> <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table> <input type="checkbox"/> DJJ Commitment <input type="checkbox"/> Indeterminate <input type="checkbox"/> Determinate <input type="checkbox"/> 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

	<small>Office Use Only</small>										
	<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table> <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table> <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td><td> </td></tr></table>										

◆ 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

Larceny Section A

Offender Name: _____

◆ Primary Offense _____ (scores for attempted/conspired offenses are in parentheses)

A.	Attempted or conspired larceny (1 count).....	(1)	
B.	Statutory maximum penalty equals 5 years		
	1 count.....	1	
	2 counts.....	4	
	3 counts.....	6	
C.	Statutory maximum penalty equals 10 years (1 count).....	3	
D.	Grand larceny auto		
	1 count.....	5	
	2 counts.....	7	
	3 counts.....	10	
E.	Grand larceny from person		
	1 count.....	4	
	2 counts.....	11	
F.	Grand larceny of a firearm (1 count).....	1	
G.	Failure of bailee to return animal, aircraft, vehicle or boat (1 count).....	4	
H.	Larceny of bank notes, checks or any book of accounts; Any other larceny offense with maximum penalty of 20 years		
	1 count.....	2	
	2 - 3 counts.....	4	
	4 counts.....	6	

Score
▼

--	--

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

Years:	5 - 11.....	1	34 - 44.....	4
	12 - 22.....	2	45 or more.....	5
	23 - 33.....	3		

Score
▼

0	
---	--

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

Years:	Less than 1.....	0	23 - 33.....	3
	1 - 11.....	1	34 - 44.....	4
	12 - 22.....	2	45 or more.....	5

Score
▼

0	
---	--

◆ Prior Convictions/Adjudications Total the maximum penalties for the 5 most recent and serious prior record events _____

Years:	Less than 2.....	0	21 - 36.....	3
	2 - 11.....	1	37 or more.....	4
	12 - 20.....	2		

Score
▼

0	
---	--

◆ Prior Felony Larceny Convictions/Adjudications _____

Number of Counts:	1.....	2	
	2 - 3.....	3	
	4 or more.....	4	

Score
▼

0	
---	--

◆ Other Prior Felony Property Convictions/Adjudications _____

Number of Counts:	1 - 4.....	1	
	5 or more.....	2	

Score
▼

0	
---	--

◆ Prior Felony Convictions/Adjudications Against Person _____

Number of Counts:	1.....	1	
	2 or more.....	2	

Score
▼

0	
---	--

◆ Prior Misdemeanor Convictions/Adjudications (Excludes Traffic) _____

Number of Counts:	1 - 4.....	1	
	5 - 8.....	2	
	9 or more.....	3	

Score
▼

0	
---	--

◆ Prior Incarcerations/Commitments _____ **If YES, add 5** →

0	
---	--

◆ Prior Juvenile Record _____ **If YES, add 1** →

0	
---	--

◆ Legally Restrained at Time of Offense _____

None.....	0
Other than parole/post-release, supervised probation or CCCA.....	1
Parole/post-release, supervised probation or CCCA.....	2

Score
▼

0	
---	--

SCORE THE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE IS H: EMBEZZLEMENT (§ 18.2-111)

◆ Amount of Embezzlement _____

Amount:	Less than \$10,000.....	0
	\$10,000-\$19,999.....	3
	\$20,000-\$74,999.....	6
	\$75,000-\$119,999.....	9
	\$120,000 or more.....	14

Total Score _____
If total is 15 or less, go to **Section B**. If total is 16 or more, go to **Section C**.

--	--

Larceny/Section A

Larceny Section B

Offender Name: _____

◆ Primary Offense _____ (scores for attempted/conspired offenses are in parentheses)

- A. Any attempted or conspired larceny (1 count).....(1)
- B. Maximum penalty equals 5 or 10 years
 - 1 count3
 - 2 counts.....4
 - 3 counts.....7
- C. Grand larceny auto
 - 1 count3
 - 2 counts.....4
 - 3 counts.....7
- D. Grand larceny from person (1 count)6
- E. Grand larceny of a firearm (1 count)1
- F. Failure of bailee to return animal, aircraft, vehicle or boat (1 count)1
- G. Larceny of bank notes, checks, etc. or any book of accounts
 - 1 count3
 - 2 counts.....4
 - 3 counts.....7
- H. Any other grand larceny offense with a maximum penalty of 20 years
 - 1 count3
 - 2 counts.....4
 - 3 counts.....7

Score

0	
---	--

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

- Years: Less than 22.....0 32 - 422
 22 - 311 43 or more3

0	
---	--

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

- Years: Less than 1.....0
 1 - 101
 11 - 212
 22 - 313
 32 - 424
 43 or more.....5

0	
---	--

◆ Prior Convictions/Adjudications Total the maximum penalties for the 5 most recent and serious prior record events _____

- Years: Less than 2.....0
 2 - 191
 20 - 382
 39 or more.....3

0	
---	--

◆ Prior Misdemeanor Convictions/Adjudications (Excludes Traffic) _____

- Number of Counts: 1 - 22
 33
 4 or more.....4

0	
---	--

◆ Prior Incarcerations/Commitments _____ If YES, add 7 →

0	
---	--

◆ Legally Restrained at Time of Offense _____

- None.....0
 Other than parole/post-release, supervised probation or CCCA.....4
 Parole/post-release, supervised probation or CCCA5

0	
---	--

SCORE THE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE IS H: EMBEZZLEMENT (§ 18.2-111)

◆ Amount of Embezzlement _____

- Amount: Less than \$15,0000
 \$15,000 or more.....3

0	
---	--

Total Score →

--	--

See **Larceny Section B Recommendation Table** to convert score to guidelines sentence.
 Then, go to **Section D Nonviolent Risk Assessment** and follow the instructions.

Larceny Section C

Offender Name: _____

____ Prior Record Classification ____

◆ Primary Offense _____

Category I Category II Other
(scores for attempted/conspired offenses are in parentheses)

A. Attempted or conspired larceny (1 count)	(8)	(4)	(2)
B. Statutory maximum penalty equals 5 or 10 years			
1 count	20	10	5
2 counts	28	14	7
3 counts	40	20	10
C. Grand larceny auto			
1 count	32	16	8
2 - 3 counts	56	28	14
4 counts	72	36	18
D. Grand larceny from person			
1 count	40	20	10
2 counts	56	28	14
3 counts	68	34	17
E. Grand larceny of a firearm (1 count)	68	34	17
F. Failure of bailee to return animal, aircraft, vehicle or boat (1 count)	28	14	7
G. Larceny of bank notes, checks, etc. or any book of accounts			
1 - 2 counts	32	16	8
3 counts	96	48	24
H. Any other larceny offense with a maximum penalty of 20 years			
1 count	28	14	7
2 counts	44	22	11
3 counts	56	28	14

Score

0		
---	--	--

◆ 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) 20	2

--	--	--

◆ 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

--	--	--

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

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

0		
---	--	--

◆ Prior Felony Larceny Convictions/Adjudications _____

Number of Counts: 1	1
2	2
3	3
4 or more	4

0	0	
---	---	--

◆ Other Prior Felony Property Convictions/Adjudications _____

Number of Counts: 1	0
2 - 3	1
4 or more	2

0	0	
---	---	--

◆ Prior Felony Convictions/Adjudications Against Person _____

Number of Counts: 1	2
2	4
3 or more	6

0	0	
---	---	--

◆ Prior Felony Drug Convictions/Adjudications _____

Number of Counts: 1 - 2	1
3	2
4 or more	3

0	0	
---	---	--

◆ Prior Juvenile Record _____

If YES, add 3

0	0	
---	---	--

◆ Legally Restrained at Time of Offense _____

None	0
Other than parole/post-release, supervised probation or CCCA	3
Parole/post-release, supervised probation or CCCA	4

0	0	
---	---	--

SCORE THE FOLLOWING FACTOR **ONLY** IF PRIMARY OFFENSE IS H: EMBEZZLEMENT (§ 18.2-111)

◆ Amount of Embezzlement _____

Amount: Less than \$28,000	0
\$28,000 - \$89,999	24
\$90,000 or more	30

0		
---	--	--

Total Score _____

See Larceny Section C Recommendation Table for guidelines sentence range. Then, go to Section D Nonviolent Risk Assessment and follow the instructions.

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Larceny/Section C

Nonviolent Risk Assessment ❖ Larceny Section D

Offender Name: _____

◆ Ineligibility Conditions

- A. Was the offender recommended for **Probation/No Incarceration** on Section B? Yes No
- B. Are any prior record offenses violent (Category I/II listed in Appendix A of the Guidelines Manual)? Yes No
- C. Are any of the offenses at sentencing violent (Category I/II listed in Appendix A of the Guidelines Manual)? Yes No
- D. Do any of the offenses at sentencing require a mandatory term of incarceration? Yes No

If answered **YES** to **ANY**, go to "Nonviolent Risk Assessment Recommendations" on cover sheet and check Not Applicable. If answered **NO** to **ALL**, complete remainder of Section D worksheet.

◆ Offender Age at Time of Offense _____

Younger than 21 years	22	↓ <input style="width: 40px; height: 20px;" type="text"/>
21 to 29 years	16	
30 to 43 years	7	
Older than 43 years	1	

◆ Gender _____

Offender is Female	13	↓ <input style="width: 40px; height: 20px;" type="text"/>
Offender is Male	9	

◆ Prior Adult Felony Convictions _____

Number	0	0	↓ <input style="width: 40px; height: 20px;" type="text"/>
of Counts:	1 - 2	5	
	3 or more	15	

◆ Prior Adult Incarcerations _____

Number:	0	0	↓ <input style="width: 40px; height: 20px;" type="text"/>
	1 - 9	4	
	10 or more	32	

◆ Legally Restrained at Time of Offense _____

If YES, add 6 →

Total Score _____

- 31 or less, check Recommended for Alternative Punishment.
- 32 or more, check NOT Recommended for Alternative Punishment.

→

Larceny/ Section D

Go to **Cover Sheet** and fill out **Nonviolent Risk Assessment Recommendations**.



Offense Details

Offender Name:

Offense	Counts	VCC	Offense Date	Docket No.
Primary Offense				
1.				

Additional Offense	Counts	VCC	Offense Date	Docket No.
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				



EXERCISES: CASE EXAMPLE 2 — A.K. FORTY VII

Offenses: One (1) count of **Robbery-Bank w/a gun**

ROB-1210-F9 (5 Years - Life)
§18.2-58

One (1) count of **Use of Firearm**
ASL-1319-F9 (3 Years - Mandatory)
§18.2-53.1

One (1) count of **Brandish a Firearm**
WPN-5251-M1 (1-12 Months)
§18.2-282



Facts: Please watch the [surveillance video](#) that was presented in court. The defendant entered the bank armed and demanded money from two tellers. He also threatened to blow up the bank with a bomb when other employees began to move around. After collecting an undisclosed amount of cash, the defendant exited the building and displayed a weapon to a citizen walking down the sidewalk. One teller quit working because she feared returning to the bank and did not want to face the defendant in court. For good cause one count of robbery and one count of use of firearm in the commission of a felony were nol prossed. The defendant's record is below, however, a juvenile record was alleged but could not be confirmed. There is a pending probation revocation hearing pending in the Prince William Circuit Court.

Date of Conviction	Jurisdiction	Prior Record Offense at Conviction	Sentence
5/5/12	Roanoke District Court	Petit Larceny	6 Months Suspended 12 Months Good Behavior
10/10/13	Buchanan District Court	Trespassing Assault & Battery	12 Months Suspended 11 Months, 10 Months Suspended
1/5/14	Halifax Circuit Court	Grand Larceny from Person (\$5 +)	2 Years Imposed, All Suspended but Time Served 20 Years Good Behavior
3/3/16	Richmond Circuit Court	Unlawful Wounding	2 Years Imposed, Serve 8 Months 2 Years Supervised Probation
6/6/18	Prince William Circuit Court	Grand Theft Auto (2018 GMC Pickup)	20 Years, 19 Years Suspended Indefinite Supervised Probation



Sentencing Guidelines Cover Sheet

Scheduled Sentencing Date:

/ /

Complete this form ONLY for applicable felonies sentenced on or after July 1, 2020.

◆ OFFENDER

First _____ Middle _____ Last _____ Suffix _____

Date of Birth: / / Social Security Number: --CCRE: 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
Primary Offense	<input type="text"/> <input type="text"/>	<input type="text"/> - <input type="text"/> - <input type="text"/>	<input type="text"/> / <input type="text"/> / <input type="text"/>

For a comprehensive list of all offenses in the sentencing event, please refer to the **Offense Details** page following **Section C**.

Primary Offense Code Section § _____ Docket Number _____

◆ METHOD OF ADJUDICATION

 Jury Trial Sentence Set by Jury: 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**
-)

 Non Guidelines Offense
(Primary offense is a non guidelines offense)
Range Midpoint Sentence Range TO Recommendation Adjusted for **Mandatory Minimum**

◆ Final Disposition Fill In After Sentence Has Been Pronounced

◆ SENTENCE

Total Time Imposed Before Suspension Life Sentence +

--	--	--

--	--

--	--	--	--

Total Effective Time to Serve Life Sentence +

--	--	--

--	--

--	--	--	--

 Sentenced to Time Served

Post Release

Post Release Incarceration Term § 18.2-10 (suspended)

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Post Release Supervision Period § 19.2-295.2(A)

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Probation Period (Supervised) § 19.2-303 Indefinite

--	--	--

--	--

--	--	--	--

Good Behavior Period (§ 19.2-306) _____
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)*

- | | | | | | | | |
|--|--|--|--|--|--|--|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> Day Reporting <input type="checkbox"/> Electronic Monitoring <input type="checkbox"/> Intensive Probation <input type="checkbox"/> Substance Abuse Treatment <input type="checkbox"/> § 18.2-251/§ 18.2-258.1 | <ul style="list-style-type: none"> <input type="checkbox"/> Community-Based Program _____ <input type="checkbox"/> CCAP Detention/Diversion Center Incarceration, 22-28 weeks <input type="checkbox"/> CCAP Detention/Diversion Center Incarceration, 42-48 weeks <input type="checkbox"/> Drug Court <input type="checkbox"/> Youthful Offender <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table> <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table> <small>Office Use Only</small> <input type="checkbox"/> DJJ Commitment <input type="checkbox"/> Indeterminate <input type="checkbox"/> Determinate <input type="checkbox"/> 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

	<small>Office Use Only</small>									
	<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table> <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table> <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>									

◆ SENTENCING DATE

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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

Robbery Section A

Offender Name: _____

◆ **Primary Offense** _____ (scores for attempted/conspired offenses are in parentheses)

- A. Attempted or conspired robbery or carjacking (1 count) (1)
- B. Street without a gun or simulated gun
 - 1 count 2
 - 2 counts 6
- C. Business without a gun or simulated gun
 - 1 count 4
 - 2 counts 6
- D. Residence without a gun or simulated gun (1 count)..... 4
- E. Carjacking without a gun (1 count) 4
- F. Street, residence, business or carjacking with a gun or simulated gun (1 count)..... 6
- G. Bank robbery with or without a gun or simulated gun (1 count)..... 6

Score

▼

0	
---	--

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

- Years: 10 or more..... 2

0	
---	--

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

- Years: Less than 2 0
- 2 or more 2

0	
---	--

◆ **Weapon Used** _____

- None 0
- Simulated weapon or other than firearm 1
- Firearm..... 3

0	
---	--

◆ **Victim Injury** _____

- Threatened 1
- Emotional, physical or serious 2
- Life threatening 3

0	
---	--

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

- Years: Less than 6 0
- 6 or more 1

0	
---	--

◆ **Prior Incarcerations/Commitments** _____ If YES, add 1 →

0	
---	--

◆ **Prior Juvenile Record** _____ If YES, add 1 →

0	
---	--

◆ **Legally Restrained at Time of Offense** _____ If YES, add 3 →

0	
---	--

Total Score _____

If total is 5 or less, the guidelines sentence is **Probation/No Incarceration or Incarceration to 6 months.**
 If total is 6 or more, go to Section C.

--	--

Robbery Section A

Robbery Section C

Offender Name: _____

____ Prior Record Classification ____

Primary Offense _____

Category I Category II Other

(scores for attempted/conspired offenses are in parentheses)

A. Attempted or conspired robbery or carjacking without a gun or simulated gun (1 count)	(20)	(10)	(5)
B. Attempted or conspired robbery or carjacking with gun or simulated gun (1 count)	(92)	(46)	(23)
C. Residence or street with gun or simulated gun			
1 count	192	128	64
2 counts	270	180	90
3 counts	444	296	148
D. Bank or business with gun or simulated gun			
1 count	168	112	56
2 counts	348	232	116
3 counts	528	352	176
E. Residence, bank, business, street or carjacking without a gun or simulated gun			
1 count	84	56	28
2 counts	162	108	54
3 counts	336	224	112
F. Carjacking with gun or simulated gun (1 count)	246	164	82

Score

--	--	--

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

Maximum Penalty: 10 (years)	10	5
Life		19

--	--	--

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

Maximum Penalty: Less than 2 (years)	0	20	10
2, 3	1	30	14
4, 5	2	40 or more	19
10	5		

--	--	--

Type of Additional Offense:

Second Degree Murder Conviction for Current Event _____ If YES, add 63 →

0		
---	--	--

Weapon Used

Firearm/simulated firearm (firearm points included with primary offense)	0
Simulated weapon other than simulated firearm	7
Weapon other than firearm, knife or explosive	7
Knife	9
Explosive	16

0		
---	--	--

Prior Incarcerations/Commitments _____ If YES, add 7 →

0	0	
---	---	--

Legally Restrained at Time of Offense _____ If YES, add 5 →

0	0	
---	---	--

Prior Juvenile Record _____ If YES, add 8 →

0	0	
---	---	--

SCORE THE FOLLOWING FACTORS ONLY IF PRIMARY OFFENSE IS C, D, E, OR F: COMPLETED ROBBERY OR CARJACKING (§ 18.2-58, 18.2-58.1)

Victim Injury

Threatened	0
Emotional	2
Physical, serious	6
Life threatening	23

0		
---	--	--

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

Maximum Penalty: Less than 2 (years)	0	20	5
2, 3, 4, 5	1	30	8
10	3	40 or more	11

0		
---	--	--

Prior Felony Convictions/Adjudications Against Person

Number of Counts: 1	3
2	7
3 or more	10

0		
---	--	--

SCORE THE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE IS E OR F: COMPLETED CARJACKING (§ 18.2-58.1(A))

Type of Additional Offense

Additional offense of Felony Kidnapping or Felony Assault (other than use of firearm)
 57 |

0		
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Total Score

See Robbery Section C Recommendation Table for guidelines sentence range.

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Offense Details

Offender Name:

Offense	Counts	VCC	Offense Date	Docket No.
Primary Offense				
1.				

Additional Offense	Counts	VCC	Offense Date	Docket No.
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				

- Appendix -
Rape & Robbery Worksheets

Rape Section A

Offender Name: _____

◆ **Offender's Age at Time of Offense** _____

Younger than 35 years	12	↓
35 to 46 years	4	
Older than 46 years.....	0	

◆ **Less than 9th Grade Education (by conviction date)** _____ If YES, add 4 → 0

◆ **Not Regularly Employed (during 2 years prior to arrest date)** _____ If YES, add 5 → 0

◆ **Offender's Relationship with Victim** _____

Victim Under Age 10	Relative	0	↓
	Known to victim (not relative or step-parent)	4	
	Stranger	4	
	Step-parent	9	
Victim Age 10 or more	Relative	2	0
	Known to victim (not relative or step-parent)	3	
	Stranger	8	
	Step-parent	2	

◆ **Location of Offense** _____

Place of employment	0	↓
Shared victim/offender residence.....	3	
Outdoors	3	
Motor Vehicle	4	
Victim's residence (not offender's).....	5	
Offender's residence or other residence.....	9	
Location other than listed	3	

◆ **Prior Adult Felony/Misdemeanor Arrests for Crimes Against Person** _____

Number: 0 Felonies	1 - 3 Misdemeanors	1	↓
	4+ Misdemeanors	8	
1 Felony	0 - 2 Misdemeanors	5	
	3+ Misdemeanors	8	
2+ Felonies	0 - 3 Misdemeanors	8	
	4+ Misdemeanors	15	

◆ **Prior Incarcerations/Commitments** _____ If YES, add 3 → 0

◆ **Prior Treatment** _____

Prior mental health commitment	0	↓
Prior mental health treatment.....	2	
Prior alcohol or drug treatment.....	3	
No prior treatment	4	

Risk Score _____ →

- ◆ **Risk Level** (Risk Score)
- 44 or more Level 1
 - 34 - 43 Level 2
 - 28 - 33 Level 3
 - up to 27 No Adjustment

◆ Go to **Section C**

Rape Section C

Offender Name: _____

There is no Section B for this offense.

◆ Primary Offense

— Prior Record Classification —
 Category I Category II Other
(scores for attempted/conspired offenses are in parentheses)

A. Attempted or conspired forcible rape, forcible sodomy or object sexual penetration			
1 count	(60)	(30)	(15)
B. Forcible rape or object sexual penetration, victim under age 13			
1 - 2 counts	312	208	117
3 counts.....	882	588	331
C. Forcible sodomy, victim under age 13			
1 - 2 counts	354	236	133
3 counts.....	882	588	331
D. Forcible rape or object sexual penetration, victim age 13 or older			
1 count	402	268	151
2 counts.....	882	588	331
E. Forcible sodomy, victim age 13 or older			
1 count	324	216	122
2 counts.....	882	588	331

Score

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

Maximum Penalty: 10	5
(years) Life	18

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

Maximum Penalty: Less than 2.....	0
(years) 2, 3	1
4, 5	2
10	5
20	9
30	14
40 or more.....	18

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◆ Weapon Used, Brandished, Feigned or Threatened

If YES, add 39 →

0			
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◆ Victim Injury

Threatened or emotional.....	3
Physical, serious physical	20
Life threatening	76

0			
---	--	--	--

◆ Prior Felony Sexual Assault Convictions/Adjudications

Number of Counts: 1	13
2	26
3 or more.....	39

0			
---	--	--	--

Total Score

See Rape Section C Recommendation Table for guidelines sentence range.

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Rape/Section C

◆ If necessary, on the cover sheet also enter the adjusted high end of the guidelines sentence range based on Risk Level: 1 2 3 or n/a

Robbery Section A

Offender Name: _____

◆ **Primary Offense** _____ (scores for attempted/conspired offenses are in parentheses)

- A. Attempted or conspired robbery or carjacking (1 count) (1)
- B. Street without a gun or simulated gun
 - 1 count 2
 - 2 counts 6
- C. Business without a gun or simulated gun
 - 1 count 4
 - 2 counts 6
- D. Residence without a gun or simulated gun (1 count)..... 4
- E. Carjacking without a gun (1 count) 4
- F. Street, residence, business or carjacking with a gun or simulated gun (1 count)..... 6
- G. Bank robbery with or without a gun or simulated gun (1 count)..... 6

Score

0

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

- Years: 10 or more..... 2

0

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

- Years: Less than 2 0
 2 or more 2

0

◆ **Weapon Used**

- None 0
- Simulated weapon or other than firearm 1
- Firearm..... 3

0

◆ **Victim Injury**

- Threatened 1
- Emotional, physical or serious 2
- Life threatening 3

0

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

- Years: Less than 6 0
 6 or more 1

0

◆ **Prior Incarcerations/Commitments** _____ If YES, add 1 →

0

◆ **Prior Juvenile Record** _____ If YES, add 1 →

0

◆ **Legally Restrained at Time of Offense** _____ If YES, add 3 →

0

Total Score _____ →

If total is 5 or less, the guidelines sentence is **Probation/No Incarceration or Incarceration to 6 months.**
 If total is 6 or more, go to Section C.

Robbery Section C

Offender Name: _____

____ Prior Record Classification ____

◆ **Primary Offense** _____ **Category I** **Category II** **Other**
(scores for attempted/conspired offenses are in parentheses)

A. Attempted or conspired robbery or carjacking without a gun or simulated gun (1 count)	(20)	(10)	(5)
B. Attempted or conspired robbery or carjacking with gun or simulated gun (1 count)	(92)	(46)	(23)
C. Residence or street with gun or simulated gun			
1 count	192	128	64
2 counts	270	180	90
3 counts	444	296	148
D. Bank or business with gun or simulated gun			
1 count	168	112	56
2 counts	348	232	116
3 counts	528	352	176
E. Residence, bank, business, street or carjacking without a gun or simulated gun			
1 count	84	56	28
2 counts	162	108	54
3 counts	336	224	112
F. Carjacking with gun or simulated gun (1 count)	246	164	82

Score

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

Maximum Penalty: 10	5
(years) Life	19

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

Maximum Penalty: Less than 2	0	20	10
(years) 2, 3	1	30	14
4, 5	2	40 or more	19
10	5		

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◆ **Type of Additional Offense:**

Second Degree Murder Conviction for Current Event _____ If YES, add 63 →

0		
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◆ **Weapon Used**

Firearm/simulated firearm (firearm points included with primary offense)	0
Simulated weapon other than simulated firearm	7
Weapon other than firearm, knife or explosive	7
Knife	9
Explosive	16

0		
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◆ **Prior Incarcerations/Commitments** _____ If YES, add 7 →

0	0	
---	---	--

◆ **Legally Restrained at Time of Offense** _____ If YES, add 5 →

0	0	
---	---	--

◆ **Prior Juvenile Record** _____ If YES, add 8 →

0	0	
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SCORE THE FOLLOWING FACTORS ONLY IF PRIMARY OFFENSE IS C, D, E, OR F: COMPLETED ROBBERY OR CARJACKING (§ 18.2-58, 18.2-58.1)

◆ **Victim Injury**

Threatened	0
Emotional	2
Physical, serious	6
Life threatening	23

0		
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◆ **Prior Convictions/Adjudications** Assign points to the 5 most recent and serious prior record events and total the points

Maximum Penalty: Less than 2	0	20	5
(years) 2, 3, 4, 5	1	30	8
10	3	40 or more	11

0		
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◆ **Prior Felony Convictions/Adjudications Against Person**

Number of Counts: 1	3
2	7
3 or more	10

0		
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SCORE THE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE IS E OR F: COMPLETED CARJACKING (§ 18.2-58.1(A))

◆ **Type of Additional Offense**

Additional offense of Felony Kidnapping or Felony Assault (other than use of firearm)..... 57

0		
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Total Score

See Robbery Section C Recommendation Table for guidelines sentence range.

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Edition: 10/01/2020