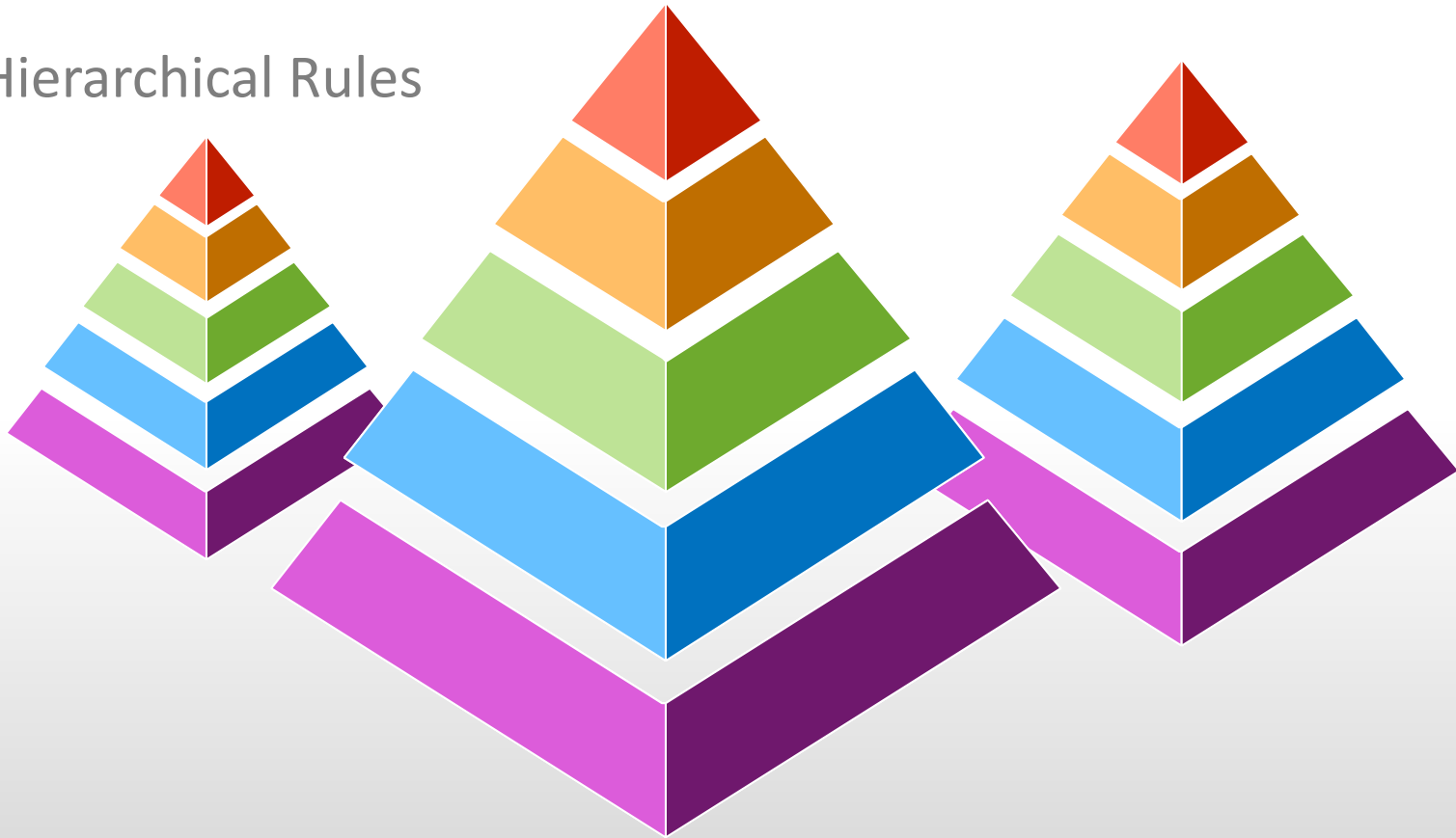


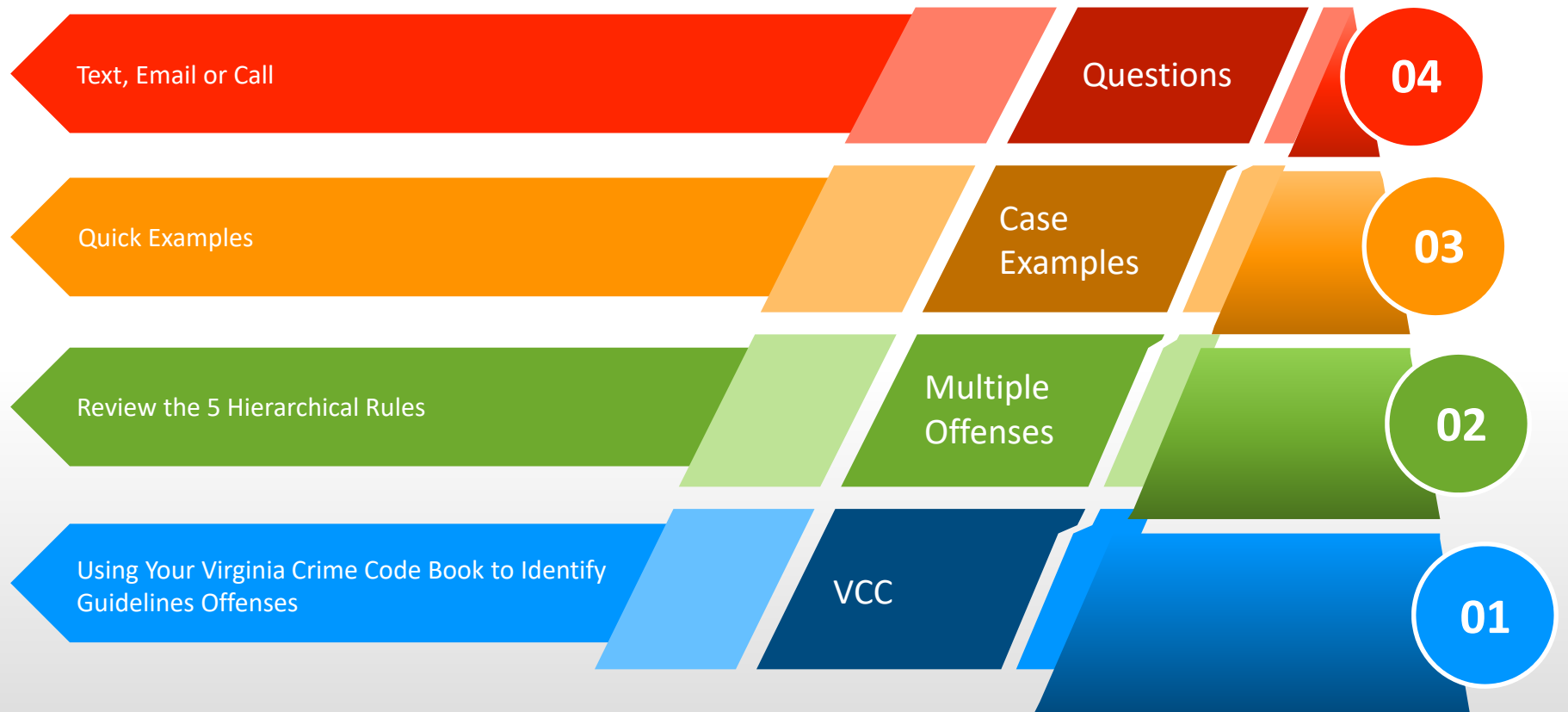
Selecting The Primary Offense

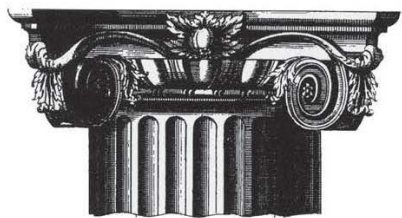
Five Hierarchical Rules



Selecting The Primary Offense

Agenda

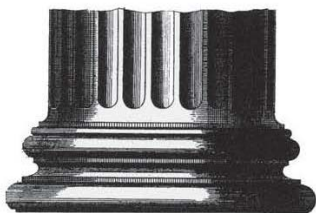




2020 VCC

Virginia Crime Codes

Listed Alphabetically and by Statute



Virginia Criminal Sentencing Commission

Bold VCC

Covered by Sentencing Guidelines

Cocaine mixture, distribute etc. 10.0 kilograms or more	NAR-3122-F9	§18.2-248(H2,ii,2)	40, Life	40,Life
Heroin mixture, distribute etc. 1.0 kilograms less than 5.0 kilograms	NAR-3116-F9	§18.2-248(H1,ii,1)	20Y-Life	20Y
Heroin mixture, distribute etc. 5.0 kilograms or more	NAR-3121-F9	§18.2-248(H2,ii,1)	40, Life	40,Life
Methamphetamine, distribute etc. 100g < 250g / 200g < 1 kg mixture	NAR-3120-F9	§18.2-248(H1,ii,5)	20Y-Life	20Y
Methamphetamine, distribute etc. 250g or more / 1kg or more mixture	NAR-3125-F9	§18.2-248(H2,ii,5)	40, Life	40,Life
Type Not Clear - Distribute Schd. I/II or marijuana - quantity defined	NAR-3091-F9	§18.2-248(H1,ii)	20Y-Life	20Y
Type Not Clear - Distribute Schd. I/II or marijuana - quantity defined	NAR-3093-F9	§18.2-248(H2,ii)	40, Life	40,Life

Schedule I or II Drugs - Distribution

Also see Distribution Based on Quantity (§ 18.2-248.03)

Distribution, provide, give etc., (to be resold by others) Schd. I/II	NAR-3042-F9	§18.2-248(C)	5Y-40Y	
Manufacture (making/producing drugs from raw base products), Schd I/II	NAR-3044-F9	§18.2-248(C)	5Y-40Y	
Possession w/intent to sell, distribute, etc., Schd. I/II	NAR-3043-F9	§18.2-248(C)	5Y-40Y	
Sale, distribute, etc. (for profit) Schd. I/II	NAR-3045-F9	§18.2-248(C)	5Y-40Y	
Type not clear from record - Sell, distribute, manufacture	NAR-3036-F9	§18.2-248(C)	5Y-40Y	

Schedule I or II Drugs - Distribution, 2nd

Sell, poss. w/intent, distribute, etc. - second conviction

NAR-3038-F9	§18.2-248(C)	5Y-Life	3Y
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Schedule I or II Drugs - Distribution, 3rd & Subsequent

Sell, poss. w/intent, distribute, etc. - third or subsequent

NAR-3087-F9	§18.2-248(C)	10Y-Life	10Y
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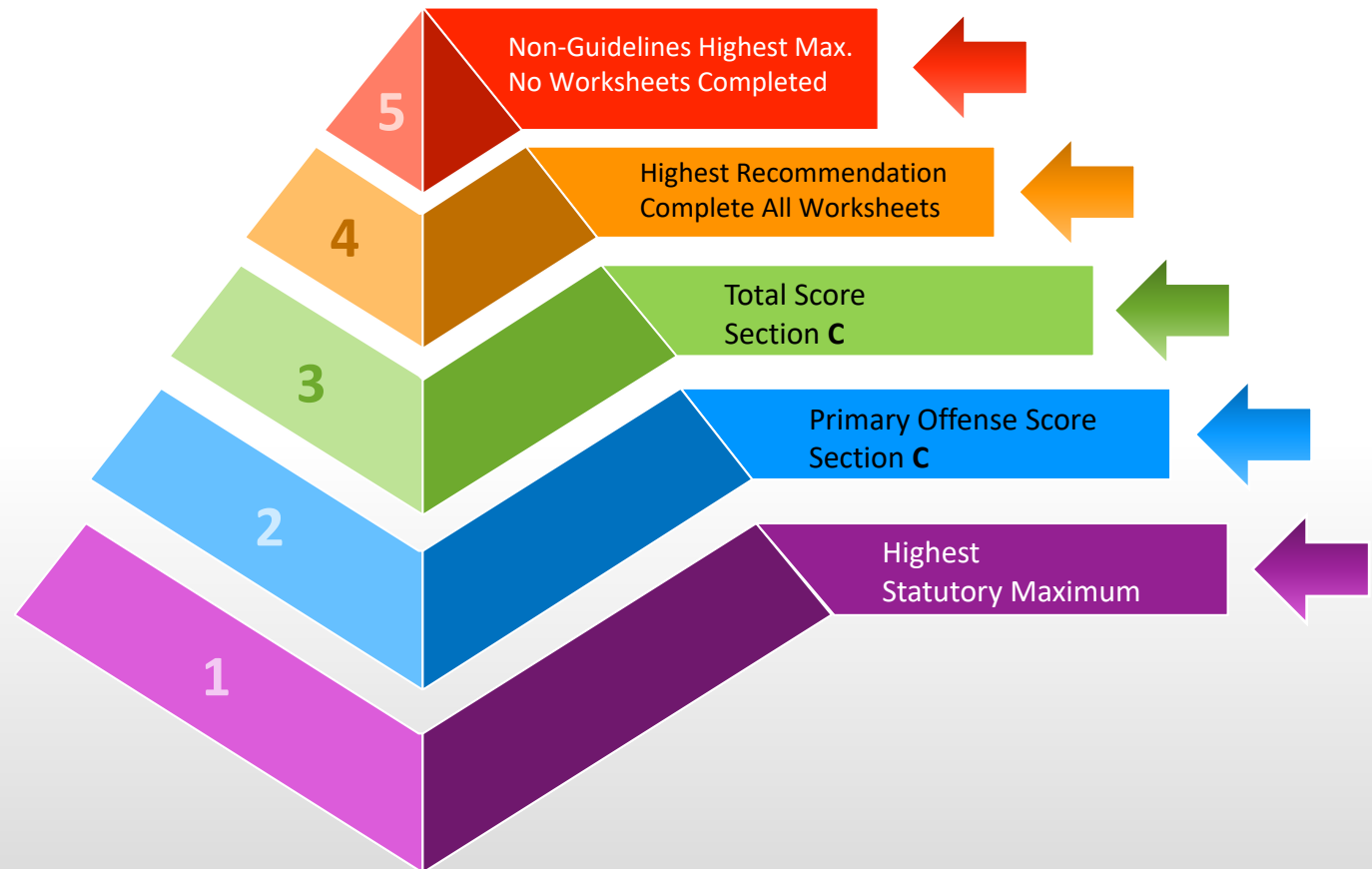
Schedule I or II Drugs - Distribution, Quantity

Cocaine base, distribute, etc., 250g or more	NAR-3146-F9	§18.2-248(C,3)	5Y-Life	5Y*
Cocaine base, distribute, etc., 2.5 kilograms or more	NAR-3113-F9	§18.2-248(H,3)	20Y-Life	20Y*
Cocaine mixture, etc., distribute, etc., 500 g or more	NAR-3145-F9	§18.2-248(C,2)	5Y-Life	5Y*
Cocaine mixture, etc., distribute, etc., 5.0 kilograms or more	NAR-3112-F9	§18.2-248(H,2)	20Y-Life	20Y*

NAR-3146-F9	§18.2-248(C,3)	5Y-Life	5Y*
NAR-3113-F9	§18.2-248(H,3)	20Y-Life	20Y*
NAR-3145-F9	§18.2-248(C,2)	5Y-Life	5Y*
NAR-3112-F9	§18.2-248(H,2)	20Y-Life	20Y*

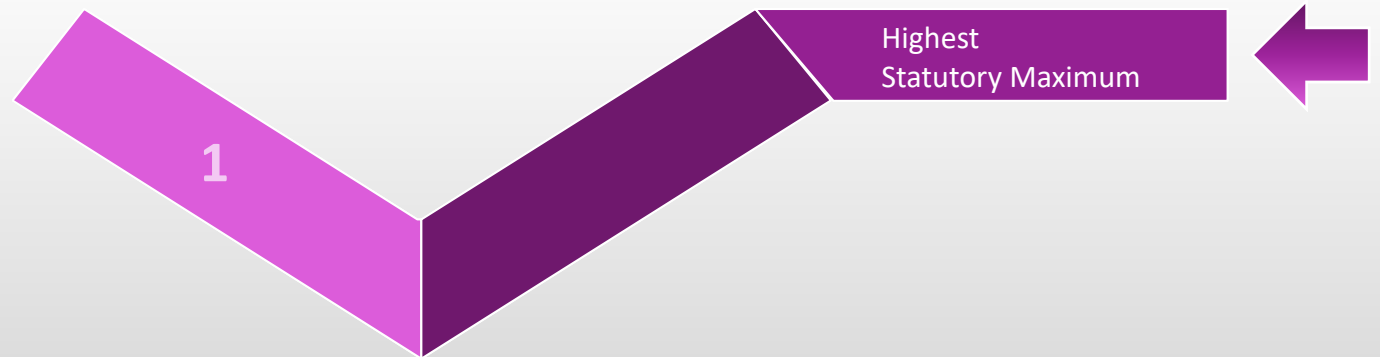
Selecting the Primary Offense

Five Hierarchical Rules – When There are Multiple Felonies



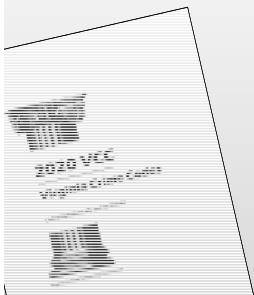
Selecting the Primary Offense

Five Hierarchical Rules – When There are Multiple Felonies



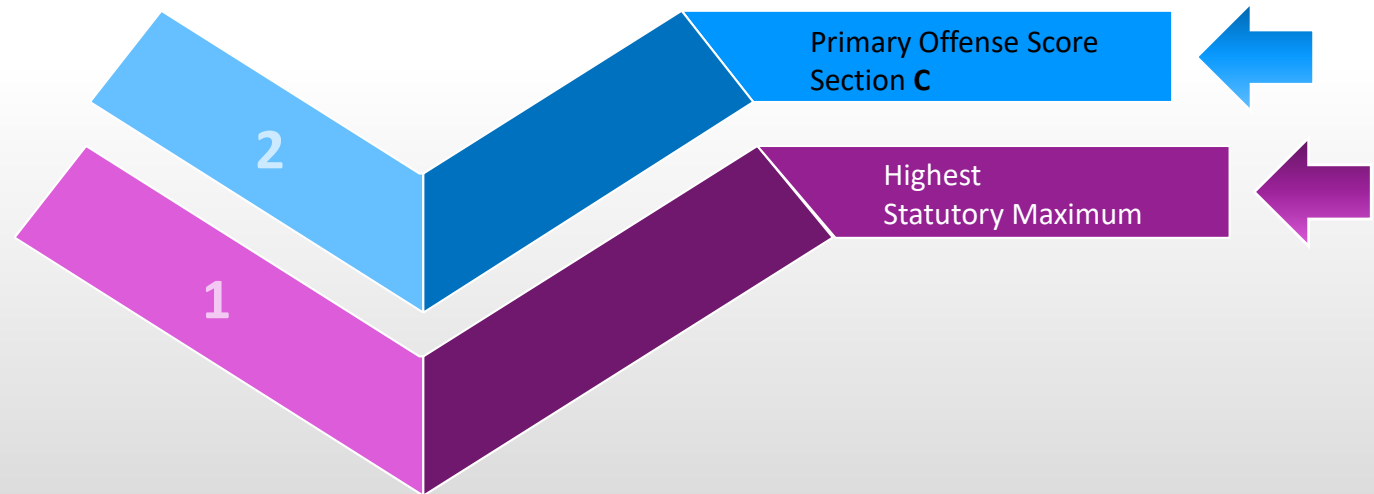
Highest
Statutory Maximum

Statute	VCC / Offense	Penalty
§ 18.2-111	LAR-2707-F9 Embezzlement	1Y-20Y
§ 18.2-51	ASL-1335-F6 Unlawful Injury	1Y-5Y

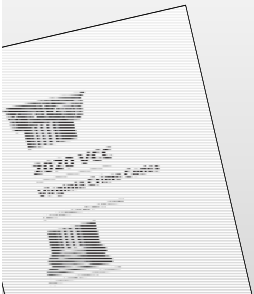


Selecting the Primary Offense

Five Hierarchical Rules – When There are Multiple Felonies



<u>Statute</u>	<u>VCC / Offense</u>	<u>Penalty</u>
§ 18.2-248(C)	NAR-3087-F9 Third Distribution of a Schedule I/II Drug	10Y-<u>Life</u>
§ 18.2-51	ROB-1207-F9 Robbery of Residence With a Gun	5Y-<u>Life</u>



Robbery — Section C

Offender Name: _____

Prior Record Classification: Category 1 Category 2 Other (check for attempted/completed offenses as in parentheses)

Primary Offense	Category 1	Category 2	Other
A. Attempted or completed robbery or carjacking without a gun or simulated gun (1 count) (Score for attempted/completed offenses as in parentheses)	(20)	(30)	(35)
B. Attempted or completed robbery or carjacking with gun or simulated gun (1 count)	(50)	(60)	(70)
C. Residence or street with gun or simulated gun			
1 count	192	128	64
2 counts	370	180	90
3 counts	444	296	148
D. Bank or business with gun or simulated gun			
1 count	168	112	56
2 counts	346	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	236	152	76
F. Carjacking with gun or simulated gun (1 count)	246	164	82

Score:

Primary Offense Remaining Counts: _____

Maximum Penalty (years): 10 _____ 5 _____

Life _____ 19 _____

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

Maximum Penalty: Less than 2 _____ 0 _____ 20 _____ 10 _____

2, 3 _____ 1 _____ 30 _____ 14 _____

4, 5 _____ 2 _____ 40 or more _____ 19 _____

10 _____ 5 _____

Type of Additional Offense: _____ If YES, add 63 _____ 0 _____

Second Degree Murder Conviction for Current Event _____

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 _____ 9 _____

Knife _____ 9 _____

Explosive _____ 16 _____

Prior Incarcerations/Commitments _____ If YES, add 7 _____ 0 _____

Legally Restrained at Time of Offense _____ If YES, add 5 _____ 0 _____

Prior Juvenile Record _____ If YES, add 8 _____ 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 _____

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 _____ 30 _____ 5 _____

2, 3, 4, 5 _____ 1 _____ 40 _____ 11 _____

10 _____ 3 _____ 40 or more _____ 11 _____

Prior Felony Convictions/Adjudications Against Person

Number of Counts: 1 _____ 3 _____

2 _____ 6 _____

3 or more _____ 10 _____

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 _____

Total Score:

See Robbery Section C Recommendation Table for guidelines, sentence range.

Drug/Schedule I/II — Section C

Offender Name: _____

Prior Record Classification: Category 1 Category 2 Other (check for attempted/completed offenses as in parentheses)

Primary Offense	Category 1	Category 2	Other
A. Possess Schedule I or II drug or first offender violation	20	10	5
Attempted, completed or completed	30	14	7
1 count	35	18	9
2 counts	60	32	16
3 counts	85	46	23
B. Sell, Distribute, Possession with intent, etc. Schedule I or II drug			
1 count	40 (40)	36 (24)	12 (12)
Completed (Attempted or Completed)	60 (64)	48 (32)	16 (16)
2 counts	80 (76)	64 (48)	21 (21)
3 counts	95 (75)	87 (65)	29 (29)
4 counts	100 (94)	78 (52)	26 (26)
C. Sell, etc. Schedule I or II drug, second offense			
Completed (Attempted or Completed)	110 (88)	66 (44)	22 (22)
1 count	310(248)	186(124)	62(62)
2 counts			
D. Sell, etc. Schedule I or II drug, third or subsequent offense			
Attempted, completed or completed	175	105	35
1 count	360	234	78
E. Manufacture Schedule III drug § 18.2-248(C) or Methamphetamine, 1st or 2nd offense, § 18.2-248(C1)	78	38	19
Attempted, completed or completed	130	65	33
1 count	60	30	15
F. Sell, etc. Schedule I or II drug to minor			
Attempted, completed or completed	32	16	8
1 count	40	20	10
G. Accommodation-Sell, etc. Schedule I or II drug			
Attempted, completed or completed	12	6	3
1 count	20	10	5
2 counts			
H. Sell, etc. imitation Schedule I or II drug, Possession of methamphetamine precursors			
Attempted, completed or completed	20	10	5
1 count			
2 counts			

Score:

Maximum Penalty (years): 5, 10 _____ 1 _____ 40 or more _____ 5 _____

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

Primary offense D: Sell, etc., Sch. III 3rd or Subsequent

Years	Points
Less than 5	0
5, 10	1
20	2
40 or more	4

Primary offense: All other offenses

Years	Points
Less than 5	0
5, 10	1
20	2
40 or more	4

Mandatory Minimum for Weapon Conviction(s) in Current Event: Assign points to each additional offense with a mandatory minimum and total the points

2 Year Mandatory Minimum _____ 13 _____ 3 Year Mandatory Minimum _____ 25 _____ 5 Year Mandatory Minimum _____ 32 _____

Firearm in Possession at Time of Offense _____ If YES, add 5 _____ 0 _____

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

Maximum Penalty: Less than 5 _____ 0 _____ 30 _____ 5 _____

5, 10 _____ 1 _____ 40 _____ 11 _____

20 _____ 2 _____ 40 or more _____ 11 _____

Prior Felony Drug Convictions/Adjudications

Primary offense D: Sell, etc., Sch. III 3rd or Subsequent	Points	Primary offense: All other offenses	Points
Number of Counts		Number of Counts	
1	3	1	5
2	6	2	10
3	9	3	15
4	12	4	20
5 or more	20	5	25
		6 or more	30

Prior Felony Convictions/Adjudications Against Person

Number of Counts: 1 _____ 3 _____

2 _____ 6 _____

3 or more _____ 12 _____

Prior Felony Property Convictions/Adjudications

Number of Counts: 1 _____ 3 _____

2 _____ 6 _____

3 or more _____ 12 _____

Prior Juvenile Record _____ If YES, add 1 _____ 0 _____

Legally Restrained at Time of Offense _____ If YES, add 3 _____ 0 _____

Type of Additional Offense (Score if primary offense is E: Manufacture Methamphetamine § 18.2-248 (C1))

Additional offense of child present during manufacture of methamphetamine _____ If YES, add 14 _____ 0 _____

Sale/Quantity of Cocaine (Score if primary offense is B, C, D, or F: § 18.2-248(C) or § 18.2-255(A))

Quantity of Cocaine: Less than 28.35 grams _____ 0 _____ 28.35 g to less than 228.6 grams _____ 36 _____ 228.6 grams or more _____ 60 _____

Total Score:

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

Robbery ❖ Section C

Offender Name: _____

◆ 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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Drug/Schedule I/II ❖ Section C

Offender Name: _____

◆ Primary Offense _____ Category I Category II Other

(scores for attempted/conspired offenses are in parentheses)

A. Possess Schedule I or II drug or First offender violation			
Attempted, conspired or completed: 1 count	20	10	5
2 counts	28	14	7
3 counts	36	18	9
B. Sell, Distribute, Possession with intent, etc., Schedule I or II drug			
Completed (Attempted or Conspired): 1 count	60 (48)	36 (24)	12 (12)
2 counts	80 (64)	48 (32)	16 (16)
3 counts	95 (76)	57 (38)	19 (19)
4 counts	130 (104)	78 (52)	26 (26)
C. Sell, etc., Schedule I or II drug - second offense			
Completed (Attempted or Conspired): 1 count	110 (88)	66 (44)	22 (22)
2 counts	310 (248)	186 (124)	62 (62)
D. Sell, etc., Schedule I or II drug - third or subsequent offense			
Attempted, conspired or completed: 1 count	175	105	35
2 counts	390	234	78
E. Manufacture Schedule I/II drug § 18.2-248(C) or Methamphetamine, 1st or 2nd offense, § 18.2-248(C1)			

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)	↓ Score ▼ <input type="text" value="0"/> <input type="text" value=""/>
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	

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

Years: 10 or more..... 2

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

Years: Less than 2..... 0

 2 or more..... 2

◆ **Weapon Used**

None..... 0

Simulated weapon or other than firearm..... 1

Firearm..... 3

◆ **Victim Injury**

Threatened..... 1

Emotional, physical or serious..... 2

Life threatening..... 3

◆ **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

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

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

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

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.

COMPLETE THE ROBBERY WORKSHEET

Robbery is the Primary Offense Because it Scores More Points for the Primary Offense Factor on **Section C**.

Score the drug offense as the additional offense.

Robbery — Section C

Offender Name: _____

◆ **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..... 5

(years) Life..... 19

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

Maximum Penalty: Less than 2..... 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 →

◆ **Weapon Used** _____

<u>Statute</u>	<u>VCC / Offense</u>	<u>Penalty</u>
§ 18.2-248(C)	NAR-3087-F9 Third Distribution of a Schedule I/II Drug	10Y-Life

§ 18.2-51



ROB-1207-F9
Robbery of Residence
With a Gun

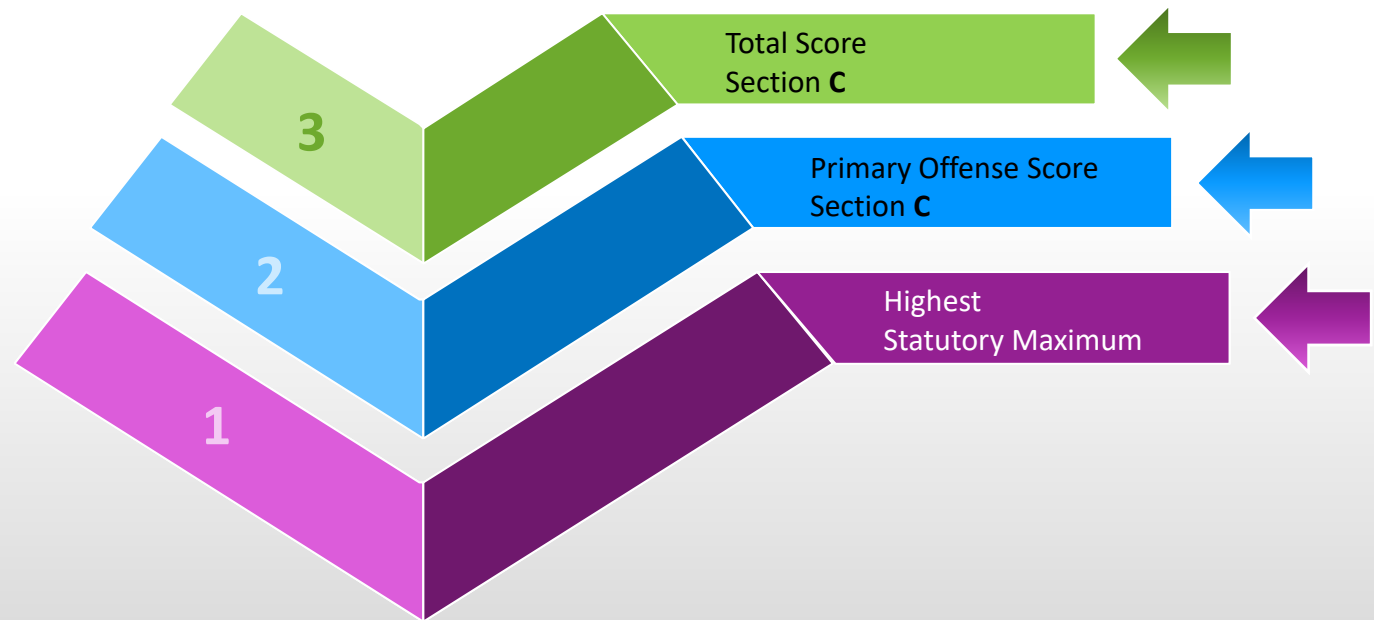
← YOUR
PRIMARY
OFFENSE!



5Y-Life

Selecting the Primary Offense

Five Hierarchical Rules – When There are Multiple Felonies



<u>Statute</u>	<u>VCC / Offense</u>	<u>Penalty</u>
§ 18.2-178 3 - Counts	FRD-2743-F9 Obtain Money By False Pretense	1Y-20Y
§ 18.2-95(i) 1 - Count	LAR-2361-F9 Grand Larceny \$5 or More From a Person	1Y-20Y

Fraud ❖ Section C

Offender Name: _____

Obtain Money By
False Pretense

◆ Primary Offense

____ Prior Record Classification ____
 Category I Category II Other

A. Other than listed below			
1 count	24	12	6
2 counts	28	14	7
3 counts	40	20	10
4 counts	56	28	14
B. Credit card theft (1 count)	36	18	9
C. Welfare fraud or food stamp fraud (\$1000 or more); false application for public assistance			
1 count	12	6	3
2 counts	20	10	5
D. Forging coins, checks or bank notes, other writings; Uttering; Making or			

Larceny ❖ Section C

Offender Name: _____

◆ Primary Offense

____ Prior Record Classification ____
 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		
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Grand Larceny
\$5 or More
From a Person

Fraud Section C

Offender Name: _____

◆ **Primary Offense** Prior Record Classification
 Category I Category II Other

A. Other than listed below			
1 count	24	12	6
2 counts	28	14	7
3 counts	40	20	10
4 counts	56	28	14
B. Credit card theft (1 count)			
	36	18	9
C. Welfare fraud or food stamp fraud (\$1000 or more); false application for public assistance			
1 count	12	6	3
2 counts	20	10	5
D. Forging coins, checks or bank notes, other writings; Uttering; Making or possessing forging instruments			
1 count	28	14	7
2-3 counts	32	16	8
4 counts	40	20	10
E. Construction fraud (1 count)			
	36	18	9
F. Use identifying information to defraud, > \$1000 (1 count)			
	36	18	9
G. Obtain identifying information with intent to defraud, 2nd or subsequent (1 count)			
	16	8	4
H. Receiving stolen credit card or credit card number with the intent to use or sell (1 count)			
	24	12	6

Score
0 1 0

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

Maximum Penalty: 5 (years) 0
10, 20 (years) 1

0 0 0

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

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

0 0 1

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

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

0 0 3

◆ **Prior Felony Fraud Convictions/Adjudications**

Number of Counts:	1	1
	2	2
	3, 4	3
	5	4
	6	5
	7	6
	8	7
	9 or more	8

0 0 1

◆ **Prior Juvenile Record** If YES, add 4 → 0 0 0

◆ **On Parole/Post-Release, Supervised Probation, or CCCA at Time of Offense** If YES, add 5 → 0 0 0

Total Score → 0 1 5

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

Fraud/Section C

Obtain Money By
False Pretense



ADDITIONAL OFFENSE
Grand Larceny From the Person



PRIOR RECORD
1 – Forgery – 10 Yr. Max
1 – Grand Larceny – 20 Yr. Max



TOTAL
Compare With Larceny
Section C Total

Grand Larceny
\$5 or More
From a Person

Larceny Section C

Offender Name: _____

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

Primary Offense	Category I	Category II	Other
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)	20	14	7
G. Larceny of bank notes, checks, etc. or any book of accounts			
1 - 2 counts	32	16	8
3 counts	66	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 1 0

Primary Offense Remaining Counts: Assign points to each count of the primary not scored above and total the points
Maximum Penalty: 5, 10 (years) 20 (years) 0 0 0

Additional Offenses: Assign points to each additional offense (including counts) and total the points
Maximum Penalty: Less than 5 (years) 5, 10 (years) 20 (years) 30 (years) 40 or more (years) 0 0 6

Prior Convictions/Adjudications: Assign points to the 5 most recent and serious prior record events and total the points
Maximum Penalty: Less than 10 (years) 10, 20 (years) 30 (years) 40 or more (years) 0 0 2

Prior Felony Larceny Convictions/Adjudications
Number of Counts: 1 2 3 4 or more 0 0 1

Other Prior Felony Property Convictions/Adjudications
Number of Counts: 1 2 - 3 4 or more 0 0 1

Prior Felony Convictions/Adjudications Against Person
Number of Counts: 1 2 3 or more 0 0 0

Prior Felony Drug Convictions/Adjudications
Number of Counts: 1 - 2 3 4 or more 0 0 0

Prior Juvenile Record: If YES, add 3 0 0 0

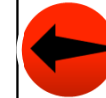
Legally Restituted at Time of Offense: None 0 0 0
Other than parole/post-release, supervised probation or CCCA 0 0 0
Parole/post-release, supervised probation or CCCA 0 0 0

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

Amount of Embezzlement
Amount: Less than \$28,000 0 0 0
\$28,000 - \$99,999 24 0 0
\$99,000 or more 30 0 0

Total Score: 2 0

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



ADDITIONAL OFFENSE
3 Counts Obtain Money by False Pretenses



PRIOR RECORD
1 - Forgery - 10 Yr. Max
1 - Grand Larceny - 20 Yr. Max



TOTAL
Compare With Fraud Section C Total

Statute

VCC / Offense

Penalty

§ 18.2-178

3 - Counts

FRD-2743-F9

Obtain Money By
False Pretense

1Y-20Y

15

§ 18.2-95(i)

1 - Count

LAR-2361-F9

Grand Larceny \$5 or More
From a Person

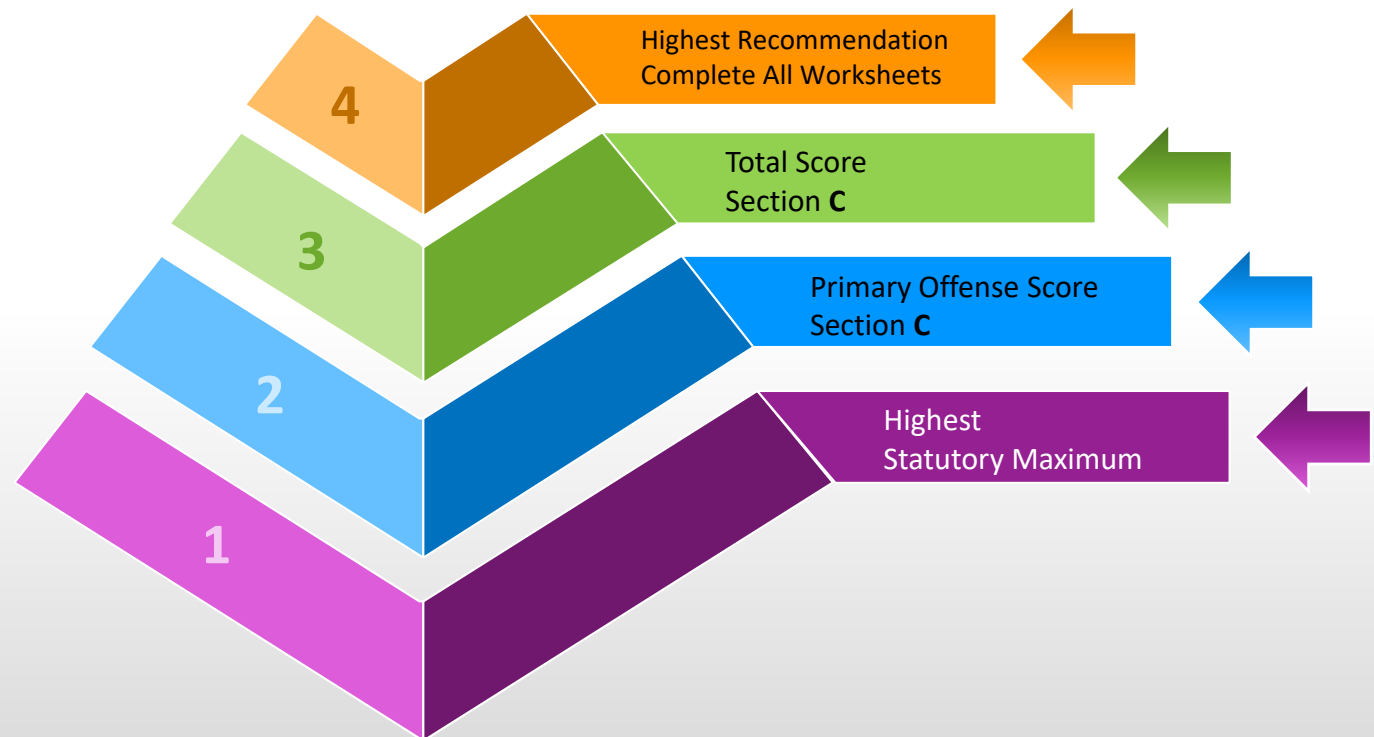
1Y-20Y

20



Selecting the Primary Offense

Five Hierarchical Rules – When There are Multiple Felonies





Sale Cocaine as Accommodation
 § 18.2-248(D) 1Y-10Y

FOR REVIEW PURPOSES ONLY
Drug/Schedule I/II - Section C

Offender Name: SECTIONc
 Prior Record Classification: Category 1 Category 2 Other

Primary Offense

Offense	Category 1	Category 2	Other
A. Possess Schedule I or II drug or first offender violation	10	10	5
Attempted, conspired or completed:	20	10	5
2 counts	30	18	9
3 counts	40	24	12
4 counts	50	30	15

B. Sell, Distribute, Possession with intent, etc. Schedule I or II drug

Offense	Category 1	Category 2	Other
Completed (Attempted or Conspired):	60 (48)	36 (24)	12 (12)
1 count	60 (60)	48 (32)	16 (16)
2 counts	90 (72)	72 (48)	24 (24)
3 counts	120 (96)	96 (64)	32 (32)
4 counts	150 (120)	120 (80)	40 (40)

C. Sell, etc. Schedule I or II drug, second offense

Offense	Category 1	Category 2	Other
Completed (Attempted or Conspired):	110 (88)	66 (44)	22 (22)
1 count	110 (110)	88 (56)	28 (28)
2 counts	165 (132)	132 (88)	42 (42)

D. Sell, etc. Schedule I or II drug - third or subsequent offense

Offense	Category 1	Category 2	Other
Attempted, conspired or completed:	175	105	35
1 count	175	105	35
2 counts	300	254	76

E. Manufacture Schedule I or II or Methamphetamine, first or second offense, § 18.2-248(C)

Offense	Category 1	Category 2	Other
Attempted, conspired or completed:	120	78	26
1 count	120	78	26
2 counts	240	156	52

F. Sell, etc. Schedule I or II drug to minor

Offense	Category 1	Category 2	Other
Attempted, conspired or completed:	60	30	15
1 count	60	30	15
2 counts	120	60	30

G. Accommodation-Sell, etc. Schedule I or II drug

Offense	Category 1	Category 2	Other
Attempted, conspired or completed:	32	16	8
1 count	32	16	8
2 counts	64	32	16

H. Sell, etc. initiation Schedule I or II drug - possession of methamphetamine precursors

Offense	Category 1	Category 2	Other
Attempted, conspired or completed:	12	6	3
1 count	12	6	3
2 counts	24	12	6

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

Maximum Penalty (years): 5, 10, 1, 40 or more → 5

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

Primary offense D, Sell, etc., Sch. III 3rd or Subsequent	Points	Primary offense: All other offenses	Points
Years Less than 5	0	Years Less than 5	0
5, 10	1	5, 10	1
20	4	20	2
30	6	30	3
40 or more	7	40 or more	5

Mandatory Minimum for Weapon Conviction(s) in Current Event Assign points to each additional offense with a mandatory minimum and total the points

2 Year Mandatory Minimum...13 3 Year Mandatory Minimum...25 5 Year Mandatory Minimum...32 → 0

Firearm in Possession at Time of Offense IF YES, add 5 → 0

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

Maximum Penalty: Less than 5 0 20 30 40 or more → 2

Prior Felony Drug Convictions/Adjudications

Primary offense D, Sell, etc., Sch. III 3rd or Subsequent	Score	Primary offense: All other offenses	Score
Number of Counts	0	Number of Counts	0
1	0	1	0
2	1	2	1
3	2	3	2
4	3	4	3
5 or more	4	5 or more	4

Prior Felony Convictions/Adjudications Against Person

Number of Counts	Score
1	0
2	1
3	2
4 or more	3

Prior Felony Property Convictions/Adjudications

Number of Counts	Score
1	0
2	1
3	2
4 or more	3

Prior Juvenile Record IF YES, add 1 → 0

Legally Restrained at Time of Offense IF YES, add 3 → 0

Type of Additional Offense (Score if primary offense is E: Manufacture Methamphetamine § 18.2-248 (C1))

Additional offense of child present during manufacture of methamphetamine: IF YES, add 14 → 0

Sale/Quantity of Cocaine (Score if primary offense is B, C, D, or F: § 18.2-248(C) or § 18.2-255(A))

Quantity of Cocaine	Score
Less than 28.35 grams	0
28.35 g to less than 226.8 grams	36
226.8 grams or more	60

Total Score 12



Burn Personal Property
 § 18.2-81 2Y-10Y

FOR REVIEW PURPOSES ONLY
Miscellaneous/Person & Property - Section C

Offender Name: SECTIONc
 Prior Record Classification: Category 1 Category 2 Other

Primary Offense

Offense	Category 1	Category 2	Other
A. Burn unoccupied dwelling/church	68	34	17
Completed:	108	54	27
1 count	108	54	27
2 counts	200	100	50
Attempted or conspired:	68	34	17
1 count	68	34	17
2 counts	136	68	34

B. Burn occupied dwelling/church

Offense	Category 1	Category 2	Other
Completed:	108	54	27
1 count	108	54	27
2 counts	200	100	50
Attempted or conspired:	68	34	17
1 count	68	34	17
2 counts	136	68	34

C. Burning of personal property, standing grain, etc. value \$1000 or more (1 count)

Offense	Category 1	Category 2	Other
Completed:	32	16	8
1 count	32	16	8
2 counts	64	32	16

D. Threatening to burn, bomb or explode (1 count)

Offense	Category 1	Category 2	Other
Completed:	40	20	10
1 count	40	20	10
2 counts	80	40	20

E. Threat by letter, communication or electronic message (1 count)

Offense	Category 1	Category 2	Other
Completed:	32	16	8
1 count	32	16	8
2 counts	64	32	16

F. Child neglect/abuse, serious injury (1 count)

Offense	Category 1	Category 2	Other
Completed:	28	14	7
1 count	28	14	7
2 counts	56	28	14

G. Gross, reckless care of child (1 count)

Offense	Category 1	Category 2	Other
Completed:	28	14	7
1 count	28	14	7
2 counts	56	28	14

H. Cruelty and injury to child (1 count)

Offense	Category 1	Category 2	Other
Completed:	32	16	8
1 count	32	16	8
2 counts	64	32	16

I. Malignantly shoot, throw missile at train, car, etc. (1 count)

Offense	Category 1	Category 2	Other
Completed:	32	16	8
1 count	32	16	8
2 counts	64	32	16

J. Damagere/demolish any property or monument \$1,000 or more (1 count)

Offense	Category 1	Category 2	Other
Completed:	32	16	8
1 count	32	16	8
2 counts	64	32	16

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

Maximum Penalty: 5, 10, 20, 30, 40 or more → 5

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

Primary offense: B: Burn unoccupied dwelling/church	Points	Primary offense: All other offenses	Points
Years Less than 5	0	Years Less than 5	0
5, 10	1	5, 10	1
20	2	20	2
30	3	30	3
40 or more	4	40 or more	5

Firearm Used or Brandished IF YES, add 2 → 0

Victim Injury

Primary offense: G or H: Reckless Care/Cruelty Child	Points	Primary offense: F: Child Neglect/Abuse	Points	Primary offense: All other offenses A, B, C, D, E, I and J	Points
Threatened or emotional	6	Threatened or emotional	6	Threatened or emotional	2
Physical	7	Physical or Serious Physical	12	Physical	4
Life threatening	10	Life threatening	15	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 20, 30, 40 or more → 1

Prior Felony Convictions/Adjudications Against Person

Primary offense: B: Burn unoccupied dwelling/church	Points	Primary offense: All other offenses	Points
Number of Counts	0	Number of Counts	0
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5 or more	5	5 or more	5

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

Number	Score	Number	Score
1	2	4	8
2	4	5 or more	10
3	6		

Legally Restrained at Time of Offense

Primary offense: F: Child neglect/abuse	Points	Primary offense: All other offenses	Points
None	0	Any legal restraint	2
Other than post-incarceration supervision	6		
Post-incarceration supervision	9		

Type of Additional Offense

Primary offense: B: Burn Occupied Dwelling/Church	Points	Primary offense: All other offenses	Points
Additional offense with VCC Prefix "MUR"	133	Do Not Score	0

Total Score 12



FOR REVIEW PURPOSES ONLY
Miscellaneous/Person & Property — Section A

◆ **Primary Offense** Offender Name: _____

A. Burn unoccupied dwelling/church (1 count)	6
B. Burn occupied dwelling/church (1 count)	7
C. Burning of personal property, standing grain, etc., value \$1000 or more (1 count)	7
D. Threatening to bomb, burn or explode (1 count)	6
E. Threat by letter, communication or electronic message (1 count)	7
F. Child neglect/abuse, serious injury (1 count)	3
G. Gross, reckless care of child (1 count)	2
H. Cruelty and injury to child (1 count)	2
I. Moleously shoot, throw missile at train, car, etc. (1 count)	7
J. Damage/destroy any property or monument \$1,000 or more (1 count)	8

FOR REVIEW PURPOSES ONLY
Miscellaneous/Person & Property — Section B

◆ **Primary Offense** Offender Name: _____

A. Burn unoccupied dwelling/church (1 count)	6
B. Burn occupied dwelling/church (1 count)	7
C. Burning of personal property, standing grain, etc., value \$1000 or more (1 count)	6
D. Threatening to bomb, burn or explode (1 count)	6
E. Threat by letter, communication or electronic message (1 count)	7
F. Child neglect/abuse, serious injury (1 count)	3
G. Gross, reckless care of child (1 count)	2
H. Cruelty and injury to child (1 count)	2
I. Moleously shoot, throw missile at train, car, etc. (1 count)	7
J. Damage/destroy any property or monument \$1,000 or more (1 count)	8

Score **6**

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

Primary offense: J: Damage/Destroy property \$1,000 or more		Primary offense: All other offenses	
Years	Points	Years	Points
5 - 9	1	5 - 9	2
10 - 19	2	10 - 19	3
20 - 29	3	20 - 29	4
30 - 39	4	30 - 39	5
40 or more	5	40 or more	6

Score **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

Score **3**

◆ **Victim Injury**

Primary offense: F, G or H: Offenses with VCC prefix "FAM"		Primary offense: All other offenses	
Threatened, emotional, or physical	Points	Threatened, emotional, or physical	Points
Threatened, emotional, or physical	9	Threatened, emotional, or physical	2
Life threatening	10	Life threatening	3

Score **2**

◆ **Legally Restrained at Time of Offense** If YES, add 1 → **0**

SCORE THE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE IS J: DAMAGE/DESTROY TO PROPERTY \$1,000 OR MORE

◆ **Prior Incarcerations/Commitments** If YES, add 1 → **0**

Total Score → **11**
 See Miscellaneous/Person & Property Section B Recommendation Table to convert score to guidelines sentence.

FOR REVIEW PURPOSES ONLY
Drug/Schedule I/II — Section A

◆ **Primary Offense** Offender Name: _____

A. Possess Schedule I or II drug or First offender violation (1 count)	1
2 counts	3
3 counts	8

FOR REVIEW PURPOSES ONLY
Drug/Schedule I/II — Section B

◆ **Primary Offense**

A. Possess Schedule I or II drug or First offender violation (1 count)	3
2 counts	6
B. Accommodation - Sell, distribute, possession with intent Schedule I or II drug (1 count)	8
2 counts	9
C. Sell, etc., imitation Schedule I or II drug (1 count)	4
D. Possession of methamphetamine precursors (1 count)	6

Score **8**

◆ **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
29 - 39	5
39 or more	6

Score **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
29 - 39	5
39 or more	6

Score **3**

◆ **Knife or Firearm in Possession at Time of Offense** If YES, add 2 → **0**

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

Years: Less than 1	0
1 - 29	1
29 - 43	2
44 or more	3

Score **1**

◆ **Prior Misdemeanor Convictions/Adjudications** (Excludes Traffic)

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

Score **0**

◆ **Prior Incarcerations/Commitments**

Primary offense: D. Possession of methamphetamine precursors: YES, add 2	0
Primary offense: All other offenses: If YES, add 1	0

Score **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 CCA	2
Parole/post-release, supervised probation or CCA	3

Score **0**

SCORE THE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE IS A: POSSESSION OF SCHEDULE III DRUG (§18.2-250(A,a))

◆ **Two or More Prior Felony Convictions/Adjudications** For Possession, Possession with Intent, Distribution, Manufacture or Sale of Schedule I or II Drug, etc. If YES, add 2 → **0**

Total Score → **12**
 See Drug/Schedule I/II Section B Recommendation Table to convert score to guidelines sentence. Then, go to Section D Nonviolent Risk Assessment and follow the instructions.

FOR REVIEW PURPOSES ONLY
Sentencing Guidelines Cover Sheet
 Complete this form ONLY for applicable felonies sentenced on or after July 1, 2020

Scheduled Sentencing Date: 12/20/20

◆ **OFFENDER**
 First: _____ Middle: _____ Last: SECTIONC Suffix: _____

Date of Birth: [] [] [] SSN: _____

CCRE: _____ CORIS Offender ID: _____ PSI #: _____

◆ **COURT**
 Judicial Circuit: [] City/County: _____ FIPS Code: 005 [] [] [] []
 Sentencing Judge's Name: _____

Preparer Name: _____ Commonwealth's Attorney Probation Officer
 Prosecuting Commonwealth's Attorney: _____ Defense Attorney: _____

◆ **PRIMARY OFFENSE**

Description	Counts	VCC	Offense Date
ACCOMMODATION SALE OF SCHEDULE I OR II DRUGS	1	NAR 3035 F5	01 01 20

Primary Offense Code Section § 18.2-248(D) Docket Number CR200000000

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

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 III drug _____

◆ **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 C
 Life Sentence
 Incarceration (Enter Midpoint and Range Below)
 Range Midpoint: [] [] []
 Sentence Range: [] [] [] TO [] [] []

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

Recommendation Adjusted for Mandatory Minimum

Incarceration 3 Months to 6 Months



Sale Cocaine as Accommodation
 § 18.2-248(D) 1Y-10Y

FOR REVIEW PURPOSES ONLY
Sentencing Guidelines Cover sheet
 Complete this form ONLY for applicable felonies sentenced on or after July 1, 2020

Scheduled Sentencing Date: 12/20/20

◆ **OFFENDER**
 First: _____ Middle: _____ Last: SECTIONC Suffix: _____

Date of Birth: [] [] [] SSN: _____

CCRE: _____ CORIS Offender ID: _____ PSI #: _____

◆ **COURT**
 Judicial Circuit: [] City/County: _____ FIPS Code: 005 [] [] [] []
 Sentencing Judge's Name: _____

Preparer Name: _____ Commonwealth's Attorney Probation Officer
 Prosecuting Commonwealth's Attorney: _____ Defense Attorney: _____

◆ **PRIMARY OFFENSE**

Description	Counts	VCC	Offense Date
ARSON OF PERSONAL PROPERTY, STANDING GRAIN, ETC. VALUE \$500	1	ARS 2018 F4	01 01 20

Primary Offense Code Section § 18.2-81 Docket Number CR200000001

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

◆ **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 C
 Life Sentence
 Incarceration (Enter Midpoint and Range Below)
 Range Midpoint: [] [] []
 Sentence Range: [] [] [] TO [] [] []

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

Recommendation Adjusted for Mandatory Minimum

Incarceration 1 Day to 6 Months



Burn Personal Property
 § 18.2-81 2Y-10Y

FOR REVIEW PURPOSES ONLY

Sentencing Guidelines cover sheet

Scheduled Sentencing Date:

12/20/20

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

◆ OFFENDER

First: _____ Middle: _____ Last: SECTIONC Suffix: _____

Date of Birth: SSN: _____

CCRE: _____ CORIS Offender ID: _____ PSI #: _____

◆ COURT

Judicial Circuit: City/County: _____ FIPS Code: 005

Sentencing Judge's Name: _____

Preparer Name: _____ Commonwealth's Attorney Probation Officer

Prosecuting Commonwealth's Attorney: _____ Defense Attorney: _____

◆ PRIMARY OFFENSE

Description	Counts	VCC	Offense Date
ACCOMMODATION SALE OF SCHEDULE I OR II DRUGS	1	NAR 3035 F5	01 01 20

Primary Offense Code Section § 18.2-248(D) Docket Number CR2000000000

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

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 III drug _____

◆ 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 C Life Sentence

Incarceration (Enter Midpoint and Range Below)

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

Sentence Range TO

Section B Mandatory Minimum Recommendation Adjusted for Mandatory Minimum

Incarceration 3 Months to 6 Months



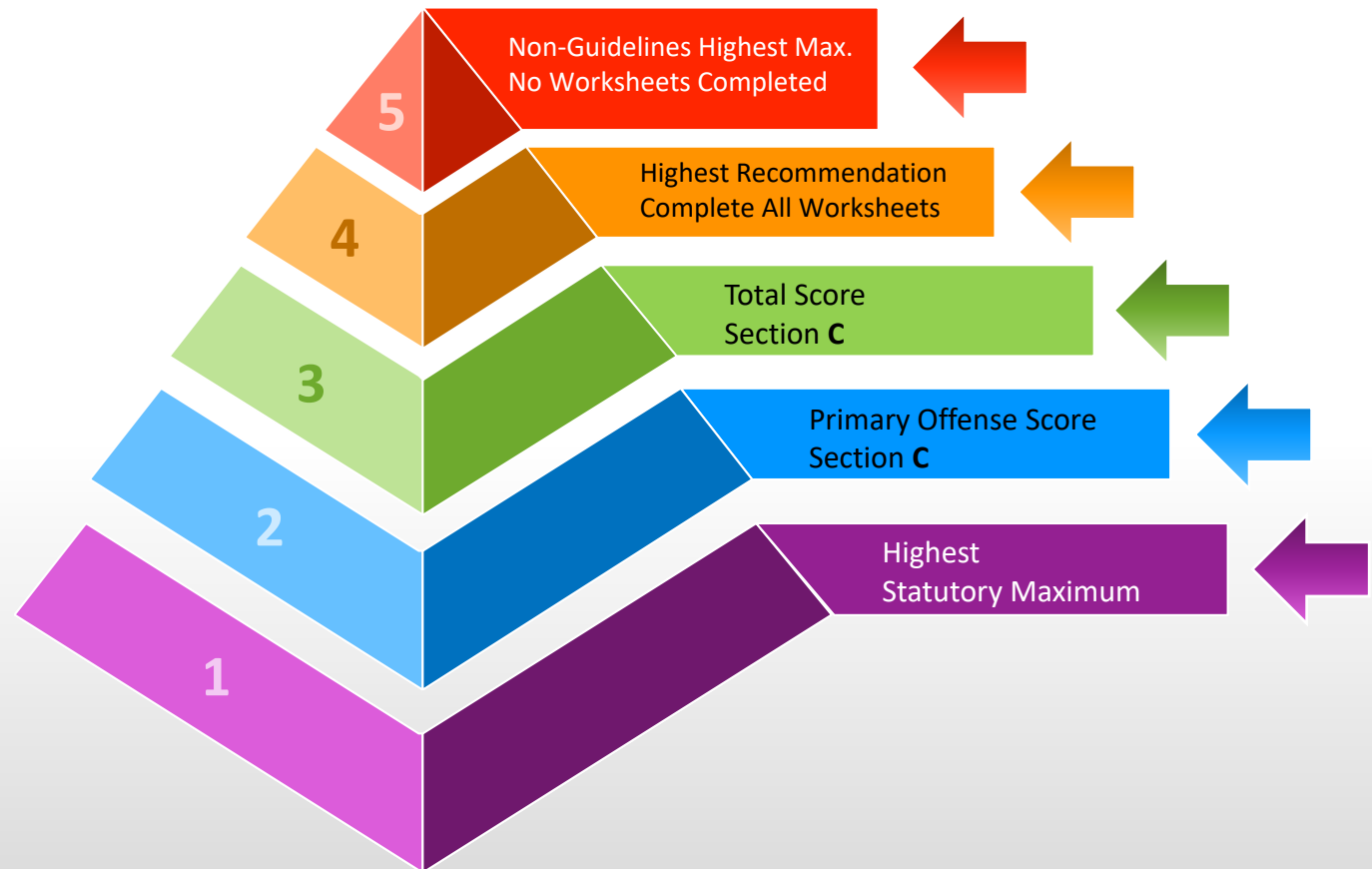
Primary Offense
Sale Cocaine as Accommodation
§ 18.2-248(D) 1Y-10Y

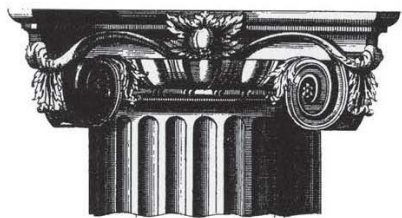


Additional Offense
Burn Personal Property
§ 18.2-81 2Y-10Y

Selecting the Primary Offense

Five Hierarchical Rules – When There are Multiple Felonies

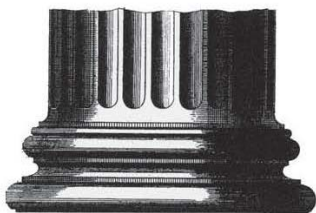




2020 VCC

Virginia Crime Codes

Listed Alphabetically and by Statute



Virginia Criminal Sentencing Commission

Bold VCC

Covered by Sentencing Guidelines

Cocaine mixture, distribute etc. 10.0 kilograms or more
 Heroin mixture, distribute etc. 1.0 kilograms less than 5.0 kilograms
 Heroin mixture, distribute etc. 5.0 kilograms or more
 Methamphetamine, distribute etc. 100g < 250g / 200g < 1 kg mixture
 Methamphetamine, distribute etc. 250g or more / 1kg or more mixture
 Type Not Clear - Distribute Schd. I/II or marijuana - quantity defined
 Type Not Clear - Distribute Schd. I/II or marijuana - quantity defined

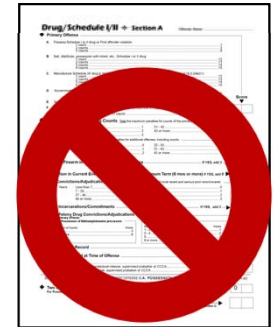
NAR-3122-F9	§18.2-248(H2,ii,2)	40, Life	40,Life
NAR-3116-F9	§18.2-248(H1,ii,1)	20Y-Life	20Y
NAR-3121-F9	§18.2-248(H2,ii,1)	40, Life	40,Life
NAR-3120-F9	§18.2-248(H1,ii,5)	20Y-Life	20Y
NAR-3125-F9	§18.2-248(H2,ii,5)	40, Life	40,Life
NAR-3091-F9	§18.2-248(H1,ii)	20Y-Life	20Y
NAR-3093-F9	§18.2-248(H2,ii)	40, Life	40,Life

Schedule I or II Drugs - Distribution

Also see Distribution Based on Quantity (§ 18.2-248.03)

Distribution, provide, give etc., (to be resold by others) Schd. I/II
 Manufacture (making/producing drugs from raw base products), Schd I/II
 Possession w/intent to sell, distribute, etc., Schd. I/II
 Sale, distribute, etc. (for profit) Schd. I/II
 Type not clear from record - Sell, distribute, manufacture

NAR-3042-F9	§18.2-248(C)	5Y-40Y	
NAR-3044-F9	§18.2-248(C)	5Y-40Y	
NAR-3043-F9	§18.2-248(C)	5Y-40Y	
NAR-3045-F9	§18.2-248(C)	5Y-40Y	
NAR-3036-F9	§18.2-248(C)	5Y-40Y	



Schedule I or II Drugs - Distribution, 2nd

Sell, poss. w/intent, distribute, etc. - second conviction

NAR-3038-F9	§18.2-248(C)	5Y-Life	3Y
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Schedule I or II Drugs - Distribution, 3rd & Subsequent

Sell, poss. w/intent, distribute, etc. - third or subsequent

NAR-3087-F9	§18.2-248(C)	10Y-Life	10Y
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Schedule I or II Drugs - Distribution, Quantity

Cocaine base, distribute, etc., 250g or more
 Cocaine base, distribute, etc., 2.5 kilograms or more
 Cocaine mixture, etc., distribute, etc., 500 g or more
 Cocaine mixture, etc., distribute, etc., 5.0 kilograms or more

NAR-3146-F9	§18.2-248(C,3)	5Y-Life	5Y*
NAR-3113-F9	§18.2-248(H,3)	20Y-Life	20Y*
NAR-3145-F9	§18.2-248(C,2)	5Y-Life	5Y*
NAR-3112-F9	§18.2-248(H,2)	20Y-Life	20Y*

Cocaine mixture, distribute etc. 10.0 kilograms or more
 Heroin mixture, distribute etc. 1.0 kilograms less than 5.0 kilograms
 Heroin mixture, distribute etc. 5.0 kilograms or more
 Methamphetamine, distribute etc. 100g < 250g / 200g < 1 kg mixture
 Methamphetamine, distribute etc. 250g or more / 1kg or more mixture
 Type Not Clear - Distribute Schd. I/II or marijuana - quantity defined
 Type Not Clear - Distribute Schd. I/II or marijuana - quantity defined

NAR-3122-F9	§18.2-248(H2,ii,2)	40, Life	40, Life
NAR-3116-F9	§18.2-248(H1,ii,1)	20Y-Life	20Y
NAR-3121-F9	§18.2-248(H2,ii,1)	40, Life	40, Life
NAR-3120-F9	§18.2-248(H1,ii,5)	20Y-Life	20Y
NAR-3125-F9	§18.2-248(H2,ii,5)	40, Life	40, Life
NAR-3091-F9	§18.2-248(H1,ii)	20Y-Life	20Y
NAR-3093-F9	§18.2-248(H2,ii)	40, Life	40, Life

Schedule I or II Drugs - Distribution

Also see Distribution Based on Quantity (§ 18.2-248.03)

Distribution, provide, give etc., (to be resold by others) Schd. I/II
 Manufacture (making/producing drugs from raw base products), Schd I/II
 Possession w/intent to sell, distribute, etc., Schd. I/II
 Sale, distribute, etc. (for profit) Schd. I/II
 Type not clear from record - Sell, distribute, manufacture

NAR-3042-F9	§18.2-248(C)	5Y-40Y	
NAR-3044-F9	§18.2-248(C)	5Y-40Y	
NAR-3043-F9	§18.2-248(C)	5Y-40Y	
NAR-3045-F9	§18.2-248(C)	5Y-40Y	
NAR-3036-F9	§18.2-248(C)	5Y-40Y	

Schedule I or II Drugs - Distribution, 2nd

Sell, poss. w/intent, distribute, etc. - second conviction

NAR-3038-F9	§18.2-248(C)	5Y-Life	3Y
--------------------	---------------------	---------	----

Schedule I or II Drugs - Distribution, 3rd & Subsequent

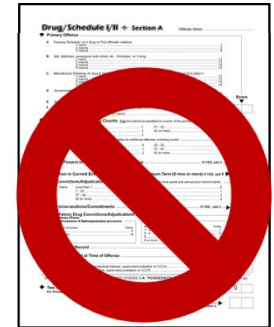
Sell, poss. w/intent, distribute, etc. - third or subsequent

NAR-3087-F9	§18.2-248(C)	10Y-Life	10Y
--------------------	---------------------	----------	-----

Schedule I or II Drugs - Distribution, Quantity

Cocaine base, distribute, etc., 250g or more
 Cocaine base, distribute, etc., 2.5 kilograms or more
 Cocaine mixture, etc., distribute, etc., 500 g or more
 Cocaine mixture, etc., distribute, etc., 5.0 kilograms or more

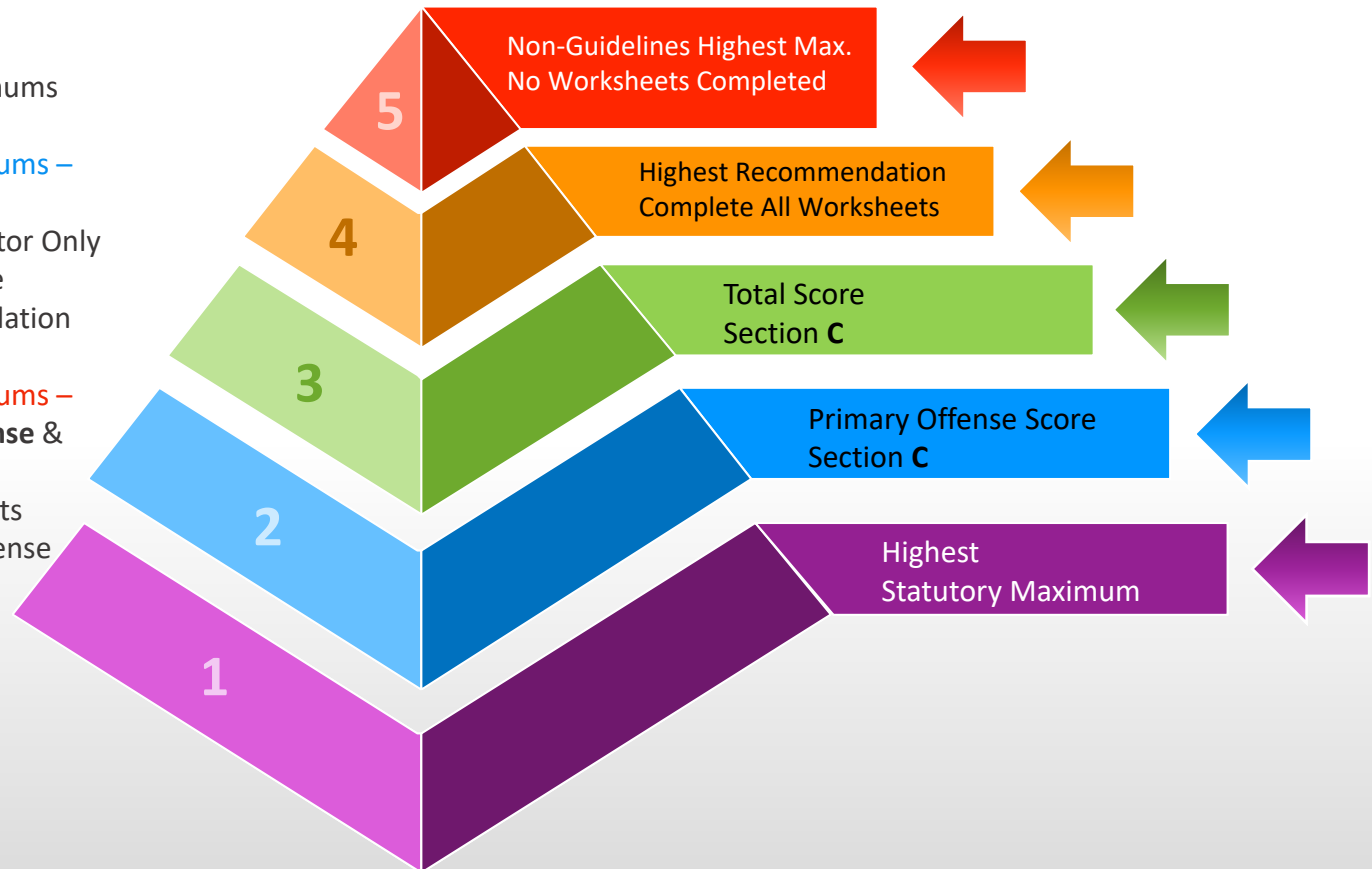
NAR-3146-F9	§18.2-248(C,3)	5Y-Life	5Y*
NAR-3113-F9	§18.2-248(H,3)	20Y-Life	20Y*
NAR-3145-F9	§18.2-248(C,2)	5Y-Life	5Y*
NAR-3112-F9	§18.2-248(H,2)	20Y-Life	20Y*



Selecting the Primary Offense

Five Hierarchical Rules – When There are Multiple Felonies

- Compare Statutory Maximums
- **Tie With Statutory Maximums –**
Compare Scores Section C
 - Primary Offense Factor Only
 - Total Section C Score
 - Highest Recommendation
- **Tie With Statutory Maximums –**
Between **Guidelines Offense** &
Non-Guidelines Offense
 - Complete Worksheets
With Guidelines Offense
as the Primary



Exercise: Select the Primary Offense

You will Need the Rape Worksheet and the Robbery Worksheet



Please Select the Primary Offense:

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 the word PRIMARY to 56512



VIRGINIA SENTENCING GUIDELINES
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Virginia Criminal Sentencing Commission

100 North Ninth Street
Richmond, VA 23219

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Additional Offenses

Virginia Criminal Sentencing Commission

General Instructions Pg. 11



Save

Burglary/Other • Section A

Offender Name: DOE, JANE

Primary Offense

Counts	A. Possession of burglarious tools		
	1	1	
	B. Other structure with intent to commit larceny, etc. with or without deadly weapon		
	1	3	
	2	5	
	3	7	
	C. Burglary of bank with deadly weapon		
	1	9	

Additional Offenses • Total the maximum penalties for additional offenses, including counts			
Years	Less than 4	0	<input type="text" value="0"/>
	4 - 10	1	
	11 - 21	2	
	22 - 30	3	
	31 - 42	4	
	43 or more	5	

Years	Less than 5	0	<input type="text" value="3"/>
	5 - 14	1	
	15 - 27	2	
	28 - 43	3	
	44 or more	4	

Included on all worksheets



What is an
Additional
Offense and how
do you identify it
in a sentencing
event?

Additional Offenses


Offense in same
sentencing event
with a different
VCC from the
primary offense

Attempted and
Conspired acts have
different VCC's than
completed acts and are
separate and distinct
offenses

Additional Offenses

EXAMPLE

Additional Offenses

<u>Offense</u>	<u>VCC</u>	<u>Max.</u>
 Entering Bank armed w/ intent to commit larceny	BUR-2207-F2	LIFE (I)
Entering a dwelling w/ intent to commit larceny	BUR-2213-F9	20Y
Grand Larceny	LAR-2359-F9	20Y
Possession of Burglary Tools	BUR-2206-F5	10Y

Additional Offenses

Summary:

Additional offenses are any offenses different than the primary

General Instructions pgs. 11 & 12

Identify the Additional Offense(s)

LAR-2359-F9

LAR-2359-C9

NAR-3016-F6

For the Answer: Text VCC ADD to 56512





Virginia Criminal Sentencing Commission

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Supreme Court Building
5th Floor

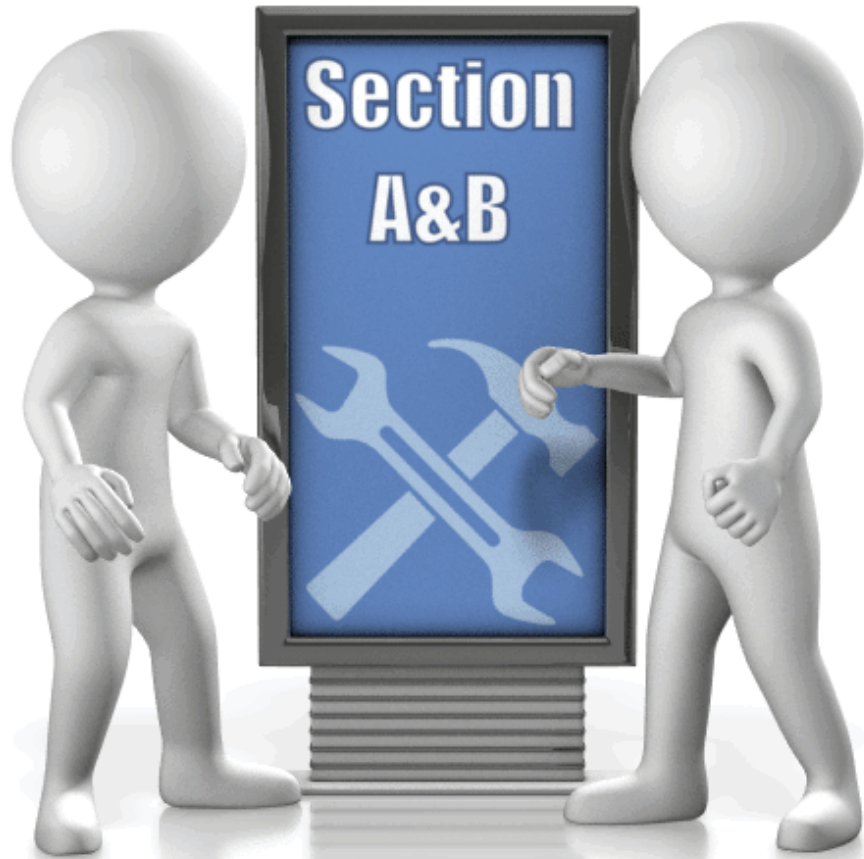
Call: 804-225-4398

Text: 804-393-9588

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Scoring Sections A&B vs. Section C



General Instructions
page 11

A & B

Primary Offense Remaining Counts Additional Offenses Prior Convictions/Adjudications

C

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

Years	Count	Score
5 - 10	1	1
11 - 21	2	2
22 - 30	3	3
31 - 42	4	4
43 or more	5	5

Score:

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

Years	Maximum Penalty	Points
5, 10	1	1
40 or more	5	5

Total Points:

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

Years	Count	Score
Less than 4	0	0
4 - 10	1	1
11 - 21	2	2
22 - 30	3	3
31 - 42	4	4
43 or more	5	5

Score:

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

Years	Primary offense D: Sell, etc., Sch. III 3rd or Subsequent	Primary offense: All other offenses
Less than 5	0	0
5, 10	2	1
20	4	2
30	6	4
40 or more	7	5

Total Points:

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

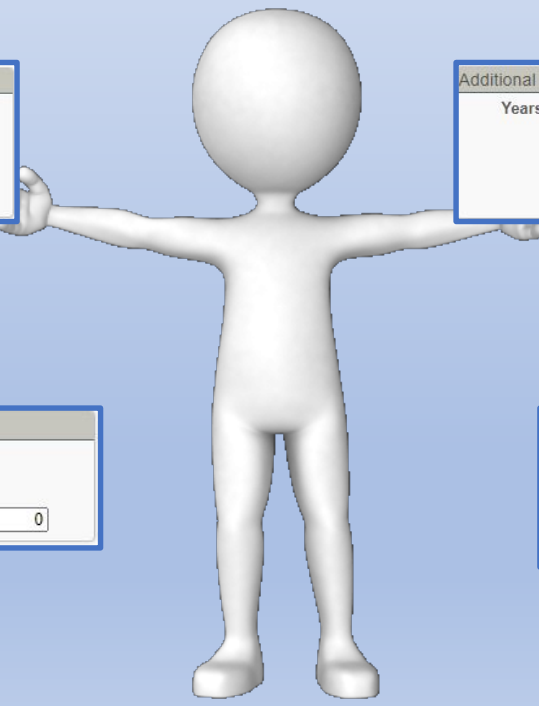
Years	Count	Score
Less than 7	0	0
7 - 26	1	1
27 - 48	2	2
49 or more	3	3

Score:

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

Years	Maximum Penalty	Points
Less than 5	0	0
5, 10	1	1
20	2	2
30	3	3
40 or more	4	4

Total Points:



VIRGINIA CRIMINAL JUSTICE COMMISSION

Admin Worksheet Help Logout

Logged in as: Kimberly Thomas (9023)

Schedule I/II - Section A

Primary Offense Remaining Counts

Additional Offenses

Prior Convictions/Adjudications

Prior Juvenile Record

Legally Restrained at Time of Offense

VIRGINIA CRIMINAL SENTENCING

Search Admin Worksheet Help Logout

Logged in as: Kimberly Thomas (9023)

Drug/Schedule I/II - Section C

Primary Offense

Additional Offenses

Mandatory Minimum for Weapon Conviction(s) in Current Event

Prior Felony Drug Convictions/Adjudications

A large, blue, 3D-rendered letter 'A' with a slight shadow underneath, positioned on the left side of the slide.

Sections A & B



For the factors:

Primary Offense Remaining Counts

Additional Offenses

Prior Convictions/Adjudications

- 1. Add the statutory maximum penalties**
- 2. Find the total in the range**
- 3. Enter the corresponding score**



Section A

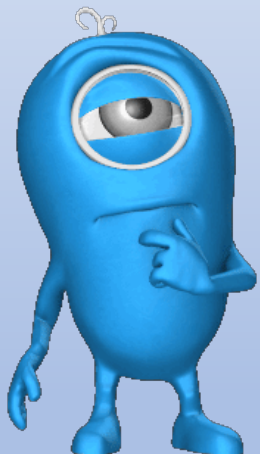
Additional Offenses:

1 count: Forgery 10 year max

1 count: Uttering 10 year max

1 count: Possess F/A
By Felon + 5 year max

Total = 25 years



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

Years	Less than 5	0
5 - 14	1	
15 - 29	2	
30 - 39	3	
40 or more	4	

2



Section C

For the factors:

Primary offense remaining counts

Additional offenses

Prior Convictions/Adjudications

- 1. Assign points to each count**
- 2. Add the points**
- 3. Enter the total number of points**



**Section C
ASSIGN**

Section C

Additional Offenses:

1 count: Forgery	10 year max	█	1
1 count: Uttering	10 year max	█	1
1 count: Possess F/A by Felon	5 year max	█	0
Total Points			█ 2

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

Years	Less than 10	0
	10, 20	1
	30	2
	40 or more	3

2



SECTIONS A&B

TOTAL

SECTION C

ASSIGN



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

For the answer text Scoring to 56512

Questions:

call: **804-225.4398**

OR

Text: **804.393.9588**

The background of the slide is a blurred photograph of a medical setting. A teal stethoscope is draped over a white medical chart. A blue pen is visible in the upper left. The chart has some text, including 'LAKAZIVANJE TERMINA ZA PAKO...' and 'II SMJENA'. A white ECG (heart rate) icon is overlaid on the left side of the text.

Victim Injury



Save

Robbery - Section C

Offender Name:

Primary Offense

Prior Record Classification
Category 1 Category 2 Other

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	298	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	338	224	112
F. Carjacking with gun or simulated gun			
1 count	248	164	82

Score

0

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

Years	Maximum Penalty	
10	5	
Life	19	

Additional Offenses - Assign points to each additional offense (excluding counts) and total the points.

Years	Points
Less than 2	0
2, 3	1
4, 5	2
10	5
20	10
30	14

There are four different types of injuries included in the victim injury factors that appear on the guidelines worksheets

Victim Injury

Threatened	0
Emotional	2
Physical or serious	6
Life Threatening	23
Total	31

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	Points
Threatened	0
Emotional	2
Physical or serious	6
Life Threatening	23

Prior Convictions/Adjudications - Assign points to the 5 most recent and serious prior record events and total the points.		
Years	Maximum Penalty	
Less than 2	0	
2, 3, 4, 5	1	
10	3	



Victim feels threatened or
intimidated

Based on victim's perspective





Victim received counseling by a licensed professional

Includes:

Licensed Mental Health Professional

School Counselor

Clergy

Must be verified by someone other than victim or a family member



Physical/
Serious
Physical



Non life-threatening

No permanent impairment

No loss of an organ or limb



For sexual assault offenses medical examinations required by law enforcement agencies for investigative purposes is not, by itself, scored.





Injury involving substantial risk of death, a permanent physical disability or death

Includes:

Loss or major impairment of organ or limb

Injuries where victim could have died without extensive intervention of medical treatment





In Sexual Assault offenses, points are scored if as a result of the assault the victim became:



HIV Positive



Pregnant

Victim Injury

Multiple Victims?

Score the factor for the victim that received most serious injury

Scored for all offenses at conviction

Scored for only one offense if injured during any offense at conviction



Summary

Score this factor if anyone was injured during the commission of any offense in the sentencing event.

Score any injury as documented in any official report



WHAT TYPE OF INJURY IS SCORED WHEN
THE VICTIM BECOMES PREGNANT AS THE
RESULT OF A SEXUAL ASSAULT?

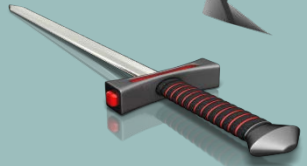
For the answer text **INJURY** to **56512**

Questions:

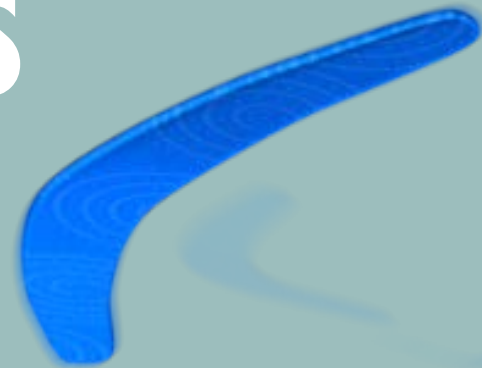
call: **804-225.4398**

OR

Text: **804.393.9588**



WEAPONS FACTORS





Save

Robbery • Section A

Offender Name:

Primary Offense		
Counts	A. Attempted or conspired robbery or carjacking	
	1	1
B. Street without a gun or simulated gun	1	2
	2	6
C. Business without a gun or simulated gun	1	4
	2	6
D. Residence without a gun or simulated gun	1	4
E. Carjacking without a gun	1	4
F. Street, residence, business or carjacking with a gun or simulated gun	1	6
G. Bank robbery with or without a gun or simulated gun	1	6
		Score <input type="text" value="0"/>

Primary Offense Remaining Counts • Total the maximum penalties for counts of the primary not scored above	
Years	10 or more 2 <input type="text" value="0"/>

Additional Offenses • Total the maximum penalties for additional offenses, including counts	
Years	Less than 2 0
	2 or more 2 <input type="text" value="0"/>

Weapon Used	
	None 0
	Simulated weapon or other than firearm 1
	Firearm 3
	<input type="text" value="0"/>

Years	Less than 6 0
	6 or more 1 <input type="text" value="0"/>

Prior Incarcerations/Commitments • If YES, add 1

Prior Juvenile Record • If YES, add 1

Legally Restrained at Time of Offense • If YES, add 3


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.

There are different weapons factors that appear on the guidelines worksheets

Weapon Used	
	None 0
	Automobile, simulated weapon or other than firearm 1
	Firearm 2
	<input type="text" value="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
	<input type="text" value="0"/>

Knife or Firearm in Possession at Time of Offense • If YES, add 2


 Scored if the defendant or codefendant:


used

brandished

feigned

threatened

 Score use of a firearm even if the Commonwealth drops mandatory firearm charge

 Scored for any offense in the sentencing event

Weapons Definitions

Firearm – Gun, rifle or BB Gun

Any item the victim believed was a gun

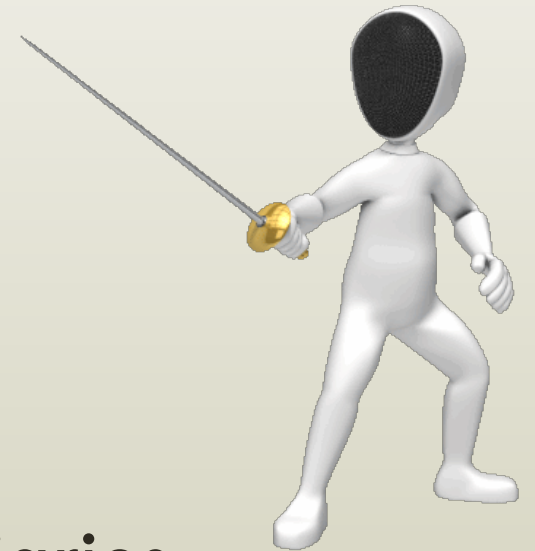


Weapons Definitions

Knives – Stabbing or cutting instrument with a sharp blade



Explosives – Bomb, dynamite, incendiaries



Weapons Definitions

Simulated Weapon

A false impression given that a weapon is present.

Other Weapons

Anything capable of causing injury

Except: Body parts are not scored



Weapons Definitions

Weapons are scored based on the victim's perspective

Weapons

Summary:



Score weapon even if Commonwealth drops the firearm charge



Score weapon factors based on victim's perspective.



Score weapons factor if defendant or codefendant used, brandished, feigned or possessed a weapon.



Score anything capable of causing injury as a weapon except body parts.



FROM WHOSE PERSPECTIVE ARE
WEAPONS FACTORS SCORED?

For the answer text WEAPONS to 56512

Questions:

call: **804-225.4398**

OR

Text: **804.393.9588**



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VIRGINIA CRIMINAL SENTENCING COMMISSION



Virginia Criminal Sentencing Commission

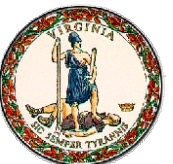
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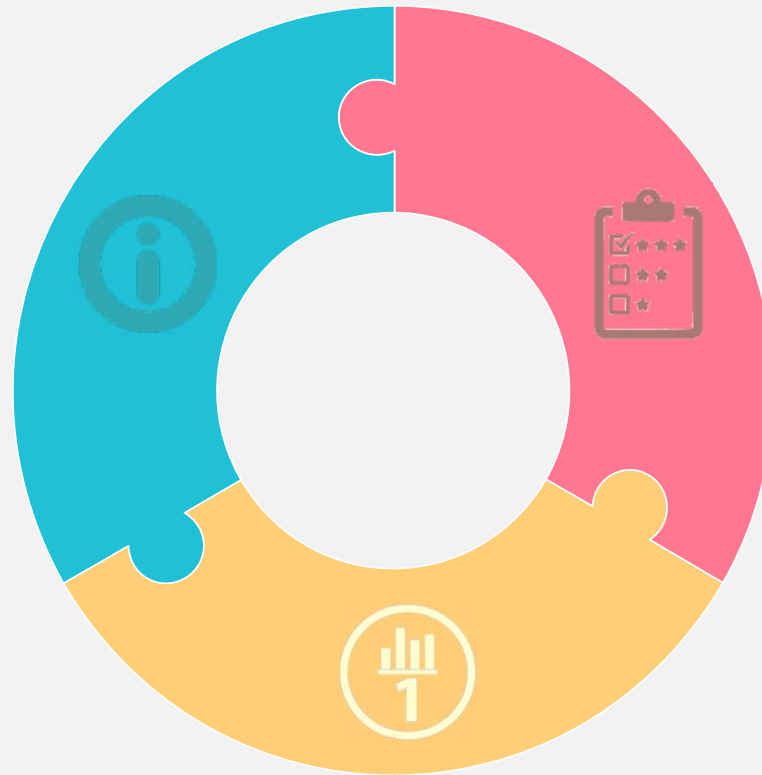


PRIOR **RECORD**

PIECING TOGETHER &
SCORING
CRIMINAL HISTORY

AGENDA
PRIOR RECORD

GENERAL
DEFINITIONS



SCORING
PRIOR RECORD
FACTORS

KEY RULES

GENERAL DEFINITIONS



Prior Record is Any **CONVICTION** Prior to the Sentencing Date

Offense Dates are Not Relevant
Arrest Dates are Not Relevant



Prior Record Includes **Juvenile, Adult** and Criminal Traffic Convictions or Adjudications and Probation or Suspended Sentence Violations, Local Ordinance Convictions

Any Criminal Conviction or Juvenile Adjudication
Does Not Include Civil Offenses, Juvenile Status Offenses or Traffic Infractions



Prior Record Includes the **Complete Criminal History**

No Limit on How Far Back You Can Search for Prior Convictions
The Entire Criminal History May Be Scored

KEY RULES



- Score Convictions Based on Virginia's Current Penalty Structure
- 12 Months is Scored as 1 Year
- Life is Equal to the Highest Points for the Factor
- Probation Violations are Scored Based on the Statutory Maximum for the Most Serious Underlying Offense
- Attempts and Conspiracies Have Different Penalties From Completed Acts (Except for Distribution of Drugs)
- When Unclear, Always Err on Behalf of the Defendant



Score Convictions Based on Virginia's Current Penalty Structure

1. Compare the Out-of-State Conviction to Virginia's Current Statutes
 - A. Does the prior conviction violate Virginia law?
 - B. If so, what is Virginia's current penalty for a **similar** conviction?

2. Examples:



Possessing a Handgun Without a License

- Felony In Several States
- **Not Scored – No Similar Virginia Law**



Grand Larceny = Virginia's Current Threshold is \$1,000



Possession of Marijuana = Virginia's Penalty is Civil



12 Months is Scored as 1 Year

12 Months

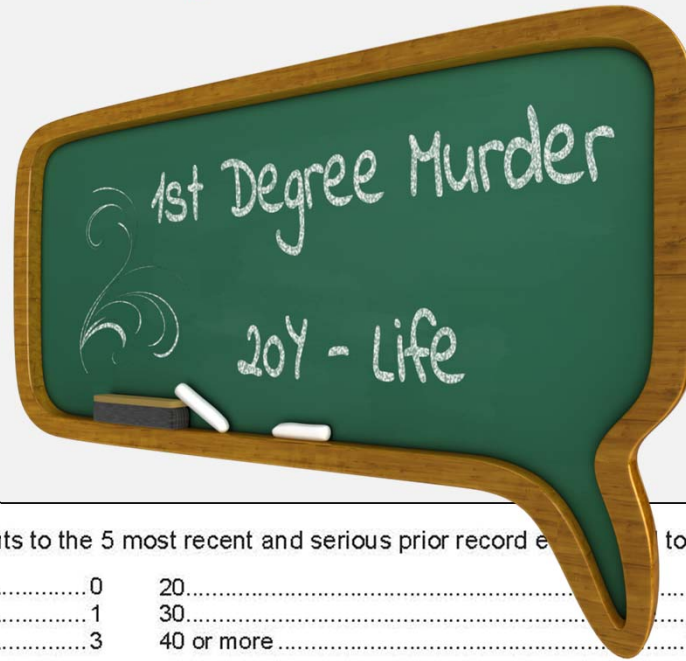
◆ **Additional Offenses** Total the maximum penalties for additional offenses, including counts

Years:	Less than 1	0
	1 - 9	2
	10 - 19	3
	20 - 29	4
	30 - 39	5
	40 or more	6

2



Life is Equal to the Highest Points for the Factor



◆ Prior Convictions/Adjudications		Assign points to the 5 most recent and serious prior record e		total the points
Maximum Penalty (years)	Less than 2	0	20.....	.5
	2, 3, 4, 5	1	30.....	.8
	10.....	3	40 or more	11

↓

0	1	1
---	---	---



Probation Violations are Scored Based on the Statutory Maximum for the Most Serious Underlying Offense

Date	Jurisdiction	Charged Offense	Convicted Offense	Sentence Date	Sentencing
12/1/2005(O)	Portsmouth JDR Juvenile	Grand Larceny: Auto Theft {LAR-2404-F9}{18.295(ii)}	Same	2/1/2006	2 mo's NDH; suspended; supervised probation w/CSU to include substance abuse tx; attend school;
01/07/2008(8)	Norfolk - Crim GDC	Petit Larceny: <\$200 Not From A Person {LAR-2366-M1} {18.2-96(2)}	Same	2/7/2008	30 dys JSS; 12 mo's GB
01/07/2008(A)	Norfolk - Crim GDC	Drugs: Possess Marijuana, 1st Off {NAR-3020-M9} {18.2-250.1}	Same	2/7/2008	30 dys Jail
05/01/2008(A)	Suffolk Circuit	Grand Larceny: Auto Theft {LAR-2404-F9}{18.2-95(ii)}	Same	7/1/2008	5 yrs ESS; 5 yrs GB; \$200 restitution
05/06/2008(A)	Norfolk Circuit	Law Enf Command: Disregard Or Elude, Endager {REC-6624-F6} {46.2-817{B}}	Same	7/1/2008	5 yrs ESS; 12 mo's Jail; 5 yrs GB; Indet, supervised probation
05/06/2008(A)	Norfolk Circuit	Drugs: PWID Sch 1, li {NAR-3043-F9}{18.2-248} Cocaine	Same	7/1/2008	5 yrs ESS; 5 yrs GB; Indet. Supervised probation; \$100 fine
08/08/2009(A)	Virginia Beach Circuit	Grand Larceny: >=\$200 Not From A Person {LAR-2359-F9}{18.2-95(ii)}	Petit Larceny {LAR-2366-M1} {18.2-96.(2)}	9/9/2009	6 mo's Jail
10/05/2009(A)	Norfolk Circuit	Probation: Violation On Felony Offense {PRB-4850-F9}{19.2-306} (PWID Cocaine et al.), 2 counts	Same	11/6/2009	Total of 15 yrs VGR imposed

PROBATION VIOLATION





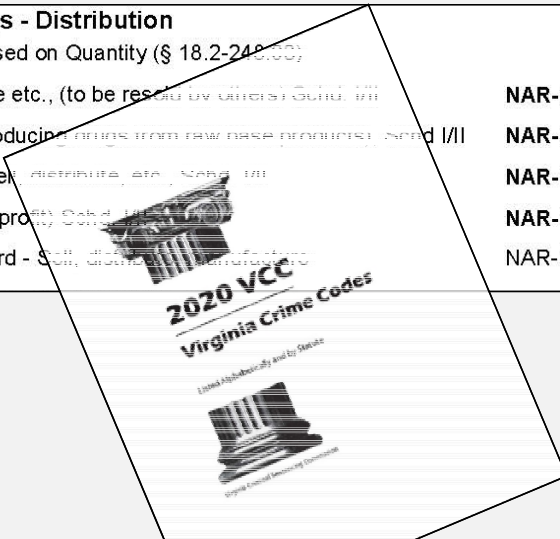
Probation Violations are Scored Based on the Statutory Maximum for the Most Serious Underlying Offense



05/06/2008(A)	Norfolk Circuit	Drugs:PWID Sch 1, ii{NAR-3043-F9}{18.2-248} Cocaine	Same	7/1/2008	5 yrs ESS; 5 yrs GB; Indet. Supervised probation; \$100 fine
A)	Virginia Beach Circuit	Grand Larceny:>=\$200 Not From A Person{LAR-2359-F9}{18.2-95(ii)}	Petit Larceny {LAR-2366-M1} {18.2-96.(2)}	9/9/2009	6 mo's Jail
9(A)	Norfolk Circuit	Probation: Violation On Felony Offense{PRB-4850-F9}{19.2-306} (PWID Cocaine et al.), 2 counts			

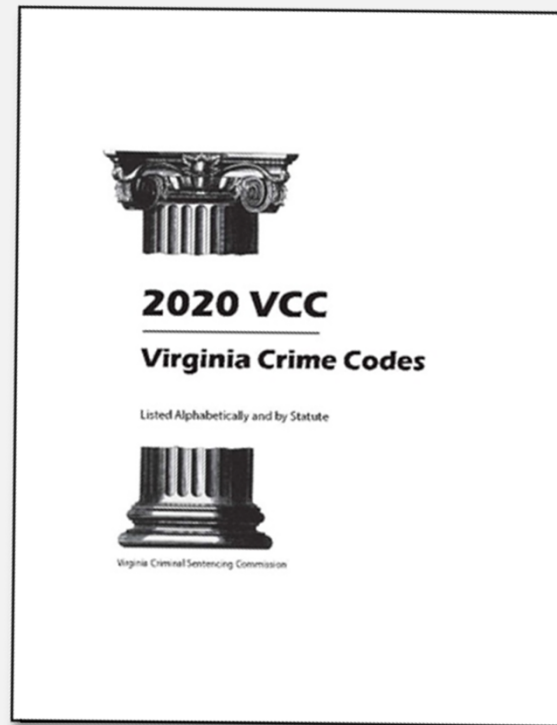
PROBATION VIOLATION

Schedule I or II Drugs - Distribution			
Also see Distribution Based on Quantity (§ 18.2-248.60)			
Distribution, provide, give etc., (to be resold by individual)	NAR-3042-F9	§18.2-248(C)	5Y-40Y
Manufacture (making/producing drugs from raw base products)	NAR-3044-F9	§18.2-248(C)	5Y-40Y
Possession w/intent to sell, distribute, etc.	NAR-3043-F9	§18.2-248(C)	5Y-40Y
Sale, distribute, etc. (for profit)	NAR-3045-F9	§18.2-248(C)	5Y-40Y
Type not clear from record - See, etc.	NAR-3036-F9	§18.2-248(C)	5Y-40Y





Attempts and Conspiracies Have Different Penalties From Completed Acts (Except for Conspiracy to Distribute Drugs)



VCC Book – page v

Appendix C



Attempts and Conspiracies Have Different Penalties From Completed Acts (Except for Distribution of Drugs)

COMPLETED

ATTEMPTED

◆ Figure 2: Penalty Structure for Attempts and Conspiracies

◆ **Maximum Penalty for Completed Felony**

death..... life in prison
 life in prison10 years
 20 - 40 years10 years
 less than 20 years5 years

◆ **Maximum Penalty for Felony Attempt**

life in prison
 10 years
 10 years
 5 years

◆ **Maximum Penalty for Completed Felony**

death..... 20 years
 life in prison10 years
 10 - 40 years10 years
 5 years..... 5 years
 less than 5 years1 year

◆ **Maximum Penalty for Felony Conspiracy**

20 years
 10 years
 10 years
 5 years
 1 year

◆ Figure 2-A: Exceptions

STATUTE	OFFENSE	ATTEMPTED	CONSPIRED
§ 18.2-23(B)	Conspiracy to Commit or Assist in Larceny with an Aggregate Value over \$1000	Same Rules	20 years
§ 18.2-67.5(B)	Attempted Aggravated Sexual Battery	5 years	Same Rules
§ 58.1-4129	Conspiracy to Violate Gambling Regulations	Same Rules	5 years

CONSPIRED

Penalty Charge



Attempts and Conspiracies Have Different Penalties From Completed Acts (Except for Distribution of Drugs)



COMPLETED	ATTEMPTED
◆ Maximum Penalty for Completed Drug Offense	◆ Maximum Penalty for Drug Offense Attempt
10 years to life	10 years
5 years	5 years
1 year	1 year
◆ Maximum Penalty for Completed Drug Offense	◆ Maximum Penalty for Drug Offense Conspiracy
life in prison	life in prison
50 years	50 years
40 years	40 years
30 years	30 years
20 years	20 years
10 years	10 years
5 years	5 years
1 year	1 year
	CONSPIRED



When Unclear, Always Err on Behalf of the Defendant

Felony

Misdemeanor

Not Scored

KEY RULES



- Score Convictions Based on Virginia's Current Penalty Structure
- 12 Months is Scored as 1 Year
- Life is Equal to the Highest Points for the Factor
- Probation Violations are Scored Based on the Statutory Maximum for the Most Serious Underlying Offense
- Attempts and Conspiracies Have Different Penalties From Completed Acts (Except for Distribution of Drugs)
- When Unclear, Always Err on Behalf of the Defendant

SCORING PRIOR RECORD FACTORS



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		

◆ **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

◆ **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		

◆ **Prior Felony Larceny Convictions/Adjudications**

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

◆ **Other Prior Felony Property Convictions/Adjudications**

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

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

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

◆ **Prior Misdemeanor Convictions/Adjudications (Excludes Traffic)**

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

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

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

◆ **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 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



Score the Defendant's **Complete** Record

- Every Count
- **Convictions** = Adult Record
- **Adjudications** = Juvenile Record
- Sometimes the Factor Excludes Traffic
- Sometimes **Only** the Adult Record is Scored



Larceny Section A

Offender Name: _____

(scores for attempted/conspired offenses are in parentheses)

◆ Primary Offense			
A. Attempted or conspired larceny (1 count)	.....	(1)	
B. Statutory maximum penalty equals 5 years	.....	4	
1 count	.....	1	
2 counts	.....	4	
3 counts	.....	6	
C. Statutory maximum penalty equals 10 years (1 count)	.....	3	
D. Grand larceny auto	.....	5	
1 count	.....	5	
2 counts	.....	7	
3 counts	.....	10	
E. Grand larceny from person	.....	4	
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	.....	4	
1 count	.....	2	
2 - 3 counts	.....	4	
4 counts	.....	6	
◆ Primary Offense Remaining Counts Total the maximum penalties for counts of the primary not scored above			
Years: 5 - 11	.....	1	34 - 44
12 - 22	.....	2	45 or more
23 - 33	.....	3	
◆ Additional Offenses Total the maximum penalties for additional offenses, including counts			
Years: Less than 1	.....	0	23 - 33
1 - 11	.....	1	34 - 44
12 - 22	.....	2	45 or more
◆ Prior Convictions/Adjudications Total the maximum penalties for the 5 most recent and serious prior record events			
Years: Less than 2	.....	0	21 - 36
2 - 11	.....	1	37 or more
12 - 20	.....	2	
◆ Prior Felony Larceny Convictions/Adjudications			
Number of Counts: 1	.....	2	
2 - 3	.....	3	
4 or more	.....	4	
◆ Other Prior Felony Property Convictions/Adjudications			
Number of Counts: 1 - 4	.....	1	
5 or more	.....	2	
◆ Prior Felony Convictions/Adjudications Against Person			
Number of Counts: 1	.....	1	
2 or more	.....	2	
◆ Prior Misdemeanor Convictions/Adjudications (Excludes Traffic)			
Number of Counts: 1 - 4	.....	1	
5 - 8	.....	2	
9 or more	.....	3	
◆ Prior Incarcerations/Commitments			
			If YES, add 5
◆ Prior Juvenile Record			
			If YES, add 1
◆ 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 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

23 - 33 3

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

Years: Less than 1 0
1 - 11 1
12 - 22 2

23 - 33 3
34 - 44 4
45 or more.....

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

Years: Less than 2 0
2 - 11 1
12 - 20 2

21 - 36 3
37 or more 4

◆ **Prior Felony Larceny Convictions/Adjudications**

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

◆ **Other Prior Felony Property Convictions/Adjudications**

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

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

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

◆ **Prior Misdemeanor Convictions/Adjudications (Excludes Traffic)**

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

◆ **Prior Incarcerations/Commitments**

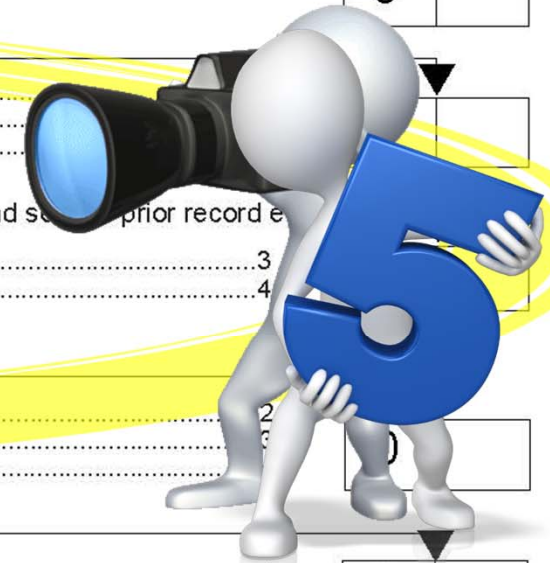
If YES, add 5

◆ **Prior Juvenile Record**

If YES, add 1

◆ **Legally Restrained at Time of Offense**

None 0



0

0

0

0

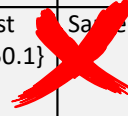
0

0

Date	Jurisdiction	Charged Offense	Convicted Offense	Sentence Date	Sentencing
12/1/2005(O)	Portsmouth JDR Juvenile	Grand Larceny: Auto Theft {LAR-2404-F9}{18.295(ii)}	Same	2/1/2006	2 mo's NDH; suspended; supervised probation w/CSU to include substance abuse tx; attend school;
Score All Felony Events First (Including Juvenile)					
01/07/2008(8)	Norfolk - Crim GDC	Petit Larceny: <\$200 Not From A Person {LAR-2366-M1} {18.2-96(2)}	Same	2/7/2008	30 dys JSS; 12 mo's GB
Score a Maximum of FIVE Sentencing Events					
01/07/2008(A)	Norfolk - Crim GDC	Drugs: Possess Marijuana, 1st Off {NAR-3020-M9} {18.2-250.1}	Same	2/7/2008	30 dys Jail
05/01/2008(A)	Suffolk Circuit	Grand Larceny: Auto Theft {LAR-2404-F9}{18.2-95(ii)}	Same	7/1/2008	5 yrs ESS; 5 yrs GB; \$200 restitution
05/06/2008(A)	Norfolk Circuit	Law Enf Command: Disregard Or Elude, Endager {REC-6624-F6} 46.2-817{B}	Same	7/1/2008	5 yrs ESS; 12 mo's Jail; 5 yrs GB; Indet, supervised probation
05/06/2008(A)	Norfolk Circuit	Drugs: PWID Sch 1, li {NAR-3043-	Same	7/1/2008	5 yrs ESS; 5 yrs GB; Indet. Supervised probation; \$100 fine
Score the Most Serious Conviction in a Sentencing Event					
08/08/2009(A)	Virginia Beach	Grand Larceny: >=\$200 Not	Petit Larceny {LAR-2366-M1} {18.2-96.(2)}	9/9/2009	6 mo's Jail
Less than 5 Felony Events? Then Score Most Recent Misd.					
10/05/2009(A)	Norfolk Circuit	Probation: Violation On Felony Offense {PRB-4850-F9}{19.2-	Same	11/6/2009	Total of 15 yrs. VSP imposed and resuspended; 15 yrs probation; Indet. supervised probation; SA, tx
Score the Most Recent Felonies First					

3

5



2

4

1



23 - 33 3

0

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

Years: Less than 1 0
1 - 11 1
12 - 22 2

23 - 33 3
34 - 44 4
45 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 - 11 1
12 - 20 2

21 - 36 3
37 or more 4

0 4

◆ **Prior Felony Larceny Convictions/Adjudications**

Number of Counts: 1
2 - 3
4 or more

0

◆ **Other Prior Felony Property Convictions/Adjudications**

Number 1 - 4 1

1

- 1. Probation Violation (Based on a PWID Schedule I/II Drug) 40 Year Max
- 2. PWID Schedule I/II Drug 40 Year Max
- 3. Grand Larceny Auto 20 Year Max
- 4. Petit Larceny (Reduced from a Felony) 1 Year Max
- 5. Petit Larceny < \$200 1 Year Max

Total the Maximum Penalties for the 5 Events 102 Years

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

0

◆ **Legally Restrained at Time of Offense**

None 0

0



▼ **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

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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 10	0
(years)	10, 20	1
	30	2
	40 or more.....	3

0		7
---	--	---

◆ **Prior Felony Larceny Convictions/Adjudications**

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

0	0	
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◆ **Other Prior Felony Property Convictions/Adjudications**

Number	1	0
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1. Probation Violation (Based on a PWID Schedule I/II Drug
2. PWID Schedule I/II Drug
3. Grand Larceny Auto
4. Petit Larceny (Reduced from a Felony)
5. Petit Larceny < \$200

- 40 Year Max = 3
- 40 Year Max = 3
- 20 Year Max = 1
- 1 Year Max = 0
- 1 Year Max = 0

Total = 7

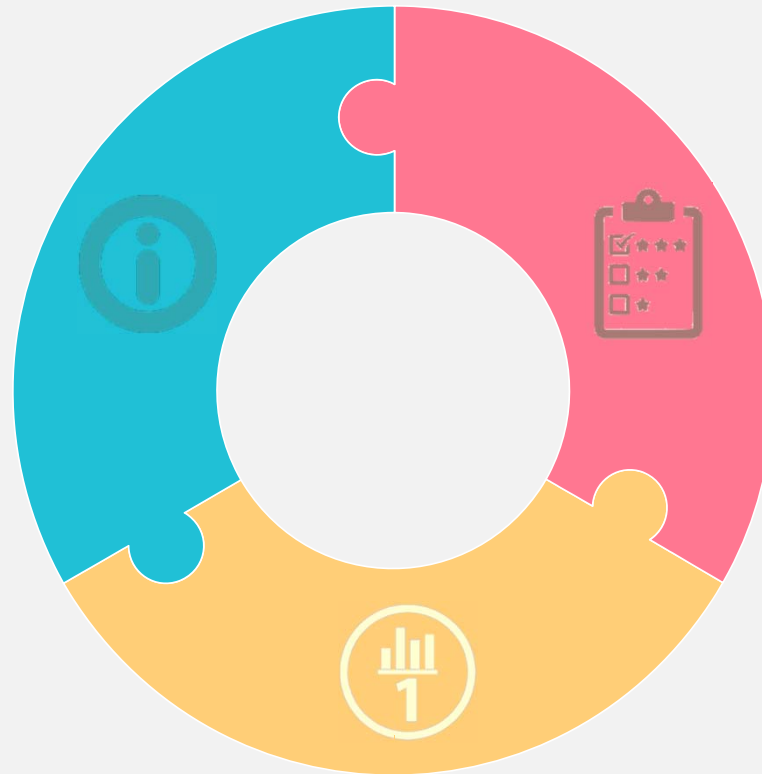
Assign Points to Each

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

0	0	
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AGENDA
PRIOR RECORD

GENERAL
DEFINITIONS



SCORING
PRIOR RECORD
FACTORS

KEY RULES

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 Susp.
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. Susp. Serve 3 Years Probation

EXERCISE:

1. Identify the five events that would be scored for the factor "Prior Convictions/Adjudications".
2. Score the factor using the partial worksheet at the bottom of the screen.
3. Text the word **FIVE** to 56512 to check if your answer is correct.

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
	2 - 111	37 or more.....4
	12 - 202	

▼

0	
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VIRGINIA SENTENCING GUIDELINES
VIRGINIA CRIMINAL SENTENCING COMMISSION



Virginia Criminal Sentencing Commission

100 North Ninth Street
Richmond, VA 23219

Supreme Court Building
5th Floor

Call: 804-225-4398

Text: 804-393-9588

www.vcsc.virginia.gov

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danielle.mccowan-lewis@vcsc.virginia.gov

kimberly.thomas@vcsc.virginia.gov



Prior Specific Offenses

Drug/Schedule II • Section C

Offender Name:

Primary Offense

		Prior Record Classification		
		Category I <input type="radio"/>	Category II <input type="radio"/>	Other <input type="radio"/>
A. Possess Schedule I or II drug - first offense violation*				
	1 count	20	10	5
	2 counts	28	14	7
	3 counts	36	18	9
B. Sell, Distribute, Possession with intent, etc., Schedule I or II drug				
Completed	1 count	60	36	12
Attempted/Conspired	2 counts	80	48	16
	3 counts	95	57	19
	4 counts	130	78	26
C. Sell, etc., Schedule I or II drug, second offense				
Completed	1 count	110	66	22
Attempted/Conspired	2 counts	310	186	62
D. Sell, etc., Schedule I or II drug - third or subsequent offense*				
	1 count	175	105	35
	2 counts	390	234	78
E. Manufacture Schedule 18.2-248(C) or Methamphetamine 18.2-248(C1), first or second offense. Insert the code section for Manufacture Schedule I/II				
	1 count	130	78	26
F. Sell, etc., Schedule I or II drug to minor*				
	1 count	60	30	15
G. Accomodation-Sell, etc., Schedule I or II drug*				
	1 count	32	16	8
	2 counts	40	20	10
H. Sell, etc., imitation Schedule I or II drug; Possession of methamphetamine precursors				
	1 count	12	6	3
	2 counts	20	10	5

* Attempted, conspired or completed.

Score
0

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

Years	Maximum Penalty	
5, 10	1
40 or more	5

0

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

Years	Primary offense D: Sell, etc., Sch. I/II 3rd or Subsequent	Primary offense: All other offenses
Less than 5	..... 0	Less than 5 0
5, 10	..... 2	5, 10 1
20	..... 4	20 2

Mandatory Minimum for Weapon Conviction(s) in Current Event • Assign points to each additional offense with a mandatory minimum and total the points

Years	Mandatory Minimum		
2	13	<input type="text" value="0"/>
3	25	
5	32	

Firearm in Possession at Time of Offense • If YES, add 5

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

Years	Maximum Penalty		
Less than 5	0	<input type="text" value="0"/>
5, 10	1	
20	2	
	3	
	4	

Prior Felony Drug Convictions/Adjudications

Primary offense D: Sell, Possess, or Manufacture	Primary offense: All 3rd or Subsequent	Primary offense: All other offenses			
1	9	1	.....	2
2	10	2	.....
3	17	3	.....
4	20	4	.....
5 or more		5	.....
			6 or more	.....

Prior Felony Convictions/Adjudications Against Person

1	.....
2	.....
3	.....

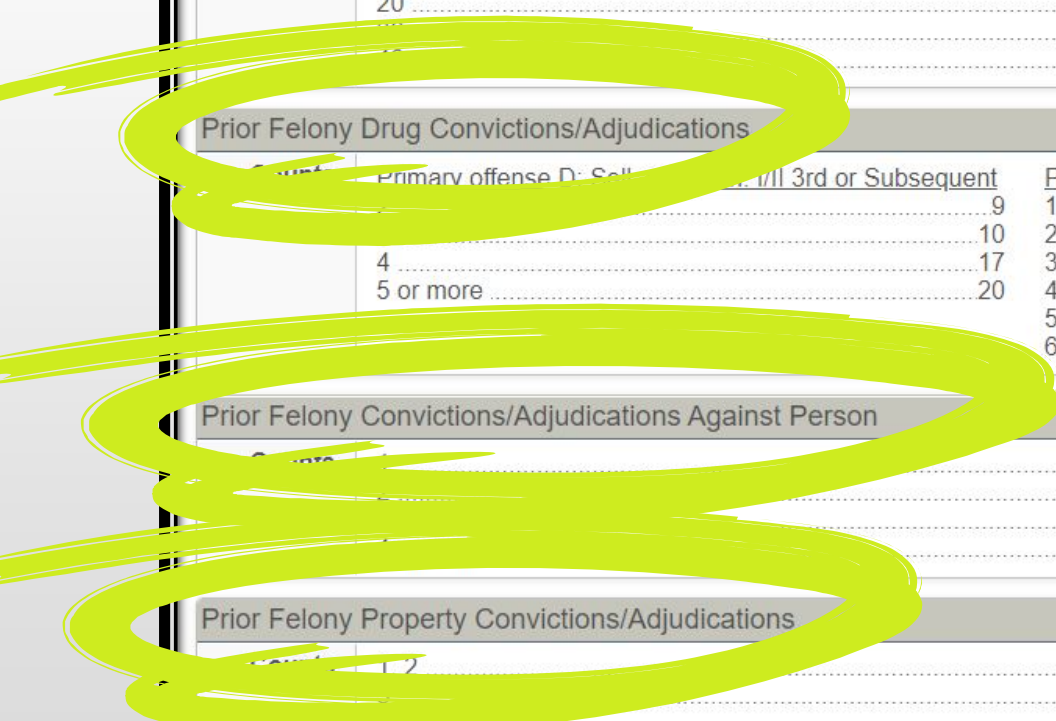
Prior Felony Property Convictions/Adjudications

1	.....	1
2	.....	2
3	.....	3

Prior Juvenile Record • If YES, add 1

Legally Restrained at Time of Offense • If YES, add 3

Type of Additional Offense • (Score if primary offense is E: Manufacture Methamphetamine § 18.2-248 (C1))



Prior Specific Offenses

What are Prior Specific Offenses
and how are they identified



Gen.
Instructions
Pg. 26-36



Prior Specific Offenses



Includes offender's entire criminal record

**Not restricted to a single offense or count
from prior convictions**

**Several offense types found on each
worksheets**

**When identifying type of offense, refer to
APPENDIX E**

Prior Specific Offenses

Prior Adult Felony Property Convictions

Prior Felony Property Convictions

Prior Misdemeanor Convictions/Adjudications

Prior Felony Convictions/Adjudications Against Person

Prior Burglary Convictions/Adjudications

Prior Felony Drug Convictions/Adjudications

Prior Felony Fraud Convictions/Adjudications

Prior Felony Larceny Convictions/Adjudications

Prior Criminal Traffic Misdemeanors

Prior Felony Sexual Assault Convictions/Adjudications

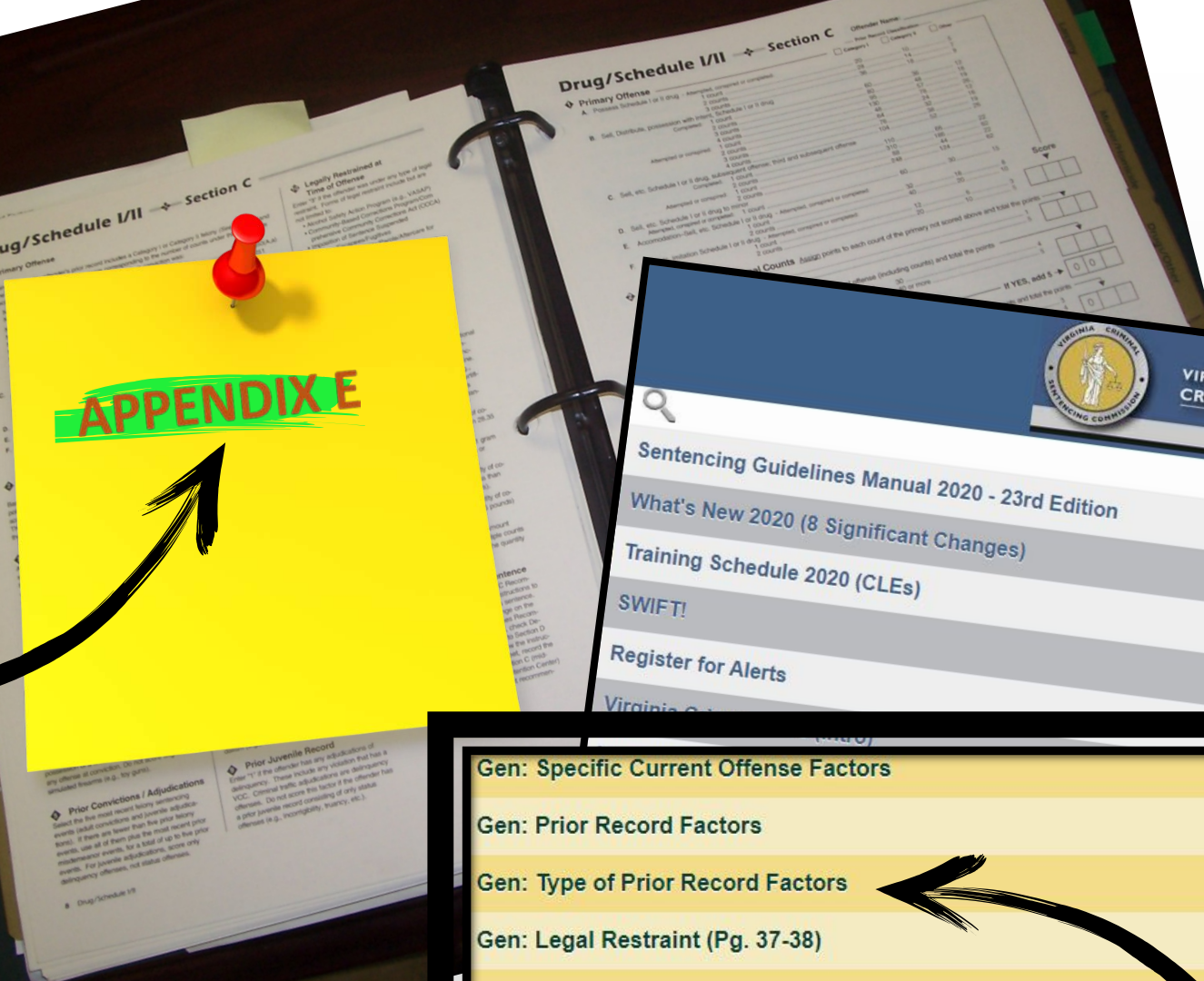
Prior Felony Convictions/Adjudications with the same VCC Prefix as Primary

Prior Juvenile Property Adjudications

Prior Vandalism Convictions/Adjudications

Other Prior Felony Property Convictions/Adjudications

Prior Revocations of Parole/Post Release, Supervised Probation or CCCA



APPENDIX E



**VIRGINIA
CRIMINAL SENTENCING COMMISSION**

Sentencing Guidelines Manual 2020 - 23rd Edition

What's New 2020 (8 Significant Changes)

Training Schedule 2020 (CLEs)

SWIFT!

Register for Alerts

Gen: Specific Current Offense Factors

Gen: Prior Record Factors

Gen: Type of Prior Record Factors

Gen: Legal Restraint (Pg. 37-38)

Gen: Guidelines Recommendations



What is an Alternative (Nonviolent Risk Assessment)?

HOTLINE: 804-225-4398

TEXT US: 804-393-9588

EMAIL: Training Staff

Code of Virginia

◆ Primary Offense

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

A. Possess Schedule I or II drug or First offender violation
 Attempted, conspired or completed: 1 count 20 10 5
 2 counts 28 14 7
 3 counts 36 18 9

B. Sell, Distribute, Possession with intent, etc., Schedule I or II drug
 Completed (Attempted or Conspired): 1 count 60 (48) 36 (24) 12 (12)
 2 counts 80 (64) 48 (32) 16 (16)
 3 counts 95 (76) 57 (38) 19 (19)
 4 counts 130 (104) 78 (52) 26 (26)

C. Sell, etc., Schedule I or II drug, second offense
 Completed (Attempted or Conspired): 1 count 110 (88) 66 (44) 22 (22)
 2 counts 310 (248) 186 (124) 62 (62)

D. Sell, etc., Schedule I or II drug - third or subsequent offense
 Attempted, conspired or completed: 1 count 175 105 35
 2 counts 390 234 78

E. Manufacture Methamphetamine, first or second offense, § 18.2-248(C1)
 Attempted, conspired or completed: 1 count 145 87 29

F. Sell, etc., Schedule I or II drug to minor
 Attempted, conspired or completed: 1 count 60 30 15

G. Accommodation—Sell, etc., Schedule I or II drug
 Attempted, conspired or completed: 1 count 32 16 8
 2 counts 40 20 10

H. Sell, etc., imitation Schedule I or II drug
 Attempted, conspired or completed: 1 count 12 6 3
 2 counts 20 10 5

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 (years) 5,10 1 40 or more 5 →

--	--	--

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

Primary offense D: Sell, etc., Sch. III 3rd or Subsequent

Years	Points
Less than 5	0
5,10	2
20	4
30	6
40 or more	7

Primary offense: All other offenses

Years	Points
Less than 5	0
5,10	1
20	2
30	4
40 or more	5

--	--	--

◆ Mandatory Minimum for Weapon Conviction(s) in Current Event Assign points to each additional offense with a mandatory minimum and total the points
 2 Year Mandatory Minimum 13 3 Year Mandatory Minimum 25 5 Year Mandatory Minimum 32 →

0		
---	--	--

◆ Firearm in Possession at Time of Offense _____ If YES, add 5 →

0	0	
---	---	--

◆ Prior Convictions/Adjudications Assign points to the 5 most recent and serious prior record events and total the points
 Maximum Penalty: Less than 5 0 30 3
 (years) 5,10 1 40 or more 4
 20 2 →

0		
---	--	--

◆ Prior Felony Drug Convictions/Adjudications

Primary offense D: Sell, etc., Sch. III 3rd or Subsequent

Number of Counts	Score
1	9
2	10
3	17
4	20
5 or more	

Primary offense: All other offenses

Number of Counts	Score
1	2
2	3
3	
4	
5	
6 or more	

◆ Prior Felony Convictions/Adjudications Against Person

2 4 or more

◆ Prior Felony Property Convictions/Adjudications

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

◆ Prior Juvenile Record _____

◆ Legally Restrained at Time of Offense _____

◆ Type of Additional Offense (Score if primary offense is E: Manufacture Methamphetamine § 18.2-248 (C1))
 Additional offense of child present during manufacture of methamphetamine _____ If YES, add 14 →

0		
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◆ Sale/Quantity of Cocaine (Score if primary offense is B, C, D, or F: § 18.2-248(C) or §18.2-255(A))

Quantity of Cocaine: Less than 28.35 grams 0 28.35 g to less than 226.8 grams 36 226.8 grams or more 60 →

0		
---	--	--

Total Score _____ →

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See Drug/Schedule III Section C Recommendation Table for guideline sentence range

Offense Types

This is NOT intended to be an exhaustive list of all crimes... as a starting reference only.

APPENDIX E

General Definitions:

Person Crime: generally defined as a crime where the victim is harassed, abducted, injured, killed, sexually assaulted, or is the subject of a sex offense. Threats, conspiracies, attempts, and the intent to do the above are included. Offenses in which the offender takes property directly from a victim (in person) or entices a minor to participate in sexually explicit material are categorized as person offenses.

Property Crime: where the crime involves property attainment, destruction, etc., and the elements of a person or traffic crime (see definitions) are not involved.

Drug Crime: where the crime involves narcotics.

Traffic Crime: where the crime involves traffic offenses that are not person crimes. Hit and run with property damage counts as a traffic crime, not a property crime.

Other Crime: where the crime does not meet the definitions above.

Person Crimes

This is NOT intended to be an exhaustive list of all person crimes. This list is to be used as a starting reference only.

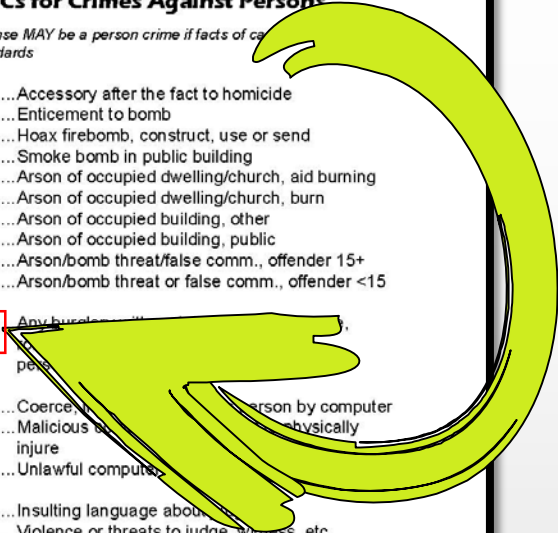
Offenses with the following VCC prefixes:

- ABU..... Abusive & Insulting Language
- ASL..... Assault (Except Use of firearm in comm. of felony)
- ENT..... Entice for specific felonies
- EXT..... Extortion
- FAM..... Family Offenses
- KID..... Kidnapping
- MUR..... Murder/Homicide
- PRT..... Protective Orders
- RAP..... Rape/Sexual Assault
- ROB..... Robbery
- SEX..... Sex Offenses (Except: Adultery, Bestiality, Bigamy, Cohabitation, Proximity to Children Restrictions, and Prostitution between adults without a force element defined in the statute.)
- STK..... Stalking
- TER..... Terrorism
- VIO..... Violent Activities (Except VIO5340M3)

Specific VCCs for Crimes Against Persons

* Indicates offense MAY be a person crime if facts of case meet definition standards

- ACC0900F6..... Accessory after the fact to homicide
- ARS2015F5*..... Enticement to bomb
- ARS2025F6*..... Hoax firebomb, construct, use or send
- ARS2022M2..... Smoke bomb in public building
- ARS2004F9..... Arson of occupied dwelling/church, aid burning
- ARS2003F9..... Arson of occupied dwelling/church, burn
- ARS2001F3..... Arson of occupied building, other
- ARS2008F3..... Arson of occupied building, public
- ARS2023F5..... Arson/bomb threat/false comm., offender 15+
- ARS2024M1..... Arson/bomb threat or false comm., offender <15
- BURXXXXXX..... Any burglar...
- COM2997M1..... Coercion...
- COM2965F3..... Malicious...
- COM2966F6..... Unlawful computer...
- CON3281S9..... Insulting language about...
- CON3280S9..... Violence or threats to judge, witness, etc.
- CONXXXXXX..... Any disobedience directed towards a person
- DNG3216M1..... Fail to secure medical attention for a child
- ESC4910F4*..... Escape or attempt to escape by setting fire to jail
- ESC4908F6*..... Escape by force or violence from jail
- ESC4927F6*..... Escape from juvenile facility/detention with force
- ESC4911F6*..... Escape from jail by force or violence, not convicted
- HIT6608F5..... Hit & run, victim injured, driver fails to stop
- HIT6614F6..... Hit & run, victim injured, passenger fails to report
- JUS4820F5..... Resisting arrest by force, etc. in drug/gang/violent offenses
- JUS4828M1..... Resisting arrest, obstructing justice by threats or force
- JUS4832F5..... Resisting arrest, obstructing justice by threats or force
- LAB7482F4..... Receive money, etc., for procuring person for forced labor/services
- LAB7485F3..... Receive money, etc., for procuring < age 18 for forced labor/services
- LAR2361F9..... Grand larceny from person
- LAR2367M1..... Petit larceny from person
- LAR2369F6*..... Larceny, etc. third or subsequent conviction (If underlying offense is a person crime)
- MOBXXXXXX..... Any gang participation with an intent to murder, rape, rob, assault and battery, other felony person crime or misdemeanor person crime
- MOR1284F5..... Use force/threats to encourage membership in



Specific VCCs for Crimes Against Persons, *continued*
** Indicates offense MAY be a person crime if facts of case meet general definition standards*

MOB1294F6 Use force/threats to encourage membership in gang
 MOB1295F6 Use force/threats to encourage continued membership in gang
 MOB1296F6 Use force/threats to encourage person to commit felony

OBSXXXXX All obscenity charges involving minors
 OBS3713M1 Indecent exposure
 OBS3733M1 Unlawful filming of another
 OBS3704F6 Unlawful filming of another, 3rd/subsequent

RACXXXXXX Only if offense involves another person

REC6655M1 Aggressive driving with
 REC6640F4 Law-enforcement officer pursuit
 REC6624F6 Disregard police command
 REC6626F6 Drive recklessly w/o license another

REC6633F9 Racing, cause death of another
 REC6635F6 Racing, causes serious bodily injury
 REC6625M1 Reckless driving, endangering
 REC6630M1 Reckless driving, parking

RUA5318F6* Injury to another (not damage)

SEX3663F4 Sex trafficking by force

SOL7200F6* Solicitation to commit a felony
 SOL7201F5* Solicitation to commit a felony
 adult solicits juvenile

SOL7202F9 Solicitation to commit murder
 commit a person crime under

TEL3245M1 Abusive, profane, threatening calls on phone

TRS5700M1 Use peephole to view nonconsenting person
 TRS5707F6 Trespass w/ intent to abduct from school property
 TRS5718M1* Peep or spy into dwelling place

VAN2939F4 Shoot/throw missile at train/car w/ malice
 VAN2940F6 Shoot/throw missile at train/car w/o malice
 VAN2905F4 Shoot/throw missile at law enf/emerg vehicle w/ malice
 VAN2906F6 Shoot/throw missile at law enf, etc., vehicle w/o malice

WPN5210M1 Brandish machete or knife

WPN5249M3 Reckless/leave loaded firearm, endanger child<14
 WPN5258F6* Brandish or point firearm on school property
 WPN5255F4 Discharge firearm in/at occupied school
 WPN5239F3 Malicious release of dangerous gas resulting in injury
 WPN5240F6 Unlawful release of dangerous gas resulting in injury
 WPN5248F5* Discharge firearm from motor vehicle
 WPN5201F4* Discharge firearm on public prop w/in 1,000 ft of school
 WPN5200F4* Discharge firearm upon buildings/grounds

OBS

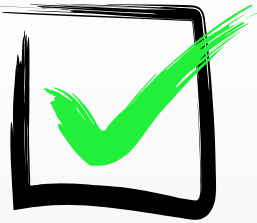


Examples

the following VCC prefixes:

- ARS (when not listed as a person crime.)
- BUR (not w/intent to murder, rape, A & B, etc.)
- COM (not w/intent to injure or harass)
- LAR
- FRD (including forging public document)
- LAR (not larceny from a person)
- LOT
- MON
- SOL (not a property offense)
- TAX
- TRS
- VAN (not shoot/throw missile at train, etc.)

Prior Specific Offenses Summary



Includes Offenders Entire Record



Includes all counts



Restricted to single sentencing event



Offense Types are identified in Appendix E

Prior Specific Offenses

Identify the following types of prior specific offenses:

Petit Larceny From Person
LAR-2369-F6

Operator License revoked-endangerment
LIC-6832-F9



Text
VCSC TYPE OF
PRIOR
56512



Virginia Criminal Sentencing Commission

100 North Ninth Street
Richmond, VA 23219

Supreme Court Building
5th Floor

Call: 804-225-4398
Text: 804-393-9588

www.vcsc.virginia.gov



The image features a central white arrow pointing to the right, which contains the text 'JUVENILE RECORD'. The background is a dark grey gradient with several diagonal stripes in shades of blue and grey. The stripes are arranged in a pattern that suggests movement or a path leading towards the right.

JUVENILE RECORD

§ 16.1-306 JUVENILE RECORD STATUTE

§ 16.1-306. Expungement of court records. —

A. Notwithstanding the provisions of § 16.1-69.55, the clerk of the juvenile and domestic relations district court shall, on January 2 of each year or on a date designated by the court, destroy its files, papers and records, including electronic records, connected with any proceeding concerning a juvenile in such court, if such juvenile has attained the age of 19 years and five years have elapsed since the date of the last hearing in any case of the juvenile which is subject to this section. However, if the juvenile was found guilty of an offense for which the clerk is required by § 46.2-383 to furnish an abstract to the Department of Motor Vehicles, the records shall be destroyed when the juvenile has attained the age of 29. If the juvenile was found guilty of a delinquent act which would be a felony if committed by an adult, the records shall be retained.

B. However, in all files in which the court records concerning a juvenile contain a finding of guilty of any offense ancillary to (i) a delinquent act that would be a felony if committed by an adult or (ii) any offense for which the clerk is required by § 46.2-383 to furnish an abstract to the Department of Motor Vehicles, the records of any such ancillary offense shall also be retained for the time specified for the felony or the offense reported to the Department of Motor Vehicles as specified in subsection A, and all such records shall be available for inspection as provided in § 16.1-305.

C. A person who has been the subject of a delinquency or traffic proceeding and (i) has been found innocent thereof or (ii) such proceeding was otherwise dismissed, may file a motion requesting the destruction of all records pertaining to such charge. Notice of such motion shall be given to the attorney for the Commonwealth. Unless good cause is shown why such records should not be destroyed, the court shall grant the motion, and shall send copies of the order to all officers or agencies that are repositories of such records, and all such officers and agencies shall comply with the order.

D. Each person shall be notified of his rights under subsections A and C of this section at the time of his dispositional hearing.

E. Upon destruction of the records of a proceeding as provided in subsections A, B, and C, the violation of law shall be treated as if it never occurred. All index references shall be deleted and the court and law-enforcement officers and agencies shall reply and the person may reply to any inquiry that no record exists with respect to such person.

F. All docket sheets shall be destroyed in the sixth year after the last hearing date recorded on the docket sheet.

JUVENILE RECORD TIMELINE

WHEN TO SCORE DELINQUENT CONVICTIONS ON SENTENCING GUIDELINES

SCORED UNTIL EXPUNGED – Felony adjudications are not expunged, however misdemeanors and criminal traffic adjudications are removed from the defendant's record.

STATUS OFFENSES ARE NOT SCORED– Only delinquent offenses are scored on sentencing guidelines (If listed in the VCC book, it is a delinquent offense)

SCORED BASED ON STATUTORY MAXIMUM – When scoring prior adjudications, statutory maximums are used as a proxy for measuring criminal behavior. The same behavior will be scored the same points for both adult convictions and juvenile adjudications.



Delinquent Offense

– An adult could be convicted of the same offense. Status offenses (e.g., truancy, CHINS, etc.) are not scored.

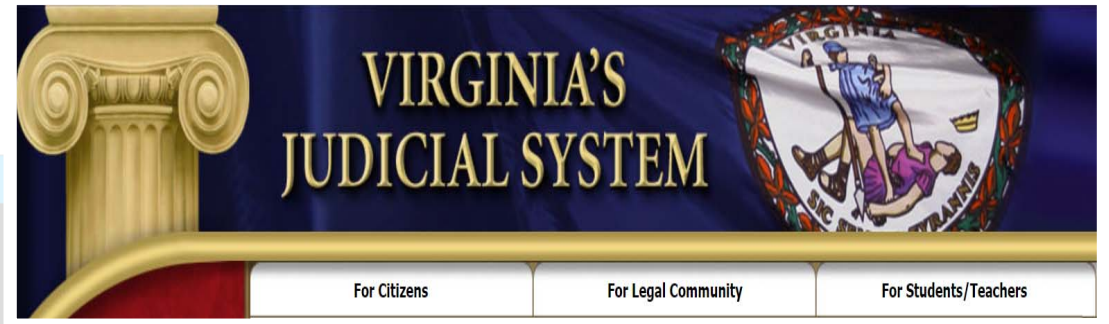
Expunged Misd. –

Misdemeanors are expunged once the defendant reaches of the age of 19 AND 5 years have elapsed since the last contact with the juvenile court.

Expunged Traffic –


Misdemeanor traffic adjudications are expunged at the age of 29

VERIFIED JUVENILE RECORD



RECORD SHOULD HAVE BEEN EXPUNGED ?

Do not score, even if verified, if the juvenile record should have been expunged based on § 16.1-306.



Exercise: Check Your Answer by Texting the Word JUVENILE to 56512

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.



VIRGINIA SENTENCING GUIDELINES
VIRGINIA CRIMINAL SENTENCING COMMISSION



Virginia Criminal Sentencing Commission

100 North Ninth Street
Richmond, VA 23219

Supreme Court Building
5th Floor

Call: 804-225-4398

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Prior Record Factors

Legal Restraint



- General Instructions page 37



Save

Drug/Schedule I/II - Section A

Offender Name:

Primary Offense

Counts	
A. Possess Schedule I or II drug or First offender violation	
1	1
2	3
3	5
B. Sell, Distribute, Possession with Intent, etc., Schedule I or II drug	
1	12
2	13
3	14
4	15
C. Manufacture Schedule I or II drug or Methamphetamine (1st or 2nd conviction)	
1	12
2	13
3	14
4	15
D. Accommodation - Sell, Distribute, Possession with Intent Schedule I or II drug	
1	5
2	7
E. Sell, etc., Imitation Schedule I or II drug	
1	4
F. Possess precursors with intent to manufacture methamphetamine	
1	5
G. Sell, etc., Schedule I or II drug to minor	
1	11

Score

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

Years		
5 - 10	1	
11 - 21	2	
22 - 30	3	
31 - 42	4	
43 or more	5	<input type="text" value="0"/>

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

Years		
Less than 4	0	
4 - 10	1	
11 - 21	2	
22 - 30	3	
31 - 42	4	
43 or more	5	<input type="text" value="0"/>

Knife or Firearm in Possession at Time of Offense • If YES, see 2

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	4

Prior Juvenile Record • If YES, see 1

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	4

Most worksheets include the factor, “Legally Restrained at the time of the instant offense(s)”.

Assign points for being legally restrained at the time of offense if during the commission of *any* offense in the sentencing event the defendant:

- Had an obligation to a court
- Violated a restriction placed on the defendant by the court or an administrative body



Three types of Legal Restraint

Post-Incarceration Supervision

Scored if defendant has supervision after a period of incarceration

Post Release Supervision

Parole

Supervised Probation following a period of incarceration

Parole/Post-Release, Supervised Probation, or CCCA

Do not score Pretrial Supervision



Other

Did the defendant have an obligation to a court at the time of the current offense(s)?

Examples:

Unsupervised Probation/ Good Behavior

Bond

Incarcerated

Outstanding Warrant



Other

During the commission of any offense at sentencing did the defendant violate any restrictions imposed by the court or an administrative body?

Examples:

Felon in possession of a firearm

Habitual Offender



Other



What is not scored as legal restraint?

Fines, costs and restitution, unless defendant is on probation or good behavior until paid in full

Illegal Immigrants



LEGAL RESTRAINT IS SCORED FOR
WHICH OFFENSES AT CONVICTION?

For the answer text RESTRAINT to 56512

Questions:

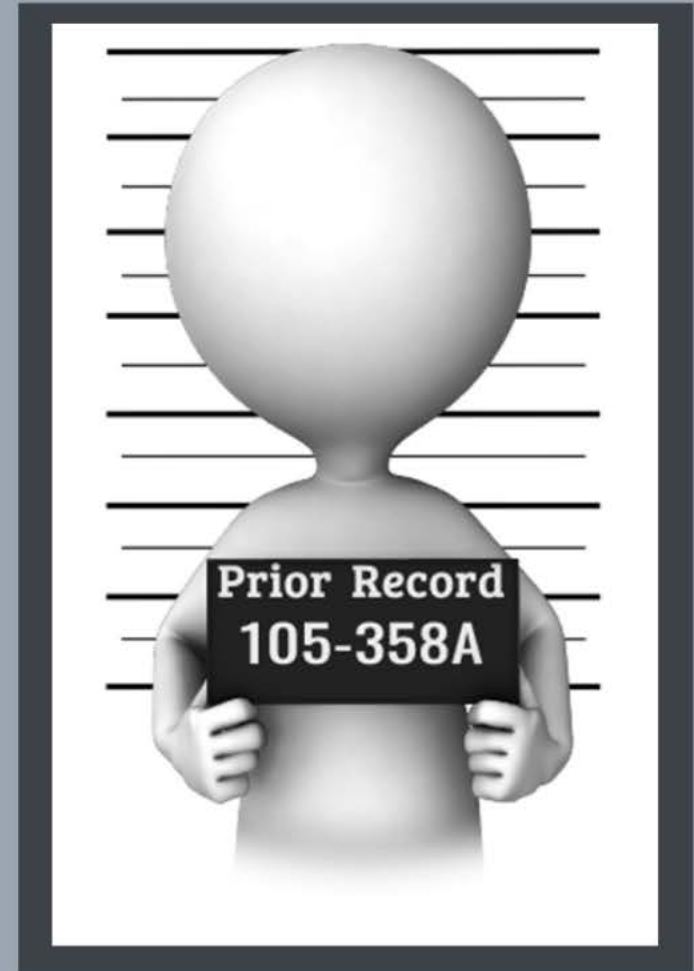
call: **804-225.4398**

OR

Text: **804.393.9588**

Classifying Prior Record

Virginia Criminal Sentencing Commission





VIRGINIA CRIMINAL SENTENCING COMMISSION

Search Admin Worksheet Help Logout

Logged in as: Danielle McCowa

Draft: 1

Offender Name: BANDIT, STICKY

Fraud • Section C

Primary Offense

Prior Record Classification		
Category I <input type="radio"/>	Category II <input checked="" type="radio"/>	Other <input type="radio"/>

A. Other than listed below

1 count	24	12	6
2 counts	28	14	7
3 counts	40	20	10
4 counts	56	28	14

B. Credit card theft

1 count	36	18	9
---------------	----------	----------	---

What is Prior Record Classification, when is it important, and how is it determined?



Classifying Prior Record

Any violent felony convictions prior to the date of sentencing

* Guilty pleas, Accepted plea agreements, Convictions and includes entire prior record





VIRGINIA CRIMINAL SENTENCING COMMISSION

Search Admin Worksheet Help Logout



Logged in as: Danielle McCowan

Draft:

Fraud • Section C

Offender Name: BANDIT, STICKY

Primary Offense

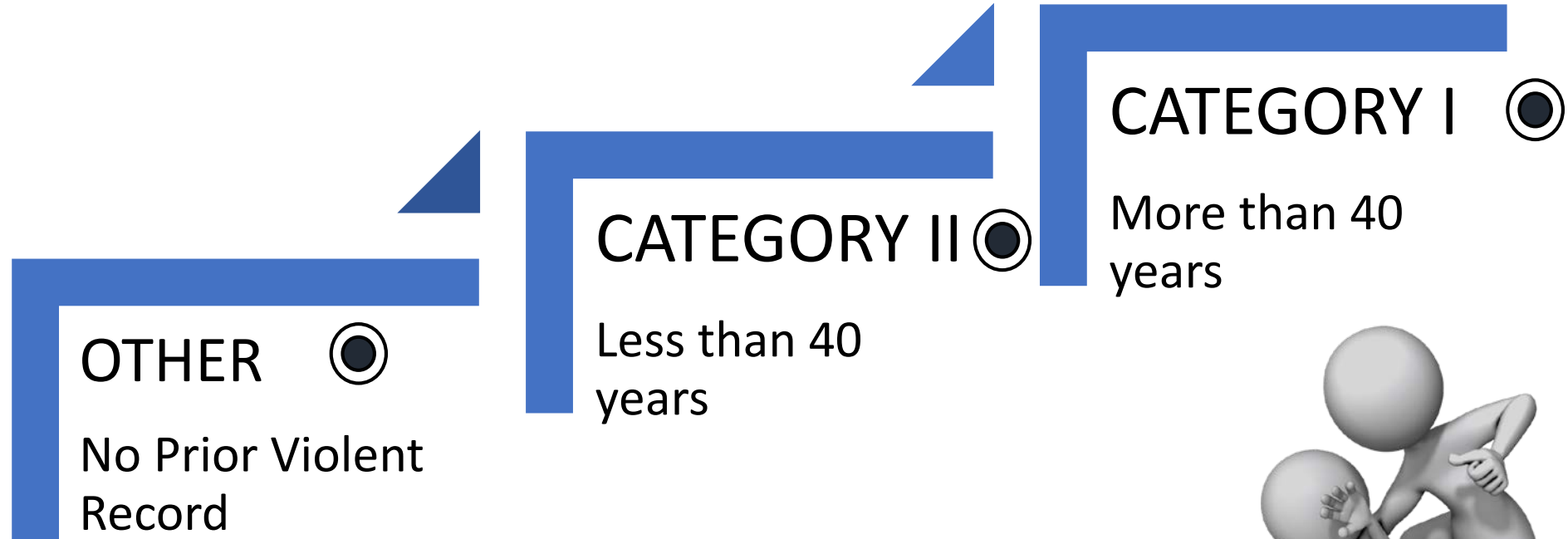
A. Other than listed below

	Prior Record Classification		
	Category I <input type="radio"/>	Category II <input checked="" type="radio"/>	Other <input type="radio"/>
1 count	24	12	6
2 counts	28	14	7
3 counts	40	20	10
4 counts	56	28	14

B. Credit card theft

1 count	36	18	9
---------------	----	----	---

Classifying Prior Record

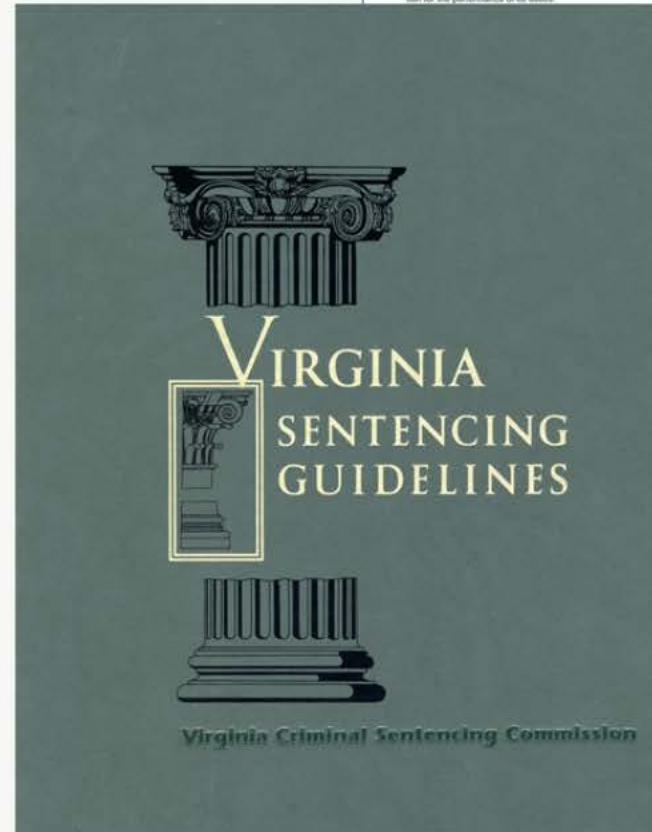


* Attempted & Conspired offenses will change classification if the penalty structure change

17.1-805

Appendix A

VCC Book



Introduction

mission. Adequate office space shall be provided by the Executive Secretary of the Supreme Court.

C. All agencies of the Commonwealth, their staffs and employees shall provide the Commission with necessary information for the performance of its duties.

3. The midpoint of the initial recommended sentencing range for manufacturing, selling, giving or distributing, or possessing with the intent to manufacture, sell, give or distribute a Schedule I or II controlled substance shall be increased by (i) 200 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years or (ii) 400 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more.

4. The midpoint of the initial recommended sentencing range for felony offenses not specified in subdivisions 1, 2 or 3 shall be increased by 100 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years, and by 300 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more.

B. For purposes of this chapter, previous convictions shall include prior adult convictions and juvenile convictions and adjudications of delinquency based on an offense which would have been at the time of conviction a felony if committed by an adult under the laws of any state, the District of Columbia, the United States or its territories.

C. For purposes of this chapter, violent felony offenses shall include any felony violation of § 16.1-253.2, solicitation to commit murder under § 18.2-29, any violation of § 18.2-31, 18.2-32, 18.2-32.1, 18.2-32.2, 18.2-33, or 18.2-36; any violation of subsection B of § 18.2-36.1, any violation of § 18.2-40 or 18.2-41; any violation of clause (c) (i) or (j) of subsection B of § 18.2-46.3, any violation of § 18.2-46.5, 18.2-46.6, or 18.2-46.7; any Class 5 felony violation of § 18.2-47; any felony violation of § 18.2-48, 18.2-48.1, or 18.2-49; any felony violation of § 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.4, 18.2-51.6, 18.2-62, 18.2-62.1, 18.2-63, 18.2-63.1, 18.2-64.1, 18.2-64.2, or 18.2-66; any violation of subsection B of § 18.2-57, any felony violation of § 18.2-57.2; any violation of § 18.2-68 or 18.2-68.1; any felony violation of § 18.2-60.1,

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Appendix A

VCC Book

Appendix A: Category I or II - Violent Offense

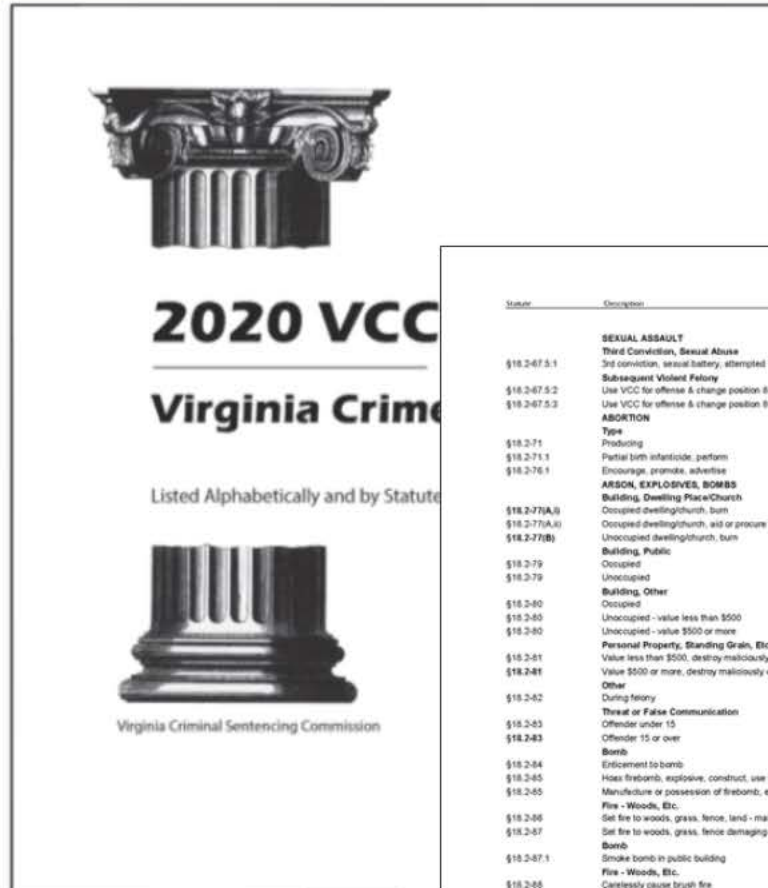
- Category I offenses must have a maximum penalty of 40 years or more.
- Category II offenses must have a maximum penalty of less than 40 years.
- All attempted or conspired Category I or Category II convictions (except for attempted capital murder) have maximum penalties of less than 40 years and are classified as Category II crimes.
- Category III offenses are also identified in the penalty column of the VCC Book.

Description	VCC	Statute	Penalty (Category)
ARSON, EXPLOSIVES, BOMBS			
Bomb			
Hoax firebomb, explosive, construct, use or send	ARS-2025-F6	18.2-85	1Y-5Y (II)
Manufacture or possession of firebomb, explosive, etc.	ARS-2016-F5	18.2-85	1Y-10Y (II)
Building, Dwelling Place/Church			
Occupied dwelling/church, aid or procure burning	ARS-2004-F9	18.2-77(A,I)	5Y-Life (I)
Occupied dwelling/church, burn	ARS-2003-F9	18.2-77(A,I)	5Y-Life (I)
Building, Other			
Occupied	ARS-2001-F3	18.2-80	5Y-20Y (II)
Building, Public			
Occupied	ARS-2008-F3	18.2-79	5Y-20Y (II)
ASSAULT			
Biological Substances and Radiological Agents			
Bodily injury by means of infectious biological/radiological agents	ASL-1344-F9	18.2-52.1(C)	5Y-30Y (II)
Damage facility involved w/infectious biological/radiological agents	ASL-1337-F4	18.2-52.1(B)	2Y-10Y (II)
Injure w/infectious biological/radiological agent, possession w/intent	ASL-1338-F5	18.2-52.1(A)	1Y-10Y (II)
Caustic Substance			
Malicious injury by caustic substance or fire	ASL-1327-F9	18.2-52	5Y-30Y (II)
Non-malicious injury by caustic substance or fire	ASL-1331-F5	18.2-52	1Y-5Y (II)
Drive Vehicle / Operate Watercraft While Intoxicated			
Victim permanently impaired, DWI vehicle with reckless disregard	ASL-1339-F6	18.2-51.4(A)	1Y-5Y (II)
Firearm			
Firearm use in commission of felony - first offense	ASL-1319-F9	18.2-53.1	3Y-3Y (II)
Firearm use in commission of felony - subsequent offense	ASL-1323-F9	18.2-53.1	5Y-5Y (II)
Law Enforcement, Court, Fire, Medical Services, Etc.			
Malicious bodily injury to law enforcement, fire or rescue	ASL-1326-F9	18.2-51.1	5Y-30Y (II)
Non-malicious injury to law enforcement, fire/rescue personnel, etc.	ASL-1330-F6	18.2-51.1	1Y-5Y (II)
Malicious Wounding			
Pregnant victim perm. impaired or pregnancy terminated	ASL-1340-F2	18.2-51.2(B)	20Y-Life (I)
Stab, cut, wound w/malicious intent victim perm. impaired	ASL-1336-F2	18.2-51.2(A)	20Y-Life (I)
Stab, cut, wound with malicious intent	ASL-1334-F3	18.2-51	5Y-20Y (II)
Mob			
Shoot, cut, stab	ASL-1328-F3	18.2-41	5Y-20Y (II)
Poisoning			
Adulteration of food, drug, etc., w/intent to injure or kill	ASL-1317-F3	18.2-54.2	5Y-20Y (II)
Poison food, drugs, water, drinks w/intent to injure or kill	ASL-1332-F3	18.2-54.1	5Y-20Y (II)
Prisoner, Probationer, Etc.			
Assault by accused prisoner, probationer, or parolee	ASL-1333-F5	18.2-55	1Y-10Y (II)
Simple Assault - Family			
Simple assault against family member, 3rd/subseqnt convict.	ASL-1316-F6	18.2-57.2(B)	1Y-5Y (II)

17.1-805

Appendix A

VCC Book



The image shows the cover of the 2020 Virginia Crime Code (VCC). At the top is a classical column capital. Below it, the text reads "2020 VCC Virginia Crime Code". Underneath, it says "Listed Alphabetically and by Statute". At the bottom is another classical column capital, with "Virginia Criminal Sentencing Commission" written below it.

Statute	Description	VCC	Penalty (Ear)	MM
SEXUAL ASSAULT				
	Third Conviction, Sexual Abuse			
§18.2-67.5.1	3rd conviction, sexual battery, attempted	RAP-1126-F6	1Y-2Y (B)	
	Subsequent Violent Felony			
§18.2-67.5.2	Use VCC for offense & change position 8 of VCC to "C"		Max. (B)	2-DY
§18.2-67.5.3	Use VCC for offense & change position 8 of VCC to "C"		Max. (B)	17-LA
ABORTION				
	Type			
§18.2-71	Producing	ABO-1405-F4	2Y-10Y	
§18.2-71.1	Partial birth infanticide, perform	ABO-1404-F4	2Y-10Y	
§18.2-76.1	Encourage, promote, advertise	ABO-1406-M3	Fine	
ARSON, EXPLOSIVES, BOMBS				
	Building, Dwelling Place/Church			
§18.2-77(A), (B)	Occupied dwelling/church, burn	ARS-2003-F9	5Y-Life (B)	
§18.2-77(A), (B)	Occupied dwelling/church, set or procure burning	ARS-2004-F9	5Y-Life (B)	
§18.2-77(B)	Unoccupied dwelling/church, burn	ARS-2005-F4	2Y-10Y	
	Building, Public			
§18.2-79	Occupied	ARS-2008-F3	5Y-20Y (B)	
§18.2-79	Unoccupied	ARS-2009-F4	2Y-10Y	
	Building, Other			
§18.2-80	Occupied	ARS-2001-F3	5Y-20Y (B)	
§18.2-80	Unoccupied - value less than \$500	ARS-2013-M1	0-12M	
§18.2-80	Unoccupied - value \$500 or more	ARS-2012-F4	2Y-10Y	
	Personal Property, Standing Grain, Etc.			
§18.2-81	Value less than \$500, destroy maliciously or w/intent to defraud	ARS-2019-M1	0-12M	
§18.2-81	Value \$500 or more, destroy maliciously or w/intent to defraud	ARS-2018-F4	2Y-10Y	
	Other			
§18.2-82	During felony	ARS-2017-F4	2Y-10Y	
	Threat or False Communication			
§18.2-83	Offender under 15	ARS-2024-M1	0-12M	
§18.2-83	Offender 15 or over	ARS-2023-F5	1Y-10Y	
	Bomb			
§18.2-84	Effacement to bomb	ARS-2015-F5	1Y-10Y	
§18.2-85	Host firebomb, explosive, construct, use or send	ARS-2025-F8	1Y-5Y (B)	
§18.2-85	Manufacture or possession of firebomb, explosive, etc.	ARS-2016-F5	1Y-10Y (B)	
	Fire - Woods, Etc.			
§18.2-86	Set fire to woods, grass, fence, land - maliciously	ARS-2020-F8	1Y-5Y	
§18.2-87	Set fire to woods, grass, fence damaging other	ARS-2021-M1	0-12M	
	Bomb			
§18.2-87.1	Smoke bomb in public building	ARS-2022-M2	0-6M	
	Fire - Woods, Etc.			
§18.2-88	Carelessly cause brush fire	ARS-2014-M4	Fine	
BURGLARY				
	Common Law - Larceny, Other Felony/Night			
§18.2-89	Dwelling at night - w/intent to commit larceny or larceny	BUR-2201-F3	5Y-20Y (B)	
§18.2-89	Dwelling at night - w/intent to commit larceny - deadly weapon	BUR-2202-F2	20Y-Life (B)	
	Statutory - Murder, Rape, Rob, Arson			
§18.2-90	Dwelling house with intent to commit murder, rape, rob, arson	BUR-2211-F3	5Y-20Y (B)	
§18.2-90	Dwelling house with intent to murder, etc. - deadly weapon	BUR-2212-F2	20Y-Life (B)	
§18.2-90	Other structure with intent to commit murder, rape, rob, arson	BUR-2218-F3	5Y-20Y (B)	
§18.2-90	Other structure with intent to murder, etc. - deadly weapon	BUR-2215-F2	20Y-Life (B)	
	Statutory - Other Felony, Assault & Battery			
§18.2-91	Dwelling house with intent to commit larceny, A&B, etc.	BUR-2213-F9	1Y-20Y (B)	
§18.2-91	Dwelling with intent to commit larceny, A&B, etc. - deadly weapon	BUR-2214-F2	20Y-Life (B)	
§18.2-91	Other structure with intent to commit larceny, A&B, etc.	BUR-2216-F9	1Y-20Y (B)	

24 Virginia Crime Code - 07/01/2019

Summary

PRIOR RECORD CLASSIFICATION

Any violent
felony conviction
prior to date of
sentencing

Scored on
Section C of all
guidelines

Three sources to
identify : §17.1-
805, Appendix A,
or **VCC Book**

Conspired &
Attempted Cat I
offenses are
scored as Cat II

Prior Record

Question:

How would you classify the Defendant?

CLASSIFY THE DEFENDANT

Date	Jurisdiction	Offense at Conviction	Sentence
07/20/16	Virginia Beach Juvenile Court	Robbery ROB- 1213-F9 (I) (Max. Life)	Committed to a State Facility
05/27/18	Hampton	Attempted Burglary BUR-2213-F9 (II) (10 year Max)	10 Yrs Suspended- Serve 1 Yr
03/22/20	Norfolk Circuit Court	Possession of Cocaine NAR-3022-F5 (10 year Max)	10 Yrs Suspended- Serve 3 Yrs

A) Category I B) Category II C) Other

For the Answer: Text VCC PRIOR to 56512



Virginia Criminal Sentencing Commission

100 North Ninth Street
Richmond, VA 23219

Supreme Court Building
5th Floor

Call: 804-225-4398
Text: 804-393-9588

WWW.VCSC.VIRGINIA.GOV



RISK
ASSESSMENT
SEX OFFENDER &
NONVIOLENT



Other Sexual Assault — Section A (Part I)

Offender Name: _____

◆ Offenses Not Applicable for Risk Assessment:

Risk Assessment is NOT APPLICABLE if the primary offense is bestiality, bigamy, aggravated sexual battery-parent to child age 13-17, or prostitution. (Go to Section A (Part II))

◆ 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
Known to victim (not relative or step-parent) 3
Stranger 8
Step-parent 2

◆ Aggravated Sexual Battery (Primary Offense §18.2-67.3)
No penetration, no attempted penetration 0
Penetration or attempted penetration 4

◆ 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 A (Part II)

Other Sexual Assault/Section A

Nonviolent Risk Assessment — Drug/Schedule I/II Section D

Offender Name: _____

◆ Ineligibility Conditions

- A. Was the offender recommended for Probation/No Incarceration on Section B? Yes No
- B. Do any of the offenses at sentencing involve the sale, distribution, or possession with intent, etc. of cocaine of a combined quantity of 28-35 grams (1 ounce) or more? Yes No
- C. Are any prior record offenses violent (Category I/II listed in Appendix A of the Guidelines Manual)? Yes No
- D. Are any of the offenses at sentencing violent (Category I/II listed in Appendix A of the Guidelines Manual)? Yes No
- E. 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 9
21 to 29 years 8
30 to 43 years 3
Older than 43 years 1

◆ Gender

Offender is Male 2

◆ Prior Juvenile Adjudication

Female with prior juvenile adjudication 1
Male with prior juvenile adjudication 7
 Juvenile record unknown

◆ Prior Adult Felony Convictions

Number of Counts: 0 0
1 - 2 1
3 5
4 or more 15

◆ Prior Adult Incarcerations

Number: 0 0
1 - 3 1
4 or more 8

◆ Prior Arrest or Confinement Within Past 12 Months (Prior to Offense) — If YES, add 3 → 0

Total Score

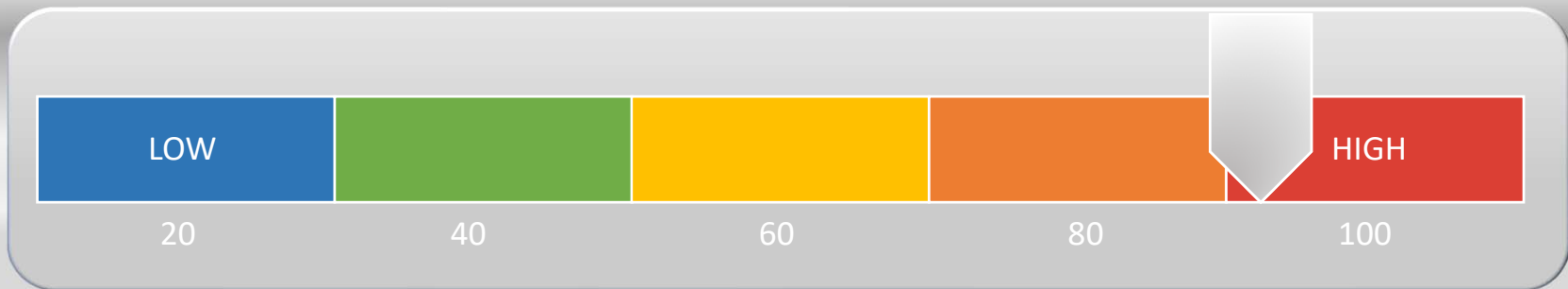
15 or less, check Recommended for Alternative Punishment.
 16 or more, check NOT Recommended for Alternative Punishment.

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

Two Risk Assessment Instruments – Two Different Purposes

RISK

SEX OFFENDER RISK ASSESSMENT



PURPOSE

To recommend longer periods of incarceration for defendants who have a higher risk of committing a new crime against a person

SG IMPACT

If the risk is high, the upper end of the guidelines range is extended

DUAL RECOMMENDATION

Guidelines will recommend a traditional range of incarceration based on historical sentencing and an extended range based on risk

Other Sexual Assault ❖ Section A (Part I)

Offender Name: _____

◆ **Offenses Not Applicable for Risk Assessment:**

Risk Assessment is **NOT APPLICABLE** if the primary offense is bestiality, bigamy, aggravated sexual battery-parent to child age 13-17, or prostitution.
(Go to Section A (Part II))

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

Younger than 35 years
35 to 46 years
Older than 46 years.....

◆ **Less than 9th Grade Education (by conviction)** _____

◆ **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
	Known to victim (not relative or step-parent)	3
	Stranger	8

Not Completed for following Sex Offenses:
Adultery,
Bestiality,
Prostitution,
Child pornography or
Solicitation of minor

0

Other Sexual Assault ❖ Section A (Part I)

Offender Name: _____

◆ **Offenses Not Applicable for Risk Assessment:**
 Risk Assessment is **NOT APPLICABLE** if the primary offense is bestiality, bigamy, aggravated sexual battery-parent to child age 13-17, or prostitution.
 (Go to Section A (Part II))

◆ **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

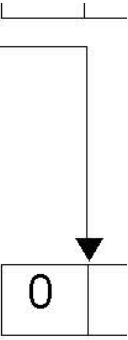
◆ **Not Regularly Employed (during 2 years prior to arrest date)** _____ If YES, add 5 → 0

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

Victim Under Age 10	Relative	Defined as unemployed for six months or more in the two years prior to arrest for the current offense OR had four different jobs in that two year period.
	Known to victim (not relative or ste	
	Stranger	
Victim Age 10 or more	Step-parent	
	Relative	
	Known to victim (not relative or ste	
	Stranger	8

◆ **Offender's Relationship with Victim**

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



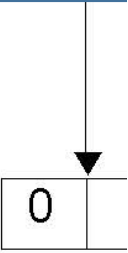
◆ **Aggravated Sexual Battery (Primary Offense)**

- No penetration, no attempted penetration
- Penetration or attempted penetration

Internet Crimes:
Relationship is always "Known to Victim"
Location is always "Other"

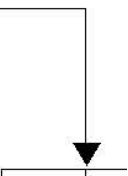
◆ **Location of Offense**

Place of employment	0
Shared victim/offender residence.....	3
Outdoors	3
Motor Vehicle	4
.....	5
.....	9
Location other than listed	3



◆ **Prior Adult Felonies or Arrests for Crimes Against Person**

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



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

0	
---	--

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

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

↓ Select the Treatment that Scores the Lowest
 An Evaluation is Scored as Treatment

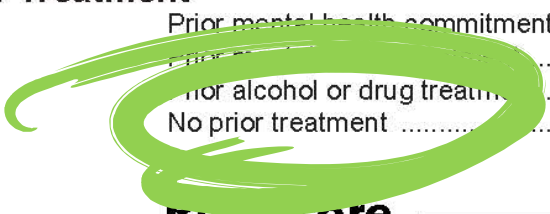
◆ **Prior Incarcerations/Commitments**

If YES, add 3 →

0	
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◆ **Prior Treatment**

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



0	
---	--

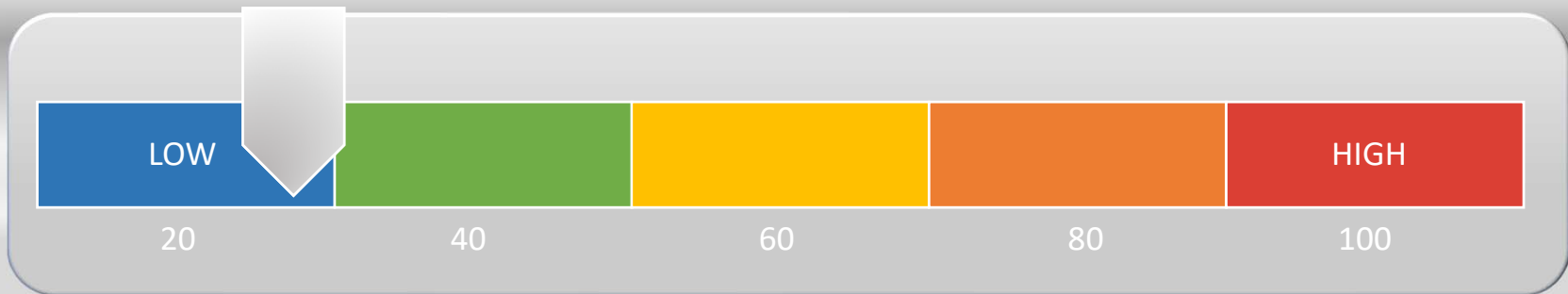
Risk Score

- ◆ **Risk Level** (Risk Score)
 - 44 or more Level 1
 - 34 - 43 Level 2
 - 28 - 33 Level 3

--	--

RISK

NONVIOLENT RISK ASSESSMENT



PURPOSE

To divert low-risk* defendants convicted of Larceny, Fraud or Drug crimes to alternatives other than prison

SG IMPACT

If the risk is low, the low end of the guidelines range is reduced to any less restrictive sentence (e.g., treatment, probation, CCAP, good behavior, etc.)

DUAL RECOMMENDATION

Guidelines will recommend a traditional range of incarceration based on historical sentencing and a less restrictive sentence based on risk.

*Recidivism was defined as reconviction for a felony offense within three years of release from incarceration.

NOTE

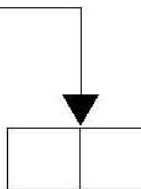
◆ **Ineligibility Conditions**

- A. Was the offender recommended for **Probation/No Incarceration** on Section B? Yes
- B. Do any of the offenses at sentencing involve the sale, distribution, or possession with intent, etc. of cocaine of a combined quantity of 28.35 grams (1 ounce) or more? Yes
- C. Are any prior record offenses violent (Category I/II listed in Appendix A of the Guidelines Manual)? Yes
- D. Are any of the offenses at sentencing violent (Category I/II listed in Appendix A of the Guidelines Manual)? Yes
- E. Do any of the offenses at sentencing require a mandatory term of incarceration? Yes

If answered YES to ANY, go to "Nonviolent Risk Assessment Recommendation" sheet and check

◆ **Offender Age at Time of Offense**

- Younger than 21 years 9
- 21 to 29 years 6
- 30 to 43 years 3
- Older than 43 years 1



◆ **Prior Juvenile Adjudication**

Female with prior juvenile adjudication1
Male with prior juvenile adjudication7

Juvenile record unknown

0	
---	--

◆ **Prior Adult Felony Convictions**

Number of Counts: 00
1 - 21
35
4 or more15

--	--

◆ **Prior Adult Incarcerations**

Number: 00
1 - 31
4 or more8

0	
---	--

◆ **Prior Arrest or Confinement Within Past 12 Months (Prior to Offense)** —If YES, add 3 —▶

0	
---	--

Do Not Score Arrests or Commitments For Misdemeanor Traffic Offenses

What is an alternative?

Anything that is less restrictive:

- Jail (If prison is recommended)
 - CCAP
 - Probation
 - Good Behavior
 - Treatment
 - No Specific Programs are Excluded or Included
- (Available Programs Vary by Jurisdiction)





Exercise:

1. For the Factor “Offender’s Relationship with Victim” on the Sex Offender Risk Assessment, how are internet relationships scored?
(Relative, Known to Victim, Stranger, Step-parent)



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

For the Answers: Text RISK to 56512





VIRGINIA SENTENCING GUIDELINES
VIRGINIA CRIMINAL SENTENCING COMMISSION



Virginia Criminal Sentencing Commission

100 North Ninth Street
Richmond, VA 23219

Supreme Court Building
5th Floor

Call: 804-225-4398

Text: 804-393-9588

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danielle.mccowan-lewis@vcsc.virginia.gov

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Mandatory Minimums

Virginia Criminal Sentencing Commission

General Instructions, pg. 39





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Counts	VCC	Offense Date	D
		MM DD YY	
Primary Offense GRAND LARCENY - \$1000 OR MORE NOT FROM <input type="text" value="1"/> +	LAR 2359 F9	07 17 20	CR198
Additional Offense + CONVICTED NON-VIOLENT W/10YR FELON POSSESS <input type="text" value="1"/> +	WPN 5297 F6	07 01 20	CR197000

Primary Offense Code Section §:

METHOD OF ADJUDICATION

Jury Sentence Set by Jury: yyy/mm/ddd Life Juvenile Fine Only
 Bench Trial Guilty Plea Alford Plea/Nolo contendere

SENTENCING GUIDELINES RECOMMENDATION

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

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 C

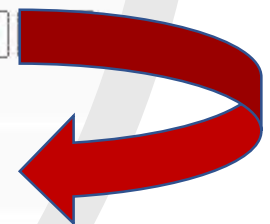
Life Sentence
 Incarceration (Enter Midpoint and Range Below)
Range Midpoint: yyy/mm/ddd
Sentence Range: to

Mandatory Minimum: yyy/mm/ddd

X Recommendation Adjusted for Mandatory Minimum

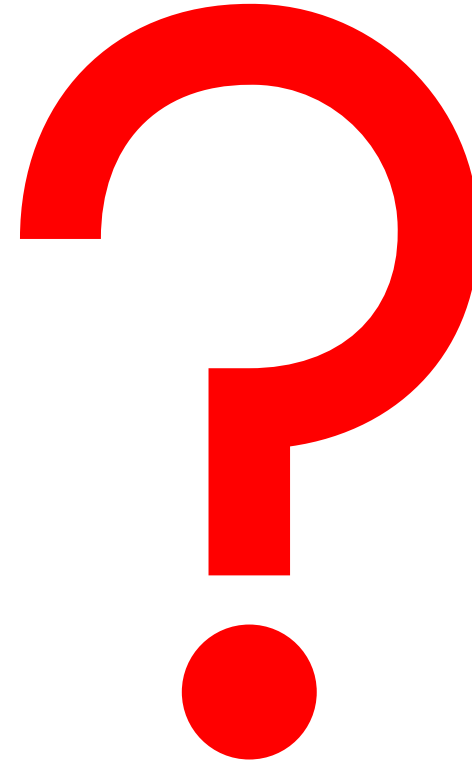
ALTERNATIVE PUNISHMENT RISK ASSESSMENT

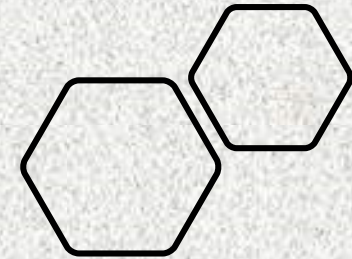
Recommended for Alternative Punishment Not Applicable (INELIGIBILITY CONDITIONS marked on S...
 Recommended for Alternative Punishment



Mandatory Minimum

What is a Mandatory Minimum and how does it impact Guidelines?





Sentence that must be imposed and can't be suspended

Guidelines recommendations below Mandatory Minimum
Must be adjusted to reflect Mandatory Minimum

*** Multiple Mandatory Minimums run consecutively, not concurrently to one another**

EXAMPLE



Draft: 1 ▾ Update Clone Delete Final PDF

Sentencing Guidelines • Robbery Cover Sheet

Sched. Sentencing: 08/09/20

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

Offender

Name	CCRE:	
First: GIMMIE	CORIS Offender ID:	
Middle: YO	PSI #:	
Last: LUNCHMONEY	SSN:	
Suffix: SR.	Date of Birth:	<input type="text"/> / <input type="text"/> / <input type="text"/> mm/dd/yyyy

Court

Judicial Circuit: 18 FIPS Code: 510

City/County: CITY OF ALEXANDRIA

Sentencing Judge's Name:

Prosecuting Commonwealth's Attorney:

Defense Attorney:

Preparer Name: DANIELLE MCCOWAN-LEWIS

Commonwealth's Attorney

Probation Officer

Convictions

Offense	Counts	VCC	Offense Date	Docket No.
Primary Offense			MM DD YY	
ROBBERY - RESIDENCE	1 +	ROB 1215 F9	08 19 19	CR195800000
Additional Offense +				
1. FIREARM USE IN COMMISSION OF FELONY-(FIR)	1 +	ASL 1319 F9	08 19 19	CR196000000
2. FIREARM USE IN COMMISSION OF FELONY-(SUE)	1 +	ASL 1323 F9	08 19 19	CR196100000
3. ATT. STAT. BURGLARY OF DWELLING TO MURDE	1 +	BUR 2212 A2	08 19 19	CR196200000

Primary Offense Code Section §: 18.2-58

Robbery	Life Max
Att. Burglary	10 yr. Max
Use of F/A- First offense	3 yr. Max
Use of F/A 2nd- subsequent	5 yr. Max

Use of F/A- First offense	3 yr. Max
Mandatory Minimum 3 years	

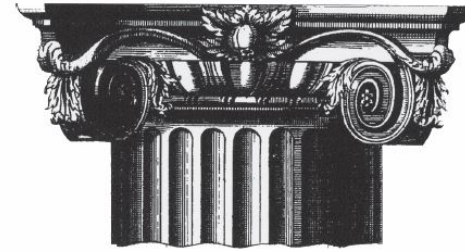
Use of F/A 2nd-subsequent	5 yr. Max
Mandatory minimum 5 years	

Appendix B: Mandatory Minimum Laws in Virginia

• Offenses with mandatory minimums are also identified in the "MM" column of the VCC Book

Description	VCC	Statute	Penalty (Cat.)	Mandatory
AGRICULTURE, HORTICULTURE & FOOD				
Tobacco Product Manufacturers				
Possess, import, etc., cigarettes not in directory, ≥ 3000 pkgs.	AGR-4634-M1	§3.2-4212(D)(i)	0-12M	90 D
Sell or distribute cigarettes not in directory, ≥ 3000 pkgs.	AGR-4632-M1	§3.2-4212(D)(j)	0-12M	90 D
ALCOHOL				
Sell				
Sale, illegal alcohol - subsequent	ALC-4163-M1	§4.1-302	0-12M	30 D
ASSAULT				
Firearm				
Firearm use in commission of felony - first offense	ASL-1319-F9	§18.2-53.1	3Y-3Y (II)	3 Y
Firearm use in commission of felony - subsequent offense	ASL-1323-F9	§18.2-53.1	5Y-5Y (II)	5 Y
Law Enforcement, Court, Fire, Medical Services, Etc.				
Malicious bodily injury to law enforcement, fire or EMS	ASL-1326-F9	§18.2-51.1	5Y-30Y (II)	2 Y
Non-malicious injury to law enforcement, fire/EMS personnel, etc.	ASL-1330-F6	§18.2-51.1	1Y-5Y (II)	1 Y
Simple assault on law enforcement, court, DOC, fire/medical, etc.	ASL-1342-F6	§18.2-57(C)	1Y-5Y	6 M
Simple Assault - Hate Crime				
Hate crime; assault and battery (felony)	ASL-1341-F6	§18.2-57(B)	1Y-5Y (II)	30 D
Hate crime; simple assault	ASL-1314-M1	§18.2-57(A)	0-12M	30 D
Simple Assault - Health Care Provider				
Battery against health care provider in an emergency facility	ASL-1352-M1	§18.2-57(E)	0-12M	2 D
Simple Assault - Teacher, School Employee				
Simple assault, on teacher, principal, school employee, etc.	ASL-1312-M1	§18.2-57(D)	0-12M	2 D
Simple assault, on teacher, principal, school employee, etc. w/weapon	ASL-1311-M1	§18.2-57(D)	0-12M	6 M
ESCAPES				
Correctional Facility				
Escape from a correctional facility	ESC-4921-F6	§53.1-203(1)	1Y-5Y (II)	1 Y
FRAUD				
Identity Fraud				
Publish name of law-enforcement intent to harass, etc.	FRD-2540-F6	§18.2-186.4	1Y-5Y	6 M
GANGS				
Participation - School Zone, Community Center, Etc.				
Participation in crime for benefit/direction of gang - school, etc.	MOB-1280-F5	§18.2-46.2	1Y-10Y	2 Y
Participation in crime for gang that includes juvenile - school, etc.	MOB-1281-F4	§18.2-46.2	2Y-10Y	2 Y
MURDER				
Capital				
Law enforcement officer	MUR-0923-F1	§18.2-31(6)	Life-Death (I)	Life
Manslaughter				
Involuntary manslaughter, under the influence - vehicular, aggravated	MUR-0948-F9	§18.2-36.1(B)	1Y-20Y (II)	1 Y
Involuntary manslaughter, under the influence - watercraft, aggravated	MUR-0949-F9	§18.2-36.2(B)	1Y-20Y (II)	1 Y
NARCOTICS				
Marijuana				
Sell, distribute, etc., marijuana 3rd or subsequent felony	NAR-3085-F9	§18.2-248.1(d)	5Y-Life	5 Y
Marijuana - Continuing Criminal Enterprise				
Distribute etc., 100 kilograms, less than 250.0 kilograms marijuana mix	NAR-3119-F9	§18.2-248(H1,ii,4)	20Y-Life	20 Y

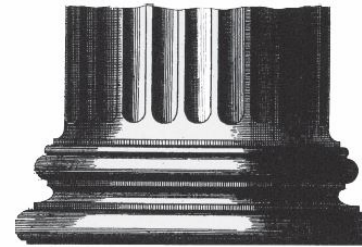
OR



2020 VCC

Virginia Crime Codes

Listed Alphabetically and by Statute



Virginia Criminal Sentencing Commission



Description	VCC	Statute	Penalty (Cat.)	MM
ASSAULT				
Biological Substances and Radiological Agents				
Damage facility involved w/infectious biological/radiological agents	ASL-1337-F4	§18.2-52.1(B)	2Y-10Y (II)	
Injure w/infectious biological/radiological agent, possession w/intent	ASL-1338-F5	§18.2-52.1(A)	1Y-10Y (II)	
Malicious injury by means of infectious biological/radiological agents	ASL-1344-F9	§18.2-52.1(C)	5Y-30Y (II)	
Caustic Substance				
Malicious injury by caustic substance or fire	ASL-1327-F9	§18.2-52	5Y-30Y (II)	
Non-malicious injury by caustic substance or fire	ASL-1331-F6	§18.2-52	1Y-5Y (II)	
Drive Vehicle / Operate Watercraft While Intoxicated				
Serious injury, DWI vehicle with reckless disregard	ASL-1360-F6	§18.2-51.4(A)	1Y-5Y	
Serious injury, operate watercraft while intoxicated	ASL-1361-F6	§18.2-51.5(A)	1Y-5Y	
Victim permanently impaired, DWI vehicle with reckless disregard	ASL-1339-F4	§18.2-51.4(B)	2Y-10Y (II)	
Victim permanently impaired, operate watercraft while intoxicated	ASL-1346-F4	§18.2-51.5(B)	2Y-10Y	
Also see Traffic				
Firearm				
Firearm use in commission of felony - first offense	ASL-1319-F9	§18.2-53.1	3Y-3Y (II)	3Y
Firearm use in commission of felony - subsequent offense	ASL-1323-F9	§18.2-53.1	5Y-5Y (II)	5Y
Genital Mutilation				
Circumcision, etc., of minor's labia majora, etc.	ASL-1348-F2	§18.2-51.7(A)	20Y-Life	
Parent, etc., consents to minor's labia majora circumcision, etc.	ASL-1349-F2	§18.2-51.7(B)	20Y-Life	
Parent, etc., takes minor from state, labia majora circumcision, etc.	ASL-1350-F2	§18.2-51.7(C)	20Y-Life	
Hazing				
Hazing of gang member or recruit	ASL-1345-M1	§18.2-55.1	0-12M	
Hazing of student	ASL-1324-M1	§18.2-56	0-12M	
Law Enforcement, Court, Fire, Medical Services, Etc.				
Also see Simple Assault - Health Care				
Disarm law enforcement/correctional officer of chemical/impact weapon	ASL-1357-M1	§18.2-57.02	0-12M	
Disarm law enforcement/correctional officer of firearm/stun-gun	ASL-1356-F6	§18.2-57.02	1Y-5Y	
Laser, pointing at law enforcement officer, P&P officer, etc.	ASL-1343-M2	§18.2-57.01	0-6M	
Malicious bodily injury to law enforcement, fire or EMS	ASL-1326-F9	§18.2-51.1	5Y-30Y (II)	2Y
Non-malicious injury to law enforcement, fire/EMS personnel, etc.	ASL-1330-F6	§18.2-51.1	1Y-5Y (II)	1Y
Simple assault on law enforcement, court, DOC, fire/medical, etc.	ASL-1342-F6	§18.2-57(C)	1Y-5Y	6M
Malicious Wounding				
Pregnant victim perm. impaired or pregnancy terminated	ASL-1340-F2	§18.2-51.2(B)	20Y-Life (I)	
Stab, cut, wound w/malicious intent victim perm. impaired	ASL-1336-F2	§18.2-51.2(A)	20Y-Life (I)	
Stab, cut, wound with malicious intent	ASL-1334-F3	§18.2-51	5Y-20Y (II)	
Mob				
See Gangs §18.2-46.2				
Shoot, cut, stab	ASL-1328-F3	§18.2-41	5Y-20Y (II)	
Simple, by mob	ASL-1329-M1	§18.2-42	0-12M	
Poisoning				
Adulteration of food, drug, etc., w/intent to injure or kill	ASL-1317-F3	§18.2-54.2	5Y-20Y (II)	
Poison food, drugs, water, drinks w/intent to injure or kill	ASL-1332-F3	§18.2-54.1	5Y-20Y (II)	
Attempt to poison, change "F" to "A" only if under § 18.2-26		§18.2-54.1		
Prisoner, Probationer, Etc.				
Assault by accused prisoner, probationer, or parolee	ASL-1333-F5	§18.2-55	1Y-10Y (II)	

Statute	Description	VCC	Penalty (Cat.)	MM
	ENTICE			
	Type			
§18.2-50.3	Entice etc. into dwelling w/intent to commit a specific felony	ENT-1099-F6	1Y-5Y	
	ASSAULT			
	Malicious Wounding			
§18.2-51	Stab, cut, wound with malicious intent	ASL-1334-F3	5Y-20Y (II)	
	Unlawful Injury			
§18.2-51	Stab, cut, wound without malicious intent	ASL-1335-F6	1Y-5Y (II)	
	Law Enforcement, Court, Fire, Medical Services, Etc.			
§18.2-51.1	Malicious bodily injury to law enforcement, fire or EMS	ASL-1326-F9	5Y-30Y (II)	2Y
§18.2-51.1	Non-malicious injury to law enforcement, fire/EMS personnel, etc.	ASL-1330-F6	1Y-5Y (II)	1Y
	Malicious Wounding			
§18.2-51.2(A)	Stab, cut, wound w/malicious intent victim perm. impaired	ASL-1336-F2	20Y-Life (I)	
§18.2-51.2(B)	Pregnant victim perm. impaired or pregnancy terminated	ASL-1340-F2	20Y-Life (I)	
	Unlawful Injury			
§18.2-51.3	Throw object from roof top, etc., with intent to injure	ASL-1355-F6	1Y-5Y (II)	
	Drive Vehicle / Operate Watercraft While Intoxicated			
§18.2-51.4(A)	Serious injury, DWI vehicle with reckless disregard	ASL-1360-F6	1Y-5Y	
§18.2-51.4(B)	Victim permanently impaired, DWI vehicle with reckless disregard	ASL-1339-F4	2Y-10Y (II)	
§18.2-51.5(A)	Serious injury, operate watercraft while intoxicated	ASL-1361-F6	1Y-5Y	
§18.2-51.5(B)	Victim permanently impaired, operate watercraft while intoxicated	ASL-1346-F4	2Y-10Y	
	Strangulation			
§18.2-51.6	Strangulation resulting in wounding or bodily injury	ASL-1347-F6	1Y-5Y (II)	
	Genital Mutilation			
§18.2-51.7(A)	Circumcision, etc., of minor's labia majora, etc.	ASL-1348-F2	20Y-Life	
§18.2-51.7(B)	Parent, etc., consents to minor's labia majora circumcision, etc.	ASL-1349-F2	20Y-Life	
§18.2-51.7(C)	Parent, etc., takes minor from state, labia majora circumcision, etc.	ASL-1350-F2	20Y-Life	
	Caustic Substance			
§18.2-52	Malicious injury by caustic substance or fire	ASL-1327-F9	5Y-30Y (II)	
§18.2-52	Non-malicious injury by caustic substance or fire	ASL-1331-F6	1Y-5Y (II)	
	Biological Substances and Radiological Agents			
§18.2-52.1(A)	Injure w/infectious biological/radiological agent, possession w/intent	ASL-1338-F5	1Y-10Y (II)	
§18.2-52.1(B)	Damage facility involved w/infectious biological/radiological agents	ASL-1337-F4	2Y-10Y (II)	
§18.2-52.1(C)	Malicious injury by means of infectious biological/radiological agents	ASL-1344-F9	5Y-30Y (II)	
	Other			
§18.2-53	During commission of a felony	ASL-1318-F6	1Y-5Y (II)	
	Firearm			
§18.2-53.1	Firearm use in commission of felony - first offense	ASL-1319-F9	3Y-3Y (II)	3Y
§18.2-53.1	Firearm use in commission of felony - subsequent offense	ASL-1323-F9	5Y-5Y (II)	5Y
	Poisoning			
§18.2-54.1	Poison food, drugs, water, drinks w/intent to injure or kill	ASL-1332-F3	5Y-20Y (II)	
§18.2-54.1	Attempt to poison, change "F" to "A" only if under § 18.2-26			
§18.2-54.2	Adulteration of food, drug, etc., w/intent to injure or kill	ASL-1317-F3	5Y-20Y (II)	
	Prisoner, Probationer, Etc.			
§18.2-55	Assault by accused prisoner, probationer, or parolee	ASL-1333-F5	1Y-10Y (II)	
	Hazing			
§18.2-55.1	Hazing of gang member or recruit	ASL-1345-M1	0-12M	
§18.2-56	Hazing of student	ASL-1324-M1	0-12M	
	WEAPONS			
	Reckless Handling			
§18.2-56.1(A)	Reckless handling of firearm	WPN-5232-M1	0-12M	
§18.2-56.1(A1)	Reckless handling of firearm causes serious injury	WPN-5308-F6	1Y-5Y	
	Hunting			
§18.2-56.1(D)	Hunt with weapons after license revoked	WPN-5223-M1	0-12M	

Robbery • Section C

Offender Name: LUNCHMONEY, GIMMIE YO

Primary Offense		Prior Record Classification			Score
		Category I	Category II	Other	
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	64

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

Years	Maximum Penalty	Score
10	5
Life	19
		0

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

Years	Score	
Less than 2	.....0
2, 3	.....1
4, 5	.....2
10	.....5
20	.....10
30	.....14
40 or more	.....19
		8

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
--	----------

Legally Restrained at Time of Offense • If YES, add 5

	0
--	----------

Prior Incarcerations/Commitments • If YES, add 7

Legally Restrained at Time of Offense • If YES, add 5

Prior Juvenile Record • If YES, add 8

**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 or serious	6
	Life Threatening	23
		<input type="text" value="6"/>

Prior Convictions/Adjudications • Assign points to the 5 most recent and serious prior record events and total the points		
Years	Maximum Penalty	
	Less than 2	0
	2,3,4,5	1
	10	3
	20	5
	30	8
	40 or more	11
		<input type="text" value="0"/>

Prior Felony Convictions/Adjudications Against Person		
Counts	1	3
	2	7
	3 or more	10
		<input type="text" value="0"/>

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

Type of Additional Offense		
	Additional offense of Felony Kidnapping or Felony Assault (other than use of firearm)	57
		<input type="text" value="0"/>

Total Score • See Robbery Section C Recommendation Table for guidelines sentence range.

❖ Robbery • Section C Recommendation Table

Score	Sentence Range Midpoint		Sentence Range	
up to 7	0 yr.	7 mo.	0 yr.	7 mo. - 1 yr. 6 mo.
8	0 yr.	8 mo.	0 yr.	7 mo. - 1 yr. 7 mo.
9	0 yr.	9 mo.	0 yr.	7 mo. - 1 yr. 7 mo.
10	0 yr.	10 mo.	0 yr.	7 mo. - 1 yr. 8 mo.
11	0 yr.	11 mo.	0 yr.	8 mo. - 1 yr. 8 mo.
12	1 yr.	0 mo.	0 yr.	9 mo. - 1 yr. 9 mo.
13	1 yr.	1 mo.	0 yr.	10 mo. - 1 yr. 10 mo.
14	1 yr.	2 mo.	0 yr.	10 mo. - 1 yr. 11 mo.
15	1 yr.	3 mo.	0 yr.	11 mo. - 2 yr. 0 mo.
16	1 yr.	4 mo.	0 yr.	11 mo. - 2 yr. 1 mo.
17	1 yr.	5 mo.	0 yr.	11 mo. - 2 yr. 2 mo.
18	1 yr.	6 mo.	1 yr.	0 mo. - 2 yr. 3 mo.
19	1 yr.	7 mo.	1 yr.	0 mo. - 2 yr. 4 mo.
20	1 yr.	8 mo.	1 yr.	0 mo. - 2 yr. 5 mo.
21	1 yr.	9 mo.	1 yr.	1 mo. - 2 yr. 6 mo.
22	1 yr.	10 mo.	1 yr.	1 mo. - 2 yr. 7 mo.
23	1 yr.	11 mo.	1 yr.	2 mo. - 2 yr. 8 mo.
24	2 yr.	0 mo.	1 yr.	2 mo. - 2 yr. 9 mo.
25	2 yr.	1 mo.	1 yr.	3 mo. - 2 yr. 10 mo.
26	2 yr.	2 mo.	1 yr.	3 mo. - 2 yr. 11 mo.
27	2 yr.	3 mo.	1 yr.	3 mo. - 3 yr. 0 mo.
28	2 yr.	4 mo.	1 yr.	4 mo. - 3 yr. 1 mo.
29	2 yr.	5 mo.	1 yr.	4 mo. - 3 yr. 2 mo.
30	2 yr.	6 mo.	1 yr.	4 mo. - 3 yr. 3 mo.
31	2 yr.	7 mo.	1 yr.	5 mo. - 3 yr. 4 mo.
32	2 yr.	8 mo.	1 yr.	5 mo. - 3 yr. 5 mo.
33	2 yr.	9 mo.	1 yr.	5 mo. - 3 yr. 7 mo.
34	2 yr.	10 mo.	1 yr.	6 mo. - 3 yr. 8 mo.
35	2 yr.	11 mo.	1 yr.	6 mo. - 3 yr. 9 mo.
36	3 yr.	0 mo.	1 yr.	7 mo. - 3 yr. 10 mo.
37	3 yr.	1 mo.	1 yr.	7 mo. - 3 yr. 11 mo.
38	3 yr.	2 mo.	1 yr.	8 mo. - 4 yr. 0 mo.
39	3 yr.	3 mo.	1 yr.	9 mo. - 4 yr. 1 mo.
40	3 yr.	4 mo.	1 yr.	9 mo. - 4 yr. 2 mo.
41	3 yr.	5 mo.	1 yr.	10 mo. - 4 yr. 3 mo.
42	3 yr.	6 mo.	1 yr.	11 mo. - 4 yr. 4 mo.
43	3 yr.	7 mo.	2 yr.	0 mo. - 4 yr. 5 mo.
44	3 yr.	8 mo.	2 yr.	1 mo. - 4 yr. 6 mo.
45	3 yr.	9 mo.	2 yr.	2 mo. - 4 yr. 7 mo.
46	3 yr.	10 mo.	2 yr.	3 mo. - 4 yr. 8 mo.
47	3 yr.	11 mo.	2 yr.	4 mo. - 4 yr. 10 mo.
48	4 yr.	0 mo.	2 yr.	5 mo. - 5 yr. 0 mo.
49	4 yr.	1 mo.	2 yr.	6 mo. - 5 yr. 2 mo.
50	4 yr.	2 mo.	2 yr.	6 mo. - 5 yr. 4 mo.
51	4 yr.	3 mo.	2 yr.	7 mo. - 5 yr. 5 mo.
52	4 yr.	4 mo.	2 yr.	8 mo. - 5 yr. 7 mo.
53	4 yr.	5 mo.	2 yr.	9 mo. - 5 yr. 8 mo.
54	4 yr.	6 mo.	2 yr.	9 mo. - 5 yr. 9 mo.

Score	Sentence Range Midpoint		Sentence Range	
55	4 yr.	7 mo.	2 yr.	10 mo. - 5 yr. 10 mo.
56	4 yr.	8 mo.	2 yr.	11 mo. - 5 yr. 11 mo.
57	4 yr.	9 mo.	2 yr.	11 mo. - 6 yr. 1 mo.
58	4 yr.	10 mo.	3 yr.	0 mo. - 6 yr. 2 mo.
59	4 yr.	11 mo.	3 yr.	0 mo. - 6 yr. 3 mo.
60	5 yr.	0 mo.	3 yr.	1 mo. - 6 yr. 3 mo.
61	5 yr.	1 mo.	3 yr.	2 mo. - 6 yr. 4 mo.
62	5 yr.	2 mo.	3 yr.	3 mo. - 6 yr. 4 mo.
63	5 yr.	3 mo.	3 yr.	4 mo. - 6 yr. 5 mo.
64	5 yr.	4 mo.	3 yr.	4 mo. - 6 yr. 6 mo.
65	5 yr.	5 mo.	3 yr.	5 mo. - 6 yr. 7 mo.
66	5 yr.	6 mo.	3 yr.	6 mo. - 6 yr. 8 mo.
67	5 yr.	7 mo.	3 yr.	7 mo. - 6 yr. 9 mo.
68	5 yr.	8 mo.	3 yr.	8 mo. - 6 yr. 10 mo.
69	5 yr.	9 mo.	3 yr.	9 mo. - 6 yr. 11 mo.
70	5 yr.	10 mo.	3 yr.	9 mo. - 7 yr. 0 mo.
71	5 yr.	11 mo.	3 yr.	10 mo. - 7 yr. 1 mo.
72	6 yr.	0 mo.	3 yr.	11 mo. - 7 yr. 2 mo.
73	6 yr.	1 mo.	4 yr.	0 mo. - 7 yr. 3 mo.
74	6 yr.	2 mo.	4 yr.	0 mo. - 7 yr. 4 mo.
75	6 yr.	3 mo.	4 yr.	1 mo. - 7 yr. 5 mo.
76	6 yr.	4 mo.	4 yr.	2 mo. - 7 yr. 6 mo.
77	6 yr.	5 mo.	4 yr.	2 mo. - 7 yr. 7 mo.
78	6 yr.	6 mo.	4 yr.	3 mo. - 7 yr. 8 mo.
79	6 yr.	7 mo.	4 yr.	4 mo. - 7 yr. 9 mo.
80	6 yr.	8 mo.	4 yr.	5 mo. - 7 yr. 10 mo.
81	6 yr.	9 mo.	4 yr.	6 mo. - 7 yr. 11 mo.
82	6 yr.	10 mo.	4 yr.	7 mo. - 8 yr. 0 mo.
83	6 yr.	11 mo.	4 yr.	7 mo. - 8 yr. 1 mo.
84	7 yr.	0 mo.	4 yr.	8 mo. - 8 yr. 2 mo.
85	7 yr.	1 mo.	4 yr.	9 mo. - 8 yr. 5 mo.
86	7 yr.	2 mo.	4 yr.	10 mo. - 8 yr. 7 mo.
87	7 yr.	3 mo.	4 yr.	11 mo. - 8 yr. 8 mo.
88	7 yr.	4 mo.	5 yr.	0 mo. - 8 yr. 9 mo.
89	7 yr.	5 mo.	5 yr.	1 mo. - 8 yr. 10 mo.
90	7 yr.	6 mo.	5 yr.	2 mo. - 8 yr. 11 mo.
91	7 yr.	7 mo.	5 yr.	3 mo. - 9 yr. 0 mo.
92	7 yr.	8 mo.	5 yr.	5 mo. - 9 yr. 1 mo.
93	7 yr.	9 mo.	5 yr.	7 mo. - 9 yr. 2 mo.
94	7 yr.	10 mo.	5 yr.	9 mo. - 9 yr. 4 mo.
95	7 yr.	11 mo.	5 yr.	10 mo. - 9 yr. 5 mo.
96	8 yr.	0 mo.	6 yr.	0 mo. - 9 yr. 6 mo.
97	8 yr.	1 mo.	6 yr.	2 mo. - 9 yr. 7 mo.
98	8 yr.	2 mo.	6 yr.	4 mo. - 9 yr. 8 mo.
99	8 yr.	3 mo.	6 yr.	5 mo. - 9 yr. 9 mo.
100	8 yr.	4 mo.	6 yr.	6 mo. - 9 yr. 11 mo.
101	8 yr.	5 mo.	6 yr.	6 mo. - 10 yr. 0 mo.
102	8 yr.	6 mo.	6 yr.	7 mo. - 10 yr. 1 mo.

SENTENCING GUIDELINES RECOMMENDATION

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

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

Mandatory Minimum: /yyy/mm/ddd

Section C

- Life Sentence
- Incarceration (Enter Midpoint and Range Below)

Range Midpoint: /yyy/mm/ddd

Sentence Range: to

Mandatory minimum 8 years

SENTENCING GUIDELINES RECOMMENDATION

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

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

Mandatory Minimum: /yyy/mm/ddd

Section C

- Life Sentence
- Incarceration (Enter Midpoint and Range Below)

Range Midpoint: /yyy/mm/ddd

Sentence Range: to

Recommendation Adjusted for Mandatory Minimum



Use of F/A- First offense
Mandatory Minimum 3 years

Use of F/A 2nd- subsequent
Mandatory minimum 5 years

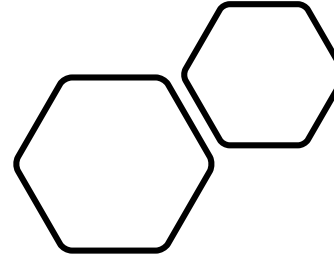
Mandatory Minimum Summary

Sentence must be imposed

Recommendation must not fall below Mandatory Minimum, if so, adjust Guidelines to reflect

Multiple Mandatory Minimums run Consecutive, not Concurrent

For the Answer: Text VCC MAN MIN to 56512



What's the Mandatory Minimum?

1 count Possession of Sch. I/II Drug

NAR-3022-F5

No Mandatory Minimum

2 counts Transport 1 oz. or of Sch. I/II into the CW

NAR-3066-F9

3 Year Mandatory minimum

SENTENCING GUIDELINES RECOMMENDATION

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

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

Mandatory Minimum: yyy/mm/ddd

Section C

- Life Sentence
- Incarceration (Enter Midpoint and Range Below)

Range Midpoint: 5 5 0 yyy/mm/ddd

Sentence Range: 4 0 0 to 6 7 0

Recommendation Adjusted for Mandatory Minimum



Virginia Criminal Sentencing Commission

100 North Ninth Street
Richmond, VA 23219

Supreme Court Building
5th Floor

Call: 804-225-4398

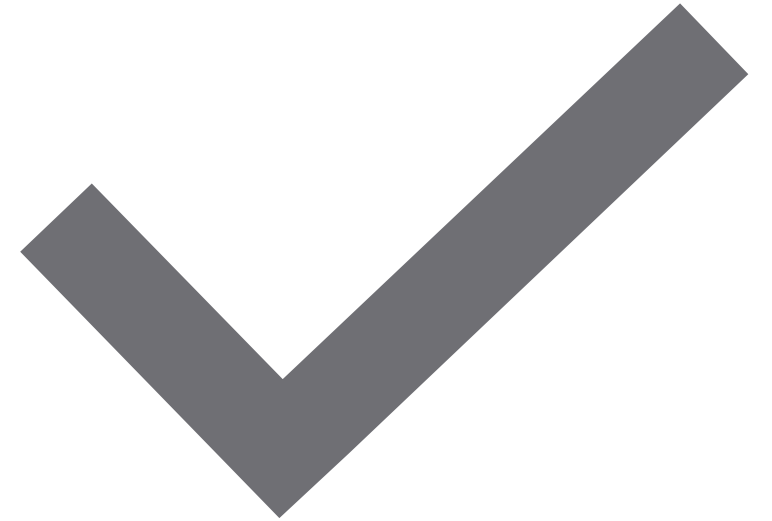
Text: 804-393-9588

www.vcsc.virginia.gov



Recording the Recommendation

VIRGINIA CRIMINAL SENTENCING COMMISSION



Recording the Recommendation

SWIFT

SENTENCING GUIDELINES RECOMMENDATION

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

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

Mandatory Minimum: yyy/mm/ddd

Section C

- Life Sentence
- Incarceration (Enter Midpoint and Range Below)

Range Midpoint: yyy/mm/ddd

Sentence Range: to

Recommendation Adjusted for Mandatory Minimum

Recording the Recommendation

How do you record your guidelines recommendation?

Recording the Recommendation



Automated
SWFIT

Manual PDF



Recording the Recommendation

Automated SWIFT



* Guidelines Recommendation are populated on coversheet from totals on Worksheet B or C

* If Mandatory minimum is required, user needs to change recommendation to reflect Mandatory minimum

* See [Mandatory Minimum Video](#) for additional information



VIRGINIA CRIMINAL SENTENCING COMMISSION

[Search](#) [Admin](#) [Help](#) [Logout](#)

Logged in as: Danielle McCowan-Lewis (10910)

Guidelines Search

Record Type: New Drafts

Court: **Richmond City** ▼

Court Type: Circuit General District

Guidelines: **Weapon/Firearm** ▼

Defendant: **Misfire, James**

Date range:

to



Submit

Sentencing Guidelines • Weapon/Firearm Cover Sheet

Sched. Sentencing: 08/26/20

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

Offender

Name	CCRE:	
First: JAMES	CORIS Offender ID:	
Middle:	PSI #:	
Last: MISFIRE	SSN:	999999999
Suffix:	Date of Birth:	01 02 1977 mm/dd/yyyy

Court

Judicial Circuit:	13	FIPS Code:	760
City/County:	CITY OF RICHMOND		
Sentencing Judge's Name:			
Prosecuting Commonwealth's Attorney:			
Defense Attorney:			
Preparer Name:	DANIELLE MCCOWAN-LEWIS		
	<input type="radio"/> Commonwealth's Attorney		
	<input type="radio"/> Probation Officer		

Convictions

Offense	Counts	VCC	Offense Date	Docket No.
			MM DD YY	
Primary Offense DISCHARGE FIREARM FROM MOTOR VEHICLE	1 +	WPN 5248 F5	02 08 19	CR1900000001
Additional Offense + - 1. SHOOT OR THROW MISSILE AT TRAIN, CAR, VES	1 +	VAN 2940 F6	02 08 19	CR1900000002

Primary Offense Code Section §: 18.2-286.1

METHOD OF ADJUDICATION

<input type="checkbox"/> Jury Sentence Set by Jury:				yyy/mm/ddd	<input type="checkbox"/> Life	<input type="checkbox"/> Juvenile	<input type="checkbox"/> Fine Only
-----------------------------------------------------	--	--	--	------------	-------------------------------	-----------------------------------	------------------------------------

METHOD OF ADJUDICATION

- Jury Sentence Set by Jury: yyy/mm/ddd Life Juvenile Fine Only
 Bench Trial Guilty Plea Alford Plea/Nolo contendere

SENTENCING GUIDELINES RECOMMENDATION

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

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

Mandatory Minimum: yyy/mm/ddd

Section C

- Life Sentence
 Incarceration (Enter Midpoint and Range Below)

Range Midpoint: yyy/mm/ddd

Sentence Range: to

- Recommendation Adjusted for Mandatory Minimum

Prev

Next

Primary Offense:

Discharge F/A from motor vehicle
1 Count WPN-5248-F5

Additional Offenses:

Shoot/throw missile at train, car, etc. w/o
malice
1 count VAN-2940-F6

Save

Offender Name: MISFIRE, JAMES

arm, etc., in/at occupied building

1, 2nd or 3rd Primary offense: All other offenses

.....1 Do not score

.....2

0

0

n/at Primary offense: All other offenses

.....0 None

.....3 Other than post-incarceration

.....6 supervision 2

.....5 Post-incarceration supervision

4

Type of Additional Offense(s)

Primary offense: A: Discharge firearm, etc., in/at
occupied building

Additional offense with VCC prefix of WPN or ASL2

Primary offense: All other offenses

Do not score

0

SCORE THE FOLLOWING ONLY IF PRIMARY OFFENSE AT CONVICTION IS F: FALSE STATEMENT ON A FIREARM CONSENT FORM (§ 18.2-308.2:2(K))

Basis of False Statement on Consent Form (listed below) - If YES, add 3

- Prior felony conviction/juvenile adjudication for crime against person
- Other prior felony conviction/juvenile adjudication within 4 years of current offense
- Prior domestic assault misdemeanor conviction
- Subject to protective order at time of offense

0

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

6

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

1

Weapon/Firearm • Section B

Offender Name: MISFIRE, JAMES

Save

Primary Offense

Counts	A. Maliciously or unlawfully discharge firearm, etc., in/at occupied building 1	8	
	B. Discharge firearm from vehicle 1 count	8	
	C. Possess firearm on school property 1 count	7	
	D. Possession of sawed-off shotgun 1 count	6	
	E. Carry concealed weapon, 2nd or 3rd offense 1 count	7	
	F. False statement on firearm consent form 1 count	1	
	G. Possession of firearm, other weapon, explosives or ammunition by convicted felon 1 count	7	

Victim Injury

	<u>Primary offense: A: Discharge firearm, etc. in/at occupied building</u>	<u>Primary offense: All other offenses</u>	<input type="text" value="4"/>
	Threatened, emotional, physical or serious	Threatened, emotional, physical or serious	
	Life Threatening	Life Threatening	

Legally Restrained at Time of Offense • If YES, add 1

Total Score • See Weapon/Firearm Section B Recommendation Table to convert score to guidelines sentence.

12

	Primary offense: E: Carry concealed weapon	Primary offense: All other offenses	<input type="text" value="0"/>
	1 - 2	Threatened, emotional, physical or serious	
	3	Life Threatening	
	4 or more		

Victim Injury

	<u>Primary offense: A: Discharge firearm, etc. in/at occupied building</u>	<u>Primary offense: All other offenses</u>	<input type="text" value="4"/>
	Threatened, emotional, physical or serious	Threatened, emotional, physical or serious	
	Life Threatening	Life Threatening	

Legally Restrained at Time of Offense • If YES, add 1

Total Score • See Weapon/Firearm Section B Recommendation Table to convert score to guidelines sentence.

METHOD OF ADJUDICATION

Jury Sentence Set by Jury: yyy/mm/ddd Life Juvenile Fine Only
 Bench Trial Guilty Plea Alford Plea/Nolo contendere

SENTENCING GUIDELINES RECOMMENDATION

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

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

Mandatory Minimum: yyy/mm/ddd

Section C

- Life Sentence
- Incarceration (Enter Midpoint and Range Below)

Range Midpoint: yyy/mm/ddd

Sentence Range: to

Recommendation Adjusted for Mandatory Minimum



Weapon/Firearm • Section A

Offender Name: MISFIRE, JAMES

Save

Primary Offense

Counts A. Maliciously or unlawfully discharge firearm, etc., in/at occupied building

1

2

Prior Criminal Misdemeanor Convictions (Excludes Traffic)

Primary offense: E: Carry concealed weapon, 2nd or 3rd offense

1 - 6

7 or more

1

2

Primary offense: All other offenses

Do not score

0

0

n, etc., in/at

Primary offense: All other offenses

None 0

Other than post-incarceration 2

Post-incarceration supervision 5

2

n, etc., in/at

Primary offense: All other offenses

F WPN or ASL 2

Do not score

2

STATE AT CONVICTION IS F: FALSE STATEMENT ON A FIREARM CONSENT FORM (§ 18.2-308.2:2(K))

Basis of False Statement on Consent Form (listed below) - If YES, add 3

- Prior felony conviction/juvenile adjudication for crime against person
- Other prior felony conviction/juvenile adjudication within 4 years of current offense
- Prior domestic assault misdemeanor conviction
- Subject to protective order at time of offense

0

Total Score - If total is 8 or less, go to Section B. If total is 9 or more, go to Section C

17

Years

Less than 2

2 - 38

39 or more

0

1

2

1

A. Unlawfully discharge firearm, etc. in/at occupied building				
Completed	1 count	48	24	12
Attempted/Conspired	1 count	32	16	8
B. Maliciously discharge firearm, etc. in/at occupied building				
Completed	1 count	60	30	15
Attempted/Conspired	1 count	32	16	8
C. Discharge firearm from vehicle*				
	1 count	48	24	12
D. Possess firearm on school property*				
	1 count	32	16	8
E. Possession of sawed-off shotgun*				
	1 count	36	18	9
F. Carry concealed weapon, 2nd or 3rd offense				
	1 count	32	16	8
G. False statement on consent form*				
	1 count	32	16	8
H. Possession of firearm, other weapon, explosives or ammunition by convicted felon*				
	1 count	32	16	8

Prior Felony Convictions/Adjudications Against Person

Years	Primary offense: B. Maliciously discharge firearm, etc., in/at occupied building	Primary offense: All other offenses	
1	5	1	0
2	6	2	
3	7	3	
4	8	4	
5 or more	9	5	

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

Counts		
1	2	0
2	4	
3	6	
4	8	
5 or more	10	

Legally Restrained at Time of Offense • If YES, add 2

Total Score • See Weapon/Firearm Section C Recommendation Table for guidelines sentence range

32

SENTENCING GUIDELINES RECOMMENDATION

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

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

Mandatory Minimum: yyy/mm/ddd

Section C

- Life Sentence
- Incarceration (Enter Midpoint and Range Below)

Range Midpoint: yyy/mm/ddd

Sentence Range: to

Recommendation Adjusted for Mandatory Minimum



Manual PDF

Weapon/Firearm Section A

Offender Name: _____

Primary Offense

- A. Maliciously or unlawfully discharge firearm, etc., in/at occupied building (1 count).....2
- B. Discharge firearm from vehicle (1 count).....1
- Discharge firearm on school property (1 count).....1
- Discharge shotgun (1 count).....2
- Discharge firearm, 2nd or 3rd offense (1 count).....2
- Discharge firearm consent form (1 count).....1
- Carry or possess firearm, other weapon, explosives or ammunition by convicted felon.....3
- Carry or possess firearm, other weapon, explosives or ammunition.....4

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

in/at occupied building	Points
.....	2
.....	3
.....	4
.....	5
.....	6

Primary offense: All other offenses	Points
Maximum Penalty (years) 5 - 7	1
8 - 18	2
19 - 28	3
29 - 38	4
39 or more	5

Score

0	1
---	---

↓

0	0
---	---

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

in/at occupied building	Points
.....	0

Primary offense: All other offenses	Points
Maximum Penalty (years) Less than 1	0

Time of Offense

in/at occupied building	Points
.....	0
.....	3
Post-incarceration supervision (supervision after incarceration)	6

Primary offense: All other offenses	Points
None	0
Other than post-incarceration supervision	2
Post-incarceration supervision (supervision after incarceration)	5

0	2
---	---

Type of Additional Offense(s)

Primary offense:	
A. Discharge firearm, etc., in/at occupied building	
Additional offense with VCC prefix of WPN or ASL	2

Primary offense: All other offenses
Do Not Score

0	0
---	---

SCORE THE FOLLOWING ONLY IF PRIMARY OFFENSE AT CONVICTION IS F: FALSE STATEMENT ON A FIREARM CONSENT FORM (§ 18.2-308.2:2(K))

Basis of False Statement on Consent Form (listed below)

Prior felony conviction/juvenile adjudication for crime against person, Other prior felony conviction/juvenile adjudication within 4 years of current offense, Prior domestic assault misdemeanor conviction or Subject to protective order at time of offense

If YES, add 3 →

0	0
---	---

Total Score

→

	6
--	---

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

Primary Offense:

Discharge F/A from motor vehicle
1 Count WPN-5248-F5

Additional Offenses:

Shoot/throw missile at train, car, etc. w/o malice
1 count VAN-2940-F6

Weapon/Firearm Section B

Offender Name: _____

Primary Offense

- A. Maliciously or unlawfully discharge firearm, etc., in/at occupied building (1 count)..... 8
- B. Discharge firearm from vehicle (1 count)..... 8
- C. Possess firearm on school property (1 count)..... 7
- D. Possession of sawed-off shotgun (1 count)..... 6
- E. Carry concealed weapon, 2nd or 3rd offense (1 count)..... 7
- F. False statement on firearm consent form (1 count)..... 7
- G. Possession of firearm, other weapon, explosives or ammunition by convicted felon (1 count)..... 7

Score

Primary Offense Remaining Counts

- Total the maximum penalties for counts of the primary not scored.
- Years: 5 - 9.....
10 - 19.....
20 - 29.....
30 - 39.....
40 or more.....

Additional Offenses

- Total the maximum penalties for additional offenses, including counts.
- Years: Less than 1.....
1 - 9.....
10 - 19.....
20 - 29.....
30 - 39.....
40 or more.....

Prior Criminal Misdemeanor Convictions (Excludes Traffic)

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

Primary offense: All other offenses

Do Not Score

Victim Injury

Primary offense:

Points
A. Discharge firearm, etc., in/at occupied building
Threatened, emotional, physical or serious..... 3
Life threatening..... 4

Primary offense: All other offenses

Points
Threatened, emotional, physical or serious..... 2
Life threatening..... 3

0

Legally Restrained at Time of Offense

If YES, add 1

0

Total Score

13

See Weapon/Firearm Section B Recommendation Table to convert score to guidelines sentence.

Recommendation Table

Score

Guideline Sentence

0 - 9 Probation/No Incarceration

10+ Incarceration 1 Day to 6 Months

Recording the Recommendation

Enter the corresponding recommendation according to the worksheet



5 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

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

Recommendation Adjusted for Mandatory Minimum

Weapon/Firearm Section A

Offender Name: _____

Primary Offense

- A. Maliciously or unlawfully discharge firearm, etc., in/at occupied building (1 count).....2
- B. Discharge firearm from vehicle (1 count).....1
- in school property (1 count).....1
- loaded-off shotgun (1 count).....2
- weapon, 2nd or 3rd offense (1 count).....2
- on firearm consent form (1 count).....1
- arm, other weapon, explosives or ammunition by convicted felon
- 1 count.....3
- 2 counts.....4

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

etc., in/at occupied building

Points
2
3
4
5
6

Primary offense: All other offenses

Maximum Penalty (years)	Points
5 - 7	1
8 - 18	2
19 - 28	3
29 - 38	4
39 or more	5

Score

0	1
---	---

0	0
---	---

Primary Offense:

Discharge F/A from motor vehicle

1 Count WPN-5248-F5

Additional Offenses:

Shoot/throw missile at train, car, etc. w/o malice

1 count VAN-2940-F6

Possession of Weapon by Violent Felon

1 count WPN-5296-F6

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

etc., in/at occupied building

Points
0
3

Primary offense: All other offenses

Maximum Penalty (years)	Points
Less than 1	0
1 - 7	1

Time of Offense

occupied building

Points
0
3
6

Primary offense: All other offenses

Points
0
2
5

0	2
---	---

Type of Additional Offense(s)

Primary offense:

A. Discharge firearm, etc., in/at occupied building

Additional offense with VCC prefix of WPN or ASL..... 2

Primary offense: All other offenses

Do Not Score

0	2
---	---

SCORE THE FOLLOWING ONLY IF PRIMARY OFFENSE AT CONVICTION IS F: FALSE STATEMENT ON A FIREARM CONSENT FORM (§ 18.2-308.2:2(K))

Basis of False Statement on Consent Form (listed below)

If YES, add 3

0	0
---	---

Prior felony conviction/juvenile adjudication for crime against person, Other prior felony conviction/juvenile adjudication within 4 years of current offense, Prior domestic assault misdemeanor conviction or Subject to protective order at time of offense

Total Score

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

1	8
---	---

Weapon/Firearm Section C

Offender Name: _____

— Prior Record Classification —

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

Primary Offense

- A. Unlawfully discharge firearm, etc. in/at occupied building
 Attempted or conspired: 1 count (32) (16) (8)
 Completed: 1 count 48 24 12
- B. Maliciously discharge firearm, etc. in/at occupied building
 Attempted or conspired: 1 count (32) (16) (8)
 Completed: 1 count 60 30 15
- C. Discharge firearm from vehicle (1 count) 48 24 12
- D. Possess firearm on school property (1 count) 32 16 8
- E. Possession of sawed-off shotgun (1 count) 36 18 9
- F. Carry concealed weapon, 2nd or 3rd offense (1 count) 32 16 8
- G. False statement on consent form (1 count) 32 16 8
- H. Possession of firearm, other weapon, explosives or ammunition by convicted felon (1 count) 32 16 8

Score

0 2 4

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

Maximum Penalty: 5, 10 1

0 0 0

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

0 0 1

Firearm Used or Brandished If YES, add 2

0 0 2

Victim Injury

Threatened or emotional 2
 Physical or serious 4
 Life threatening 5

0 0 4

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

Primary offense:		Primary offense: All other offenses	
B. Maliciously discharge firearm, etc., in/at occupied building		Maximum Penalty (years)	
Maximum Penalty (years)	Points	Maximum Penalty (years)	Points
Less than 20 0		Less than 20 0	
20, 30, 40 or more 5		20, 30, 40 or more 1	

0 0 0

Prior Felony Convictions/Adjudications Against Person

Primary offense:		Primary offense: All other offenses	
B. Maliciously discharge firearm, etc., in/at occupied building		Number of Counts	
Number of Counts	Points	Number of Counts	Points
1 5		1 1	
2 6		2 2	
3 7		3 3	

0 0 0

Total Score

See Weapon/Firearm Section C Recommendation Table for guidelines sentence range.

0 0 32

Weapon/Firearm/Section C

Sentencing Guidelines Cover Sheet

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

Scheduled

OFFENDER James Misfire
First James Middle _____ Last Misfire Suffix _____

Date of Birth: 01021977 Social Security Number: 999999999

CCRE: V A CORIS Offender ID: _____ PSI: _____

COURT 13 City/County City of Richmond FIPS Code: 760

Sentencing Judge's Name _____

Preparer Name _____ Commonwealth's Attorney Probation Officer

Prosecuting Commonwealth's Attorney _____ Defense Attorney _____

CONVICTIONS

Offense	Counts	VCC	Offense Date
Discharge firearm from motor vehicle	01	WPN 5248 F5	07 09 20

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

METHOD OF ADJUDICATION

- Jury Trial Sentence Set by Jury
 Bench Trial Guilty Plea

SENTENCING GUIDELINES

- 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 _____

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 2 8
Years Months Days

Sentence Range 1 2 TO 2 10
Years Months Days

Recommendation Adjusted for Mandatory Minimum

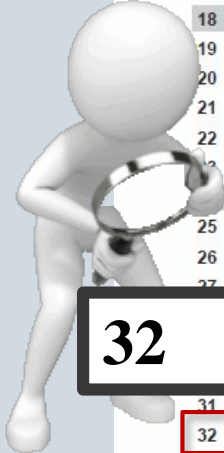
When entering a recommendation manually, remember to refer to the recommendation tables after worksheet C and enter the corresponding sentence for worksheet total score

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

❖ Weapon/Firearm • Section C Recommendation Table

Score	Sentence Range Midpoint	Sentence Range	Score	Sentence Range Midpoint	Sentence Range
Up to 7	0 yr. 7 mo.	0 yr. 7 mo. - 0 yr. 10 mo.	55	4 yr. 7 mo.	2 yr. 4 mo. - 5 yr. 7 mo.
8	0 yr. 8 mo.	0 yr. 7 mo. - 0 yr. 11 mo.	56	4 yr. 8 mo.	2 yr. 5 mo. - 5 yr. 8 mo.
9	0 yr. 9 mo.	0 yr. 7 mo. - 0 yr. 11 mo.	57	4 yr. 9 mo.	2 yr. 5 mo. - 5 yr. 9 mo.
10	0 yr. 10 mo.	0 yr. 7 mo. - 1 yr. 0 mo.	58	4 yr. 10 mo.	2 yr. 6 mo. - 5 yr. 10 mo.
11	0 yr. 11 mo.	0 yr. 7 mo. - 1 yr. 1 mo.	59	4 yr. 11 mo.	2 yr. 6 mo. - 5 yr. 11 mo.
12	1 yr. 0 mo.	0 yr. 7 mo. - 1 yr. 2 mo.	60	5 yr. 0 mo.	2 yr. 7 mo. - 6 yr. 1 mo.
13	1 yr. 1 mo.	0 yr. 7 mo. - 1 yr. 3 mo.	61	5 yr. 1 mo.	2 yr. 7 mo. - 6 yr. 2 mo.
14	1 yr. 2 mo.	0 yr. 7 mo. - 1 yr. 4 mo.	62	5 yr. 2 mo.	2 yr. 8 mo. - 6 yr. 3 mo.
15	1 yr. 3 mo.	0 yr. 7 mo. - 1 yr. 5 mo.	63	5 yr. 3 mo.	2 yr. 8 mo. - 6 yr. 4 mo.
16	1 yr. 4 mo.	0 yr. 7 mo. - 1 yr. 6 mo.	64	5 yr. 4 mo.	2 yr. 9 mo. - 6 yr. 6 mo.
17	1 yr. 5 mo.	0 yr. 7 mo. - 1 yr. 7 mo.	65	5 yr. 5 mo.	2 yr. 9 mo. - 6 yr. 7 mo.
18	1 yr. 6 mo.	0 yr. 7 mo. - 1 yr. 8 mo.	66	5 yr. 6 mo.	2 yr. 10 mo. - 6 yr. 8 mo.
19	1 yr. 7 mo.	0 yr. 7 mo. - 1 yr. 9 mo.	67	5 yr. 7 mo.	2 yr. 10 mo. - 6 yr. 9 mo.
20	1 yr. 8 mo.	0 yr. 7 mo. - 1 yr. 10 mo.	68	5 yr. 8 mo.	2 yr. 11 mo. - 6 yr. 10 mo.
21	1 yr. 9 mo.	0 yr. 7 mo. - 1 yr. 11 mo.	69	5 yr. 9 mo.	2 yr. 11 mo. - 7 yr. 0 mo.
22	1 yr. 10 mo.	0 yr. 7 mo. - 2 yr. 0 mo.	70	5 yr. 10 mo.	3 yr. 0 mo. - 7 yr. 1 mo.
23	1 yr. 11 mo.	0 yr. 7 mo. - 2 yr. 1 mo.	71	5 yr. 11 mo.	3 yr. 0 mo. - 7 yr. 2 mo.
24	2 yr. 0 mo.	0 yr. 8 mo. - 2 yr. 2 mo.	72	6 yr. 0 mo.	3 yr. 0 mo. - 7 yr. 3 mo.
25	2 yr. 1 mo.	0 yr. 8 mo. - 2 yr. 3 mo.	73	6 yr. 1 mo.	3 yr. 1 mo. - 7 yr. 5 mo.
26	2 yr. 2 mo.	0 yr. 9 mo. - 2 yr. 4 mo.	74	6 yr. 2 mo.	3 yr. 1 mo. - 7 yr. 6 mo.
27	2 yr. 3 mo.	0 yr. 9 mo. - 2 yr. 5 mo.	75	6 yr. 3 mo.	3 yr. 2 mo. - 7 yr. 7 mo.



32 2 yr. 8 mo. 1yr 2mo. – 2 yr. 10 mo.

31	2 yr. 7 mo.	1 yr. 1 mo. - 2 yr. 9 mo.	79	6 yr. 7 mo.	3 yr. 3 mo. - 8 yr. 0 mo.
32	2 yr. 8 mo.	1 yr. 2 mo. - 2 yr. 10 mo.	80	6 yr. 8 mo.	3 yr. 4 mo. - 8 yr. 1 mo.
33	2 yr. 9 mo.	1 yr. 2 mo. - 2 yr. 11 mo.	81	6 yr. 9 mo.	3 yr. 4 mo. - 8 yr. 2 mo.
34	2 yr. 10 mo.	1 yr. 3 mo. - 3 yr. 0 mo.	82	6 yr. 10 mo.	3 yr. 5 mo. - 8 yr. 4 mo.
35	2 yr. 11 mo.	1 yr. 3 mo. - 3 yr. 1 mo.	83	6 yr. 11 mo.	3 yr. 5 mo. - 8 yr. 5 mo.
36	3 yr. 0 mo.	1 yr. 4 mo. - 3 yr. 2 mo.	84	7 yr. 0 mo.	3 yr. 6 mo. - 8 yr. 6 mo.
37	3 yr. 1 mo.	1 yr. 5 mo. - 3 yr. 4 mo.	85	7 yr. 1 mo.	3 yr. 6 mo. - 8 yr. 7 mo.
38	3 yr. 2 mo.	1 yr. 6 mo. - 3 yr. 5 mo.	86	7 yr. 2 mo.	3 yr. 7 mo. - 8 yr. 8 mo.
39	3 yr. 3 mo.	1 yr. 7 mo. - 3 yr. 7 mo.	87	7 yr. 3 mo.	3 yr. 7 mo. - 8 yr. 10 mo.
40	3 yr. 4 mo.	1 yr. 8 mo. - 3 yr. 9 mo.	88	7 yr. 4 mo.	3 yr. 8 mo. - 8 yr. 11 mo.
41	3 yr. 5 mo.	1 yr. 9 mo. - 3 yr. 11 mo.	89	7 yr. 5 mo.	3 yr. 8 mo. - 9 yr. 0 mo.
42	3 yr. 6 mo.	1 yr. 10 mo. - 4 yr. 1 mo.	90	7 yr. 6 mo.	3 yr. 9 mo. - 9 yr. 1 mo.
43	3 yr. 7 mo.	1 yr. 10 mo. - 4 yr. 4 mo.	91	7 yr. 7 mo.	3 yr. 9 mo. - 9 yr. 3 mo.
44	3 yr. 8 mo.	1 yr. 11 mo. - 4 yr. 5 mo.	92	7 yr. 8 mo.	3 yr. 10 mo. - 9 yr. 4 mo.
45	3 yr. 9 mo.	2 yr. 0 mo. - 4 yr. 6 mo.	93	7 yr. 9 mo.	3 yr. 10 mo. - 9 yr. 5 mo.
46	3 yr. 10 mo.	2 yr. 0 mo. - 4 yr. 8 mo.	94	7 yr. 10 mo.	3 yr. 11 mo. - 9 yr. 6 mo.
47	3 yr. 11 mo.	2 yr. 1 mo. - 4 yr. 9 mo.	95	7 yr. 11 mo.	3 yr. 11 mo. - 9 yr. 7 mo.
48	4 yr. 0 mo.	2 yr. 1 mo. - 4 yr. 10 mo.	96	8 yr. 0 mo.	4 yr. 0 mo. - 9 yr. 9 mo.
49	4 yr. 1 mo.	2 yr. 2 mo. - 4 yr. 11 mo.	97	8 yr. 1 mo.	4 yr. 0 mo. - 9 yr. 10 mo.

Summary

Two methods for recording the recommendation

SWIFT- recommendation is automatically populated

&

PDF- find the recommendation based on the total score and record the range on the coversheet

Adjust any recommendation requiring a mandatory minimum by checking the box and adjusting the appropriate recommendation

Recording the Recommendation



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

**For the Answer:
TEXT VCSC RECOMMEND
to 56512**



Virginia Criminal Sentencing Commission

100 North Ninth Street
Richmond, VA 23219

Supreme Court Building
5th Floor

Call: 804-225-4398

Text: 804-393-9588

www.vcsc.virginia.gov



