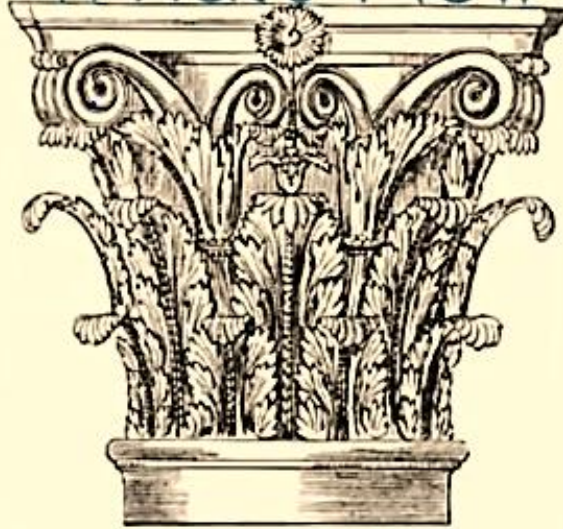


Virginia Criminal Sentencing Commission

What's New



2021

The Virginia Criminal Sentencing Commission

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The Agenda

- I. Introduction
- II. Guidelines Changes & New Laws that Impact Sentencing Guidelines
 - a. Changes to Other Sexual Assault Guidelines
 - i. Aggravated Sexual Battery
 - ii. Indecent Liberties
 - iii. Carnal Knowledge
 - iv. Solicitation of a Minor
 - b. Good Conduct Credit, § 53.1-202.3 (Effective July 1, 2022)
 - c. Habitual Offender, § 46.2-357 (Repealed July 1, 2021)
 - d. Petit Larceny 3rd, § 18.2-104 (Repealed July 1, 2021)
 - e. Abolition of Death Penalty, § 18.2-31 (Repealed July 1, 2021)
 - f. Legalization of Marijuana § 4.1 (Effective July 1, 2021, and July 1, 2024)
 - g. Robbery, § 18.2-58 (Effective July 1, 2021)
 - i. No Changes to Carjacking under § 18.2-58.1
 - ii. § 1-239, Repeal not to affect liabilities, mitigation of punishment
 - iii. Robbery Guidelines Suspended
 - 1. Except for Carjacking
 - 2. Case Details Worksheet
- III. Case Details Worksheet
 - a. Purpose
 - b. Required in All Guidelines Cases
 - c. Instructions
 - d. Exercise
- IV. Substantial Assistance and Remorse
- V. Probation Violation Guidelines
 - a. §§ 19.2-303, 19.303.1 and 19.2-306.1
 - b. Impact of Legislation on Probation and Good Behavior (Table)
 - c. Three Year Study of Supervised Probation
 - d. Glossary – 8 Key Terms
 - e. Guidelines Factors Timeline
 - f. Revised Probation Violation Guidelines
 - i. Incorporating Legislative Mandates
 - ii. Technical Violations
 - iii. New Law Violations
 - iv. Cover Page
 - v. Exercises
- VI. Question Session
- VII. Closing

Guidelines Changes to Other Sexual Assault & Obscenity Worksheets

Aggravated Sexual Battery • Indecent Liberties • Carnal Knowledge • Solicitation of a Minor

Other Sexual Assault ❖ Section A (Part II) Offender Name: _____

◆ **Primary Offense**

A. Other than listed below; all attempted or conspired offenses (1 count)	1	
B. Non-forcible sodomy, parent/grandparent to child or grandchild age 13 to 17 (1 count).....	7	
C. Indecent liberties with child under age 15		
1 count	4	3
2 counts	8	
3 counts	10	
D. Indecent liberties by custodian		
1 count	5	4
2 counts	7	6
3 counts	8	7
E. Non-forcible carnal knowledge of child age 13, 14 (statutory rape)		
1 count	6	
2 counts	9	
3 counts	12	
F. Aggravated sexual battery		
1 count	3	
2 counts	6	
3 counts	9	
G. Aggravated sexual battery, victim age 13 or 14 or parent/grandparent to child/grandchild age 13 to 17		
1 count	7	6
2 counts	8	
3 counts	10	
H. Incest with own child/grandchild (1 count).....	3	
I. Incest with own child/grandchild age 13 to 17 (1 count).....	2	

Other Sexual Assault ❖ Section B Offender Name: _____

◆ **Primary Offense**

A. Other than listed below (1 count)	1
B. Indecent Liberties (1 count)	1
C. Aggravated sexual battery or Carnal Knowledge	
1 count	2
2 counts	4
3 counts	6

◆ **Type of Additional Offense(s)** Any Additional Offense has a prefix of "SEX", "RAP," or "OBS"

Primary offense:
✓ B. Indecent Liberties or
✓ C. Aggravated Sexual Battery or Carnal Knowledge
If YES, add 1

Primary offense: All other offenses
Do Not Score

◆ **Victim Injury**

Primary offense:
✓ B. Indecent Liberties
Under age 13 & Custodian
Threatened or emotional..... 3
Physical or life threatening..... 4

Primary offense: All other offenses
Do Not Score

Other Sexual Assault ❖ Section C Offender Name: _____

◆ **Primary Offense**

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

A. All attempted or conspired sexual assault (1 count).....	(24)	(12)	(6)
B. Completed sexual assault other than listed below (1 count)	36	18	9
C. Non-forcible sodomy, parent/grandparent to child/grandchild age 13 - 17			
1 count	36	18	9
✓ D. Indecent liberties with child			
1 count	36	18	9
2 counts	40	20	10
3 counts	104	52	26

Old Scores

Other Sexual Assault/Obscenity ❖ Section A Offender Name: _____

◆ **Primary Offense**

A. All attempted or conspired offenses (1 count)	1
B. Production, publication, sale or financing child pornography (1 count)	6
C. Possess child porn (1st Offense) (1 count)	5
D. Possess child porn (2nd or subsequent) (1 count)	9
E. Reproduce, transmit, sell, etc., child porn (1 count)	5
F. Procure minor for obscene material by communications system (1 count)	6
G. Procure minor for prostitution, sodomy, pornography by communications system (1 count)	6
✓ H. Propose sex act by communications system, child less than age 15 (1 count)	9
I. Propose sex act by communications system, child less than age 15, offender 7+ years older (1 count)	9
J. Propose sex act by communications system, child age 15 or more, offender 7+ years older (1 count)	6
K. Propose sex act by communications system, child age 15 or more, offender 7+ yrs old (2nd/subseq.) (1 count)	9

Old Scores

REVISED

VIEW THE REVISED WORKSHEETS IN **SWIFT** OR AT WWW.VCSC.VIRGINIA.GOV

Good Conduct Predit July 1, 2022

An Act to amend and reenact § 53.1-202.3, as it shall become effective, of the Code of Virginia, relating to earned sentence credits; revocation of suspended sentence.

[H 2010]

Approved March 25, 2021

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-202.3, as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 53.1-202.3. (Effective July 1, 2022) Rate at which sentence credits may be earned; prerequisites.

A. A maximum of 4.5 sentence credits may be earned for each 30 days served on a sentence for a conviction for any offense of:

1. A Class 1 felony;
2. Solicitation to commit murder under § 18.2-29 or any violation of § 18.2-32, 18.2-32.1, 18.2-32.2, or 18.2-33;
3. Any violation of § 18.2-40 or 18.2-45;
4. Any violation of subsection A of § 18.2-46.5, of subsection D of § 18.2-46.5 if the death of any person results from providing any material support, or of subsection A of § 18.2-46.6;
5. Any kidnapping or abduction felony under Article 3 (§ 18.2-47 et seq.) of Chapter 4 of Title 18.2;
6. Any malicious felonious assault or malicious bodily wounding under Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2, any violation of § 18.2-51.6 or 18.2-51.7, or any felony violation of § 18.2-57.2;
7. Any felony violation of § 18.2-60.3;
8. Any felony violation of § 16.1-253.2 or 18.2-60.4;
9. Robbery under § 18.2-58 or carjacking under § 18.2-58.1;
10. Criminal sexual assault punishable as a felony under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
11. Any violation of § 18.2-90;
12. Any violation of § 18.2-289 or subsection A of § 18.2-300;
13. Any felony offense in Article 3 (§ 18.2-346 et seq.) of Chapter 8 of Title 18.2;
14. Any felony offense in Article 4 (§ 18.2-362 et seq.) of Chapter 8 of Title 18.2, except for a violation of § 18.2-362 or subsection B of § 18.2-371.1;
15. Any felony offense in Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, except for a violation of subsection A of § 18.2-374.1.1;
16. Any violation of subsection F of § 3.2-6570, any felony violation of § 18.2-128, or any violation of § 18.2-481, 37.2-917, 37.2-918, 40.1-100.2, or 40.1-103; or
17. A second or subsequent violation of the following offenses, in any combination, when such offenses were not part of a common act, transaction, or scheme and such person has been at liberty as defined in § 53.1-151 between each conviction:
 - a. Any felony violation of § 3.2-6571;
 - b. Voluntary manslaughter under Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
 - c. Any violation of § 18.2-41 or felony violation of § 18.2-42.1;
 - d. Any violation of subsection B, C, or D of § 18.2-46.5 or § 18.2-46.7;
 - e. Any violation of § 18.2-51 when done unlawfully but not maliciously, § 18.2-51.1 when done unlawfully but not maliciously, or § 18.2-54.1 or 18.2-54.2;
 - f. Arson in violation of § 18.2-77 when the structure burned was occupied or a Class 3 felony violation of § 18.2-79;
 - g. Any violation of § 18.2-89 or 18.2-92;
 - h. Any violation of subsection A of § 18.2-374.1.1;
 - i. Any violation of § 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, or 18.2-433.2; or
 - j. Any violation of subdivision E 2 of § 40.1-29.

The earning of sentence credits shall be conditioned, in part, upon full participation in and cooperation with programs to which a person is assigned pursuant to § 53.1-32.1.

B. For any offense other than those enumerated in subsection A for which sentence credits may be earned, earned sentence credits shall be awarded and calculated using the following four-level classification system:

1. Level I. For persons receiving Level I sentence credits, 15 days shall be deducted from the person's sentence for every 30 days served. Level I sentence credits shall be awarded to persons who

participate in and cooperate with all programs to which the person is assigned pursuant to § 53.1-32.1 and who have no more than one minor correctional infraction and no serious correctional infractions as established by the Department's policies or procedures.

2. Level II. For persons receiving Level II sentence credits, 7.5 days shall be deducted from the person's sentence for every 30 days served. Level II sentence credits shall be awarded to persons who participate in and cooperate with all programs, job assignments, and educational curriculums to which the person is assigned pursuant to § 53.1-32.1, but who require improvement in not more than one area as established by the Department's policies or procedures.

3. Level III. For persons receiving Level III sentence credits, 3.5 days shall be deducted from the person's sentence for every 30 days served. Level III sentence credits shall be awarded to persons who participate in and cooperate with all programs, job assignments, and educational curriculums to which the person is assigned pursuant to § 53.1-32.1, but who require significant improvement in two or more areas as established by the Department's policies or procedures.

4. Level IV. No sentence credits shall be awarded to persons classified in Level IV. A person will be classified in Level IV if that person willfully fails to participate in or cooperate with all programs, job assignments, and educational curriculums to which the person is assigned pursuant to § 53.1-32.1 or that person causes substantial security or operational problems at the correctional facility as established by the Department's policies or procedures.

C. A person's classification level under subsection B shall be reviewed at least once annually, and the classification level may be adjusted based upon that person's participation in and cooperation with programs, job assignments, and educational curriculums assigned pursuant to § 53.1-32.1. A person's classification and calculation of earned sentence credits shall not be lowered or withheld due to a lack of programming, educational, or employment opportunities at the correctional facility at which the person is confined. Records from this review, including an explanation of the reasons why a person's classification level was or was not adjusted, shall be maintained in the person's correctional file.

D. A person's classification level under subsection B may be immediately reviewed and adjusted following removal from a program, job assignment, or educational curriculum that was assigned pursuant to § 53.1-32.1 for disciplinary or noncompliance reasons.

E. A person may appeal a reclassification determination under subsection C or D in the manner set forth in the grievance procedure established by the Director pursuant to his powers and duties as set forth in § 53.1-10.

F. For a juvenile sentenced to serve a portion of his sentence as a serious juvenile offender under § 16.1-285.1, consideration for earning sentence credits shall be conditioned, in part, upon full participation in and cooperation with programs afforded to the juvenile during that portion of the sentence. The Department of Juvenile Justice shall provide a report that describes the juvenile's adherence to the facility's rules and the juvenile's progress toward treatment goals and objectives while sentenced as a serious juvenile offender under § 16.1-285.1.

G. Notwithstanding any other provision of law, no portion of any sentence credits earned shall be applied to reduce the period of time a person must serve before becoming eligible for parole upon any sentence.

LIST OF FELONY OFFENSES THAT REQUIRE DEFENDANTS TO SERVE AT LEAST 65% OF THEIR SENTENCE INSTEAD OF 85% WILL BE POSTED ON THE VCSC WEBSITE.

CHANGES TO GOOD CONDUCT CREDIT ARE NOT EFFECTIVE UNTIL **JULY 1, 2022.**

Habitual Offender

§ 46.2-357. Operation of motor vehicle or self-propelled machinery or equipment by habitual offender prohibited; penalty; enforcement of section. —

A. It shall be unlawful for any person determined or adjudicated an habitual offender to drive any motor vehicle or self-propelled machinery or equipment on the highways of the Commonwealth while the revocation of the person's driving privilege remains in effect. However, the revocation determination shall not prohibit the person from operating any farm tractor on the highways when it is necessary to move the tractor from one tract of land used for agricultural purposes to another tract of land used for agricultural purposes, provided that the distance between the said tracts of land is no more than five miles.

B. Except as provided in subsection D, any person found to be an habitual offender under this article, who is thereafter convicted of driving a motor vehicle or self-propelled machinery or equipment in the Commonwealth while the revocation determination is in effect, shall be punished as follows:

1. If such driving does not of itself endanger the life, limb, or property of another, such person shall be guilty of a Class 1 misdemeanor punishable by a mandatory minimum term of confinement in jail of 10 days except in cases wherein such operation is necessitated in situations of apparent extreme emergency that require such operation to save life or limb, the sentence, or any part thereof, may be suspended.

2. If such driving of itself endangers the life, limb, or property of another or takes place while such person is in violation of §§ [18.2-36.1](#), [18.2-51.4](#), [18.2-266](#) or § [46.2-341.24](#), irrespective of whether the driving of itself endangers the life, limb or property of another and the person has been previously convicted of a violation of §§ [18.2-36.1](#), [18.2-51.4](#), [18.2-266](#) or § [46.2-341.24](#), such person shall be guilty of a felony punishable by confinement in a state correctional facility for not less than one year nor more than five years, one year of which shall be a mandatory minimum term of confinement or, in the discretion of the jury or the court trying the case without a jury, by mandatory minimum confinement in jail for a period of 12 months. However, in cases wherein such operation is necessitated in situations of apparent extreme emergency that require such operation to save life or limb, the sentence, or any part thereof, may be suspended. For the purposes of this section, an offense in violation of a valid local ordinance, or law of any other jurisdiction, which ordinance or law is substantially similar to any provision of law herein shall be considered an offense in violation of such provision of law.

3. If the offense of driving while a determination as an habitual offender is in effect is a second or subsequent such offense, such person shall be punished as provided in subdivision 2 of this subsection, irrespective of whether the offense, of itself, endangers the life, limb, or property of another.

C. For the purpose of enforcing this section, in any case in which the accused is charged with driving a motor vehicle or self-propelled machinery or equipment while his license, permit, or privilege to drive is suspended or revoked or is charged with driving without a license, the court before hearing the charge shall determine whether the person has been determined an habitual offender and, by reason of this determination, is barred from driving a motor vehicle or self-propelled machinery or equipment on the highways in the Commonwealth. If the court determines the accused has been determined to be an habitual offender and finds there is probable cause that the alleged offense under this section is a felony, it shall certify the case to the circuit court of its jurisdiction for trial.

D. Notwithstanding the provisions of subdivisions 2 and 3 of subsection B, following conviction and prior to imposition of sentence with the consent of the defendant, the court may order the defendant to be evaluated for and to participate in the community corrections alternative program pursuant to § [19.2-316.4](#). (1968, c. 476, § 46.1-387.8; 1970, c. 507; 1980, c. 436; 1988, c. 559; 1989, c. 727; 1990, c. 828; 1993, c. 677; 1994, c. 50; 1995, c. 799; 1997, cc. 5, 344; 1998, c. 298; 1999, cc. 945, 987; 2000, cc. 956, 982; 2004, c. 461; 2019, c. 618.)

REPEALED AS OF JULY 1, 2021

APPLIED TO DEFENDANTS DECLARED HABITUAL OFFENDERS PRIOR TO [JULY 1, 1999](#)

IN 1999, REPLACED WITH MODIFIED DRIVING REVOKED STATUTES § 46.2-391, ETC.

Third Offense Petit Larceny

§ 18.2-104. Punishment for conviction of misdemeanor larceny. — When a person is convicted of an offense of larceny or any offense deemed to be or punished as larceny under any provision of the Code, and it is alleged in the warrant, indictment or information on which he is convicted, and admitted, or found by the jury or judge before whom he is tried, that he has been before convicted in the Commonwealth of Virginia or in another jurisdiction for any offense of larceny or any offense deemed or punishable as larceny, or of any substantially similar offense in any other jurisdiction, regardless of whether the prior convictions were misdemeanors, felonies or a combination thereof, he shall be confined in jail not less than thirty days nor more than twelve months; and for a third, or any subsequent offense, he shall be guilty of a Class 6 felony. (Code 1950, § 18.1-126.1; 1970, c. 652; 1975, cc. 14, 15; 1980, c. 174; 1987, c. 178; 1994, c. 706.)

REPEALED AS OF JULY 1, 2021

PRIOR CONVICTIONS MUST BE SCORED AS PETIT LARCENY OR THE SPECIFIC OFFENSE
DEEMED TO BE PUNISHABLE AS LARCENY.

THE STATUTORY MAXIMUM WOULD BE NO MORE THAN 12 MONTHS

Capital Offenses - Death Penalty

§ 18.2-10. Punishment for conviction of felony; penalty.

The authorized punishments for conviction of a felony are:

(a) For Class 1 felonies, ~~death, if the person so convicted was 18 years of age or older at the time of the offense and is not determined to be a person with intellectual disability pursuant to § 19.2-264.3:1.1, or imprisonment for life and, subject to subdivision (g), a fine of not more than \$100,000. If the person was under 18 years of age at the time of the offense or is determined to be a person with intellectual disability pursuant to § 19.2-264.3:1.1, the punishment shall be imprisonment for life and, subject to subdivision (g), a fine of not more than \$100,000. Any person who was 18 years of age or older at the time of the offense and who is sentenced to imprisonment for life upon conviction of a Class 1 felony shall not be eligible for (i) parole, (ii) any good conduct allowance or any earned sentence credits under Chapter 6 (§ 53.1-186 et seq.) of Title 53.1, or (iii) conditional release pursuant to § 53.1-40.01 or 53.1-40.02.~~

(b) For Class 2 felonies, imprisonment for life or for any term not less than 20 years and, subject to subdivision (g), a fine of not more than \$100,000.

(c) For Class 3 felonies, a term of imprisonment of not less than five years nor more than 20 years and, subject to subdivision (g), a fine of not more than \$100,000.

(d) For Class 4 felonies, a term of imprisonment of not less than two years nor more than 10 years and, subject to subdivision (g), a fine of not more than \$100,000.

(e) For Class 5 felonies, a term of imprisonment of not less than one year nor more than 10 years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.

(f) For Class 6 felonies, a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.

(g) Except as specifically authorized in subdivision (e) or (f), ~~or in Class 4 felonies for which a sentence of death is imposed,~~ the court shall impose either a sentence of imprisonment together with a fine, or imprisonment only. However, if the defendant is not a natural person, the court shall impose only a fine.

For any felony offense committed (i) on or after January 1, 1995, the court may, and (ii) on or after July 1, 2000, shall, except in cases in which the court orders a suspended term of confinement of at least six months, impose an additional term of incarceration of not less than six months nor more than three years, which shall be suspended conditioned upon successful completion of a period of post-release supervision pursuant to § 19.2-295.2 and compliance with such other terms as the sentencing court may require. However, such additional term may only be imposed when the sentence includes an active term of incarceration in a correctional facility.

For a felony offense prohibiting proximity to children as described in subsection A of § 18.2-370.2, the sentencing court is authorized to impose the punishment set forth in that section in addition to any other penalty provided by law.

§ 18.2-18. How principals in second degree and accessories before the fact punished.

In the case of every felony, every principal in the second degree and every accessory before the fact may be indicted, tried, convicted and punished in all respects as if a principal in the first degree; provided, however, that except in the case of a killing for hire under the provisions of subdivision A 2 of § 18.2-31 or a killing pursuant to the direction or order of one who is engaged in a continuing criminal enterprise under the provisions of subdivision A 10 of § 18.2-31 or a killing pursuant to the direction or order of one who is engaged in the commission of or attempted commission of an act of terrorism under the provisions of subdivision A 13 of § 18.2-31, an accessory before the fact or principal in the second degree to a ~~capital~~ *an aggravated* murder shall be indicted, tried, convicted and punished as though the offense were murder in the first degree.

§ 18.2-19. How accessories after the fact punished; certain exceptions.

Every accessory after the fact is guilty of (i) a Class 6 felony in the case of a homicide offense that is punishable by ~~death~~ or as a Class 1 or Class 2 felony or (ii) a Class 1 misdemeanor in the case of any other felony. However, no person in the relation of spouse, parent or grandparent, child or grandchild, or sibling, by consanguinity or affinity, or servant to the offender, who, after the commission of a felony, aids or assists a principal felon or accessory before the fact to avoid or escape from prosecution or punishment, shall be deemed an accessory after the fact.

§ 18.2-22. Conspiracy to commit felony.

(a) If any person shall conspire, confederate or combine with another, either within or ~~without this~~ *outside the Commonwealth*, to commit a felony within ~~this the~~ *the Commonwealth*, or if he shall so conspire, confederate or combine with another within ~~this the~~ *the Commonwealth* to commit a felony either within or ~~without this outside the~~ *outside the Commonwealth*, he shall be guilty of a felony ~~which that~~ shall be punishable as follows:

(1) Every person who so conspires to commit an offense ~~which that~~ is punishable ~~by death~~ shall be ~~as a Class 1 felony~~ is guilty of a Class 3 felony;

(2) Every person who so conspires to commit an offense ~~which that~~ is a ~~noncapital~~ any other felony ~~shall be~~ is guilty of a Class 5 felony; and

(3) Every person who so conspires to commit an offense the maximum punishment for which is confinement in a state correctional facility for a period of less than five years shall be confined in a state correctional facility for a period of one year, or, in the discretion of the jury or the court trying the case without a jury, may be confined in jail not exceeding ~~twelve~~ 12 months and fined not exceeding \$500, either or both.

(b) However, in no event shall the punishment for a conspiracy to commit an offense exceed the maximum punishment for the commission of the offense itself.

(c) Jurisdiction for the trial of any person accused of a conspiracy under this section shall be in the county or city wherein any part of such conspiracy is planned or in the county or city wherein any act is done toward the consummation of such plan or conspiracy.

(d) The penalty provisions of this section shall not apply to any person who conspires to commit any offense defined in the Drug Control Act (§ 54.1-3400 et seq.) or of Article 1 (§ 18.2-247 et seq.) of Chapter 7. The penalty for any such violation shall be as provided in § 18.2-256.

§ 18.2-25. Attempts to commit Class 1 felony offenses; how punished.

If any person attempts to commit an offense ~~which that~~ is punishable ~~with death~~ as a Class 1 felony, ~~he shall be~~ is guilty of a Class 2 felony.

§ 18.2-26. Attempts to commit felonies other than Class 1 felony offenses; how punished.

~~Every~~ Except as provided in § 18.2-25, every person who attempts to commit an offense ~~which that~~ is a ~~noncapital~~ felony shall be punished as follows:

(1) If the felony attempted is punishable by a maximum punishment of life imprisonment or a term of years in excess of twenty years, an attempt thereat shall be punishable as a Class 4 felony.

(2) If the felony attempted is punishable by a maximum punishment of twenty years' imprisonment, an attempt thereat shall be punishable as a Class 5 felony.

(3) If the felony attempted is punishable by a maximum punishment of less than twenty years' imprisonment, an attempt thereat shall be punishable as a Class 6 felony.

§ 18.2-30. Murder and manslaughter declared felonies.

Any person who commits ~~capital~~ aggravated murder, murder of the first degree, murder of the second degree, voluntary manslaughter, or involuntary manslaughter, ~~shall be~~ is guilty of a felony.

§ 18.2-31. Aggravated murder defined; punishment.

A. The following offenses shall constitute ~~capital~~ aggravated murder, punishable as a Class 1 felony:

1. The willful, deliberate, and premeditated killing of any person in the commission of abduction, as defined in § 18.2-48, when such abduction was committed with the intent to extort money or a pecuniary benefit or with the intent to defile the victim of such abduction;

2. The willful, deliberate, and premeditated killing of any person by another for hire;

3. The willful, deliberate, and premeditated killing of any person by a prisoner confined in a state or local correctional facility as defined in § 53.1-1, or while in the custody of an employee thereof;

4. The willful, deliberate, and premeditated killing of any person in the commission of robbery or attempted robbery;

5. The willful, deliberate, and premeditated killing of any person in the commission of, or subsequent to, rape or attempted rape, forcible sodomy, or attempted forcible sodomy or object sexual penetration;

6. The willful, deliberate, and premeditated killing of a law-enforcement officer as defined in § 9.1-101, a fire marshal appointed pursuant to § 27-30 or a deputy or an assistant fire marshal appointed pursuant to § 27-36, when such fire marshal or deputy or assistant fire marshal has police powers as set forth in §§ 27-34.2 and 27-34.2:1, an auxiliary police officer appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733, an auxiliary deputy sheriff appointed pursuant to § 15.2-1603, or any law-enforcement officer of another state or the United States having the power to arrest for a felony under the laws of such state or the United States, when such killing is for the purpose of interfering with the performance of his official duties;

7. The willful, deliberate, and premeditated killing of more than one person as a part of the same act or transaction;

8. The willful, deliberate, and premeditated killing of more than one person within a three-year period;

9. The willful, deliberate, and premeditated killing of any person in the commission of or attempted commission of a violation of § 18.2-248, involving a Schedule I or II controlled substance, when such killing is for the purpose of furthering the commission or attempted commission of such violation;

10. The willful, deliberate, and premeditated killing of any person by another pursuant to the direction or order of one who is engaged in a continuing criminal enterprise as defined in subsection I of § 18.2-248;

11. The willful, deliberate, and premeditated killing of a pregnant woman by one who knows that the woman is pregnant and has the intent to cause the involuntary termination of the woman's pregnancy without a live birth;

12. The willful, deliberate, and premeditated killing of a person under the age of 14 by a person age 21 or older;

13. The willful, deliberate, and premeditated killing of any person by another in the commission of or attempted commission of an act of terrorism as defined in § 18.2-46.4;

14. The willful, deliberate, and premeditated killing of a justice of the Supreme Court, a judge of the Court of Appeals, a judge of a circuit court or district court, a retired judge sitting by designation or under temporary recall, or a substitute judge appointed under § 16.1-69.9:1 when the killing is for the purpose of interfering with his official duties as a judge; and

15. The willful, deliberate, and premeditated killing of any witness in a criminal case after a subpoena has been issued for such witness by the court, the clerk, or an attorney, when the killing is for the purpose of interfering with the person's duties in such case.

B. For a violation of subdivision A 6 where the offender was 18 years of age or older at the time of the offense, the punishment shall be no less than a mandatory minimum term of confinement for life.

C. If any one or more subsections, sentences, or parts of this section shall be judged unconstitutional or invalid, such adjudication shall not affect, impair, or invalidate the remaining provisions thereof but shall be confined in its operation to the specific provisions so held unconstitutional or invalid.

§ 18.2-32. First and second degree murder defined; punishment.

Murder, other than ~~capital~~ *aggravated* murder, by poison, lying in wait, imprisonment, starving, or by any willful, deliberate, and premeditated killing, or in the commission of, or attempt to commit, arson, rape, forcible sodomy, inanimate or animate object sexual penetration, robbery, burglary or abduction, except as provided in § 18.2-31, is murder of the first degree, punishable as a Class 2 felony.

All murder other than ~~capital~~ *aggravated* murder and murder in the first degree is murder of the second degree and is punishable by confinement in a state correctional facility for not less than five nor more than forty years.

REPEALED AS OF JULY 1, 2021

MAY NOW BE SCORED AS AN ADDITIONAL OFFENSE ON SENTENCING GUIDELINES, BUT THE RECOMMENDATION **WILL NOT** REFLECT A TYPICAL SENTENCE.

GUIDELINES HAVE NOT ANALYZED SENTENCING EVENTS THAT INCLUDED A CONVICTION FOR A CAPITAL OFFENSE.



Description	VCC	Statute	Penalty	MM
MARIJUANA				
Also see Narcotics				
Cultivation				
Possess between 5 to 10 marijuana plants, first offense	MRJ-1902-S9	§4.1-1101	Civil Fine	
Possess between 5 to 10 marijuana plants, second offense	MRJ-1903-M3	§4.1-1101	Fine	
Possess between 5 to 10 marijuana plants, third/subsequent offense	MRJ-1904-M2	§4.1-1101	0-6M	
Possess between 11 to 49 marijuana plants	MRJ-1905-M1	§4.1-1101	0-12M	
Possess between 50 to 100 marijuana plants	MRJ-1906-F6	§4.1-1101	1Y-5Y	
Possess more than 100 marijuana plants	MRJ-1907-F9	§4.1-1101	1Y-10Y	
Distribution				
See Narcotics, Marijuana				
First Offender Statute				
Violation of § 4.1-1120; original offense - felony	MRJ-1920-F9	§4.1-1120		
Violation of § 4.1-1120; original offense - misdemeanor	MRJ-1919-M9	§4.1-1120		
Motor Vehicle				
Driving, consume or use marijuana while	MRJ-1910-M4	§4.1-1107	Fine	
Passenger in vehicle, consume or use marijuana while a	MRJ-1911-M4	§4.1-1107	Fine	
Motor Vehicle, For Hire				
Carry marijuana in vehicle used for transporting passengers	MRJ-1918-M1	§4.1-1112	0-12M	
Possession				
Possess >1 ounce to 1 pound of marijuana	MRJ-1900-S9	§4.1-1100(B)	Civil Fine	
Possess more than 1 pound of marijuana	MRJ-1901-F9	§4.1-1100(C)	1Y-10Y	
Public Place				
Use marijuana in public place, first offense	MRJ-1912-S9	§4.1-1108	Civil Fine	
Use marijuana in public place, second offense	MRJ-1913-S9	§4.1-1108	Civil Fine	
Use marijuana in public place, third/subsequent offense	MRJ-1914-M4	§4.1-1108	Fine	
School Bus				
Possess or consume marijuana on school bus while transporting children	MRJ-1917-M1	§4.1-1110	0-12M	
School Property				
Consume or serve marijuana on school grounds after school hours	MRJ-1916-M2	§4.1-1109(B)	0-6M	
Possess or consume marijuana on school grounds during school hours	MRJ-1915-M2	§4.1-1109(A)	0-6M	
Under 21 Years Old				
Possess, consume, etc., marijuana under age 18	MRJ-1909-J9	§4.1-1105(C)		
Possess, consume, etc., marijuana under age 21	MRJ-1908-S9	§4.1-1105.1(B)	Civil Fine	

Robbery

§ 18.2-58. Robbery; penalties.

~~If any~~ A. For the purposes of this section, "serious bodily injury" means the same as that term is defined in § 18.2-51.4.

~~B. Any person commit who commits robbery by partial strangulation, or suffocation, or by striking or beating, or by other violence to the person, or by assault or otherwise putting a person in fear of serious bodily harm, or by the threat or presenting of firearms, or other deadly weapon or instrumentality whatsoever, he shall be~~ is guilty of a felony and shall be punished by confinement in a state correctional facility for life or any term not less than five years as follows:

1. Any person who commits robbery and causes serious bodily injury to or the death of any other person is guilty of a Class 2 felony.

2. Any person who commits robbery by using or displaying a firearm, as defined in § 18.2-308.2:2, in a threatening manner is guilty of a Class 3 felony.

3. Any person who commits robbery by using physical force not resulting in serious bodily injury or by using or displaying a deadly weapon other than a firearm in a threatening manner is guilty of a Class 5 felony.

4. Any person who commits robbery by using threat or intimidation or any other means not involving a deadly weapon is guilty of a Class 6 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

§ 16.1-269.1. Trial in circuit court; preliminary hearing; direct indictment; remand.

The juvenile court shall conduct a preliminary hearing whenever a juvenile 16 years of age or older is charged with murder in violation of § 18.2-33; felonious injury by mob in violation of § 18.2-41; abduction in violation of § 18.2-48; malicious wounding in violation of § 18.2-51; malicious wounding of a law-enforcement officer in violation of § 18.2-51.1; felonious poisoning in violation of § 18.2-54.1; adulteration of products in violation of § 18.2-54.2; [robbery in violation of subdivision B 1 or 2 of § 18.2-](#)

§ 1-239. Repeal not to affect liabilities; mitigation of punishment. — No new act of the General Assembly shall be construed to repeal a former law, as to any offense committed against the former law, or as to any act done, any penalty, forfeiture, or punishment incurred, or any right accrued, or claim arising under the former law, or in any way whatever to affect any such offense or act so committed or done, or any penalty, forfeiture, or punishment so incurred, or any right accrued, or claim arising before the new act of the General Assembly takes effect; except that the proceedings thereafter held shall conform, so far as practicable, to the laws in force at the time of such proceedings; and if any penalty, forfeiture, or punishment be mitigated by any provision of the new act of the General Assembly, such provision may, with the consent of the party affected, be applied to any judgment pronounced after the new act of the General Assembly takes effect. (Code 1919, § 6, § [1-16](#); 2005, c. 839.)

EFFECTIVE JULY 1, 2021 – SENTENCING GUIDELINES FOR § 18.2-58 SUSPENDED

THE DEFINITION FOR SERIOUS BODILY INJURY IS DIFFERENT FROM THE SENTENCING GUIDELINES DEFINITION FOR SCORING VICTIM INJURY.

GUIDELINES MUST BE COMPLETED FOR CARJACKING (§ 18.2-58.1) AND THE CASE DETAILS WORKSHEET MUST BE COMPLETED FOR EVERY ROBBERY THAT OCCURRED BEFORE AND AFTER JULY 1, 2021 (§ 18.2-58, 18.2-58.1).

Sentencing Guidelines - Case Details Worksheet

Enter information for all the offenses in the current sentencing event.

SWIFT will populate the SWIFT/DCN Number field. Otherwise, please leave blank.

1. Defendant's Name: Enter Last, First, Middle and Suffix & SWIFT Number

2. Defendant Information (Based on Defendant's Identification)

Gender – M=Male, F=Female, T=Transgender, U=Undetermined, D=Declined

Race – AN=American Indian/Alaska Native, AS=Asian, BL=Black, AA=African American, PI=Native Hawaiian or Other Pacific Islander, W=White, O=Other, M=Multiracial, U=Undetermined, D=Declined

Ethnicity – H=Hispanic or Latino, NH=Not Hispanic or Latino, U=Undetermined, D=Declined

Age – Enter the defendant's age at time of the earliest offense in the sentencing event

Handicapped

No – defendant was not physically handicapped at the time of the offense

Yes- defendant was physically handicapped at the time of the offense. Physical handicapped means defendant had loss of limb, loss of eyesight, loss of hearing, full or partial paralysis of any portion of the body or severe mental disability.

3. Type of Counsel:

Retained – any private attorney retained by the defendant

Court Appointed – any private attorney appointed by the judge

Public Defender – any public defender appointed by the judge

Other – defendant serves as own counsel or any other type of counsel

4. Pretrial Status (mark all that apply):

Secured Bond - defendant has guaranteed presence in court for trial by posting a monetary or property pledge. Non-appearance in court will mean forfeiture of said bond. Must be a secured bond.

Unsecured bond – defendant signs a contract or agrees to go to court with the promise to pay the agreed amount for non-appearance.

Own Recognizance - defendant signs a promise to appear in court for trial without having to pledge anything of value to be forfeited upon non-appearance

Confinement – detention in jail or any secured facility

Third-Party Release – non-bond release where another person or organization maintains responsibility for offender's appearance in court.

Unknown – mark if pretrial status cannot be decided for this court.

5. Pretrial Supervision by Pretrial Services Agency

No - defendant was not ordered by the court to participate in pretrial supervision or pretrial programs provided by a pretrial services agency.

Yes - defendant was ordered by the court to participate in pretrial supervision or a pretrial program provided by a pretrial services agency and complied with the order.

Yes, Ordered but Did Not Complete/Attend - defendant was ordered by the court to participate in pretrial supervision or a pretrial program provided by a pretrial services agency and failed to fully comply with the order.

6. Post-trial Status *(mark all that apply):*

Secured Bond - defendant has guaranteed presence in court for trial by posting a monetary or property pledge. Non-appearance in court will mean forfeiture of said bond. Must be a secured bond.

Unsecured bond – defendant signs a contract or agrees to go to court with the promise to pay the agreed amount for non-appearance.

Own Recognizance - defendant signs a promise to appear in court for trial without having to pledge anything of value to be forfeited upon non-appearance

Confinement – detention in jail or any secured facility

Third-Party Release – non-bond release where another person or organization maintains responsibility for offender's appearance in court.

Unknown – mark if posttrial status cannot be decided for this court.

7. Source of Bond *(mark all that apply):*

Personal – defendant has paid specific bail amount

Family – a member of the defendant's family posts the monetary amount set by the court

Other – friends, associates, etc., post the monetary amount set by the court

Bonding Company – a person, licensed, who pledges to pay a certain amount of money should the offender fail to appear in court

N/A – mark if pretrial status is marked confinement, own recognizance, unsecured bond or third-party release.

Unknown – mark if source of bond cannot be decided for this court.

8. Total Time Served Prior to Sentencing:

Enter the sum of pretrial time and posttrial time served in a jail or secured facility prior to sentencing for the current offense.

9. Number of Codefendants:

Enter the number of codefendants. A codefendant is defined as anyone who participates in contemporaneous criminal acts or occurrences or in a series of such acts or occurrences. The defendants do not have to be indicted or convicted of the same crime(s).

10. Legal Status at Time of Offense (for any offense in the sentencing event) *Check all that apply:*

Escaped – defendant had absconded from incarceration, work release or furlough

Inmate – offender was serving a sentence of incarceration

Mandatory Parole – defendant was released from incarceration on mandatory parole

Discretionary Parole – defendant was released from incarceration at the discretion of a parole board or parole authority

Geriatric Release – defendant was released from incarceration based on advanced age. In Virginia, mark this box if the defendant was released as authorized under § 53.1-40-01.

Post-Release Supervision - defendant was released on a period of post-release supervision established by the court at the time of sentencing (§ 19.2-295.2).

Probation – defendant was under active state or local supervision for a previous conviction. Included is a defendant on probation supervision for first offender or a deferred finding of guilt.

Bond – defendant was released on a secured bond while awaiting trial for pending charges.

Recognizance/Unsecured Bond – defendant was at liberty based on a promise to appear in court for trial without a pledge to forfeit anything of value for non-appearance. This also includes a defendant released on an unsecured bond.

Community Program – defendant was participating in a community, religious, and/or nonprofit program at the direction of the court.

Pre-Trial Supervision – defendant was released to pretrial supervision while awaiting trial for pending charges (§ 19.2-123).

Good Behavior – defendant was released with the direction to be of good behavior and not to violate any federal, state or local laws or ordinance. This includes defendants released on unsupervised probation.

Juvenile Probation - defendant was under active state or local juvenile supervised probation for a previous delinquent or status adjudication.

Juvenile Parole - defendant was under active state or local juvenile supervised parole after serving a sentence in a secured juvenile facility

Summons – defendant was at liberty at the time of the offense but was under written order to appear in court at a specified time to answer charges.

Other – refers to any legal restraint imposed on a defendant, implied or specific, that directs the defendant to obey all federal, state and local laws. This includes, but is not limited to, outstanding detainers or warrants (known or unknown by the offender), charges under advisement and any form of community control not mentioned in any of the other categories. (Please specify)

None – defendant was under no legal restraint at the time of the offense.

11. Weapon Use: *(Select the most serious use of a weapon for any offense in the sentencing event)*

None – no weapon possessed, or no weapon used to injure or threaten. Includes body parts in unmodified clothing and accessories.

Possessed – the weapon was in the possession of the defendant, but was not used, displayed, brandished or used to threaten the victim.

Used to Injure – a weapon was used to injure (hit, stab, shoot, cut, etc.).

Used to Threaten – victim reasonably believed that a weapon was present, victim reasonably believed that a weapon in the defendant's possession or in the structure or vehicle would be used, the defendant threatened the use of a weapon or a weapon was displayed or brandished.

12. Weapon Type: (Identify the type of weapon used, brandished, threatened or possessed from the victim's perspective for any offense in the event) *Check all that apply:*

Firearm – gun, rifle, etc.

Knife – a cutting or stabbing instrument with a sharp blade or any object used to cut or stab.

Explosive – anything capable of causing an explosion or fire.

Simulated/Feigned Weapon – a false impression given that there is a weapon present (e.g., fingers, or object used to project an image a weapon was present).

Blunt Object – a heavy object without a sharp edge or point that is used as a weapon and is not specifically found elsewhere on this list. This category includes stationary objects that are used as weapons.

Note/Verbal – a note or verbal comments that give the impression there is a weapon present.

Vehicle - an automobile, truck, motorcycle or other motorized vehicle.

Animal – any animal that is used to inflict injury or to threaten a victim.

Other – anything not covered in the above categories (Please specify).

N/A – mark if no weapon was used, threatened or possessed.

13. Offender's Role

Alone – no other individual involved.

Leader – according to court documents, the defendant was clearly identified as the instigator of a crime in the sentencing event or the one who imposed the most damage or inflicted the most serious injuries to a victim.

Accomplice – one or more persons involved in the crime with coequal responsibility (i.e., no clearly defined leader or instigator) or was not identified as the leader.

Police Officer/ LEO: any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision, or any full-time or part-time employee of a private police department, who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth (§ 9.1-101).

Not Determined – court records do not specify if one or more persons were actively involved.

14. Value of Property Taken/Damaged:

From the current convictions, identify the most expensive item that was taken, or the highest amount of damage inflicted. Then enter the sum of all the property taken and damaged from the current convictions. Do not include the value for any offense that did not result in a conviction or is not included in the current sentencing event.

15. Location: Identify the place where the offense(s) took place. If there are multiple locations, check all that apply.

Bank - Any financial institution licensed to receive deposits and make loans.

Business –An organization or enterprising entity engaged in commercial, industrial, or professional activities (includes any valid company, retail outlet, industry or store).

Residence – A dwelling where someone lives. Residence includes any apartment, house, hotel, mobile home, motor homes, etc., that serves as someone's residence. It may be a temporary or permanent

residence. Buildings on the property or attached to the residence, such as storage buildings and garages. If the home or structure is abandoned, identify the location as other. Identify the location as automobile for individuals living in a vehicle.

Street/Outside –Any public area, such as a park, forest, city street, stadium, swimming pool, covered picnic area, porch, deck, gazebo, front yard, back yard or walkway to the residence. Outdoors is identified as the location any time an offense occurs in the open air where the sky is visible.

Automobile – Identify the automobile as the location if any part of the offense took place inside a motor vehicle. Examples include a car, truck, bus or trailer attached to a motor vehicle.

Other – Other structures not listed in other categories. Other locations include but are not limited to: airplane, train, tent, warehouse, storage facility that is not part of a residence or business, parking deck, public restroom that is not part of a business, highway rest area structure, vacant house or building, jail, prison, hospital or treatment facility. Also, include internet offense under the other location.

N/A – If the location is not available or not applicable, mark the N/A box. There are offenses such as fraud, health, trade conspiracies and solicitations that may not have a specific location. In such case, mark the N/A box.

16. Injury to Victim: Complete this factor for injury to the victim whether it was the defendant, codefendant or uncharged assailant who did the injuring. If there is injury to more than one victim, complete the information for the most seriously injured person.

Death – victim died because of the injury

Life Threatening - victim sustained an injury involving a substantial risk of death or an injury that resulted in a permanent physical disability. Being hospitalized, by itself, is not an indicator that life-threatening injury should be marked. A life threatening injury includes injuries where the victim could have died without the extensive intervention of medical treatment (e.g., the patient required a lifesaving procedure such as surgery to repair internal injuries that result in the permanent impairment of an organ, removal of an organ or limb, a tracheotomy, a chest tube for a collapsed lung, surgery for a head trauma, cardiopulmonary resuscitation (CPR), or was comatose). Ongoing health care that utilizes mechanical or other artificial means to sustain, restore, or supplant a spontaneous vital function is scored as life-threatening. Life threatening injury includes permanent disability injuries that result in the loss or major and permanent impairment of any limb or organ (e.g., becoming HIV positive, pregnant, loss of limb, paralysis, or blindness because of the crime).

Serious Physical – victim sustained an injury that was described in an official report (e.g., police report). Victim was treated for non-life-threatening injuries that resulted in slight impairments to any limb or organ. (e.g., broken bones, injuries requiring stitches, hospitalization or surgery for non-life-threatening injuries).

Physical – victim sustained an injury that was described in an official report (e.g., police report). Victim treated with first aid, "treated in the emergency room," "held for observation," "treated and released" for injuries that had no long-term impact of the victim's health or mobility and/or did not cause impairment of any limb or organ (e.g., bruising, scratches, minor cuts, abrasions, etc.)

Emotional - victim sustained any emotional injury requiring any form of mental health care, psychiatric, psychological, or any other type of counseling. Rape crisis hotlines,

conferences with clergy, or school guidance counselors are considered forms of counseling, but the contact with a counselor or hotline must be verified by someone other than the victim or victim's family.

Threatened - defendant or a codefendant threatened to injure the victim with a weapon, strong-arm tactics were used without inflicting physical injury, or the victim felt intimidated at the time of the

offense but suffered no long term emotional or physical effects. Mark this box if the victim reasonably felt the fear of impending danger. Threatened injury is scored from the victim's perspective. How the threat is delivered (e.g., by letter, text, through an intermediary, etc.) has no impact on assigning points for threatened injury.

None – No human victim

17. Victim Relationship to Offender

None/Stranger – victim was a total stranger to the offender

Known – victim had some basic knowledge of the defendant, met just before the offense or met on the internet, coworker, etc.

Friend – victim was a friend or an acquaintance of the defendant. There was a more extensive relationship than just knowing the defendant.)

Family – victim was a member of the offender's extended family (relationship by blood, marriage or adoption, aunts, uncles, cousins, etc.)

Police Officer/LEO – victim was any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision, or any full-time or part-time employee of a private police department, who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth (§ 9.1-101).

Other – Other than listed in the other categories (e.g., teacher, parent's mate, probation officer, correctional officer, a person injured during an interaction with law enforcement, etc.) Please specify.

18. Victim Information

Gender – M=Male, F=Female, T=Transgender, U=Undetermined, D=Declined

Race – AN=American Indian/Alaska Native, AS=Asian, BL=Black, AA=African American, PI=Native Hawaiian or Other Pacific Islander, W=White, O=Other, M=Multiracial, U=Undetermined, D=Declined

Ethnicity – H=Hispanic or Latino, NH=Not Hispanic or Latino, U=Undetermined, D=Declined

Age – Enter the victim's age at time of the first offense in the sentencing event. If there are multiple victims use the age of the youngest victim.

Victim Handicapped

No – victim was not physically handicapped at the time of the offense.

Yes- victim was physically handicapped at the time of the offense. Physical handicapped means victim had loss of limb, loss of eyesight, loss of hearing, full or partial paralysis of any portion of the body or severe mental disability.

N/A – official court documents including police reports and victim impact statements do not indicate whether the victim is handicapped or not.

19. Type of Primary Drug & Quantity

Enter the type of drug (use drop down list in SWIFT or enter name of drug) and enter the quantity of the primary drug. For multiple counts involving the same type of drug, sum the weight of all the drugs from each count. The primary drug is the drug that carries the highest statutory maximum for possession or distribution. If there is a tie based on the statutory maximums, select the type of drug based on the largest quantity.

20. Number of Felony Juvenile Adjudications

If the defendant has only misdemeanors or status offenses and no felony delinquent offenses, enter zero. Refer to Appendix E in the Guidelines Manual for definitions of person, property, drug and other crimes.

21. Other Factors Know at Time of Sentencing *(Check all that apply)*

Please first identify the source of the information for the information below. Identify if the defense attorney, defendant, attorney for the Commonwealth or probation officer provided the information. If the information was identified in a presentence investigation, mark the PSI/PSR box. No interview is needed, but the answers must reflect the most accurate information known or identified by the person providing the information to the preparer for use in completing the guidelines.

a. Drug Abuse:

Mark "Yes" if the defendant admitted, a family member confirmed, or a drug issue was documented in an official report. Also identify if any treatment was completed or started before the offense and/or after the arrest. If various issues are treated by one program, check all the issues that were treated by the one program. If the defendant is in a program prior to the offense and either continues the program or completes treatment after the arrest, check both boxes (i.e., prior to offense and after arrest)).

b. Alcohol Abuse:

Mark "Yes" if the defendant admitted, a family member confirmed, or an alcohol issue was documented in an official report. Also identify if any treatment was completed or started before the offense and/or after the arrest. If various issues are treated by one program, check all the issues that were treated by the one program. If the defendant is in a program prior to the offense and either continues the program or completes treatment after the arrest, check both boxes (i.e., prior to offense and after arrest)).

c. Mental Health Issues:

Mark "Yes" if the defendant admitted, a family member confirmed, or a mental health issue was documented in an official report. Also identify if any treatment was completed or started before the offense and/or after the arrest. If various issues are treated by one program, check all the issues that were treated by the one program. If the defendant is in a program prior to the offense and either continues the program or completes treatment after the arrest, check both boxes (i.e., prior to offense and after arrest)).

d. Under the Influence of Drugs/Alcohol at the Time of the Offense

Mark "Yes" if it is documented in official reports that the defendant was under the influence of any substance or alcohol at the time of the offense. (This includes drugs that were prescribed by a physician.)

e. Employment (Last 2 Years from date of the offense):

Mark the box for "Full or part time for at least 18 months" if the defendant, in the past two years prior to the date of the offense, was employed full or part-time for 18 months or more and had no more than two job changes (or three jobs in the two-year period).

If the conditions for full time or part time employment are not satisfied, mark the appropriate box if the defendant does not have full or part time employment but falls in one of these categories: Full-time student, stay-at-home spouse/parent, retired, disabled or unemployed/unstable.

Mark unemployed/not stable if the defendant only had odd jobs, had three job changes (four different jobs in the two-year period) or the defendant's work record was not documented.

f. Housing (Last 2 Years from date of the offense):

Mark the box for "Stable/Same Residence" if the defendant, in the past two years prior to the date of the offense, has resided at the same residence for one year or more. Do not mark the box if the defendant resided at multiple locations for less than one year.

Mark the box for "Multiple Changes" if the defendant, in the past two years prior to the date of the offense, has resided at multiple locations for less than one year each.

Mark the box for homeless if the defendant was homeless at the time of the offense.

g. Provides Support:

If the defendant provided financial support or cared for family members or other acquaintance at the time of arrest or currently is providing support, enter the number of people supported or partially supported by the defendant.

h. Education:

Identify the highest education achieved (completed) by the time of sentencing: Less than High School, High School/GED, Technical Training, Some College (did not receive a degree), College Degree (e.g., AA, BA, etc.) or Post-graduate/Professional (e.g., MA, Ph.D. attorney, doctor, etc.)

In addition, mark "Y" if the defendant is currently enrolled in school, college or technical training.

i. Military:

Mark the appropriate box for military status at the time of the offense: Active, Reserve, Honorable Discharge, Undesirable Discharge, Medical Discharge, General Discharge (includes other than honorable), or Bad Conduct Discharge.

j. Defendant's Response: (*Mark all that apply*) - Accepts Responsibility (Defendant takes some action to resolve or address the issue such as paying restitution, seeking counseling, etc.), Remorseful (based on the defendant's actions, comments and demeanor), Paid All or Part Restitution, Sought Treatment, or Developed Rehabilitation Plans.

k. Other: Identify any other information that will be useful in structuring an appropriate sentence for this defendant.



Sentencing Guidelines

Case Details Worksheet

SWIFT/DCN: _____

1. Defendant's Name: _____

2. Defendant Information: Gender: _____ Race: _____ Ethnicity: _____ Age: _____ Handicapped: _____

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

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

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

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

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

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

9. Number of Codefendants: _____

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

- | | | | |
|---|---|--|--|
| <input type="checkbox"/> Escaped | <input type="checkbox"/> Inmate | <input type="checkbox"/> Mandatory Parole | <input type="checkbox"/> Discretionary Parole |
| <input type="checkbox"/> Geriatric Release - § 53.1-40.01 | <input type="checkbox"/> Post Release - §19.2-295.2 | <input type="checkbox"/> Probation | <input type="checkbox"/> Bond |
| <input type="checkbox"/> Recognizance | <input type="checkbox"/> Community Program | <input type="checkbox"/> Pre-Trial Supervision | <input type="checkbox"/> Good Behavior |
| <input type="checkbox"/> Juvenile Probation | <input type="checkbox"/> Juvenile Parole | <input type="checkbox"/> Summons | <input type="checkbox"/> Other _____ <input type="checkbox"/> None |

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

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

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

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

15. Location: ☐ Bank ☐ Business ☐ Residence ☐ Street/Outside ☐ Automobile ☐ Other _____ ☐ N/A

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

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

18. Victim Information: Gender: _____ Race: _____ Ethnicity: _____ Age: _____ Handicapped: _____

19. Type of Primary Drug: _____ Quantity of Primary Drug: _____

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

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

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

Yes Treatment: (in or completed treatment)

a. Drug abuse (admitted, family information, documented in reports) ☐ prior to offense ☐ after arrest

b. Alcohol abuse (admitted, family information, documented in reports) ☐ prior to offense ☐ after arrest

c. Mental health issues (admitted, family information, documented in reports) ☐ prior to offense ☐ after arrest

d. Under the Influence of drugs/alcohol at the time of the offense ☐

e. Employment (Last 2 years): ☐ Full or part-time for at least 18 months ☐ Full-time student ☐ Disabled
☐ Stay-at-home spouse/parent ☐ Retired ☐ Unemployed/Not stable

f. Housing (Last 2 years): ☐ Stable/same residence 1+ yrs ☐ Multiple Changes ☐ Homeless at the time of the offense

g. Provides support: Enter Number dependents or family members supported _____

h. Education: ☐ Less than High school ☐ High school/GED ☐ Technical Training ☐ Some College
☐ College Degree ☐ Post-graduate/Professional ☐ Currently Enrolled (School, College Training)

i. Military: ☐ Active ☐ Reserve ☐ Honorably Discharged ☐ Undesirable Discharge
☐ Medical Discharge ☐ General Discharge ☐ Bad Conduct Discharge

j. Defendant's Response: ☐ Accepts Responsibility ☐ Sought Treatment ☐ Developed Rehabilitation Plans
☐ Remorseful ☐ Paid All or Part Restitution

k. Other: _____

Case Details Worksheet Case Example:

Instructions are on pages 17-24 and a copy of the case details worksheet is in the folder.

Defendant: Johnny Bieber- White Male, Non-Hispanic, age 35.

Current Offenses at Sentencing:

§ 18.2-91 (BUR-2213-F9) Burglary of a Dwelling w/ intent to commit larceny, etc. (1-20 years)

§ 18.2-95 (LAR-2359-F9) Grand Larceny - >\$1000 not from person (1-20 years)

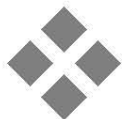
According to court records, on April 21, 2022, at around midnight, Johnny Bieber entered the residence of Christopher Walker by forcing open the back door located in the kitchen. Mr. Walker was sleeping in his bedroom on the second floor, and his 9 year old daughter was sleeping on the couch in the family room on the first floor. Mr. Walker's wife was away visiting family. Mr. Walker was awakened by some noise and came downstairs to investigate. As Mr. Walker entered the family room he saw the defendant coming out of the kitchen with his daughter's MacBook Pro laptop, which had been on the kitchen table, under his arm. Mr. Walker yelled at Mr. Bieber, grabbed a bat that he kept in the hall closet and struck the defendant on the shoulder. The defendant pulled a pistol out of his waistband and pointed it at Mr. Walker. Mr. Walker struck Mr. Bieber a second time causing Mr. Bieber to drop the pistol. The commotion woke Mr. Walker's daughter, who began to scream and cry. Mr. Bieber fled through the back door with the laptop. As he was fleeing he pushed Mr. Walker's daughter out of his way causing her to hit the edge of the doorway into the kitchen. Mr. Walker's daughter suffered a cut to her lip and some minor bruising as a result.

Both Mr. Walker and his daughter recognized Mr. Bieber as an employee for a contractor he had recently hired to complete renovation work to his house. Mr. Bieber was arrested on April 27, 2022 at his home and bonded out on an unsecured bond that same day. In his statement to police he said he did not think that anyone was home at the time, and he had broken into the home to steal items he could sell to purchase drugs. He further stated he had been using drugs the day of the burglary, and he apologized for hurting a child. The laptop was never recovered. The MacBook Pro, which Mr. Walker had purchased from the Apple store just two days prior to the burglary, was valued at \$2300.00. The cost to repair the kitchen door was \$375.00.

Mr. Bieber is being represented by the Public Defender's Office. On June 15, 2022 the subject entered a plea of guilty and a sentencing hearing was scheduled for August 15, 2022 pending completion of a Presentence Report. His bond was also revoked and he was taken into custody. He remains incarcerated while awaiting sentencing.

Mr. Bieber's prior record consisted of one prior arrest for Possession of a Schedule I/II Drug from 2014 for which he was placed on First Offender Status. He successfully completed all requirements of probation, including substance abuse counseling and the charge was dismissed in 2016.

According to information provided by defense counsel, Mr. Bieber had been residing with his mother for the past five years and was employed full time up until his arrest for the current offenses. He is a high school graduate and has completed technical training in carpentry. He is divorced and pays child support for two children. Neither of the victims nor the defendant were physically handicapped.



Sentencing Guidelines

Case Details Worksheet

SWIFT/DCN: _____

1. Defendant's Name: _____

2. Defendant Information: Gender: _____ Race: _____ Ethnicity: _____ Age: _____ Handicapped: _____

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

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

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

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

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

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

9. Number of Codefendants: _____

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

- | | | | |
|---|---|--|--|
| <input type="checkbox"/> Escaped | <input type="checkbox"/> Inmate | <input type="checkbox"/> Mandatory Parole | <input type="checkbox"/> Discretionary Parole |
| <input type="checkbox"/> Geriatric Release - § 53.1-40.01 | <input type="checkbox"/> Post Release - §19.2-295.2 | <input type="checkbox"/> Probation | <input type="checkbox"/> Bond |
| <input type="checkbox"/> Recognizance | <input type="checkbox"/> Community Program | <input type="checkbox"/> Pre-Trial Supervision | <input type="checkbox"/> Good Behavior |
| <input type="checkbox"/> Juvenile Probation | <input type="checkbox"/> Juvenile Parole | <input type="checkbox"/> Summons | <input type="checkbox"/> Other _____ <input type="checkbox"/> None |

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

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

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

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

15. Location: ☐ Bank ☐ Business ☐ Residence ☐ Street/Outside ☐ Automobile ☐ Other _____ ☐ N/A

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

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

18. Victim Information: Gender: _____ Race: _____ Ethnicity: _____ Age: _____ Handicapped: _____

19. Type of Primary Drug: _____ Quantity of Primary Drug: _____

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

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

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

Yes

Treatment: (in or completed treatment)

a. Drug abuse (admitted, family information, documented in reports) ☐ ☐ prior to offense ☐ after arrest

b. Alcohol abuse (admitted, family information, documented in reports) ☐ ☐ prior to offense ☐ after arrest

c. Mental health issues (admitted, family information, documented in reports) ☐ ☐ prior to offense ☐ after arrest

d. Under the Influence of drugs/alcohol at the time of the offense ☐

e. Employment (Last 2 years): ☐ Full or part-time for at least 18 months ☐ Full-time student ☐ Disabled
☐ Stay-at-home spouse/parent ☐ Retired ☐ Unemployed/Not stable

f. Housing (Last 2 years): ☐ Stable/same residence 1+ yrs ☐ Multiple Changes ☐ Homeless at the time of the offense

g. Provides support: Enter Number dependents or family members supported _____

h. Education: ☐ Less than High school ☐ High school/GED ☐ Technical Training ☐ Some College
☐ College Degree ☐ Post-graduate/Professional ☐ Currently Enrolled (School, College Training)

i. Military: ☐ Active ☐ Reserve ☐ Honorably Discharged ☐ Undesirable Discharge
☐ Medical Discharge ☐ General Discharge ☐ Bad Conduct Discharge

j. Defendant's Response: ☐ Accepts Responsibility ☐ Sought Treatment ☐ Developed Rehabilitation Plans
☐ Remorseful ☐ Paid All or Part Restitution

k. Other: _____

Substantial Assistance, Acceptance of Responsibility or Expression of Remorse



Final Disposition Fill In After Sentence Has Been Pronounced

☐ **Modification of Recommendation Based on Substantial Assistance, Acceptance of Responsibility or Expression of Remorse**

The decision to modify the guidelines recommendation must be made by the judge. If the recommended low end is 3 years or less, the low end is adjusted to no incarceration. If recommended low end is more than 3 years, the low end is reduced by 50%.

If accepted by the court the

Adjusted Range is: _____ **TO** _____
Years Months Days Years Months Days

If a judge determines at sentencing that the defendant provided substantial assistance, accepted responsibility or expressed remorse, the low end of the guidelines recommended range will be adjusted. If the calculated low end of guidelines range is three years or less, the low end of the guidelines range will be reduced to zero. If the calculated low end of the guidelines range is more than three years, the low end of the guidelines range will be reduced by 50%. The midpoint and the high end of the Sentencing Guidelines range will remain unchanged. The changes to the guidelines allow the judge the option to consider the defendant's substantial assistance, acceptance of responsibility or expression of remorse, and still be in concurrence with the guidelines.

THE DECISION TO MODIFY THE GUIDELINES RECOMMENDATION BASED ON THE DEFENDANT'S ASSISTANCE, ACCEPTANCE OF RESPONSIBILITY OR REMORSE **MUST BE MADE BY THE JUDGE** AT SENTENCING.

IF THE JUDGE FINDS THAT THE DEFENDANT MEETS THE CRITERIA, NO CHANGE IS MADE TO THE TRADITIONAL RECOMMENDATION ON THE FRONT OF THE COVER SHEET. THE JUDGE NEED ONLY CHECK THE BOX ON THE FINAL DISPOSITION SHEET.

Probation, Good Behavior, & Suspended Sentence Violations

(Selected Statutes)

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-303, 19.2-303.1, and 19.2-306 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 19.2-306.1 as follows:

§ 19.2-303. Suspension or modification of sentence; probation; taking of fingerprints and blood, saliva, or tissue sample as condition of probation.

After conviction, whether with or without jury, the court may suspend imposition of sentence or suspend the sentence in whole or part and in addition may place the defendant on probation under such conditions as the court shall determine, including monitoring by a GPS (Global Positioning System) tracking device, or other similar device, or may, as a condition of a suspended sentence, require the defendant to make at least partial restitution to the aggrieved party or parties for damages or loss caused by the offense for which convicted, or to perform community service, or both, under terms and conditions which shall be entered in writing by the court. *The court may fix the period of probation for up to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned. Any period of supervised probation shall not exceed five years from the release of the defendant from any active period of incarceration. The limitation on the period of probation shall not apply to the extent that an additional period of probation is necessary (i) for the defendant to participate in a court-ordered program or (ii) if a defendant owes restitution and is still subject to restitution compliance review hearings in accordance with § 19.2-305.1.* The defendant may be ordered by the court to pay the cost of the GPS tracking device or other similar device. If, however, the court suspends or modifies any sentence fixed by a jury pursuant to § 19.2-295, the court shall file a statement of the reasons for the suspension or modification in the same manner as the statement required pursuant to subsection B of § 19.2-298.01.

§ 19.2-306. Revocation of suspension of sentence and probation.

A. In any case in which the court has suspended the execution or imposition of sentence, the court may revoke the suspension of sentence for any cause the court deems sufficient that occurred at any time within the probation period, or within the period of suspension fixed by the court. If neither a probation period nor a period of suspension was fixed by the court, then the court may revoke the suspension for any cause the court deems sufficient that occurred within the maximum period for which the defendant might originally have been sentenced to be imprisoned.

B. The court may not conduct a hearing to revoke the suspension of sentence unless the court issues process to notify the accused or to compel his appearance before the court within *90 days of receiving notice of the alleged violation or within one year after the expiration of the period of probation or the period of suspension, whichever is sooner*, or, in the case of a failure to pay restitution, within three years after such expiration. If neither a probation period nor a period of suspension was fixed by the court, then the court shall issue process within *one year six months* after the expiration of the maximum period for which the defendant might originally have been sentenced to be incarcerated. Such notice and service of process may be waived by the defendant, in which case the court may proceed to determine whether the defendant has violated the conditions of suspension.

C. If the court, after hearing, finds good cause to believe that the defendant has violated the terms of suspension, then: *(i) if the court originally suspended the imposition of sentence, the court shall revoke the suspension, and the court may pronounce whatever sentence might have been originally imposed or (ii) if the court originally suspended the execution of the sentence, the court shall revoke the suspension and the original sentence shall be in full force and effect revoke the suspension and impose a sentence in accordance with the provisions of § 19.2-306.1.* The court may again suspend all or any part of this sentence for a period up to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned, less any time already served, and may place the defendant upon terms and conditions or probation. *The court shall measure the period of any suspension of sentence from the date of the entry of the original sentencing order. However, if a court finds that a defendant has absconded from the jurisdiction of the court, the court may extend the period of probation or suspended sentence for a period not to exceed the length of time that such defendant absconded.*

D. If any court has, after hearing, found no cause to impose a sentence that might have been originally imposed, or to revoke a suspended sentence or probation, then any further hearing to impose a sentence or revoke a suspended sentence or probation, based solely on the alleged violation for which the hearing was held, shall be barred.

E. Nothing contained herein shall be construed to deprive any person of his right to appeal in the manner provided by law to the circuit court having criminal jurisdiction from a judgment or order revoking any suspended sentence.

§ 19.2-306.1. Limitation on sentence upon revocation of suspension of sentence; exceptions.

A. For the purposes of this section, "technical violation" means a violation based on the probationer's failure to (i) report any arrest, including traffic tickets, within three days to the probation officer; (ii) maintain regular employment or notify the probation officer of any changes in employment; (iii) report within three days of release from incarceration; (iv) permit the probation officer to visit his home and place of employment; (v) follow the instructions of the probation officer, be truthful and cooperative, and report as instructed; (vi) refrain from the use of alcoholic beverages to the extent that it disrupts or interferes with his employment or orderly conduct; (vii) refrain from the use, possession, or distribution of controlled substances or related paraphernalia; (viii) refrain from the use, ownership, possession, or transportation of a firearm; (ix) gain permission to change his residence or remain in the Commonwealth or other designated area without permission of the probation officer; or (x) maintain contact with the probation officer whereby his whereabouts are no longer known to the probation officer. Multiple technical violations arising from a single course of conduct or a single incident or considered at the same revocation hearing shall not be considered separate technical violations for the purposes of sentencing pursuant to this section.

B. If the court finds the basis of a violation of the terms and conditions of a suspended sentence or probation is that the defendant was convicted of a criminal offense that was committed after the date of the suspension, or has violated another condition other than (i) a technical violation or (ii) a good conduct violation that did not result in a criminal conviction, then the court may revoke the suspension and impose or resuspend any or all of that period previously suspended.

C. The court shall not impose a sentence of a term of active incarceration upon a first technical violation of the terms and conditions of a suspended sentence or probation, and there shall be a presumption against imposing a sentence of a term of active incarceration for any second technical violation of the terms and conditions of a suspended sentence or probation. However, if the court finds, by a preponderance of the evidence, that the defendant committed a second technical violation and he cannot be safely diverted from active incarceration through less restrictive means, the court may impose not more than 14 days of active incarceration for a second technical violation. The court may impose whatever sentence might have been originally imposed for a third or subsequent technical violation. For the purposes of this subsection, a first technical violation based on clause (viii) or (x) of subsection A shall be considered a second technical violation, and any subsequent technical violation also based on clause (viii) or (x) of subsection A shall be considered a third or subsequent technical violation.

D. The limitations on sentencing in this section shall not apply to the extent that an additional term of incarceration is necessary to allow a defendant to be evaluated for or to participate in a court-ordered drug, alcohol, or mental health treatment program. In such case, the court shall order the shortest term of incarceration possible to achieve the required evaluation or participation.

Preliminary Staff Interpretation of Legislative Impact

Original Sentence	Maximum Length of Supervision Period	Statute
Never Incarcerated for the Offense:	Statutory Maximum for the Offense ¹	§ 19.2-303
Incarcerated for the Offense:	5 Years After the Date of Release for the Offense ¹	§ 19.2-303
Certain Sex & Kidnapping Offenses:	At a Minimum the Statutory Maximum for the Offense (No Limit)	§ 19.2-303
Original Sentence	Maximum Length of Suspension Period	Statute
Imposition of Sentence Suspended	Statutory Maximum for the Offense ^{1a}	§ 19.2-303.1
Execution of Sentence Suspended	Statutory Maximum for the Offense ^{1a}	§ 19.2-303.1
Revocation of Probation Sentence	Maximum Time Imposed	Statute
Technical Violation of Condition 2,3,4,5,6,7,8 or 10 ²	⌚	⌚
• First Technical Violation	No Active Incarceration ³	§ 19.2-306.1
• Second Technical Violation	Presumption Against Incarceration - Up to 14 Days ³	§ 19.2-306.1
• Third or Subsequent Technical Violation	Up to Remaining Revocable Time	§ 19.2-306.1
Technical Violation of Condition 9 or 11 (Firearm or Absconding) ²	⌚	⌚
• First Technical Violation	Presumption Against Incarceration - Up to 14 Days ³	§ 19.2-306.1
• Second or Subsequent Technical Violation	Up to Remaining Revocable Time	§ 19.2-306.1
Special Condition Violation (e.g., Sex Offender, Gang, Restitution, etc.) ²	Up to Remaining Revocable Time	§ 19.2-306.1
New Law Violation of Condition 1 (New Law Violation)	Up to Remaining Revocable Time	§ 19.2-306.1
Good Behavior	Maximum Length of Good Behavior Period	Statute
Good Behavior - Length Established at Sentencing	Statutory Maximum for the Offense	§ 19.2-306
Good Behavior - Length Not Established and No Supervised Probation	Statutory Maximum for the Offense	§ 19.2-306
At or After Revocation	Maximum Length of Supervision Period	
	Statutory Maximum for the Offense Minus Time Served in Prison or Jail ⁴	§ 19.2-306

¹ Unless additional period of supervision or incarceration is necessary to (i) participate in a court-ordered program or (ii) is subject to a restitution review under § 19.2-305.1

^{1a} Unless additional period of supervision or incarceration is necessary to participate in a court-ordered program

² Multiple technical violations arising from a single course of conduct considered at the same revocation hearing are considered one violation event for the purposes of sentencing.

³ The hearing for failure to pay restitution must be held within 3 years after the expiration of period of probation or suspension of sentence. (§ 19.2-306)

⁴ May resuspend up to the statutory maximum and may extend the period of suspension for a period to not to exceed the length of time absconded.

Note: Period of suspension of a sentence is measured from the the date of entry of the original sentencing order.

	Notes
	§§ 18.2-48, 18.2-61, 18.2-63, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-370 or 18.2-370.1 (Committed on or after July 1, 2006)
	Notes
Initiate Violation (e.g., issue capias, show cause, etc.)	Notes
Ⓜ	Ⓜ
Within 90 Days of Receiving Notice OR Within One Year After Expiration of Period of Probation/Suspension <i>(Whichever is Sooner)</i> ³	³ The hearing for failure to pay restitution must be initiated within three years after the expiration of period of probation/suspension
Within 90 Days of Receiving Notice OR Within One Year After Expiration of Period of Probation/Suspension <i>(Whichever is Sooner)</i> ³	³ The hearing for failure to pay restitution must be initiated within three years after the expiration of period of probation/suspension
Within 90 Days of Receiving Notice OR Within One Year After Expiration of Period of Probation/Suspension <i>(Whichever is Sooner)</i> ³	³ The hearing for failure to pay restitution must be initiated within three years after the expiration of period of probation/suspension
Ⓜ	Ⓜ
Within 90 Days of Receiving Notice OR Within One Year After Expiration of Period of Probation/Suspension <i>(Whichever is Sooner)</i> ³	³ The hearing for failure to pay restitution must be initiated within three years after the expiration of period of probation/suspension
Within 90 Days of Receiving Notice OR Within One Year After Expiration of Period of Probation/Suspension <i>(Whichever is Sooner)</i> ³	³ The hearing for failure to pay restitution must be initiated within three years after the expiration of period of probation/suspension
Within 90 Days of Receiving Notice OR Within One Year After Expiration of Period of Probation/Suspension <i>(Whichever is Sooner)</i> ³	³ The hearing for failure to pay restitution must be initiated within three years after the expiration of period of probation/suspension
Within 90 Days of Receiving Notice OR Within One Year After Expiration of Period of Probation/Suspension <i>(Whichever is Sooner)</i> ³	³ The hearing for failure to pay restitution must be initiated within three years after the expiration of period of probation/suspension
Initiate Violation (e.g., issue capias, show cause, etc.)	Notes
Within 90 Days of Receiving Notice OR Within 1 Year After Expiration of Period of Suspension <i>(Whichever is Sooner)</i> ³	
Within 6 Months After Expiration of Maximum Period (i.e., the Statutory Maximum for the Offense)	
	Notes

A spreadsheet is available at vcsc.virginia.gov. Click on Training

Probation Math

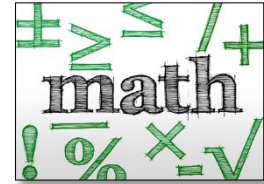
 = Prior Probation Revocations (Currently not being supervised for offenses in this court)

 = Probation Revocations (Currently being supervised in this court for these offenses)

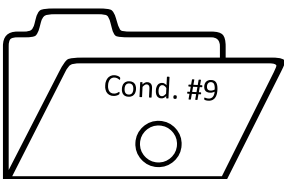
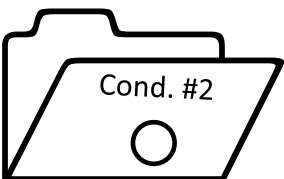
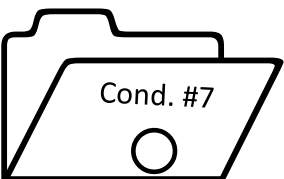
○ = Technical Probation Violation

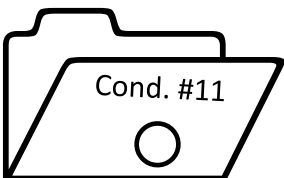
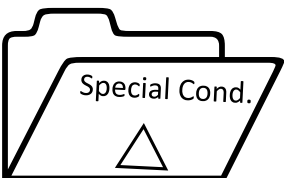
△ = Special Condition(s) Violation

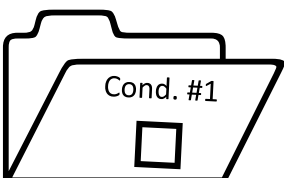
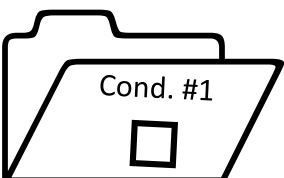
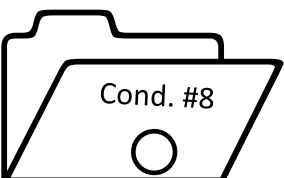
□ = New Law Violation (Conviction for Misdemeanor or Felony)

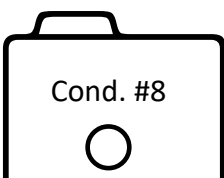
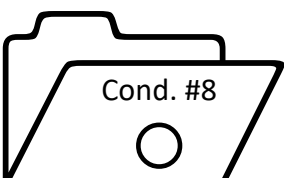


Directions: Below are probation violations in the current court. Identify the number of technical violations during the entire probation supervision period for any of the offenses in the current supervision period. Each folder represents different supervision periods (e.g., three folders means that the defendant has three prior revocations of probation for offenses currently being supervised. A closed folder indicates that the probation period has been closed and is a prior supervision period).

1.  +  +  =
Entire Probation Period for the Current Offense – 3 Prior Revocations

2.  +  =
Entire Probation Period for the Current Offense – 2 Prior Revocations

3.  +  +  =
Entire Probation Period for the Current Offense – 3 Prior Revocations

4.  +  =
Prior Revocation – Released & Current Supervision Period for Different Offense – 1 Prior Revocation

1-New Law, 2-Report Arrest, 3-Employment, 4-Report, 5-Visit, 6-Instructions, 7-Alcohol, 8-Drugs, 9-Firearm, 10-Residence, 11-Abscond, Special Conditions



Sentencing Revocation Report (SRR) - Felony Supervision/Good Behavior/Suspended Sentence Violations

◆ OFFENDER

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

Date of Birth: _____ SSN: _____ SID/CCRE: _____ CORIS Offender ID: _____

◆ COURT

Judicial Circuit: _____ City/County: _____ Docket Number: _____ FIPS Code: _____

◆ TYPE OF REVOCATION

(Complete SRR and Guidelines): ☐ State Supervised Probation for Felony

(Complete SRR only, guidelines do not apply): ☐ Local Probation ☐ Good Behavior /Suspend Sentence ☐ CCAP ☐ Procedural

(NOTE: This form is not completed for First Offender Violations, Deferred Finding Violations or Parole Violations)

Technical Violation: ☐ 1st ☐ 2nd ☐ 3rd or subsequent

Special Conditions ☐ Yes

New Law Violation: ☐ Felony ☐ Misdemeanor

◆ CONDITIONS CITED IN VIOLATION BY PROBATION/PAROLE OFFICER (check all that apply)

- ☐ 1. Fail to obey all Federal, State, and local laws.
- ☐ 2. Fail to report any arrests within 3 days to PO.
- ☐ 3. Fail to maintain employment or to report changes.
- ☐ 4. Fail to report as instructed
- ☐ 5. Fail to allow probation officer to visit home or job.
- ☐ 6. Fail to follow instructions, be truthful, and cooperative.
- ☐ 7. Use alcoholic beverages
- ☐ 8. Use, possess, distribute controlled substances or paraphernalia
- ☐ 9. Use, own, possess, transport or carry firearm
- ☐ 10. Change residence or leave Virginia without permission
- ☐ 11. Abscond from supervision
- ☐ Fail to follow special conditions (specify)

☐ Special Sex Offender Conditions
(Enter Letter for Condition(s) Violated: ☐ ☐ ☐

☐ Special Gang Member Conditions
(Enter Letter for Condition(s) Violated: ☐ ☐ ☐

◆ TREATMENT, SANCTIONS, EDUCATIONAL PROGRAMS & ALTERNATIVES UTILIZED

(For Judicial Review)

	Enrolled, Ordered	Completed	Not Completed	Ineligible
Anger management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CCAP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drug Screens increased/ordered	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment Skills Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gang Supervision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Incarceration - jail or prison	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Increase in supervision level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mental health counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parenting class	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recidivist Prevention Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Salvation Army Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex offender treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specialty Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse Program, Jail/DOC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse treatment, inpatient	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse treatment, outpatient	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse treatment: AA or NA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thinking for a Change	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Voice Verification Biometrics Monitoring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

◆ DATE ARRESTED FOR THIS VIOLATION: ____/____/____

◆ PRETRIAL CONFINEMENT FOR THIS VIOLATION ☐ No

☐ Confined Since Arrest for Violation ☐ Dates Confined ____/____/____ to ____/____/____ ☐ Dates Confined ____/____/____ to ____/____/____
(For Judicial Review. There is no indication that the times served will be applied to this case)

◆ PRETRIAL STATUS RELEASE :

☐ Bond: ___Secured ___Unsecured ☐ Own Recognizance ☐ Third Party Release ☐ N/A

◆ VIOLATION GUIDELINES RECOMMENDATION

RECOMMENDATION RANGE ☐ Time Served OR Years Months Days to Years Months Days



Final Decision/Disposition

To be completed by the sentencing judge or judge's designee.

◆ DECISION OF THE COURT

- ☐ Found in Violation of Conditions as Cited
- ☐ Found in Violation of Conditions as Modified by the judge: Conditions Violated: _____
- ☐ Found in Violation of good behavior, suspended sentence, felony local probation
- ☐ Taken Under Advisement
- ☐ Not in Violation

◆ SENTENCE FOR REVOCATION

Rehabilitation Potential

- ☐ Court Finds that the defendant is a good candidate for rehabilitation (The low end of the guidelines is set to time served or zero)

Treatment Exception

- ☐ Sentenced to time required to participate in court ordered program/restitution review (§ 19.2-306.1 (D))

Revocable Time for Event

- ☐ Life +

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Sentence Details

- Amount of Time Imposed..... ☐ Life +

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☐ Sentenced to Time Served
- Amount of Time to Serve for this Violation (total effective sentence).. ☐ Life +

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New/Revised Probation/Supervised Period

- ☐ Continued on same period of probation supervision (not extended)
- ☐ Placed on a probation supervision for a new period of..... ☐ Indefinite +

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- ☐ Released from supervised probation

Conditions

- ☐ New conditions of probation _____
- ☐ Continued on same conditions

Other Sentencing Programs (check all that apply)

- ☐ Day Reporting
- ☐ Electronic Monitoring
- ☐ Intensive Probation
- ☐ Substance Abuse Treatment
- ☐ § 18.2-251/§ 18.2-258.1 (First Offender)
- ☐ Drug Court
- ☐ Community-Based Program _____
- ☐ CCAP
- ☐ Youthful Offender
- ☐ DJJ Commitment ☐ Indeterminate ☐ Determinate
- ☐ § 19.2-298.02, § 19.2-303.6 (Deferred Disposition)
- ☐ Other _____

Criminal History

- ☐ Updated Criminal History Provided

◆ REASON FOR DEPARTURE FROM GUIDELINES

◆ DATE OF REVOCATION DECISION

38	Page	
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Month	Day	Year
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Judge's Signature

For Office Use Only

Probation Violation Guidelines Worksheet TV1/2

First or Second Technical Violation

Offender Name: _____

Base Guidelines on the Current Most Serious Primary Offense: - - ☐ Original Sentencing was Incarceration/CCAP

☐ ICOTS Case for Supervision of Current Primary Transferred to: State Abv: _____

Amount of Total Revocable Time at Hearing Sentencing: ☐ Life +

(This Court Only) Years Months Days

1 Dates (use to score factors three and four)

Earliest Original Sentencing Date _____ Start of Current Supervision Period _____

2 Number of Felony Revocation Events for Current Offense(s) (This Court Only)

Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Points	
Current Revocation Event Only.....	2	<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div>
Prior Revocation Event.....	11	
Conditions 9 or 11		
Current Revocation Event Only.....	4	<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div>
Prior Revocation Event.....	12	

3 Felony Offense Convictions Between Original Sentencing Date and Start of Current Supervision Period (ALL Courts)

Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Points	
Do Not Score		<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div>
Conditions 9 or 11		
If 1st Violation.....	0	<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div>
If 2nd Violation.....	13	

4 Prior Felony Revocation(s) Before Original Sentencing Date (This Court Only)

Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Points	
One or More Prior Felony Revocation Events.....	1	<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div>
Conditions 9 or 11		
If 1st Violation		<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div>
One or More Prior Felony Revocation Events.....	1	
If 2nd Violation		<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div>
One or More Prior Felony Revocation Events.....	18	
Two or More Prior Felony Revocations Events.....	19	

5 Condition 8 Violation: Drug Violation

Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Points	
Do Not Score		<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto; text-align: center;">0</div>
Conditions 9 or 11		
If 1st Violation.....	1	<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div>
If 2nd Violation.....	7	

6 Condition 11 Violation: Abscond

Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Points	
Do Not Score		<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div>
Conditions 9 or 11		
If 1st Violation.....	3	<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div>
If 2nd Violation.....	10	

Last Date whereabouts were known ____/____/____ Date whereabouts verified ____/____/____

Primary Offense VCC Prefix of SEX, RAP, OBS

Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Points	
Do Not Score		<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div>
Conditions 9 or 11		
If 1st Violation.....	1	<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div>
If 2nd Violation.....	22	

Recommendation Score

Recommendation Table

Go to SRR Cover sheet and fill out the violation guidelines recommendation range.	Score	Guidelines Sentence	Score	Guidelines Sentence
	<input type="checkbox"/> 0-3.....	No Time	<input type="checkbox"/> 19 to 33.....	3 months to 1 year
	<input type="checkbox"/> 4-12.....	0 to 14 days	<input type="checkbox"/> 34 to 43.....	1 year to 1 year 6 months
	<input type="checkbox"/> 13-18.....	Time Served to 6 months	<input type="checkbox"/> 44 or more.....	1 year to 4 years

Probation Violation Guidelines Worksheet ❖ TV 3/SCV

Third or Subsequent Technical Violation or Any Special Condition Violations

Offender Name: _____

Base Guidelines on the Current Most Serious Primary Offense: - ☐ Original Sentencing was Incarceration/CCAP

☐ ICOTS Case for Supervision of Current Primary Transferred to: State Abv: _____

Amount of Total Revocable Time at Hearing Sentencing: ☐ Life +

(This Court Only) Years Months Days

1 Dates (use to score factors three and four)

Earliest Original Sentencing Date _____ Start of Current Supervision Period _____

2 Number of Felony Revocation Events for Current Offense(s) (This Court Only)

0

Current Revocation Event Only2
One Revocation Event Prior to Current Revocation Event12
Two or More Revocation Events Prior to Current Revocation Event24

3 Prior Felony Revocation(s) Before Original Sentencing Date (This Court Only)

One Prior Felony Revocation18
Two or More Prior Felony Revocations19

0

4 Felony Offense Conviction(s) Between

Original Sentencing Date and Start of Current Supervision (ALL Courts)

— If YES, add 13 —

0

5 Condition 8 Violation: Drug Violation

— If YES, add 7 —

0

6 Condition 11 Violation: Abscond

— If YES, add 10 —

0

Last date whereabouts were known ____/____/____ Date whereabouts verified ____/____/____

7 Primary Offense VCC Prefix of SEX, RAP, OBS or

Violation of Sex Offender Special Conditions (Court or DOC)

— If YES, add 22 —

0

Recommendation Score

Go to SRR Cover Sheet and fill out the violation guidelines recommendation range.

Recommendation Table

Score	Guidelines Sentence
<input type="checkbox"/> Under 19.....	Time served to 6 months
<input type="checkbox"/> 19 to 33.....	3 months to 1 year
<input type="checkbox"/> 34 to 43.....	1 year to 1 year 6 months
<input type="checkbox"/> 44 or more.....	1 year to 4 years

Probation Violation Guidelines Worksheet ~~➤~~ New Law M

New Misdemeanor Conviction

Offender Name: _____

Base Guidelines on the Current Most Serious Primary Offense: ☐ Original Sentencing was Incarceration/CCAP

☐ ICOTS Case for Supervision of Current Primary Transferred to: State Abv: _____

Amount of Total Revocable Time at Hearing Sentencing: ☐ Life +

(This Court Only) Years Months Days

1 Dates (use to score factors three and four)

Earliest Original Sentencing Date _____ Start of Current Supervision Period _____

2 Number of Felony Revocation Events for Current Offense(s) (This Court Only)

Current Revocation Event Only2
One Revocation Event Prior to Current Revocation Event.....12
Two or More Revocation Events Prior to Current Revocation Event.....24

0

3 Prior Felony Revocation(s) Before Original Sentencing Date (This Court Only)

One Prior Felony Revocation18
Two or More Prior Felony Revocations19

0

4 Felony Offense Conviction(s) Between

Original Sentencing Date and Start of Current Supervision (ALL Courts) — If YES, add 13 —▶ 0

5 Condition 1 Violation: New Misdemeanor Conviction(s) for Offenses Committed During Current Supervision Period (ALL Courts)

New Misdemeanor Conviction is Similar Behavior to Current Primary Offense (Refer to Appendix 4)9
Any Other New Misdemeanor Convictions1

0 0

New Conviction(s)		Offense Date		Sent./Conv. Date	FIPS	Effective Sentence			Pending Sentence
Counts	Most Serious VCC					Years	Months	Days	
_____	_____ - _____ - _____	____/____/____	____/____/____	____/____/____	_____	_____	_____	_____	<input type="checkbox"/>
_____	_____ - _____ - _____	____/____/____	____/____/____	____/____/____	_____	_____	_____	_____	<input type="checkbox"/>
Sum of Total Effective Sentence for All New Convictions (including counts not listed above):						_____	_____	_____	

6 Condition 8 Violation: Drug Violation — If YES, add 7 —▶ 0 0

7 Condition 11 Violation: Abscond — If YES, add 10 —▶ 0

Last date whereabouts were known ____/____/____ Date whereabouts verified ____/____/____

8 Primary Offense VCC Prefix of SEX, RAP, OBS or Violation of Sex Offender Special Conditions (Court or DOC) — If YES, add 22 —▶ 0

Recommendation Score

Go to SRR Cover Sheet and fill out the violation guidelines recommendation range.

Recommendation Table

Score	Guidelines Sentence
<input type="checkbox"/> Under 19.....	Time served to 6 months
<input type="checkbox"/> 19 to 33.....	3 months to 1 year
<input type="checkbox"/> 34 to 43.....	1 year to 1 year 6 months
<input type="checkbox"/> 44 or more.....	1 year to 4 years

Probation Violation Guidelines Worksheet ~~❖~~ New Law F

New Felony Conviction

Offender Name: _____

Base Guidelines on the Current Most Serious Primary Offense: _____ ☐ Original Sentencing was Incarceration/CCAP

☐ ICOTS Case for Supervision of Current Primary Transferred to: State Abv: _____

Amount of Total Revocable Time at Hearing Sentencing: ☐ Life +

(This Court Only) Years Months Days

1 Dates

Earliest Original Sentencing Date _____ Start of Current Supervision Period _____

2 Number of Felony Revocation Events for Current Offense(s) (This Court Only) _____ 0

Current Revocation Event Only 0
One or More Revocation Events Prior to Current Revocation Event 10

3 Condition 1 Violation: New Felony Conviction(s) for Offenses Committed During Current Supervision Period (ALL Courts)

A. Number of New Person Felony Convictions (Counts) X 20

B. Number of New Non-Person Felony Convictions (Counts) X 2

New Conviction (s)					Effective Sentence			Pending Sentence
Counts	Most Serious VCC	Offense Date	Sent./Conv. Date	FIPS	Years	Months	Days	
_____	_____	____/____/____	____/____/____	_____	_____	_____	_____	<input type="checkbox"/>
_____	_____	____/____/____	____/____/____	_____	_____	_____	_____	<input type="checkbox"/>
Sum of Total Effective Sentence for All New Convictions (including counts not listed above):					_____	_____	_____	

4 New Felony or Misdemeanor Conviction is Similar Behavior to the Most Serious Current Primary Offense Listed Above (Refer to Appendix 4) — If YES, add 7 0

Recommendation Score _____

Recommendation Table

Score	Guidelines Sentence
<input type="checkbox"/> 1 to 7.....	Time served to 1 year
<input type="checkbox"/> 8 to 15.....	6 months to 1 year 6 months
<input type="checkbox"/> 16 to 22.....	8 months to 2 years
<input type="checkbox"/> 23 or more.....	15 months to 4 years

Go to Cover sheet and fill out the violation guidelines recommendation range.

Glossary 10 Key Terms

General

When scoring the probation violation guidelines, several factors are specific to the order in which the convictions and revocations occurred:

1. Before the original sentencing date
 2. After the original sentencing date
 3. Before the start of the current supervision period
 4. During the current supervision period
- Prior probation violations are scored for the current court only, even if the defendant has probation obligations to other courts. Prior convictions are scored for any court, local, state, federal or international. Below are key terms needed to correctly score the probation violation guidelines.

1. Original Sentencing Date: This is the date the defendant was originally sentenced for any offense in the Probation Violation Event. Among the offenses in the probation violation event, if the defendant currently has multiple obligations in this court with different original sentencing dates, enter the earliest original sentencing date. The original sentencing date will never change if the same offenses are in future violations or revocations. This is the first date the defendant was sentenced and placed on probation for any offense in the Current Probation Violation Event.

2. Primary Offense: Selecting the most serious offense in the revocation event is different from selecting the appropriate worksheet. Use the following hierarchy to determine the most serious original felony offense for the probation violation guidelines:

1. Highest Statutory Maximum
- 2.. Person Crimes
3. Property crimes
4. Victimless /Other Crimes (e.g., traffic and weapons)
5. Drug Crimes

Note that the type of violation determines the worksheet that is completed for the court not the primary offense. The correct worksheet is selected based on this hierarchical list:

1. New Law Felony (Condition 1)
2. New Law Misdemeanor (Condition 1)
3. Third Technical Violation or Special Condition Violation
4. Violation of Conditions 9 (firearms) or 11 (absconding)
5. Second Technical Violation of Conditions 2,3,4,5,6,7,8 or 10
6. First Technical Violation of Conditions 2,3,4,5,6,7,8 or 10

3. Entire Supervision Period: This period is from the earliest date the defendant was placed on probation in this court for any of the offenses in the Current Probation Violation Event, up to the current hearing/sentencing date.

Note: The Treatment, Sanctions, Educational Programs & Alternatives Utilized factor on the cover sheet is for any program during the entire supervision period and not just for the current supervision period.

4. Current Supervision Period: For defendants with no prior probation violations for any of the offenses subject to revocation, the current supervision period begins on the date the court places the defendant on probation up to the current hearing/sentencing date.

For defendants with prior violations for any of the offenses subject to revocation, the current supervision period begins on the date of the last time the defendant was found in violation of probation in this court (or if incarcerated, the date that probation was resumed after being found in violation) up to the current hearing/sentencing date.

The start date for the Current Supervision Period is reset each time the court finds the defendant in violation of probation or revokes the defendant's probation. For example, if the court finds the defendant in violation of probation on January 2, 2022, but continues the defendant on probation, the start date for the Current Supervision Period is January 2, 2022.

If the court takes a probation revocation under advisement, without finding the defendant in violation, there is no new start date. The current supervision start date stays the same and any specific violations alleged during this period will be scored on future guidelines.

Example: On January 4, 2021, the defendant is placed on probation. In December 2021 a revocation hearing is held, and the court took findings under advisement. The defendant is now being brought back before the court for another violation hearing. Since the court did not find the defendant in violation in December 2021, the current supervision start date still is January 4, 2021.

5. Current Probation Violation Event: This identifies violations since the last court action to place the defendant on probation, revoke or continue probation up to the date of the scheduled revocation hearing in the current court. It includes violations for all underlying offenses and their associated counts from the same court. Probation violations before the same judge, same court on the same day are one violation event, regardless of the number of previous sentencing events or underlying offenses. The current probation violation event is focused on the current court and no other court.

6. In-between Probation Violation/Revocation Event: This factor scores probation violations for the current offense(s) that occurred between the original sentencing date and start of the current supervision period. It includes violations for all underlying offenses and their associated counts from the current court. Probation violations before the same judge, same court on the same day are one violation event, regardless of the number of previous sentencing events or underlying offenses.

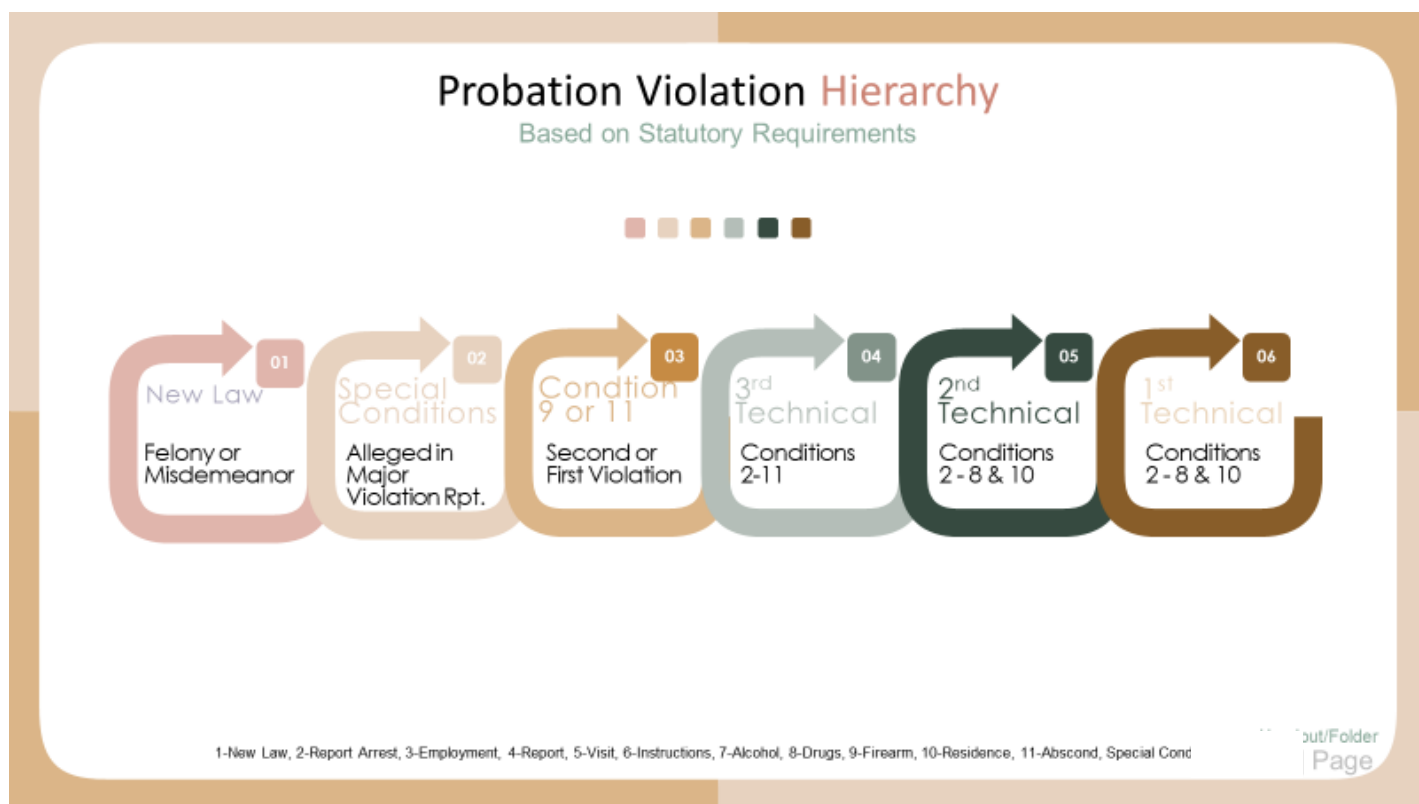
7. Prior Probation Violation/Revocation Event: This factor scores probation violations in the current court for offense(s) that occurred prior to the original sentencing date. It includes violations for all underlying offenses and their associated counts from the current court. Probation violations before the same judge, same court on the same day are one violation event, regardless of the number of previous sentencing events or underlying offenses.

A prior revocation is any revocation for an offense that occurred before the current original offense date. The revocation is scored as a prior revocation even if the court revoked the probation during the current supervision period. In other words, the prior revocation is from a different supervision period and not the current.

8. Current New Law Conviction(s): Convictions for offenses that occurred during the current supervision period (after the start date of the current supervision period) would, in most cases , result in a condition 1 citation.

9. In-between New Law Conviction(s): This factor scores new convictions in any court while the defendant was on probation supervision for any of the current offense(s). Only convictions where both the offense and conviction dates occurred between the original sentencing date and start of the current supervision period are scored. Convictions prior to the original sentencing date are not scored. Arrests are not scored.

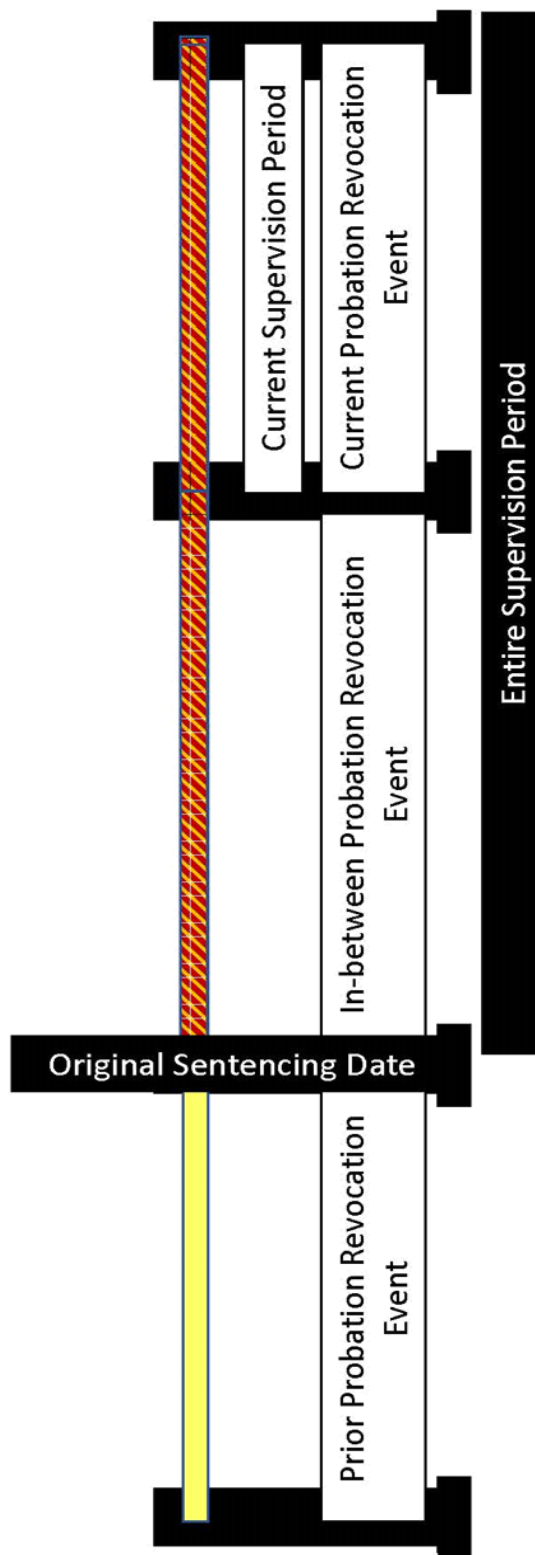
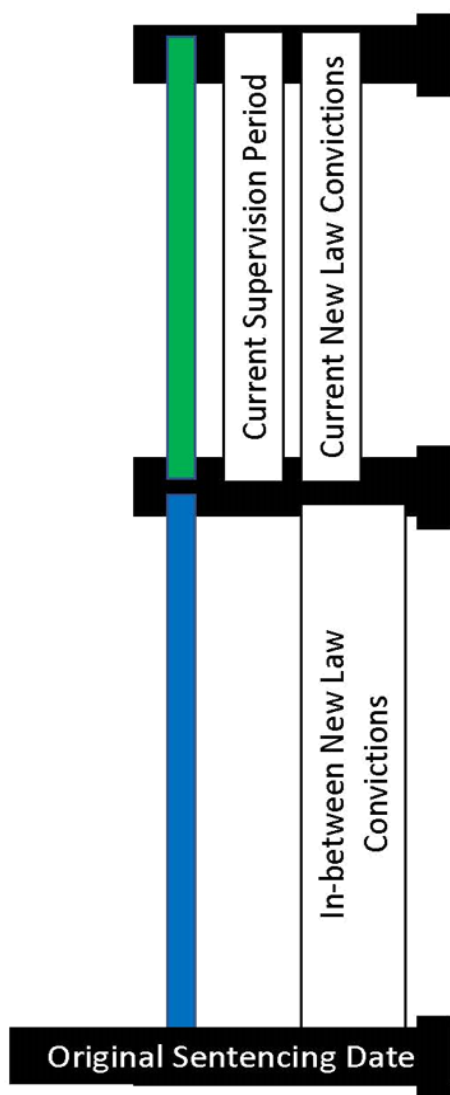
10. Good Behavior Violation/Suspended Sentence Violation: A defendant may be on both good behavior (§ 19.2-306) or suspended sentence (unsupervised probation) and supervised probation. If the decision is to move forward with a Good Behavior or Suspended Sentence Violation only the Sentencing Revocation Report (SRR) cover page is completed (the Commonwealth's attorney may complete the SRR.) There is no recommendation for good behavior or suspended sentence violations. Good Behavior or Suspended Sentence Violations are not scored as prior probation violations.





ALL COURTS

CONVICTIONS



CURRENT

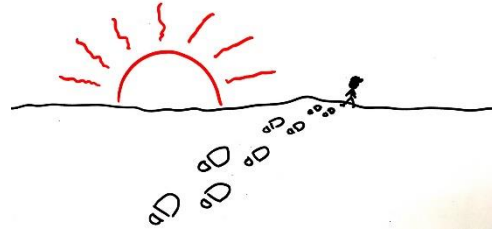
VIOLATIONS

Probation Violation Dating Exercise - Define the Dates

Place in the diamond the letter that identifies the date as the original sentencing date, supervision period, revocation date or new law violations for the August 1, 2022 probation violation.

Date Sentenced	Court	Charged Offense	Convicted Offense	Sentence Imposed, Suspended, or Effective	State Supervised Probation Period
Oct. 2, 2000	Roanoke	Destruction of Property >\$1000 (F)	Same	2 years imposed; all suspended	2 years
Feb. 15, 2001	Roanoke	Probation Violation (Felony Destruction of Property) (F)	Same	2 years imposed; serve 30 days	2 years good behavior
Jan. 7, 2005	Danville	Burglary (F)	Same	5 years Imposed; all suspended	2 years
July 5, 2005 (O) June 1, 2005	Roanoke	Petit Larceny (M)	Same	30 days Jail	
Nov. 5, 2005	Danville	Probation Violation (Burglary)(F)	Same	5 years Imposed; 4 years, 9 months suspended.	2 years
January 12, 2006	Danville	Released from Jail – Probation Starts			
Aug. 7, 2010	Roanoke	Felony Murder (F)	Same	40 years imposed; 30 years suspended	30 years
Sep. 7, 2019	Roanoke	Released from Prison – Probation Starts			
Nov. 20, 2020 (O) July 7, 2020	Roanoke	Forgery (F)	Same	2 years Imposed; 3 months to serve	2 years
Dec. 21, 2020	Roanoke	Probation Violation (Murder) (F)	Same	30 years Imposed; 1 year to serve	Continue on probation
Nov. 1, 2021	Roanoke	Released from Jail – Probation Continues			
July 7, 2022 (O) May 2, 2022	Danville	Fail to Perform Construction (\$5,000) (F)	Same	5 years imposed; 4 years suspended	5 years good behavior
July 10, 2022	Salem	Indecent Liberties (F) (O) June 1, 2022	Same	10 years imposed, 5 years suspended	10 years
Aug. 1, 2022	Roanoke	Probation Violation (Murder, Forgery)	Current Violation Pending		

- A. **Earliest Original Sentencing Date** (Current Court Only: Roanoke)
- B. **Start of Current Supervision Period** (Current Court Only: Roanoke)
- C. **New Law Convictions During Current Supervision Period** (All Courts)
- D. **Previous Revocation(s) for Offenses in Current Supervision Period**
(Identify Date Probation was Revoked Current Court: Roanoke)
- E. **Prior Felony Revocations before Original Sentencing Date** (Current Court Only: Roanoke)
- F. **Felony Law Convictions Between Original Sentencing Date (A) & Start of Current Supervision Period (B)**

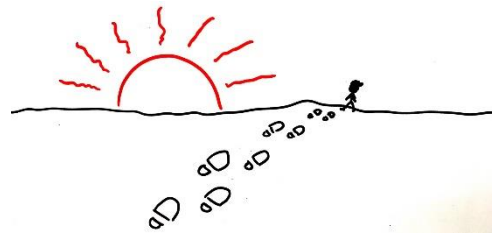


Probation violation guidelines are designed to address both technical and new law violations while on state supervised probation for a felony offense. We will review this fictional defendant's unusual probation journey to illustrate the guidelines that are required in different situations. Afterwards, you will be asked to complete probation violation guidelines for two different defendants.

Summary of Lilly Bucket's Probation Journey: The Bucket List

- **January 3, 2021** – Placed on Supervised Probation for Forgery
 - **August 30, 2021** - Probation Revoked for Condition 6, (Instructions), Condition 8 (Drug Use) and Condition 10, (Change Residence)
 - **December 22, 2021** – Probation Violation for Condition 1, New Law Violation (Petit Larceny)
 - **August 1, 2022** – Probation Violation of Condition 6, (Report), Condition 8, (Drug Use), Condition 10, (Change Residence)
 - **August 1, 2022** – Probation Terminated
-
- **March 23, 2023** – Released from Jail and Placed on Two Years Supervised Probation
 - **July 2, 2023** – Special Condition – Fail to Pay Restitution
 - **September 30, 2023** - Probation Violation of Condition 6, (Report), Condition 11, (Abscond)
 - **December 29, 2023** – Probation Violation of Condition 6, (Report), Condition 8, (Drug Use)
-

1. The Probation Journey of Lilly Bucket



Date Sentenced	Court	Charged Offense	Convicted Offense	Sentence Imposed, Suspended, or Effective	State Supervised Probation Period
July 2005	Chesapeake Juvenile	PWID Cocaine (F)	Same	Suspended commitment to DJJ	1 Year
January 3, 2021	Virginia Beach	Forgery (F)	Same	2 Years Imposed Time Served (9 months)	1 Year
August 30, 2021	Virginia Beach	Probation Violation (Forgery) (F)	Current		

Violation 1 – August 30, 2021

The only information available is from the Major Violation Report (MVR) prepared for the defendant's violation scheduled for August 30, 2021. The Probation Officer cited the following conditions:

Condition 6: Failed to follow Officer's Instructions and report as instructed.

Condition 8: Drug Use – Defendant tested positive for cocaine on multiple occasions.

Condition 10: Defendant moved to another address without permission

Probation Violation Guidelines Worksheet TV1/2

First or Second Technical Violation

Offender Name: _____

Base Guidelines on the Current Most Serious Primary Offense: ☐ Original Sentencing was Incarceration/CCAP

☐ ICOTS Case for Supervision of Current Primary Transferred to: State Abv: _____

Amount of Total Revocable Time at Hearing Sentencing: ☐ Life +

(This Court Only) Years Months Days

1 Dates (use to score factors)

Earliest Original Sentencing Date _____ Start of Current Supervision Period _____

2 Number of Felony Revocation Events for Current Offense(s) (This Court Only)

Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Conditions 9 or 11
Current Revocation Event Only 2	Current Revocation Event Only 4
Prior Revocation Event 11	Prior Revocation Event 12

3 Felony Offense Convictions Between Original Sentencing Date and Start of Current Supervision Period (ALL Courts)

Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Conditions 9 or 11
Do Not Score	Points
	If 1st Violation 0
	If 2nd Violation 13

4 Prior Felony Revocation(s) Before Original Sentencing Date (This Court Only)

Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Conditions 9 or 11
One or More Prior Felony Revocation Events 1	Points
	If 1st Violation
	One or More Prior Felony Revocation Events 1
	If 2nd Violation
	One or More Prior Felony Revocation Events 18
	Two or More Prior Revocations Events 19

5 Condition 8 Violation: Drug Violation

Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Conditions 9 or 11
Do Not Score	Points
	If 1st Violation 1
	If 2nd Violation 7

0

6 Condition 11 Violation: Abscond

Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Conditions 9 or 11
Do Not Score	Points
	If 1st Violation 3
	If 2nd Violation 10

Last Date whereabouts were known ____/____/____ Date whereabouts verified ____/____/____

7 Primary Offense VCC Prefix of SEX, RAP, OBS

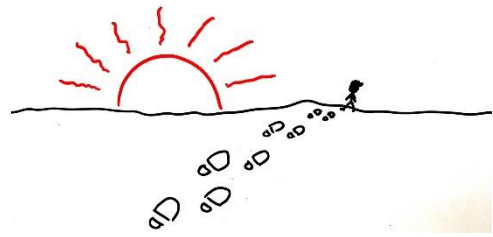
Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Conditions 9 or 11
Do Not Score	Points
	If 1st Violation 1
	If 2nd Violation 22

Recommendation Score

Recommendation Table

Go to SRR Cover sheet and fill out the violation guidelines recommendation range.	Score	Guidelines Sentence	Score	Guidelines Sentence
<input type="checkbox"/> 0-3.....	0-3	Probation	<input type="checkbox"/> 19 to 33.....	3 months to 1 year
<input type="checkbox"/> 4-12.....	4-12	0 to 14 days	<input type="checkbox"/> 34 to 43.....	1 year to 1 year 6 months
<input type="checkbox"/> 13-18.....	13-18	Time Served to 6 months	<input type="checkbox"/> 44 or more.....	1 year to 4 years

2. The Probation Journey of Lilly Bucket



Date Sentenced	Court	Charged Offense	Convicted Offense	Sentence Imposed, Suspended, or Effective	State Supervised Probation Period
July 2005	Chesapeake Juvenile	PWID Cocaine (F)	Same	Suspended commitment to DJJ	1 Year
January 3, 2021	Virginia Beach	Forgery (F)	Same	2 Years Imposed Time Served (9 months)	1 Year
August 30, 2021	Virginia Beach	Probation Violation (Forgery) (F)	Same	1 Year, 3 Months Imposed, resuspended	Continue Supervised Probation
November 1, 2021 (O) Sep. 29, 2021	Virginia Beach	Petit Larceny (M)	Same	30 Days Jail, suspended for time served	
December 22, 2021	Virginia Beach	Probation Violation (Forgery) (F)	Current		

YOU
ARE
HERE

Violation 2 – December 22, 2021

The only information available is from the Major Violation Report (MVR) prepared for the defendant's violation scheduled for December 22, 2021. The Probation Officer cited the following condition:

Condition 1 – The probationer was convicted of petit larceny in the Virginia Beach General District Court on November 1, 2021. The defendant was sentenced to time served, 5 days.

Probation Violation Guidelines Worksheet ~~✦~~ New Law M

New Misdemeanor Conviction

Offender Name: _____

Base Guidelines on the Current Most Serious Primary Offense: [] [] [] - [] [] [] [] - [] []	<input type="checkbox"/> Original Sentencing was Incarceration/CCAP
<input type="checkbox"/> ICOTS Case for Supervision of Current Primary Transferred to: State Abv: _____	
Amount of Total Revocable Time at Hearing Sentencing: <input type="checkbox"/> Life +	[] [] [] [] [] [] [] [] [] []
(This Court Only)	Years Months Days

1 Dates (use to score factors three and four)

Earliest Original Sentencing Date _____ Start of Current Supervision Period _____

2 Number of Felony Revocation Events for Current Offense(s) (This Court Only)

Current Revocation Event Only2
One Revocation Event Prior to Current Revocation Event12
Two or More Revocation Events Prior to Current Revocation Event24

0	[]	[]
---	-----	-----

3 Prior Felony Revocation(s) Before Original Sentencing Date (This Court Only)

One Prior Felony Revocation18
Two or More Prior Felony Revocations19

0	[]	[]
---	-----	-----

4 Felony Offense Conviction(s) Between

Original Sentencing Date and Start of Current Supervision (ALL Courts) — If YES, add 13 —> 0 [] []

5 Condition 1 Violation: New Misdemeanor Conviction(s) for Offenses Committed During Current Supervision Period (ALL Courts)

New Misdemeanor Conviction is Similar Behavior to Current Primary Offense (Refer to Appendix 4)9
Any Other New Misdemeanor Convictions1

0	0	[]
---	---	-----

New Conviction(s)		Offense Date		Sent./Conv. Date	FIPS	Effective Sentence			Pending Sentence
Counts	Most Serious VCC					Years	Months	Days	
_____	_____ - _____ - _____	____/____/____	____/____/____	____/____/____	_____	_____	_____	_____	<input type="checkbox"/>
_____	_____ - _____ - _____	____/____/____	____/____/____	____/____/____	_____	_____	_____	_____	<input type="checkbox"/>
Sum of Total Effective Sentence for All New Convictions (including counts not listed above):						_____	_____	_____	

6 Condition 8 Violation: Drug Violation

— If YES, add 7 —> 0 0 []

7 Condition 11 Violation: Abscond

— If YES, add 10 —> 0 [] []

Last date whereabouts were known ____/____/____ Date whereabouts verified ____/____/____

8 Primary Offense VCC Prefix of SEX, RAP, OBS or

Violation of Sex Offender Special Conditions (Court or DOC) — If YES, add 22 —> 0 [] []

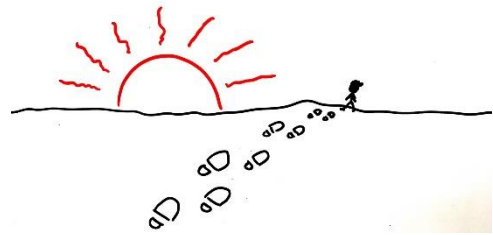
Recommendation Score

Go to SRR Cover Sheet and fill out the violation guidelines recommendation range.

Recommendation Table

Score	Guidelines Sentence
<input type="checkbox"/> Under 19.....	Time served to 6 months
<input type="checkbox"/> 19 to 33.....	3 months to 1 year
<input type="checkbox"/> 34 to 43.....	1 year to 1 year 6 months
<input type="checkbox"/> 44 or more.....	1 year to 4 years

3. The Probation Journey of Lilly Bucket



Date Sentenced	Court	Charged Offense	Convicted Offense	Sentence Imposed, Suspended, or Effective	State Supervised Probation Period
July 2005	Chesapeake Juvenile	PWID Cocaine (F)	Same	Suspended commitment to DJJ	1 Year
January 3, 2021	Virginia Beach	Forgery (F)	Same	2 Years Imposed Time Served (9 months)	1 Year
August 30, 2021	Virginia Beach	Probation Violation (Forgery) (F)	Same	1 Year, 3 Months Imposed, resuspended	Continue Supervised Probation
November 1, 2021 (O) Sep. 29, 2021	Virginia Beach	Petit Larceny (M)	Same	30 Days Jail, suspended for time served	
December 22, 2021	Virginia Beach	Probation Violation (Forgery) (F)	Same	1 Year 3 Months Imposed 3 months to serve	1 Year Supervised Probation
February 3, 2022	Released from Jail – Probation Starts				
August 1, 2022	Virginia Beach	Probation Violation (Forgery) (F)	Current Violation Pending		

Violation 3 – August 1, 2022

Current Supervision History - Major Violation Report

The defendant is pending a Probation Revocation on a Forgery offense from January 3, 2021. In the current Major Violation Report the Probation Officer noted that the defendant failed to report for her monthly scheduled office visits in April, May and June. It was also reported that the defendant tested positive for cocaine after reporting to the probation office in February upon her release from jail, and again during her monthly office visit in March. During an attempted home contact in June at the defendant's approved address, the defendant's mother advised that the defendant had moved back in with her boyfriend.

The Probation Officer cited the following conditions:

Condition 6 - Failing to report as instructed

Condition 8 - Drug Use

Condition 10 - Changing residence without permission

Probation Violation Guidelines Worksheet TV1/2

First or Second Technical Violation

Offender Name: _____

Base Guidelines on the Current Most Serious Primary Offense: - - ☐ Original Sentencing was Incarceration/CCAP

☐ ICOTS Case for Supervision of Current Primary Transferred to: State Abv: _____

Amount of Total Revocable Time at Hearing Sentencing: ☐ Life + Years Months Days

(This Court Only)

1 Dates (use to score factors)

Earliest Original Sentencing Date _____ Start of Current Supervision Period _____

2 Number of Felony Revocation Events for Current Offense(s) (This Court Only)

Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Points	Conditions 9 or 11	Points
Current Revocation Event Only	2	Current Revocation Event Only	4
Prior Revocation Event	11	Prior Revocation Event	12

↓

3 Felony Offense Convictions Between Original Sentencing Date and Start of Current Supervision Period (ALL Courts)

Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Points
Do Not Score	

Conditions 9 or 11	Points
If 1st Violation	0
If 2nd Violation	13

↓

4 Prior Felony Revocation(s) Before Original Sentencing Date (This Court Only)

Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Points
One or More Prior Felony Revocation Events	1

Conditions 9 or 11	Points
If 1st Violation	
One or More Prior Felony Revocation Events	1
If 2nd Violation	
One or More Prior Felony Revocation Events	18
Two or More Prior Revocations Events	19

↓

5 Condition 8 Violation: Drug Violation

Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Points
Do Not Score	

Conditions 9 or 11	Points
If 1st Violation	1
If 2nd Violation	7

↓

6 Condition 11 Violation: Abscond

Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Points
Do Not Score	

Conditions 9 or 11	Points
If 1st Violation	3
If 2nd Violation	10

↓

Last Date whereabouts were known ____/____/____ Date whereabouts verified ____/____/____

7 Primary Offense VCC Prefix of SEX, RAP, OBS

Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Points
Do Not Score	

Conditions 9 or 11	Points
If 1st Violation	1
If 2nd Violation	22

↓

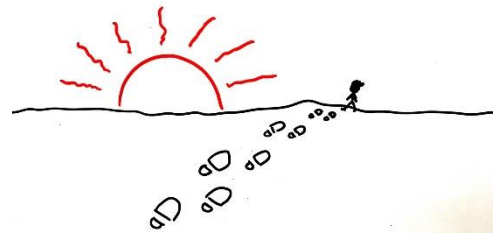
Recommendation Score

Recommendation Table

Score	Guidelines Sentence	Score	Guidelines Sentence
<input type="checkbox"/> 0-3.....	Probation	<input type="checkbox"/> 19 to 33.....	3 months to 1 year
<input type="checkbox"/> 4-12.....	0 to 14 days	<input type="checkbox"/> 34 to 43.....	1 year to 1 year 6 months
<input type="checkbox"/> 13-18.....	Time Served to 6 months	<input type="checkbox"/> 44 or more.....	1 year to 4 years

Go to SRR
Cover sheet
and fill out the
violation guidelines
recommendation
range.

4. The Probation Journey of Lilly Bucket



Date Sentenced	Court	Charged Offense	Convicted Offense	Sentence Imposed, Suspended, or Effective	State Supervised Probation Period
July 2005	Chesapeake Juvenile	PWID Cocaine	Same	Suspended commitment to DJJ	1 Year
January 3, 2021	Virginia Beach	Forgery	Same	2 Years Imposed Time Served (9 months)	1 Year
August 30, 2021	Virginia Beach	Probation Violation (Forgery)	Same	1 Year, 3 Months Imposed, resuspended	Continue Supervised Probation
November 1, 2021 (O) Sep. 29, 2021	Virginia Beach	Petit Larceny	Same	30 Days Jail, suspended time served	
December 22, 2021	Virginia Beach	Probation Violation (Forgery)	Same	1 Year 3 Months Imposed 3 months to serve	1 Year Supervised Probation
February 2022	Released from Jail – Probation Starts				
August 15, 2022	Virginia Beach	Probation Violation (Forgery)	Same	1 Year Imposed 14 days to serve	Probation terminated
August 22, 2022	Released from Jail – No Probation obligation				
March 5, 2023 (O) Dec 1, 2022	Virginia Beach	Credit Card Theft	Same	5 Years Imposed, 4 Years, 9 Months suspended, 3 months to serve	2 years Supervised Probation
March 23, 2023	Released from Jail – Probation Starts				
July 2, 2023	Virginia Beach	Probation Violation (Credit Card Theft)	Current Violation		



Current Supervision History:

Special Conditions - The defendant was returned to court for violation of special conditions. The defendant was ordered to pay \$50 per month in restitution and was given four warnings. The defendant was employed full time during the current supervision period.

Probation Violation Guidelines Worksheet ❖ TV 3/SCV

Third or Subsequent Technical Violation or Any Special Condition Violations

Offender Name: _____

Base Guidelines on the Current Most Serious Primary Offense: - - ☐ Original Sentencing was Incarceration/CCAP

☐ ICOTS Case for Supervision of Current Primary Transferred to: State Abv: _____

Amount of Total Revocable Time at Hearing Sentencing: ☐ Life +

(This Court Only) Years Months Days

1 Dates (use to score factors three and four)

Earliest Original Sentencing Date _____ Start of Current Supervision Period _____

2 Number of Felony Revocation Events for Current Offense(s) (This Court Only) → 0

Current Revocation Event Only2
One Revocation Event Prior to Current Revocation Event12
Two or More Revocation Events Prior to Current Revocation Event24

3 Prior Felony Revocation(s) Before Original Sentencing Date (This Court Only) → 0

One Prior Felony Revocation18
Two or More Prior Felony Revocations19

4 Felony Offense Conviction(s) Between Original Sentencing Date and Start of Current Supervision (ALL Courts) — If YES, add 13 → 0

5 Condition 8 Violation: Drug Violation — If YES, add 7 → 0

6 Condition 11 Violation: Abscond — If YES, add 10 → 0

Last date whereabouts were known ____/____/____ Date whereabouts verified ____/____/____

7 Primary Offense VCC Prefix of SEX, RAP, OBS or Violation of Sex Offender Special Conditions (Court or DOC) — If YES, add 22 → 0

Recommendation Score →

Go to SRR Cover Sheet and fill out the violation guidelines recommendation range.

Recommendation Table

Score	Guidelines Sentence
<input type="checkbox"/> Under 19.....	Time served to 6 months
<input type="checkbox"/> 19 to 33.....	3 months to 1 year
<input type="checkbox"/> 34 to 43.....	1 year to 1 year 6 months
<input type="checkbox"/> 44 or more.....	1 year to 4 years

5. The Probation Journey of Lilly Bucket



Date Sentenced	Court	Charged Offense	Convicted Offense	Sentence Imposed, Suspended, or Effective	State Supervised Probation Period
July 2005	Chesapeake Juvenile	PWID Cocaine	Same	Suspended commitment to DJJ	1 Year
January 3, 2021	Virginia Beach	Forgery	Same	2 Years Imposed Time Served (9 months)	1 Year
August 30, 2021	Virginia Beach	Probation Violation (Forgery)	Same	1 Year, 3 Months Imposed, resuspended	Continue Supervised Probation
November 1, 2021 (O) Sep. 29, 2021	Virginia Beach	Petit Larceny	Same	30 Days Jail, suspended for time served	
December 22, 2021	Virginia Beach	Probation Violation (Forgery)	Same	1 Year 3 Months Imposed 3 months to serve	1 Year Supervised Probation
February 2022	Released from Jail – Probation Starts				
August 1, 2022	Virginia Beach	Probation Violation (Forgery)	Same	1 Year Imposed 14 days to serve	Probation terminated
August 15, 2022	Released from Jail – No Probation obligation				
March 5, 2023 (O) Dec 1, 2022	Virginia Beach	Credit Card Theft	Same	5 Years Imposed, 4 Years, 9 Months suspended, 3 months to serve	2 years Supervised Probation
March 23, 2023	Released from Jail – Probation Starts				
July 2, 2023	Virginia Beach	Probation Violation (Credit Card Theft)	Same	4 Years, 9 Months Imposed, All Resuspended	Continue on Probation
July 2, 2023	Continued on Probation				
September 30, 2023	Virginia Beach	Probation Violation (Credit Card Theft)	Current		

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According to the MVR prepared for the second violation September 30, 2023, the Probation Officer cited the following conditions:

Condition 6: Failed to follow Officer's Instructions and report as instructed. Defendant was given two chances to report to Riverside Counseling Center, but never reported and never called to reschedule an appointment.

Condition 11: Absconded. The defendant's last known whereabouts was July 2, 2023 when the defendant was in the Virginia Beach Circuit Court. After four missed contacts, several attempts to find the defendant at her residence, at work, at the local jail and surrounding hospitals a capias was requested. The defendant was arrested in Texas on October 15, 2023.

Probation Violation Guidelines Worksheet TV1/2

First or Second Technical Violation

Offender Name: _____

Base Guidelines on the Current Most Serious Primary Offense: - - ☐ Original Sentencing was Incarceration/CCAP

☐ ICOTS Case for Supervision of Current Primary Transferred to: State Abv: _____

Amount of Total Revocable Time at Hearing Sentencing: ☐ Life +
(This Court Only) Years Months Days

1 Dates (use to score factors three and four)

Earliest Original Sentencing Date _____ Start of Current Supervision Period _____

2 Number of Felony Revocation Events for Current Offense(s) (This Court Only)

Conditions 2, 3, 4, 5, 6, 7, 8 or 10 Points
Current Revocation Event Only 2
Prior Revocation Event 11

Conditions 9 or 11 Points
Current Revocation Event Only 4
Prior Revocation Event 12

3 Felony Offense Convictions Between Original Sentencing Date and Start of Current Supervision Period (ALL Courts)

Conditions 2, 3, 4, 5, 6, 7, 8 or 10
Do Not Score

Conditions 9 or 11 Points
If 1st Violation 0
If 2nd Violation 13

4 Prior Felony Revocation(s) Before Original Sentencing Date (This Court Only)

Conditions 2, 3, 4, 5, 6, 7, 8 or 10
One or More Prior Felony Revocation Events 1

Conditions 9 or 11 Points
If 1st Violation
One or More Prior Felony Revocation Events 1
If 2nd Violation
One or More Prior Felony Revocation Events 18
Two or More Prior Felony Revocations Events 19

5 Condition 8 Violation: Drug Violation

Conditions 2, 3, 4, 5, 6, 7, 8 or 10
Do Not Score

Conditions 9 or 11 Points
If 1st Violation 1
If 2nd Violation 7

0

6 Condition 11 Violation: Abscond

Conditions 2, 3, 4, 5, 6, 7, 8 or 10
Do Not Score

Conditions 9 or 11 Points
If 1st Violation 3
If 2nd Violation 10

Last Date whereabouts were known ____/____/____ Date whereabouts verified ____/____/____

7 Primary Offense VCC Prefix of SEX, RAP, OBS

Conditions 2, 3, 4, 5, 6, 7, 8 or 10
Do Not Score

Conditions 9 or 11 Points
If 1st Violation 1
If 2nd Violation 22

Recommendation Score

Recommendation Table

Go to SRR Cover sheet and fill out the violation guidelines recommendation range.	Score	Guidelines Sentence	Score	Guidelines Sentence
	<input type="checkbox"/> 0-3.....	No Time	<input type="checkbox"/> 19 to 33.....	3 months to 1 year
	<input type="checkbox"/> 4-12.....	0 to 14 days	<input type="checkbox"/> 34 to 43.....	1 year to 1 year 6 months
	<input type="checkbox"/> 13-18.....	Time Served to 6 months	<input type="checkbox"/> 44 or more.....	1 year to 4 years

NOTE:

6. The Probation Journey of Lilly Bucket



Date Sentenced	Court	Charged Offense	Convicted Offense	Sentence Imposed, Suspended, or Effective	State Supervised Probation Period
July 2005	Chesapeake Juvenile	PWID Cocaine	Same	Suspended commitment to DJJ	1 Year
January 3, 2021	Virginia Beach	Forgery	Same	2 Years Imposed Time Served (9 months)	1 Year
August 30, 2021	Virginia Beach	Probation Violation (Forgery)	Same	1 Year, 3 Months Imposed, resuspended	Continue Supervised Probation
November 1, 2021 (O) Sep. 29, 2021	Virginia Beach	Petit Larceny	Same	30 Days Jail, suspended for time served	
December 22, 2021	Virginia Beach	Probation Violation (Forgery)	Same	1 Year 3 Months Imposed 3 months to serve	1 Year Supervised Probation
February 2022	Released from Jail – Probation Starts				
August 1, 2022	Virginia Beach	Probation Violation (Forgery)	Same	1 Year Imposed 14 days to serve	Probation terminated
August 15, 2022	Released from Jail – No Probation obligation				
March 5, 2023 (O) Dec 1, 2022	Virginia Beach	Credit Card Theft	Same	5 Years Imposed, 4 Years, 9 Months suspended, 3 months to serve	2 years Supervised Probation
March 23, 2023	Released from Jail – Probation Starts				
July 2, 2023	Virginia Beach	Probation Violation (Credit Card Theft)	Same	4 Years, 9 Months Imposed, All Resuspended	Continue on Probation
July 2, 2021	Continued Probation				
September 30, 2023	Virginia Beach	Probation Violation (Credit Card Theft)	Same	4 Years, 9 Months Imposed, All but 14 Days suspended	1 year Supervised Probation
October 3, 2023	Released from Jail – Probation Starts				
December 29, 2023	Virginia Beach	Probation Violation (Credit Card Theft)	Current Violation		

Current Supervision History:

Lilly Bucket is pending a Probation Revocation on a Credit Card Theft offense. In the current Major Violation Report (MVR) the Probation Officer reported that the defendant was placed on the Random Urine Screen program when she reported to commence probation upon her release from incarceration in October 2023 due to a positive drug screen that same day. She was instructed to attend NA and an outpatient substance abuse program. The defendant failed to report for any subsequent urine screen and never attended the outpatient program. The Probation Officer cited the following conditions: **Condition 6:** Failure to follow instructions and **Condition 4:** Fail to report as instructed. Ms. Bucket was arrested on the capias, December 1 and held without bond.

Probation Violation Guidelines Worksheet TV1/2

First or Second Technical Violation

Offender Name: _____

Base Guidelines on the Current Most Serious Primary Offense: - - ☐ Original Sentencing was Incarceration/CCAP

☐ ICOTS Case for Supervision of Current Primary Transferred to: State Abv: _____

Amount of Total Revocable Time at Hearing Sentencing: ☐ Life + Years Months Days

(This Court Only)

1 Dates (use to score factors three and four)

Earliest Original Sentencing Date _____ Start of Current Supervision Period _____

2 Number of Felony Revocation Events for Current Offense(s) (This Court Only)

Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Points	Conditions 9 or 11	Points
Current Revocation Event Only.....	2	Current Revocation Event Only.....	4
Prior Revocation Event.....	11	Prior Revocation Event.....	12

3 Felony Offense Convictions Between Original Sentencing Date and Start of Current Supervision Period (ALL Courts)

Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Points
Do Not Score	

Conditions 9 or 11	Points
If 1st Violation.....	0
If 2nd Violation.....	13

4 Prior Felony Revocation(s) Before Original Sentencing Date (This Court Only)

Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Points
One or More Prior Felony Revocation Events.....	1

Conditions 9 or 11	Points
If 1st Violation	
One or More Prior Felony Revocation Events.....	1
If 2nd Violation	
One or More Prior Felony Revocation Events.....	18
Two or More Prior Felony Revocations Events.....	19

5 Condition 8 Violation: Drug Violation

Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Points
Do Not Score	

Conditions 9 or 11	Points
If 1st Violation.....	1
If 2nd Violation.....	7

0

6 Condition 11 Violation: Abscond

Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Points
Do Not Score	

Conditions 9 or 11	Points
If 1st Violation.....	3
If 2nd Violation.....	10

Last Date whereabouts were known ____/____/____ Date whereabouts verified ____/____/____

7 Primary Offense VCC Prefix of SEX, RAP, OBS

Conditions 2, 3, 4, 5, 6, 7, 8 or 10	Points
Do Not Score	

Conditions 9 or 11	Points
If 1st Violation.....	1
If 2nd Violation.....	22

Recommendation Score

Recommendation Table

Go to SRR Cover sheet and fill out the violation guidelines recommendation range.	Score	Guidelines Sentence	Score	Guidelines Sentence
	<input type="checkbox"/> 0-3.....	No Time	<input type="checkbox"/> 19 to 33.....	3 months to 1 year
	<input type="checkbox"/> 4-12.....	0 to 14 days	<input type="checkbox"/> 34 to 43.....	1 year to 1 year 6 months
	<input type="checkbox"/> 13-18.....	Time Served to 6 months	<input type="checkbox"/> 44 or more.....	1 year to 4 years



Sentencing Revocation Report (SRR) - Felony Supervision/Good Behavior/Suspended Sentence Violations

◆ OFFENDER

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

Date of Birth: _____ SSN: _____ SID/CCRE: _____ CORIS Offender ID: _____

◆ COURT

Judicial Circuit: _____ City/County: _____ Docket Number: _____ FIPS Code: _____

◆ TYPE OF REVOCATION

(Complete SRR and Guidelines): ☐ State Supervised Probation for Felony

(Complete SRR only, guidelines do not apply): ☐ Local Probation ☐ Good Behavior /Suspend Sentence ☐ CCAP ☐ Procedural

(NOTE: This form is not completed for First Offender Violations, Deferred Finding Violations or Parole Violations)

Technical Violation: ☐ 1st ☐ 2nd ☐ 3rd or subsequent

Special Conditions ☐ Yes

New Law Violation: ☐ Felony ☐ Misdemeanor

◆ CONDITIONS CITED IN VIOLATION BY PROBATION/PAROLE OFFICER (check all that apply)

- ☐ 1. Fail to obey all Federal, State, and local laws.
- ☐ 2. Fail to report any arrests within 3 days to PO.
- ☐ 3. Fail to maintain employment or to report changes.
- ☐ 4. Fail to report as instructed
- ☐ 5. Fail to allow probation officer to visit home or job.
- ☐ 6. Fail to follow instructions, be truthful, and cooperative.
- ☐ 7. Use alcoholic beverages
- ☐ 8. Use, possess, distribute controlled substances or paraphernalia
- ☐ 9. Use, own, possess, transport or carry firearm
- ☐ 10. Change residence or leave Virginia without permission
- ☐ 11. Abscond from supervision
- ☐ Fail to follow special conditions (specify)

☐ Special Sex Offender Conditions
(Enter Letter for Condition(s) Violated: ☐ ☐ ☐

☐ Special Gang Member Conditions
(Enter Letter for Condition(s) Violated: ☐ ☐ ☐

◆ TREATMENT, SANCTIONS, EDUCATIONAL PROGRAMS & ALTERNATIVES UTILIZED

(For Judicial Review)

	Enrolled, Ordered	Completed	Not Completed	Ineligible
Anger management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CCAP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drug Screens increased/ordered	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment Skills Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gang Supervision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Incarceration - jail or prison	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Increase in supervision level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mental health counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parenting class	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recidivist Prevention Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Salvation Army Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex offender treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specialty Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse Program, Jail/DOC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse treatment, inpatient	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse treatment, outpatient	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse treatment: AA or NA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thinking for a Change	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Voice Verification Biometrics Monitoring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

◆ DATE ARRESTED FOR THIS VIOLATION: ____/____/____

◆ PRETRIAL CONFINEMENT FOR THIS VIOLATION ☐ No

☐ Confined Since Arrest for Violation ☐ Dates Confined ____/____/____ to ____/____/____ ☐ Dates Confined ____/____/____ to ____/____/____
(For Judicial Review. There is no indication that the times served will be applied to this case)

◆ PRETRIAL STATUS RELEASE :

☐ Bond: ___Secured ___Unsecured ☐ Own Recognizance ☐ Third Party Release ☐ N/A

◆ VIOLATION GUIDELINES RECOMMENDATION

RECOMMENDATION RANGE ☐ Time Served OR Years Months Days to Years Months Days



- Demographic Information
- Number of Prior Technical Revocations (Statute)
- Conditions Violated
- Providing Court with Consistent Pretrial Confinement Dates
- Standardizing Information on Available or Already Used Alternatives, Treatment, Other Sanctions, Etc.
- Rehabilitation Potential Identified by the Judge
- Treatment Exception (Statute)
- Confirmation that a Criminal History Was Provided

Sentencing Revocation and Felony Probation Violation Guidelines –

PVG Check List:

The purpose of the revised probation violation guidelines is, in part, to provide every judge with consistent and reliable information before a decision is made and a sentence is imposed. Below are some of the requirements

- ☐ Complete Probation Violation Guidelines for Condition 1 (new convictions) and Technical Violations (Conditions 2-11 and Special Conditions).
- ☐ Probation Officers Must Complete the Probation Violation Guidelines Because of Their Comprehensive Knowledge of the Case (Unless the Commonwealth is provided with all the details.)
- ☐ Identify Violations that Do Not Utilize Information Provided by the Department of Corrections' Probation Officers (e.g., Major Violation Report). Classify These Violations as Good Behavior Violations. Probation Violation Guidelines Do Not Apply for Good Behavior Violations.
- ☐ Complete Only the Sentencing Revocation Report (SRR) for Good Behavior Violations, Other Types of Suspended Sentence Violations and Local Felony Probation Violations.
- ☐ Update the Criminal Record Check for Every Defendant and Advise the Court in Writing or Verbally of Any New Convictions During the Current Supervision Period. (Provide information on new convictions based on an updated criminal record check, even if Condition 1 is not cited).
- ☐ Identify on the SRR All Treatment, Sanctions, Education Programs and Alternatives Utilized or Attempted During the Entire Course of the Supervision Period. (This is for judicial review only and may be used to find resources that may be an effective alternative and to eliminate options that have not been successful. This may be self-reported information provided by the defendant or defense counsel.)
- ☐ Identify Time Incarcerated for this Probation Violation Hearing/Sentencing. (This is pretrial incarceration prior to the hearing).
- ☐ Calculate the Amount of Revocable Time for All Offenses in the Current Event Before the Hearing on the Violation(s).



Instructions:

Read the case scenario below and review the criminal history. Determine which worksheet and factors should be scored. Complete the appropriate Probation Violation Guidelines worksheet and record your calculated recommendation.

Defendant: Walter Cyrptonite

Original Offense: Rape

Roanoke City (FIPS: 770)

25 years imposed; 20 years suspended

RAP-1129-F9, 5 Years - Life

Current period of Supervision Probation began on January1, 2021

Current Supervision History:

Walter Cryptonite is pending a Probation Revocation on Rape and Fail to Register offenses. In addition to the regular conditions of probation, the defendant was also instructed to abide by special sex offender conditions. In the current Major Violation Report (MVR) the Probation Officer noted that the defendant was attending mental health counseling as required but had unsupervised contact with a minor on several occasions.

The Probation Officer cited the following conditions:

Special Sex Offender Conditions – D (No contact with a minor.)

Revocation hearing scheduled for August 1, 2022 in Roanoke City Circuit Court. Mr. Cryptonite was arrested on July 1, 2022 and held without bond.

Prior Supervision History:

Walter Cyrptonite has one prior revocation relating to the Rape conviction.

According to the Major Violation Report (MVR) prepared for the first violation on February 5, 2019, the Probation Officer cited the following condition(s):

Special Conditions: No Contact with a Minor

Walter Cryptonite - 8/1/22 Violation Hearing

Date Sentenced	Court	Charged Offense	Convicted Offense	Sentence Imposed, Suspended, or Effective	State Supervised Probation Period
February 1, 2014	Roanoke City	Rape (RAP-1129-F9)	Same	25 years Imposed, 20 years suspended	25 years
December 2018	Released from Prison – Probation Starts				
February 5, 2019 (O) Jan 2, 2019	Roanoke City	Sex Offender, Fail to Register (SOR-3657-F6)	Same	5 Years Imposed, 4 years suspended	5 years
February 5, 2019	Roanoke City	Probation Violation (Rape)	Same	20 years Imposed, 1 year to serve	25 years
January 1, 2021	Released from Prison – Probation Starts				
August 1, 2022	Roanoke City	Probation Violation (Rape)	Current Violation Pending		
August 1, 2022	Roanoke City	Probation Violation (Fail To Register)	Current Violation Pending		

Instructions:

Read the case scenario below and review the criminal history. Determine which worksheet and factors should be scored. Complete the appropriate Probation Violation Guidelines worksheet and indicate your calculated recommendation.

Defendant: Ron Johnson

Original Offense: Credit Card Theft

Alexandria (FIPS: 013), May, 1 2017

15 years imposed; all time suspended

FRD-2360-F9, 1 Year - 20 Years

Current period of Supervision Probation began on June 8, 2022

Supervision History

Ron was released from prison and began his current period of supervision on June 8, 2022. Ron's probation officer advised him that he would need to attend a jobs skills program through the VEC and maintain employment. He completed the VEC program and advised that he would be employed by his uncle who was a local handyman and began working that week. Ron worked with his uncle for 2 months, when he decided that he would start his own business. On August 7, shortly after establishing his own business, Ron was arrested and charged with obtaining money by false pretenses and intent to defraud, funds not used to pay for labor/supplies when he conjured a scheme to do home repair and stole over \$10,000 from several clients. He was released on bond. Ron was convicted & sentenced on September 4, of Obtaining money by false pretenses and Intent to defraud, funds not used to pay for labor/supplies and sentenced to 5 years and ordered to repay \$11,000 in restitution. Ron currently has a pending probation violation in Alexandria on October 1, 2022.

The probation officer cited the following conditions:

Condition 1 Fail to obey the law

Condition 3 Fail to maintain employment

Condition 6 Fail to follow instructions and be truthful

Prior Supervision History:

See criminal history summary (page 71)

Ron Johnson - 10/1/22 Violation Hearing

Date Sentenced	Court	Charged Offense	Convicted Offense	Sentence Imposed, Suspended, or Effective	State Supervised Probation Period
May 1, 5 2017	Alexandria	Credit Card Theft FRD-2360-F9	Same	15 years imposed All time suspended	15 years Supervised probation
March 3, 2018	Fairfax	Forgery FRD-2520-F5	Same	4 Years Imposed Time Served (9 months)	1 Year
March 5, 2018	Alexandria	Probation Violation (Credit Card Theft) PRB-4850-F9	Same	15 years revoked, 14 years resuspended, serve 1 year	Continue Supervised Probation
December 8, 2019	Released from Prison- Probation Starts				
March 30, 2020	Fairfax	Probation Violation (Forgery) PRB-4850-F9	Same	3 Year, 3 Months Imposed	Continue Supervised Probation
July 7, 2020	Released from Prison- Probation Starts				
October 1, 2020	Arlington	Forgery, public document FRD-2519-F4	Same	5 Years imposed 4 years suspended	10 Years Supervised Probation 10 years Good Behavior
December 22, 2020	Alexandria	Probation Violation (Credit Card Theft) PRB-4850-F9	Same	14 Years, 13 years 6 months suspended, 6 months to serve	Continued Supervised Probation
June 8, 2022	Released from Jail – Probation Starts				
September 4, 2022 August 7, 2022(A) July 1, 2022 (O)	Arlington	Obtain Money by False Pretense ≥\$ 1000 FRD-2743-F9 Intent to defraud, funds not used to pay for labor/supplies FRD-2602-F9	Same Same	10 years imposed, 5 years suspended 10 years imposed, 5 years suspended	20 years Supervised Probation
October 1, 2022	Alexandria	Probation Violation (Credit card Theft) PRB-4850-F9	Current Violation Pending		

Instructions:

Read the case scenario below and review the criminal history. Determine which worksheet and factors should be scored. Complete the appropriate Probation Violation Guidelines worksheet and indicate your calculated recommendation.

Defendant: Jane Rye

Original Offense: Possession Sch I/II
Culpeper (FIPS:047), June 15, 2017
10 years imposed; 10 suspended
NAR-3022-F5, 1 Year - 10 Years
Released from prison and placed on probation September 7, 2020

Supervision History

Jane has a pending probation violation on Possession of Sch I/II offense in Culpeper. Jane was arrested on December 29, 2020 and charged with Possession of Sch. IV drug (Xanax) and Simple Assault on family member; however, due to COVID she was released on bond she continued reporting to probation and never reported the arrest to her probation officer. She continued to participate in outpatient substance abuse treatment. Due to many restrictions with office visits she managed to omit the arrest information for a significant period before the probation officer learned of the arrest. When the probation officer learned about the arrest in addition to the new law violations, she issued a request to revoke the defendants probation for violating conditions 1-Failure to Obey Laws, 2- Failure to Report Arrest & 8- Use, Possess, Distribute Controlled Substance. Jane was found guilty of the Possession of Sch. IV and Assault and Battery offenses. The defendant was arrested for the Probation Violation on May 1, 2021 and the hearing is scheduled on June 15, 2021.

The probation officer cited the following conditions:

#1 Fail to obey the law

#2 Fail to report arrest within 3 days

#8 Use, possess, distribute controlled substances or paraphernalia

Prior Supervision History:

See criminal history summary (page 73)

Jane Rye - 06/15/2021 Violation Hearing

Date Sentenced	Court	Charged Offense	Convicted Offense	Sentence Imposed, Suspended, or Effective	State Supervised Probation Period
June 15, 2017	Culpeper	Possession Sch I/II NAR-3022-F5 (10 yr. max)	Same	10 years Imposed 10 years Suspended	5 years
June 23, 2017 <i>May 17, 2016 (O)</i>	Fauquier	Attempted Burglary BUR -2213-A9 (10 yr. max)	Same	10 years imposed 9 years imposed 1 year to serve (concurrently w/ another jurisdiction)	5 years
May 18, 2018	Released from Prison – Probation Starts				
March 6, 2019 <i>December 17, 2018 (O)</i> <i>December 17, 2018 (A)</i>	Fredericksburg	Simple Assault & Battery on Family Member ASL-1315-M1 (12-month max) Possession of Sch I/II (Cocaine) NAR-3022-F5 (10 yr. max)	Same Same	12 months imposed All time suspended All time suspended	12 months 5 years
May 14, 2019	Culpeper	Probation Violation (Possession Sch I/II) PRB-4850-F9	Same	8 years imposed 6 years 8 months suspended 1 year 4 months to serve	Continued Same Probation
September 7, 2020	Released from Prison- Continued Probation				
April 6, 2021 <i>December 29, 2020 (O)</i> <i>December 29, 2020 (A)</i>	Culpeper	Possess- Sch IV NAR-3024-M2 Simple Assault & Battery on Family Member ASL-1315-M1	Same Same	12 months imposed All time suspended 12 months imposed All but 5 days suspended	
June 15, 2021	Culpeper	Probation Violation (Possession Sch. I/II) PRB-4850-F9	Current Violation Pending		

Instructions:

Read the case scenario below and review the criminal history. Determine which worksheet and factors should be scored. Complete the appropriate Probation Violation Guidelines worksheet and record your calculated recommendation.

Defendant: Jim Beamer

Original Offense: Aggravated Sexual Battery
Fredericksburg (FIPS:630)
10 years imposed; 8 suspended, 2 year to serve
RAP-1121-F9, 1 Year - 20 Years
Released from prison and placed on probation June 21, 2020

Current Supervision History:

In addition to the regular conditions of probation, the defendant was also instructed to abide by special sex offender conditions and complete treatment. In the current Major Violation Report (MVR) the Probation Officer noted that the defendant did not complete sex offender treatment and had a new conviction for Drunk in Public and following his conviction on November 1, 2021 the defendant absconded from supervision. The Probation Officer noted that the defendant had moved from his address, was no longer employed, and his cell phone had been disconnected. The last time the Probation Officer knew the whereabouts of the defendant was when he was in court to answer to the Drunk in Public charge (Nov. 1, 2021). The Probation Officer could not verify the defendant's whereabouts again until May 1, 2022, when he was arrested on the Probation Violation Capias. The Probation Officer cited the following conditions:

#1 (Fail to obey laws.)

#3 (Fail to report change in employment.)

#11 (Absconding.)

Special Sex Offender Conditions – A (Reside at your registered address.)

Revocation hearing scheduled for June 6, 2022 in Fredericksburg Circuit Court

Prior Supervision History:

Jim Beamer has no prior revocations relating to the Aggravated Sexual Battery conviction.

Jim Beamer - 06/06/2022 Violation Hearing

Date Sentenced	Court	Charged Offense	Convicted Offense	Sentence Imposed, Suspended, or Effective	State Supervised Probation Period
March 5, 2008	Fredericksburg	Sexual Battery	Same	30 days Jail Imposed	
June 20, 2008	Henrico	Grand Larceny Auto (2008 Mercedes)	Same	10 years Imposed, 9 years suspended	1 Year
May 2008	Released from Prison – Probation Starts				
May 2009	Successfully Discharged from Supervised Probation				
August 20, 2018	Fredericksburg	Aggravated Sexual Battery (RAP-1121-F9)	Same	10 years Imposed, 8 years suspended, 2 years to serve	10 years
June 21, 2020	Released from Prison – Probation Starts				
November 1, 2021	Henrico	Drunk in Public (OBS-3712-M4) (Offense date: 10/5/21)	Same	Fine	
June 6, 2022	Fredericksburg	Probation Violation (Aggravated Sexual Battery)	Current Violation Pending		

Table 4: Similar Offense Types

If a new felony or misdemeanor conviction is similar in behavior to the current most serious primary offense. Similar behavior is determined by using the list below. This list the Virginia Crime Code (VCC) prefix for the primary offense and identifies the VCC prefix for any similar offense or behavior. If the new felony or misdemeanor has the same prefix as the primary offense or a VCC prefix identified below as similar, points are assigned.

If the new felony or misdemeanor conviction is similar behavior to any offense other than the primary offense in the Current Probation Violation Event, then the similar behavior factor is not scored. This factor is limited to the offense and VCC listed as the current most serious primary offense at the top of Worksheet.

QUICK REFERENCE TABLE

Prefix for the Primary Offense		Similar/Related Offenses
ARS	(Arson)	ARS, VAN, FIR
ASL	(Assault)	ASL, MUR, RAP, SEX, TEL, STK, KID, PRT
BUR	(Burglary)	BUR, TRS
DWI	(Driving While Intoxicated)	DWI, ALC, LIC, REC, HIT
ESC	(Escape)	ESC, PRI
EXT	(Extortion)	EXT
FAM	(Family Offenses)	FAM, LAB
FRD	(Fraud)	FRD, LAR, CHK, COM, EMP, LOT
FTA	(Failure to Appear)	FTA
HIT	(Hit and Run)	HIT, DWI, ALC, LIC, REC
KID	(Kidnapping)	KID
LAR	(Larceny)	LAR, FRD, CHK, COM, EMP, LOT
LIC	(License Offenses)	LIC, DWI, ALC, REC, HIT
MOB	(Mob)	MOB
MUR	(Homicide/Murder)	MUR, ASL
NAR	(Drugs)	NAR, PHA
OBS	(Obscenity)	OBS (not drunk in public), SEX, RAP, SOR
PER	(Perjury)	PER
PRI	(Prisoner Offenses)	PRI, ESC
RAP	(Rape)	RAP, SEX, OBS (not drunk in public), SOR
REC	(Reckless Driving)	REC, LIC, DWI, ALC, HIT
ROB	(Robbery)	ROB, LAR2361F9
SEX	(Sexual Assault Offenses)	SEX, RAP, SOR, OBS (not drunk in public),
SOR	(Sex Offender Registry)	SOR, SEX, RAP, OBS (not drunk in public),
TEL	(Telephone)	TEL
VAN	(Vandalism)	VAN, ARS
WPN	(Weapon)	WPN, ASL1319F9, ASL1323F9

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