

Rape/Sexual Assault Sentencing Guidelines Cover Sheet

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

Scheduled Sentencing Date:

 / /

1 OFFENDER

First Middle Last Suffix

Date of Birth: / / Social Security Number: - -

CCRE: ☒ V ☐ A CORIS Offender ID: PSI:

2 COURT

Judicial Circuit City/County FIPS Code:

Sentencing Judge's Name For Office Use Only

Preparer Name ☐ Commonwealth's Attorney ☐ Probation Officer

Prosecuting Commonwealth's Attorney Defense Attorney

3 CONVICTIONS

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

Primary Offense Code Section § Docket Number

4 METHOD OF ADJUDICATION

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

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

5 SENTENCING GUIDELINES RECOMMENDATION

Section B

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

Mandatory Minimum

Section C

☐ Incarceration (Enter Midpoint and Range Below)

Range Midpoint Years Months Days

Sentence Range Years Months Days TO Years Months Days

☐ Recommendation Adjusted for Mandatory Minimum

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

6 Modifications Based on Risk Assessment

The upper end of the sentencing range can be adjusted based on the risk assessment level.

Characteristics of the offender and the circumstances of the offense may have correlated with a significant risk of recidivism among other sex offenders. If so, the upper end of the recommended sentence range can be increased by:

- Check one
- ☐ 300% - Level 1
☐ 100% - Level 2
☐ 50% - Level 3
☐ No Adjustment

Adjusted High End

 Years Months

◆ Final Disposition Fill In After Sentence Has Been Pronounced

◆ SENTENCE

Total Time Imposed Before Suspension ☐ Life Sentence +

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Total Effective Time to Serve ☐ Life Sentence +

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☐ Sentenced to
Time Served

Post Release

Post Release Incarceration Term § 18.2-10 (suspended)

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Post Release Supervision Period § 19.2-295.2(A)

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Probation Period (Supervised) § 19.2-303 ☐ Indefinite

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☐ Good Behavior Period (§ 19.2-306) _____
Years Months Days

Check all that apply

☐ Incarceration Sentence to Run Concurrently With Another Sentencing Event

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

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

☐ Oral Sentence Recommendation Accepted

☐ Restitution \$ _____ ☐ Fine \$ _____

Other Sentencing Programs *(check all that apply)*

☐ Day Reporting

☐ Electronic Monitoring

☐ Intensive Probation

☐ Substance Abuse Treatment

☐ § 18.2-251/§ 18.2-258.1

☐ Community-Based Program _____

☐ **CCAP** Detention/Diversion Center Incarceration, 22-48 weeks

☐ Drug Court

☐ Youthful Offender

☐ **DJJ** Commitment ☐ Indeterminate ☐ Determinate

☐ Other _____

Office Use Only					

◆ REASON FOR DEPARTURE AND/OR MODIFICATION OF JURY SENTENCE

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

			Office Use Only		

◆ SENTENCING DATE

Month		Day		Year	

Judge's Signature

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

After sentencing, send to:

Virginia Criminal Sentencing Commission • 100 North Ninth Street • Fifth Floor • Richmond, Virginia 23219

Other Sexual Assault — Section A (Part I)

Offender Name: _____

◆ Offenses Not Applicable for Risk Assessment:

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

◆ Offender's Age at Time of Offense

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

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◆ Less than 9th Grade Education (by conviction date)

If YES, add 4 →

0	
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◆ Not Regularly Employed (during 2 years prior to arrest date)

If YES, add 5 →

0	
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◆ Offender's Relationship with Victim

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

0	
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◆ Aggravated Sexual Battery (Primary Offense §18.2-67.3)

No penetration, no attempted penetration 0
Penetration or attempted penetration 4

0	
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◆ Location of Offense

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

0	
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◆ Prior Adult Felony/Misdemeanor Arrests for Crimes Against Person

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

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◆ Prior Incarcerations/Commitments

If YES, add 3 →

0	
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◆ Prior Treatment

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

0	
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Risk Score

◆ Risk Level (Risk Score)

- ☐ 44 or more Level 1
☐ 34 - 43 Level 2
☐ 28 - 33 Level 3
☐ up to 27 No Adjustment

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Go to **Section A (Part II)**

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 3
- 2 counts 8
- 3 counts 10
- D. Indecent liberties by custodian
- 1 count 4
- 2 counts 6
- 3 counts 7
- E. Non-forcible carnal knowledge of child age 13, 14 (statutory rape)
- 1 count 2
- 2 counts 8
- 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 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

Score

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

- Years: 5 - 26 1
- 27 - 52 2
- 53 or more 3

0	
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◆ Additional Offenses Total the maximum penalties for additional offenses, including counts

- Years: Less than 1 0
- 1 - 26 1
- 27 - 52 2
- 53 or more 3

0	
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◆ Victim Less than Age 13 at Time of Offense _____ If YES, add 5 →

0	
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◆ Victim Injury

- Threatened or emotional 2
- Physical, serious or life threatening 4

0	
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◆ Prior Convictions/Adjudications Total maximum penalties for the 5 most recent and serious prior record events

- Years: Less than 3 0
- 3 - 18 1
- 19 - 31 2
- 32 - 44 3
- 45 or more 4

0	
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◆ Prior Felony Sexual Assault Convictions/Adjudications

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

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

0	
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◆ Legally Restrained at Time of Offense

- None 0
- Other than parole/post-release, supervised probation or CCCA 2
- Parole/post-release, supervised probation or CCCA 3

0	
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◆ Risk Assessment Score (From Section A Part I)

- Less than 28 0
- 28 or more (Level 1, 2, or 3) 8

0	
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Total Score

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

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Other Sexual Assault ❖ Section B

Offender Name: _____

◆ Primary Offense

- A. Other than listed below (1 count) 1
- B. Aggravated sexual battery
- 1 count 2
- 2 counts 4
- 3 counts 6

Score

0	
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◆ Primary Offense Remaining Counts Total the maximum penalties for counts of the primary not scored above

- Years: 5 - 7 2 27 - 30 8
- 8 - 11 3 31 - 34 9
- 12 - 15 4 35 - 37 10
- 16 - 19 5 38 - 41 11
- 20 - 22 6 42 or more 12
- 23 - 26 7

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

- Years: Less than 1 0 23 - 26 7
- 1 - 2 1 27 - 30 8
- 3 - 7 2 31 - 34 9
- 8 - 11 3 35 - 37 10
- 12 - 15 4 38 - 41 11
- 16 - 19 5 42 or more 12
- 20 - 22 6

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◆ Victim Less than Age 13 at Time of Offense _____ If YES, add 3 →

0	
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◆ Prior Convictions / Adjudications Total the maximum penalties for the 5 most recent and serious prior record events

- Years: Less than 3 0
- 3 - 19 1
- 20 - 39 2
- 40 or more 3

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

0	
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SCORE THE FOLLOWING FACTOR **ONLY** IF PRIMARY OFFENSE AT CONVICTION IS
INDECENT LIBERTIES BY CUSTODIAN (§ 18.2-370.1(A))

◆ Victim Injury

- Threatened or emotional 3
- Physical or life threatening 4

0	
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Total Score

See Other Sexual Assault Section B Recommendation Table to convert score to guidelines sentence.

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Other Sexual Assault ❖ Section C

◆ Primary Offense

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

24.....

12.....

6.....

2 counts.....

40.....

20.....

10.....

3 counts.....

104.....

52.....

26.....

E. Non-forcible carnal knowledge of child age 13 - 14 (statutory rape)

1 count

36.....

18.....

9.....

F. Incest with own child/grandchild (1 count).....

104.....

52.....

26.....

G. Incest with own child/grandchild age 13 - 17 (1 count)

104.....

52.....

26.....

H. Aggravated sexual battery

1 count

90.....

60.....

34.....

2 counts.....

132.....

88.....

50.....

3 counts.....

288.....

192.....

108.....

I. Aggravated sexual battery, parent/grandparent to child/grandchild age 13-17

1 count

84.....

56.....

32.....

2 counts.....

90.....

60.....

34.....

3 counts.....

180.....

120.....

68.....

Score

◆ Primary Offense Remaining Counts

Assign points to each count of the primary not scored above and total the points

Maximum Penalty 5.....

(years) 10.....

20.....

30.....

40 or more.....

◆ Additional Offenses

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

Maximum Penalty Less than 1.....

(years) 1.....

2.....

3.....

4.....

5.....

10.....

20.....

30.....

40 or more.....

◆ Weapon Used, Brandished, Feigned or Threatened

If YES, add 4 →

0

0

◆ Victim Injury

Threatened or emotional.....

Physical, serious or life threatening.....

◆ Prior Convictions/Adjudications

Assign points to the 5 most recent and serious prior record events and total the points

Maximum Penalty Less than 2.....

(years) 2, 3, 4, 5.....

10.....

20.....

30.....

40 or more.....

0

◆ Prior Felony Sexual Assault Convictions/Adjudications

Number of Counts: 1.....

2.....

3 or more.....

◆ On Post-Incarceration Supervision

If YES, add 5 →

0

0

Total Score

See Other Sexual Assault Section C Recommendation Table for guidelines sentence range.

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

Other Sexual Assault/Section C



Offense Details

Offender Name:

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

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