

Drug/Schedule I/II

Section A

Offender Name: _____

Primary Offense

- A. Possess Schedule I or II drug
- 1 count 1
 - 2 counts 3
 - 3 counts 8
- B. Sell, Distribute, Possession with Intent Schedule I or II drug
- 1 count 12
 - 2 counts 13
 - 3 counts 14
 - 4 counts 15
- C. Sell, etc. Schedule I, II drug to minor (1 count) 11
- D. Accommodation - Sell, Distribute, Possession with Intent Schedule I or II drug
- 1 count 5
 - 2 counts 7
- E. Sell, etc. imitation Schedule I or II drug (1 count) 4

Score

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

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

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

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

0	
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Knife or Firearm in Possession at Time of Offense _____ If YES, add 2

0	
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Conviction in Current Event Requiring Mandatory Minimum Term (6 mos or more) If YES, add 9

0	
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Mandatory Firearm Conviction for Current Event _____ If YES, add 7

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 7 0
- 7 - 26 1
- 27 - 48 2
- 49 or more 3

0	
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Prior Incarcerations/Commitments _____ If YES, add 2

0	
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Prior Felony Drug Convictions/Adjudications

- Number: 1 - 2 1
- 3 - 4 2
- 5 3
- 6 or more 4

0	
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Prior Juvenile Record _____ If YES, add 1

0	
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Legally Restrained at Time of Offense

- None 0
- Other than parole/post-release, supervised probation or CCCA 1
- Parole/post-release, supervised probation or CCCA 4

0	
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SCORE THE FOLLOWING FACTOR **ONLY** IF PRIMARY OFFENSE IS **POSSESSION OF SCHEDULE I/II DRUG** (§ 18.2-250(A,a))

Two or More Prior Felony Convictions/Adjudications _____ If YES, add 2

For Possession, Possession with Intent, Distribution, Manufacture or Sale of Schedule I or II Drug

0	
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Total Score

If total is 10 or less, go to **Section B**. If total is 11 or more, go to **Section C**.

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Drug/Schedule I/II ❖ Section B

Offender Name: _____

◆ Primary Offense _____

- A. Possess Schedule I or II drug
- 1 count 3
- 2 counts 6
- B. Accommodation - Sell, distribute, possession with intent Schedule I or II drug
- 1 count 8
- 2 counts 9
- C. Sell, etc. imitation Schedule I or II drug (1 count) 4

Score

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

- Years: 5 - 9 2
- 10 - 19 3
- 20 - 28 4
- 29 - 38 5
- 39 or more 6

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

- Years: Less than 1 0
- 1 - 9 2
- 10 - 19 3
- 20 - 28 4
- 29 - 38 5
- 39 or more 6

0	
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◆ Knife or Firearm in Possession at Time of Offense _____

If YES, add 2 →

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 1 0
- 1 - 22 1
- 23 - 43 2
- 44 or more 3

0	
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◆ Prior Misdemeanor Convictions/Adjudications _____

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

0	
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◆ Prior Incarcerations/Commitments _____

If YES, add 1 →

0	
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◆ Prior Juvenile Record _____

If YES, add 1 →

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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SCORE THE FOLLOWING FACTOR **ONLY** IF PRIMARY OFFENSE IS POSSESSION OF SCHEDULE I/II DRUG (§18.2-250(A,a))

◆ Two or More Prior Felony Convictions/Adjudications _____

If YES, add 2 →

0	
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For Possession, Possession with Intent, Distribution, Manufacture or Sale of Schedule I or II Drug

Total Score _____

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

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Drug/Schedule I/II — Section C

Offender Name: _____

◆ Primary Offense

— Prior Record Classification —
☐ Category I ☐ Category II ☐ Other

A. Possess Schedule I or II drug - Attempted, conspired or completed:

1 count	20	10	5
2 counts	28	14	7
3 counts	36	18	9

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

Completed:	1 count	60	36	12
	2 counts	80	48	16
	3 counts	95	57	19
	4 counts	130	78	26
Attempted or conspired:	1 count	48	24	12
	2 counts	64	32	16
	3 counts	76	38	19
	4 counts	104	52	26

C. Sell, etc. Schedule I or II drug, subsequent offense; third and subsequent offense

Completed:	1 count	110	66	22
	2 counts	310	186	62
Attempted or conspired:	1 count	88	44	22
	2 counts	248	124	62

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

Attempted, conspired or completed:	1 count	60	30	15
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E. Accommodation—Sell, etc. Schedule I or II drug - Attempted, conspired or completed:

1 count	32	16	8
2 counts	40	20	10

F. Sell, etc. imitation Schedule I or II drug - Attempted, conspired or completed:

1 count	12	6	3
2 counts	20	10	5

Score

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

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

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

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

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

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

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

0		
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◆ Prior Felony Drug Convictions/Adjudications

Number:	1	2	4	7
	2	3	5	8
	3	5	6 or more	10

0		
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◆ Prior Felony Convictions/Adjudications Against Person

Number:	1	3
	2	6
	3	9
	4 or more	12

0		
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◆ Prior Felony Property Convictions/Adjudications

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

0	0	
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◆ Prior Juvenile Record If YES, add 1 →

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

0	0	
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SCORE THE FOLLOWING FACTORS **ONLY** IF PRIMARY OR ADDITIONAL OFFENSE INVOLVES THE SALE, ETC. OF COCAINE

◆ Sale/Quantity of Cocaine (§18.2-248(C) or §18.2-255(A) convictions only)

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

0		
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Total Score

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

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Nonviolent Risk Assessment Section D Offender Name: _____

◆ Ineligibility Conditions

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

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

◆ Offense Type *Select the type of primary offense* _____

Drug 3

Fraud 3

Larceny 11

◆ Additional Offense(s) _____

If YES, add 5 →

0

◆ Offender *Score factors A to D and enter the total score* _____

- A. Offender is a male 8
- B. Offender's age at time of offense
- Younger than 30 years 13
- 30 - 40 years 8
- 41 - 46 years 1
- Older than 46 years 0
- C. Offender not regularly employed 9
- D. Offender age 26 or more & never married (at time of offense) 6

+

+

=

Enter
A to D
Total

◆ Arrest or Confinement Within Past 18 Months (prior to instant offenses) _____

If YES, add 6 →

0

◆ Prior Felony Convictions and Adjudications *Select the combination of adult and juvenile felony convictions/adjudications that characterizes the offender's prior record.* _____

Adult felony convictions only 3

Juvenile felony convictions or adjudications only 6

Both adult and juvenile felony convictions/adjudications 9

0

◆ Prior Adult Incarcerations _____

Periods: 1 - 2 3

3 - 4 6

5 or more 9

0

Total Score _____

- ☐ 38 or less, check Recommended for Alternative Punishment.
- ☐ 39 or more, check NOT Recommended for Alternative Punishment.

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