

# Sentencing Guidelines Cover Sheet

Complete this form ONLY for applicable felonies sentenced on or after July 1, 2009.

## ◆ OFFENDER

First: \_\_\_\_\_ Middle: \_\_\_\_\_

Last: \_\_\_\_\_ Suffix: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Month Day Year

CCRE:  V  A \_\_\_\_\_ PSI Number: \_\_\_\_\_  
For Use by Probation Officer

## ◆ COURT

Judicial Circuit: \_\_\_\_\_ City/County: \_\_\_\_\_ FIPS Code: \_\_\_\_\_

Judge's Name: \_\_\_\_\_ Office Use Only

Preparer Name: \_\_\_\_\_ Preparer Title:  Commonwealth's Attorney  Probation Officer

Prosecuting Commonwealth's Attorney: \_\_\_\_\_ Defense Attorney: \_\_\_\_\_

## ◆ CONVICTIONS

Offense	Counts	VCC	Offense Date
Primary Offense:	<input type="text"/>	<input type="text"/>	<input type="text"/> / <input type="text"/> / <input type="text"/> <small>Month Day Year</small>
Additional Offenses:	<input type="text"/>	<input type="text"/>	<input type="text"/> / <input type="text"/> / <input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/> / <input type="text"/> / <input type="text"/>

Primary Offense Code Section : § \_\_\_\_\_ Docket Number: \_\_\_\_\_

## ◆ METHOD OF ADJUDICATION

Jury Trial → Sentence Set by Jury:  Life Sentence     
Enter Sentence Years Months Days

Bench Trial  Guilty Plea  Alford Plea/Nolo contendere

## ◆ SENTENCING GUIDELINES RECOMMENDATIONS

### Section B

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

Mandatory Minimum \_\_\_\_\_

### Section C

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

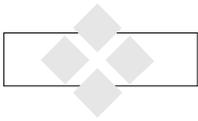
Range Midpoint      
Years Months

Sentence Range     TO      
Years Months Years Months

Recommendation Adjusted for Mandatory Minimum

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

- Recommended for Alternative Punishment  Not Applicable
- NOT Recommended for Alternative Punishment



# Final Disposition

Fill in after sentence has been pronounced.

## ◆ SENTENCE

	Years	Months	Days	
Total Time Imposed Before Suspension ..... <input type="checkbox"/> Life Sentence +	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Total Time to Serve (effective) ..... <input type="checkbox"/> Life Sentence +	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/> Sentenced to Time Served
Post Release Term §18.2 -10 .....	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Post Release Supervision Period §19.2 - 295.2 (A) .....	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Probation Period (Supervised) §19.2 - 303 ..... <input type="checkbox"/> Indefinite	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Check all that apply

Incarceration Sentence to Run Concurrently With Another Sentencing Event

Written Plea Agreement Accepted     Oral Sentence Recommendation Accepted

Restitution \$  ,  ,  .      Fine \$  ,  ,  .

### Other Sentencing Programs (Check all that apply)

<input type="checkbox"/> Day Reporting	<input type="checkbox"/> Community-Based Program _____ <small>Specify type or name of program</small>
<input type="checkbox"/> Diversion Center Incarceration	<input type="checkbox"/> Detention Center Incarceration
<input type="checkbox"/> Electronic Monitoring	<input type="checkbox"/> Drug Court
<input type="checkbox"/> Unsupervised Probation	<input type="checkbox"/> Intensive Probation
<input type="checkbox"/> §18.2-251	<input type="checkbox"/> Youthful Offender
	<input type="checkbox"/> Other _____ <small>Specify type or name of program</small>

*Office Use Only*

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## ◆ REASON FOR DEPARTURE

Must be completed pursuant to §19.2-298.01(B)

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## ◆ 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 • Fifth Floor • 100 North Ninth Street • Richmond, Virginia 23219**

*Office Use Only*

Error Code	Audit Code	PSI	Misc.

# 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 →

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

0	
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## 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, second 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
E. Accomodation-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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## Mandatory Minimum for Weapon Conviction(s) in Current Event Assign points to each additional offense with a mandatory minimum and total the points

2 Year Mandatory Minimum	.....	13
5 Year Mandatory Minimum	.....	32

0		
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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 SELL, 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	<input type="checkbox"/>	
		+	
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	

## ◆ Prior Adult Incarcerations \_\_\_\_\_

Periods:	1 - 2 .....	3	
	3 - 4 .....	6	
	5 or more .....	9	

## 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**.