



# Rape Sentencing Guidelines Cover Sheet

Scheduled Sentencing Date:

\_\_\_\_/\_\_\_\_/\_\_\_\_

Complete this form ONLY for applicable felonies sentenced on or after July 1, 2010.

## OFFENDER

First \_\_\_\_\_ Middle \_\_\_\_\_ Last \_\_\_\_\_ Suffix \_\_\_\_\_

Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_  
Month Day Year

Social Security Number: \_\_\_\_\_

CCRE:  V  A \_\_\_\_\_

PSI Number: \_\_\_\_\_

## 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: \_\_\_\_\_

## CONVICTIONS

Offense	Counts	VCC	Offense Date
			Month Day Year
Primary Offense	____	_____	____/____/____
Additional Offenses	____	_____	____/____/____
_____	____	_____	____/____/____

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

### Crime was Witnessed by Or Committed in the Presence of a Child

Please check box if any crime(s) in current event were witnessed by or committed in the presence of a minor child (age 17 or under).  
A child is present if he or she is within sight or sound of the offense when it occurs. This information is for research purposes only.

## METHOD OF ADJUDICATION

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

Bench Trial  Guilty Plea  Alford Plea/Nolo contendere

## SENTENCING GUIDELINES RECOMMENDATIONS

### Section C

Incarceration (Enter Midpoint and Range Below)

Life Sentence

Range Midpoint: \_\_\_\_ Years \_\_\_\_ Months

Sentence Range: \_\_\_\_ Years \_\_\_\_ Months

TO: \_\_\_\_ Years \_\_\_\_ Months

Recommendation Adjusted for Mandatory Minimum

### 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 Term § 18.2-10 ..... 

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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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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)

- Day Reporting
- Diversion Center Incarceration
- Electronic Monitoring
- Unsupervised Probation/Good Behavior
- § 18.2-251/§ 18.2-258.1
- Substance Abuse Treatment
- Community-Based Program \_\_\_\_\_
- Detention Center Incarceration
- Drug Court
- Intensive Probation
- Youthful Offender
- Other \_\_\_\_\_

Office Use Only

Other	CBP
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## REASON FOR DEPARTURE

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

Office Use Only

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

# Rape Section A

Offender Name: \_\_\_\_\_

◆ **Offender's Age at Time of Offense** \_\_\_\_\_

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

◆ **Less than 9th Grade Education (by conviction date)** \_\_\_\_\_ If YES, add 4 → 0

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

◆ **Offender's Relationship with Victim** \_\_\_\_\_

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

◆ **Location of Offense** \_\_\_\_\_

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

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

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

◆ **Prior Incarcerations/Commitments** \_\_\_\_\_ If YES, add 3 → 0

◆ **Prior Treatment** \_\_\_\_\_

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

**Risk Score** \_\_\_\_\_ →  

- Risk Level**  
(Risk Score)
- 44 or more ..... Level 1
  - 34 - 43 ..... Level 2
  - 28 - 33 ..... Level 3
  - up to 27 ..... No Adjustment

Go to **Section C**

# Rape Section C

Offender Name: \_\_\_\_\_

**There is no Section B for this offense.**

**Primary Offense** \_\_\_\_\_

— Prior Record Classification —

Category I     Category II     Other

<b>A.</b> Attempted or conspired forcible rape, forcible sodomy or object sexual penetration			
1 count .....	60	30	15
<b>B.</b> Forcible rape or object sexual penetration, victim under age 13			
1 - 2 counts .....	312	208	117
3 counts .....	882	588	331
<b>C.</b> Forcible sodomy, victim under age 13			
1 - 2 counts .....	354	236	133
3 counts .....	882	588	331
<b>D.</b> Forcible rape or object sexual penetration, victim age 13 or older			
1 count .....	402	268	151
2 counts .....	882	588	331
<b>E.</b> Forcible sodomy, victim age 13 or older			
1 count .....	324	216	122
2 counts .....	882	588	331

**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:	10 .....	5
(years)	Life .....	18

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0		
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**Additional Offenses** Assign points to each additional offense (including counts) and total the points

Maximum Penalty:	Less than 2 .....	0
(years)	2, 3 .....	1
	4, 5 .....	2
	10 .....	5
	20 .....	9
	30 .....	14
	40 or more .....	18

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0		
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**Weapon Used, Brandished, Feigned or Threatened** \_\_\_\_\_ If YES, add 39 →

0		
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**Victim Injury** \_\_\_\_\_

Threatened or emotional .....	3
Physical .....	20
Serious physical .....	76

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0		
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**Prior Felony Sexual Assault Convictions/Adjudications** \_\_\_\_\_

Number	1 .....	13
of Counts:	2 .....	26
	3 or more .....	39

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0		
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**Total Score** \_\_\_\_\_

See Rape Section C Recommendation Table for guidelines sentence range.

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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

Rape/Section C Eff. 7-1-10