

# Other Sexual Assault Sentencing Guidelines Cover Sheet

Complete this form ONLY for applicable felonies sentenced on or after July 1, 2012.

Scheduled Sentencing Date:

 /  / 

## OFFENDER

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

Date of Birth:  /  /

Social Security Number:  -  -

CCRE:  V  A  CORIS Offender ID:  PSI #:

## 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	<input type="text"/>	<input type="text"/>	<input type="text"/>
Additional Offenses	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>

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 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

### 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



# 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, non-forcible sodomy, prostitution, child pornography or child solicitation. (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		

◆ **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	↓	0
	Known to victim (not relative or step-parent) .....	3		
	Stranger .....	8		
	Step-parent .....	2		

◆ **Aggravated Sexual Battery (Primary Offense §18.2-67.3)** \_\_\_\_\_

No penetration or attempted penetration .....	0	↓	0
Penetration or attempted penetration .....	4		

◆ **Location of Offense** \_\_\_\_\_

Place of employment .....	0	↓	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	
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◆ **Prior Treatment** \_\_\_\_\_

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

**Risk Score** \_\_\_\_\_ → 

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- 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 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. Non-forcible sodomy, no parental relationship
  - 1 count ..... 3
  - 2 counts ..... 4
  - 3 counts ..... 13
- D. Indecent liberties with child
  - 1 - 2 counts ..... 2
  - 3 counts ..... 3
- 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. Incest with own child/grandchild (1 count) ..... 3
- H. Incest with own child/grandchild age 13 to 17 (1 count) ..... 2
- I. Production, publication, sale or financing child pornography (1 count) ..... 5
- J. Possess child porn (1st Offense) (1 count) ..... 6
- K. Possess child porn (2nd or subsequent) (1 count) ..... 9
- L. Reproduce, transmit, sell, etc., child porn (1 count) ..... 5
- M. Propose act by communication system - child solicitation (1 count) ..... 6

**Score**

## ◆ Primary Offense Additional 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

## ◆ 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

## ◆ Victim Less than Age 13 at Time of Offense \_\_\_\_\_ If YES, add 5 →

0

## ◆ Victim Injury \_\_\_\_\_

- Threatened or emotional ..... 2
- Physical or serious physical ..... 4

0

## ◆ 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

## ◆ Prior Felony Sexual Assault Convictions/Adjudications \_\_\_\_\_

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

0

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

0

## ◆ 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

## ◆ Risk Assessment Score (From Section A Part I) \_\_\_\_\_

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

0

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

# 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
- C. Production, publication, sale or financing child pornography (1 count) ..... 1
- D. Possess child porn (1st Offense) (1 count) ..... 1
- E. Reproduce, transmit, sell, etc., child porn (1 count) ..... 1
- F. Propose act by communication system - child solicitation (1 count) ..... 1

**Score**

0	
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## ◆ Primary Offense Additional 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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## **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

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

## ◆ Primary Offense

Prior Record Classification  
 Category I    Category II    Other

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, no parental relationship			
1 count .....	24	12	6
2 counts .....	40	20	10
3 counts .....	104	52	26
D. Non-forcible sodomy, parent/grandparent to child/grandchild age 13 - 17			
1 count .....	36	18	9
E. Indecent liberties with child			
1 count .....	24	12	6
2 counts .....	40	20	10
3 counts .....	104	52	26
F. Non-forcible carnal knowledge of child age 13 - 14 (statutory rape)			
1 count .....	36	18	9
G. Incest with own child/grandchild (1 count) .....	104	52	26
H. Incest with own child/grandchild age 13 - 17 (1 count) .....	104	52	26
I. Aggravated sexual battery			
1 count .....	90	60	34
2 counts .....	132	88	50
3 counts .....	288	192	108
J. Entice, etc., minor to perform in porn; take part in child porn			
1 count .....	68	34	17
K. Produce child porn; finance child porn			
1 count .....	100	50	25
L. Possess child porn (1st Offense)			
1 count .....	68	34	17
M. Possess child porn (2nd or subsequent)			
1 count .....	100	50	25
N. Reproduce, transmit, sell, etc., child porn			
1 count .....	100	50	25
O. Propose act by communication system - child solicitation			
1 count .....	68	34	17

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 .....	5	5
(years) 10 .....	10	10
20 .....	19	19
30 .....	29	29
40 or more .....	39	39

0		
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## ◆ Additional Offenses

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

Maximum Penalty Less than 1 .....	0
(years) 1 .....	1
2 .....	2
3 .....	3
4 .....	4
5 .....	5
10 .....	10
20 .....	19
30 .....	29
40 or more .....	39

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## ◆ Weapon Used, Brandished, Feigned or Threatened

If YES, add 4

0	0	
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## ◆ Victim Injury

Threatened or emotional .....	6
Physical or serious physical .....	9

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 2 .....	0
(years) 2, 3, 4, 5 .....	1
10 .....	3
20 .....	6
30 .....	9
40 or more .....	12

0		
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## ◆ Prior Felony Sexual Assault Convictions/Adjudications

Number of Counts: 1 .....	8
2 .....	15
3 or more .....	23

0		
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## ◆ On Post-Incarceration Supervision

If YES, add 5

0	0	
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## Total Score

See Other Sexual Assault 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