

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
Primary Offense			Month Day Year
_____	<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	↓
	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 or 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 _____ →

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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



Additional Offenses Continuation Sheet

Offender Name: _____

Offense	Counts	VCC	Offense Date		
			Month	Day	Year
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