Other Sexual Assault Sentencing Guidelines Cover Sheet

Complete this form ONLY for applicable felonies sentenced on or after **July 1, 2014.**

Scheduled Sentencing Date: ___ / ___ / ___

OFFENDER

First _____ Middle _____ Last _____ Suffix _____

Date of Birth: ___ / ___ / _____ (Month / Day / Year)

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 _____	___	___ - ___ - ___	___ / ___ / ___
Additional Offenses _____	___	___ - ___ - ___	___ / ___ / ___
_____	___	___ - ___ - ___	___ / ___ / ___

Primary Offense Code Section § _____

Docket Number _____

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

Final Disposition

Fill In After Sentence Has Been Pronounced

SENTENCE

		Years	Months	Days
Total Time Imposed Before Suspension	☐ **Life Sentence +**			
Total Effective Time to Serve	☐ **Life Sentence +**			

☐ Sentenced to Time Served

Post Release

	Years	Months	Days
Post Release Term § 18.2-10			
Post Release Supervision Period § 19.2-295.2(A)			

Probation Period (Supervised) § 19.2 - 303 ..... ☐ **Indefinite**			

Check all that apply

- ☐ Incarceration Sentence to Run Concurrently With Another Sentencing Event
- ☐ Written Plea Agreement Accepted (Rule 3A:8(c) (1) (A) or (C))
- ☐ Plea and Recommendation Accepted (Rule 3A:8 (c) (1) (B))
- ☐ 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*

REASON FOR DEPARTURE

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

Office Use Only

_____

_____

_____

_____

_____

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

Office Use Only

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

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

0

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

No penetration, no attempted penetration	0
Penetration or attempted penetration	4

0

◆ 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

◆ Prior Adult Felony/Misdemeanor Arrests for Crimes Against a 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

0

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 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

Score

Primary Offense Remaining 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 life threatening 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

Score

A. Other than listed below (1 count) 1
B. Aggravated sexual battery
- 1 count 2
- 2 counts 4
- 3 counts 6

0

◆ Primary Offense Remaining 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		

◆ 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		

◆ Victim Less than Age 13 at Time of Offense

If YES, add 3 → 0

◆ 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

◆ Prior Incarcerations / Commitments

If YES, add 1 → 0

Total Score

See **Other Sexual Assault Section B Recommendation Table** to convert score to guidelines sentence.

Other Sexual Assault ❖ Section C

Offender Name: _____

◆ Primary Offense

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

(scores for attempted/conspired offenses are in parentheses)

	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

Score ▼ [ ] [ ] [ ]

◆ Primary Offense Remaining Counts

Assign points to each count of the primary not scored above and total the points

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

[0] [ ] [ ]

◆ Additional Offenses

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

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

[ ] [ ] [ ]

◆ Weapon Used, Brandished, Feigned or Threatened

If YES, add 4 → [0] [0] [ ]

◆ Victim Injury

Threatened or emotional	6
Physical or life threatening	9

[0] [0] [ ]

◆ Prior Convictions/Adjudications

Assign points to the 5 most recent and serious prior record events and total the points

Maximum Penalty (years)	
Less than 2	0
2, 3, 4, 5	1
10	3
20	6
30	9
40 or more	12

[0] [ ] [ ]

◆ Prior Felony Sexual Assault Convictions/Adjudications

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

[0] [ ] [ ]

◆ On Post-Incarceration Supervision

If YES, add 5 → [0] [0] [ ]

Total Score

→ [ ] [ ] [ ] [ ]

See **Other Sexual Assault Section C Recommendation Table** for guidelines sentence range.

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