

Sentencing Guidelines Cover sheet

Scheduled Sentencing Date:

 / /

Complete this form ONLY for applicable felonies sentenced on or after July 1, 2017.

◆ 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

Primary Offense _____

Additional Offenses _____

Counts

VCC

 - - - - - -

Offense Date

Month Day Year

 / / / / / /

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 RECOMMENDATION

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

Section B

Mandatory Minimum _____

Section C

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

Range Midpoint

 Years Months

Days

Sentence Range

 Years Months

Days

TO

 Years Months

Days

 Non Guidelines Offense

(Primary offense is a non guidelines offense)

 Recommendation Adjusted for Mandatory Minimum

◆ Final Disposition Fill In After Sentence Has Been Pronounced

◆ SENTENCE

Total Time Imposed Before Suspension Life Sentence +

Years		
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Months		
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Days		
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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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Good Behavior Period (§ 19.2-306) _____
Years Months Days

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
- Detention Center Incarceration
- Diversion Center Incarceration
- Electronic Monitoring
- Intensive Probation
- § 18.2-251/§ 18.2-258.1
- Substance Abuse Treatment
- Community-Based Program _____
- CCAP** Detention/Diversion Center Incarceration, 22-28 weeks
- CCAP** Detention/Diversion Center Incarceration, 42-48 weeks
- Drug Court
- Youthful Offender
- DJJ** Commitment Indeterminate Determinate
- Other _____

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Other			CBP		

◆ REASON FOR DEPARTURE AND/OR MODIFICATION OF JURY SENTENCE

Must be completed pursuant to § 19.2-298.01(B) and/or § 19.2-295(B)/ § 19.2-303

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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

Other Sexual Assault/Obscenity **Section A** Offender Name: _____

◆ Primary Offense _____ (scores for attempted/conspired offenses are in parentheses)

- A. All attempted or conspired offenses (1 count).....(1)
- B. Production, publication, sale or financing child pornography (1 count).....6
- C. Possess child porn (1st Offense) (1 count).....5
- D. Possess child porn (2nd or subsequent) (1 count).....9
- E. Reproduce, transmit, sell, etc., child porn (1 count).....5
- F. Procure minor for obscene material by communications system (1 count).....6
- G. Procure minor for prostitution, sodomy, pornography by communications system (1 count).....6
- H. Propose sex act by communications system, child less than age 15 (1 count).....8
- I. Propose sex act by communications system, child less than age 15, offender 7+ years older (1 count).....9
- J. Propose sex act by communications system, child age 15 or more, offender 7+ years older (1 count).....6
- K. Propose sex act by communications system, child age 15 or more, offender 7+ yrs old (2nd/subseq.) (1 count).....9

Score

0

◆ Primary Offense Remaining Counts Total the maximum penalties for counts of the primary not scored above

Primary offense B, C or D: Production or Possession of Child Porn	
Years	Points
5 - 26	2
27 - 52	3
53 or more	4

Primary offense: All other offenses	
Years	Points
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 emotional2
 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

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/Obscenity ❖ Section B

Offender Name: _____

◆ Primary Offense _____

- A. Production, publication, sale or financing child pornography (1 count) 1
- B. Possess child porn (1 count) 1
- C. Reproduce, transmit, sell, etc., child porn (1 count) 1
- D. Procure minor for obscene material by communications system (1 count) 1
- E. Procure minor for prostitution, sodomy, etc. by communications system (1 count) 1
- F. Propose sex act by communications system, child less than age 15 (1 count) 6
- G. Propose sex act by communications system, child less than age 15, offender 7+ years (1 count) 6
- H. Propose sex act by communications system, child age 15 or more, offender 7+ years (1 count) 2
- I. Propose sex act by communications system, child age 15 or more, offender 7+ years (2nd/subseq.) (1 count) 2

Score

▼

0	
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◆ 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 | |

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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 | |

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0	
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◆ Prior Incarcerations / Commitments _____ If YES, add 1 →

0	
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SCORE THE FOLLOWING FACTOR **ONLY** IF PRIMARY OFFENSE IS **D, E, F, G, H OR I: ELECTRONIC SOLICITATION** (§18.2-374.3)

◆ Victim Injury _____

- Threatened, emotional, physical or life threatening 5

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0	0	
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Total Score _____ →

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

Other Sexual Assault/Obscenity **Section C** Offender Name: _____

◆ **Primary Offense** _____ Category I Category II Other
(scores for attempted/conspired offenses are in parentheses)

A. All attempted or conspired offenses of possess, reproduce, transmit etc. child porn 1 count	(24)	(12)	(6)
B. All attempted or conspired offenses of electronic solicitation of minor 1 count	(24)	(12)	(6)
C. Entice, etc., minor to perform in porn; take part in child porn 1 count	68	34	17
D. Produce child porn; finance child porn Attempted, conspired or completed: 1 count	100	50	25
2 counts	216	108	54
E. Possess child porn (1st Offense) 1 count	48	24	12
F. Possess child porn (2nd or subsequent) 1 count	76	38	19
G. Reproduce, transmit, sell, etc., child porn 1 count	100	50	25
H. Procure minor for obscene material by communications system 1 count	68	34	17
I. Procure minor for prostitution, sodomy, etc. by communications system 1 count	68	34	17
J. Propose sex act by communications system, child less than age 15 1 count	68	34	17
K. Propose sex act by communications system, child less than age 15, offender 7+ years 1 count	148	74	37
L. Propose sex act by communications system, child age 15 or more, offender 7+ years (2nd+) 1 count	68	34	17

Score

◆ **Primary Offense Remaining Counts** Assign points to each count of the primary not scored above and total the points

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

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

Primary offense B, H, I, J, K, or L: Electronic Solicitation		Primary offense: All other offenses	
Years	Points	Years	Points
Less than 1	0	Less than 1	0
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	8	5	5
10	12	10	10
20	15	20	19
30	18	30	29
40 or more	22	40 or more	39

◆ **Weapon Used, Brandished, Feigned or Threatened** _____ If YES, add 4 →

◆ **Victim Injury** _____

Primary offense B, H, I, J, K, or L: Electronic Solicitation		Primary offense: All other offenses	
	Points		Points
Threatened or emotional	14	Threatened or emotional	6
Physical or life threatening	15	Physical or life threatening	9

◆ **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

◆ **Prior Felony Sexual Assault Convictions/Adjudications** _____

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

◆ **On Post-Incarceration Supervision** _____ If YES, add 5 →

Total Score

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