

Rape Sentencing Guidelines Cover Sheet

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

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
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

- Non Guidelines Offense
(Primary offense is a non guidelines offense)

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

◆ Final Disposition Fill In After Sentence Has Been Pronounced

◆ SENTENCE

Total Time Imposed Before Suspension Life Sentence +

Years

Months

Days

Total Effective Time to Serve Life Sentence +

Years

Months

Days

Sentenced to Time Served

Post Release

Post Release Term § 18.2-10

Years

Months

Days

Post Release Supervision Period § 19.2-295.2(A)

Years

Months

Days

Probation Period (Supervised) § 19.2-303 Indefinite

Years

Months

Days

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)

- | | |
|--|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> Day Reporting <input type="checkbox"/> Detention Center Incarceration <input type="checkbox"/> Diversion Center Incarceration <input type="checkbox"/> Electronic Monitoring <input type="checkbox"/> Intensive Probation <input type="checkbox"/> § 18.2-251/§ 18.2-258.1 <input type="checkbox"/> Substance Abuse Treatment | <ul style="list-style-type: none"> <input type="checkbox"/> Community-Based Program _____ <input type="checkbox"/> CCAP Detention/Diversion Center Incarceration, 22-28 weeks <input type="checkbox"/> CCAP Detention/Diversion Center Incarceration, 42-48 weeks <input type="checkbox"/> Drug Court <input type="checkbox"/> Youthful Offender <input type="checkbox"/> DJJ Commitment <input type="checkbox"/> Indeterminate <input type="checkbox"/> Determinate <input type="checkbox"/> 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

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Day

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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	
	Known to victim (not relative or step-parent)	3	0
	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		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	

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
(scores for attempted/conspired offenses are in parentheses)

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

Score
▼

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

Maximum Penalty:	10	5	▼ <table border="1" style="display: inline-table; width: 60px; height: 20px;"> <tr> <td style="width: 20px; height: 20px; text-align: center;">0</td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>	0		
0						
(years) Life	18	18				

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

Maximum Penalty:	Less than 2	0	▼ <table border="1" style="display: inline-table; width: 60px; height: 20px;"> <tr> <td style="width: 20px; height: 20px; text-align: center;">0</td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>	0		
0						
(years) 2, 3	1	1				
4, 5	2	2				
10	5	5				
20	9	9				
30	14	14				
40 or more	18	18				

Weapon Used, Brandished, Feigned or Threatened _____ If YES, add 39 →

0		
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Victim Injury _____

Threatened or emotional	3	▼ <table border="1" style="display: inline-table; width: 60px; height: 20px;"> <tr> <td style="width: 20px; height: 20px; text-align: center;">0</td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>	0		
0					
Physical	20				
Life threatening	76				

Prior Felony Sexual Assault Convictions/Adjudications _____

Number	1	13	▼ <table border="1" style="display: inline-table; width: 60px; height: 20px;"> <tr> <td style="width: 20px; height: 20px; text-align: center;">0</td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>	0		
0						
of Counts:	2	26				
	3 or more	39				

Total Score _____

See **Rape Section C Recommendation Table** for guidelines sentence range.

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Rape/Section C

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