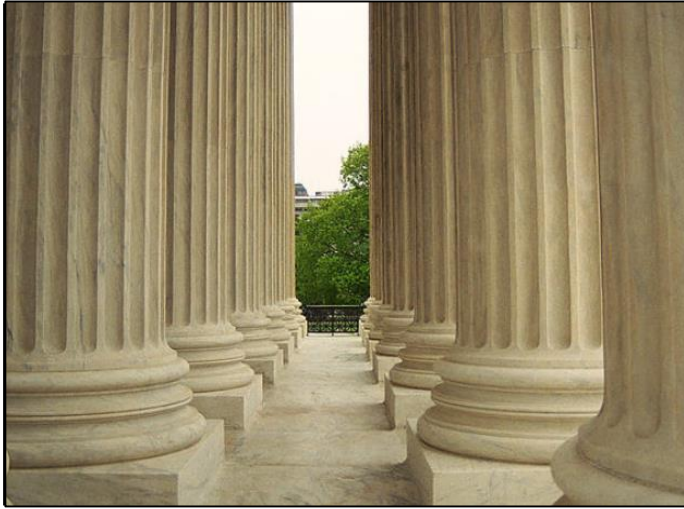




VIRGINIA CRIMINAL SENTENCING COMMISSION



Meeting of the Virginia Criminal Sentencing Commission June 1, 2020

**MEETING OF THE
VIRGINIA CRIMINAL SENTENCING COMMISSION**

June 1, 10:00 a.m.

**Richard P. Kern Memorial Conference Room
Virginia Supreme Court Building
Fifth Floor**

Video-conferencing via Zoom

AGENDA

- I. Approval of Minutes from Last Commission Meeting**
Judge Edward L. Hogshire (Ret.), Chairman
- II. Virginia State Crime Commission's Pre-Trial Data Project – Preliminary Findings**
Kristen Howard, Director
Christina Arrington, Chief Methodologist
Virginia State Crime Commission
- III. Data Sources for Future Projects – Update from Subcommittee**
Judge Steven C. Frucci, Subcommittee Chair
- IV. Follow-Up Issues related to 2020 Legislation**
Meredith Farrar-Owens, Director
Jody Fridley, Deputy Director
- V. Fee Waivers for Training and Manuals**
Jody Fridley, Deputy Director
- VI. Miscellaneous Items**
Meredith Farrar-Owens, Director



VIRGINIA CRIMINAL SENTENCING COMMISSION



Data Sources for Future Projects: Update from Subcommittee

June 1, 2020

Discussion Material

Sentencing Guidelines Supplemental Form

DRAFT



1. **Defendant's Name** _____ 2. **SWIFT/Docket Number:** _____
3. Type of Counsel: -Court Appointed -Public Defender -Retained
4. Pretrial Status: -On Bond -Own Recognizance -Confinement -Third Party Release
5. Posttrial Status: -On Bond -Own Recognizance -Confinement -Third Party Release
6. Type of Bond: -Personal -Family -Other -Bond -N/A
7. No. of codefendants: _____
8. Legal Status at Offense -Escaped -Inmate -Mandatory Parole -Discretionary Parole -Geriatric Release
-Post-Release -Probation -Bond -Summons -Recognizance
-Community Prg. -Pre-Release -Good Behavior -Juvenile Probation -Juvenile Parole
-Other -None
9. Weapon Use: -None -Used to Injury -Used to Threaten (Includes by voice, note, text, etc.)
10. Weapon Used: -Firearm -Knife -Explosive -Simulated/Feigned Weapon -Note -Vehicle -Animal
-Other -None
11. Offender's Role: -Alone -Leader -Accomplice -Equal to Codefendants -Not Determined
12. Value of Property Taken: Highest value for one item: \$ _____ Total Value of all items: \$ _____
13. Injury to Victim: -Death -Life-Threatening -Serious Physical -Physical -Emotional -Threatened -None -N/A
14. Victim Relationship to Offender: -None/Stranger -Known -Friend -Family -Police Officer/LEO -Other _____
15. Victim Physically Handicapped: -Yes -No -N/A 16. Victim Information: Gender: _____ Race _____ Age _____
17. Type of Primary Drug: _____ 18. Quantity of Primary Drug _____
19. Prior Juvenile Record: -Yes -No -N/A
20. Number of Felony Juvenile Adjudications: Person _____ Property _____ Drug _____ Other _____

Discussion Material

21. Other Factors (check all that apply)

- Drug abuse apparent (admitted, family information, documented in reports)
Previous treatment? Yes No
- Alcohol abuse apparent (admitted, family information, documented in reports)
Previous treatment? Yes No
- Mental health issues apparent (admitted, family information, documented in reports)
Previous treatment? Yes No
- Stable employment in two years prior to offense
(Employed full or part-time for 18 months with 0-2 job changes)
 - Full-time student, stay-at-home spouse, retired, disabled
- Stable housing in two years prior to offense (at same residence 1+ years)
 - Homeless during past year
- Has dependents No. of dependents _____
- Has high school diploma/GED
 - Has some college
 - Has college degree (2 year or 4 year) or higher
- Current or prior military service
 - Currently active or in reserves
 - Discharged
Honorably or medically discharged? Yes No
- Accepts responsibility
- Other:





VIRGINIA CRIMINAL SENTENCING COMMISSION



June 1, 2020



See also

HB 250 (Watts)

SB 103 (Marsden)

HB 35

Juvenile offenders; eligibility for parole.

Introduced by: Joseph C. Lindsey

SUMMARY AS PASSED:

Provides that certain persons will be eligible for parole, specifically:

- Any person sentenced to a term of life imprisonment for a felony/felonies committed while that person was a juvenile and who has served at least 20 years, and
- Any person who has active sentences totaling more than 20 years for a felony/felonies committed while that person was a juvenile and who has served at least 20 years.

RESULT:

02/24/20 Acts of Assembly-Chapter 2 (effective 7/1/20)



See also

HB 33 (Lindsey)

HB 996 (Lindsey)

SB 821 (Morrissey)

SB 793

Parole; exception to limitation on the application of parole statutes.

Introduced by: Jennifer L. McClellan

SUMMARY AS PASSED:

Provides that an incarcerated person is eligible for parole if:

- He was sentenced by a jury prior to the date of the Supreme Court of Virginia decision in *Fishback v. Commonwealth*, 260 Va. 104 (June 9, 2000), in which the Court held that a jury should be instructed on the fact that parole had been abolished as of 1/1/95.

RESULT:

04/22/20 Emergency clause added by Governor's recommendation

04/22/20 Governor's recommendation adopted

04/22/20 Senate: Signed by President as reenrolled

04/22/20 House: Signed by Speaker as reenrolled

04/22/20 Acts of Assembly-Chapter 1272 (effective 4/22/20)

HB35 and SB793

2020 General Assembly

- HB35 and SB793 apply to offenders sentenced under truth-in-sentencing provisions.
 - Both bills allow certain inmates to be considered for discretionary parole, meaning that they may not serve a minimum of 85% as they otherwise would be required to do under truth-in-sentencing.
- ★
- Does the Commission wish to collect data on the time served by individuals granted parole release under the provisions of HB35 or SB793?





See also

HB 265 (Heretick)

HB 301 (Levine)

HB 481 (Kory)

SB 2 (Ebbin)

HB 972

Decriminalization of possession of marijuana; felony distribution threshold.

Introduced by: Charniele Herring

SUMMARY AS PASSED:

- Decriminalizes simple marijuana possession and provides a civil penalty of no more than \$25 (no court costs shall be assessed);
- Specifies that a person's criminal history record information shall not include records of any charges or judgments for possession of marijuana and such records shall not be reported to the Central Criminal Records Exchange;
- Increases the quantity at which distribution of marijuana becomes a felony (from more than ½ ounce to more than 1 ounce); and
- Creates a rebuttable presumption that a person who possesses no more than 1 ounce of marijuana possesses it for personal use.

RESULT:

04/22/20 Governor's recommendation adopted in-part

04/29/20 Reenrolled Bill communicated to Governor on April 29, 2020

05/21/20 Approved by Governor-Chapter 1285 (effective 7/1/20)

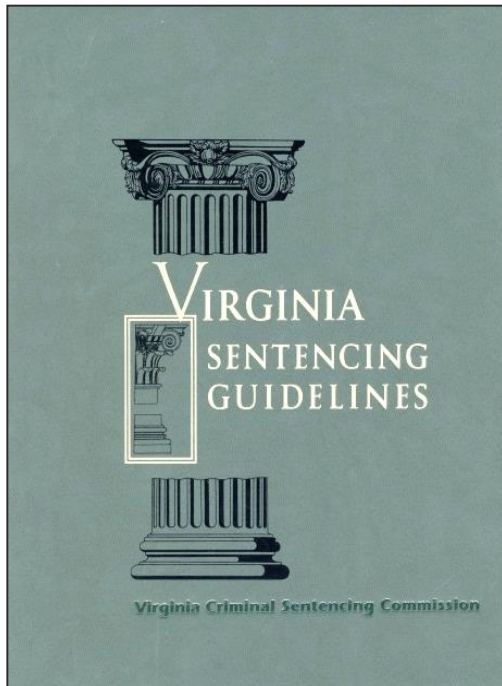
Changes in Statutory Penalties and Weighting of Prior Offenses

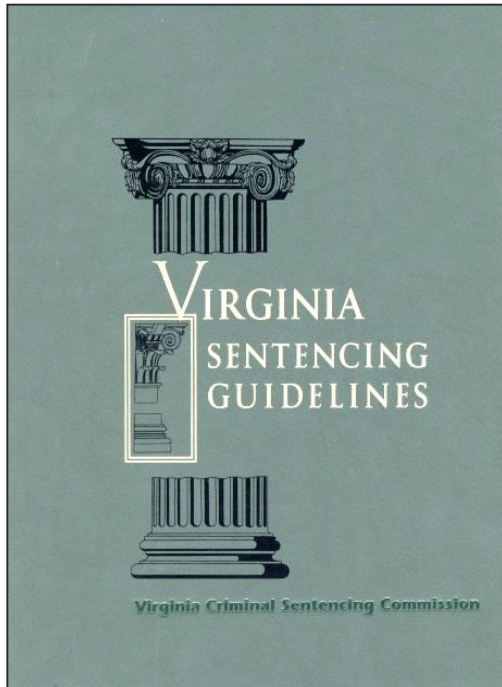
The guidelines use the current statutory penalty structure to capture the seriousness of prior offense behavior. The current penalty structure was selected as the proxy because it provided a standardized way of measuring prior record (i.e., the same crime is given the same weight on the guidelines, no matter when or where committed).

Elements of the offense are often critical for determining the current penalty structure because they are specified in the statutory language (e.g., quantity of the drug, age of victim, use of a weapon, value of a theft) and, where documentation of such element exists, the penalty structure is assigned based on those elements and scored on the guidelines.

As a result of 2020 legislation, **a prior felony conviction involving an amount of marijuana of more than ½ ounce up to 1 ounce would be weighted as a misdemeanor on the guidelines** (based on the penalty structure as of 7/1/20).

When quantity details related to a prior marijuana distribution offense are missing or unclear, the prior record offense is scored at the lower statutory penalty.





Potential Impact of the Rebuttable Presumption (7/1/20)

Commission staff seek input from members as to the potential impact, if any, of the rebuttable presumption on the scoring of prior marijuana distribution offenses.

If the quantity for a prior marijuana distribution was known to be more than ½ ounce up to 1 ounce, could an attorney argue the amount was for personal use and the offense should not be scored as distribution on the guidelines?



How does the Commission wish staff to respond to this question?



**Draft Letter to Circuit Court Judges
Regarding Larceny & Marijuana
Threshold Changes**



Supreme Court of Virginia
Virginia Criminal Sentencing Commission

June 5, 2020

The Honorable FirstName MI LastName
Address 1
Address 2
City, Virginia Zip

Dear Judge LastName:

The 2020 General Assembly enacted legislation to increase the felony threshold for larceny offenses from \$500 to \$1,000, effective July 1, 2020. You will recall that the General Assembly increased the felony threshold from \$200 to \$500 in 2018. At that time, the Commission sent a letter to circuit court judges regarding the change in the larceny felony threshold and how prior larceny convictions are to be scored on the sentencing guidelines. This information is once again relevant, as the same guidelines rules apply to the change that will take effect on July 1, 2020.

When there has been a change in penalty structure, the Sentencing Guidelines Manual instructs users to "score all prior convictions based on Virginia's current penalty structure" (p.24 of General Instructions) and, if a prior record document is "unclear as to whether an offense at conviction is a felony in Virginia or a misdemeanor, the guidelines user assumes that the offense was a misdemeanor" (p. 25). The instructions for scoring prior record offenses contained in the Guidelines Manual were adopted by the Commission in 1995. Applying these rules, the same crime is given the same weight on the guidelines, no matter when or where the offense was committed.

There have been many changes in Virginia's statutory penalties over the years. Elements of the offense are often critical for determining the current penalty structure because they are specified in the statutory language (e.g., value of theft, quantity of drug, age of victim, use of a weapon, etc.) and where documentation of such element exists, the penalty structure is assigned based on those elements. In this way, all offenders who committed that specific act are scored in the same manner (i.e., the prior offense is given the same weight on the guidelines). By statute, the value of a larceny determines the penalty range. Beginning July 1, 2020, if documentation is available indicating that a prior larceny offense involved a value of \$1,000 or more, the prior conviction should be scored as a felony on the guidelines. If documentation is lacking or the information is unclear, the prior offense must be scored as a misdemeanor on the guidelines.

Larceny

Marijuana

The 2020 General Assembly also enacted legislation that: 1) decriminalized simple possession of marijuana, and 2) increased the quantity threshold at which the distribution, etc., of marijuana becomes a felony. As a result of the 2020 legislation, prior convictions for marijuana possession will no longer be scored on the guidelines because, as of July 1, such acts are punishable by a civil penalty only. Moreover, as of July 1, an individual must distribute, etc., more than one ounce of marijuana to be charged with a felony (an increase from the more than ½ ounce necessary under current law). Thus, a prior felony conviction involving an amount of marijuana of more than ½ ounce up to one ounce would be weighted as a misdemeanor on the guidelines (based on the penalty structure as of July 1, 2020). When quantity details related to a prior marijuana distribution offense are missing or unclear, the prior record offense is scored at the lower statutory penalty.

The statutory changes and application of guidelines scoring rules to prior larceny and prior marijuana convictions will result in different guidelines recommendations for some defendants. However, in the most cases, the impact will not be substantial and the new guidelines recommendation will be within the range that would have been calculated absent the law changes.

The sentencing guidelines must be computed based on the rules stated within the Guidelines manual. However, a Commonwealth's attorney may present arguments to the court at sentencing indicating that prior larceny or marijuana convictions, scored as misdemeanors on the guidelines, were felonies at the time the offense was committed. While the guidelines should not be modified in a manner inconsistent with the scoring rules, judges may certainly consider this circumstance. The judge may decide to depart from the guidelines recommendation in such cases and may indicate this circumstance as the explanation for the departure.

The Sentencing Commission will monitor sentencing patterns for relevant larceny and marijuana offenses. Should the data indicate that adjustments are necessary for the guidelines to provide judges with a more accurate benchmark of the typical, or average, case outcome, the Sentencing Commission will recommend such revisions to the General Assembly.

Please feel free to contact the Sentencing Commission should you have any questions or need any additional information.

With kind regards and best wishes, I am

Yours sincerely,

A handwritten signature in black ink, appearing to read "Edward L. Hogshire".

Edward L. Hogshire,
Circuit Judge (Ret.)



VIRGINIA CRIMINAL SENTENCING COMMISSION



Esther J. Windmueller
Fee Waivers for Training Seminars and Guidelines Manuals
- Status Report -

June 1, 2020

Esther J. Windmueller Fee Waiver Program

- In **June 2019**, the Commission approved the allocation of **\$3,000** for one year to provide fee waivers for court-appointed attorneys who meet specified criteria.
- Applications for fee waivers were to be evaluated based on:
 - Percentage of the applicant's practice focusing on indigent defense cases, and
 - Financial need of applicant (especially for new or solo practitioners).



Fee Waiver Application

Application for Fee Waiver

Approved by Commission (September 2015)



VIRGINIA CRIMINAL
SENTENCING COMMISSION



Virginia Criminal Sentencing Commission

100 North Ninth Street • Richmond, Virginia 23219 • Tel. 804.225.4398 • FAX 804.786.3934

Application for Fee Waiver

This form does not apply to Commonwealth's attorneys, public defenders, probation staff, or judicial/state employees, as fees are automatically waived for those groups.

Applicant Information

Name _____

Address _____

City _____ State _____ Zip _____

Office Phone _____ Cell Phone _____

E-mail _____

Date admitted to the Virginia State Bar _____ Bar # _____

Have you ever attended a training seminar sponsored by the Sentencing Commission?

Yes No If yes, in what year did you last attend? _____

Practice

What percentage of your practice involves indigent defense work? _____

What percentage of your practice involves criminal defense (all areas)? _____

How many attorneys in your firm are primarily engaged in criminal defense work? _____

(Full-time attorney = 1 attorney Part-time attorney = 1/2 attorney)

During the previous calendar year, did you gross \$80,000 or more from criminal defense practice?

Yes No

Type of Assistance Requested

Sentencing Guidelines Manual

Training → Introduction to Sentencing Guidelines (6 CLE) Sentencing Guidelines Refresher (3 CLE)
 Sentencing Guidelines Knowledge & Skills Evaluation incl. Ethics Issues (5 CLE w/1 Ethics)

Other Information

Is there anything else relevant to the application that you would like the Commission to know?

Disclaimer and Signature

I certify that my answers are true and complete to the best of my knowledge.

Signature _____ Date _____

Please submit completed application

Mail Virginia Criminal Sentencing Commission
100 North Ninth Street
Richmond, VA 23219

E-mail vguidelines@vsc.virginia.gov
Fax (804) 786-3934

Evaluation Criteria

- Percentage of practice focusing on indigent defense cases
- Financial need of applicant (especially for new or solo practitioners)

Fee Waiver Application Scoring Sheet

Application for Fee Waiver

Approved by Commission (September 2015)

The points assigned to each factor were selected such that no single factor would result in automatic approval or denial of the request. A combination of factors is needed for approval of the request.



Virginia Criminal Sentencing Commission

100 North Ninth Street • Richmond, Virginia 23219 • Tel. 804.225.4398 • FAX 804.786.3934

Evaluation of Application for Fee Waiver

(Completed by staff)

Applicant Name _____

Date Application Received _____

Percentage of practice involving indigent defense work _____

Percentage	Points
Less than 25%	0
25% – 34%	1
35% – 49%	2
50% or more	3

Years since admitted to the Virginia State Bar _____

Years	Points
10 years or more	0
5 – 9 years	1
3 – 4 years	2
Less than 3 years	3

Amount grossed from criminal practice during previous calendar year _____

Amount	Points
\$80,000 or more	0
Less than \$80,000	3

Number of attorneys in firm primarily engaged in criminal defense work _____

Attorneys	Points
4 or more	0
3.0 – 3.5	1
2.0 – 2.5	2
1.0 – 1.5	3

Full-time attorney = 1 attorney
Part-time attorney = 1/2 attorney

Ever attended a Sentencing Guidelines training seminar _____

	Points
No	2
Yes	0

Total Score _____

Minimum score of 7 points needed for waiver approval unless exception approved by Sentencing Commission member

Approved Procedure

- If an applicant scores at or above the threshold set by the Commission, staff will approve the waiver.
- If the application scores below the threshold, staff will forward the application to a Commission member for review.
 - Commission member may consider approving the waiver due to a special circumstance (such as when the applicant included other information that may warrant an exception).



Esther J. Windmueller Fee Waiver Applications Received as of May 18, 2020

Applications Received 8

Applications Approved 8



Mobile guidelines manual is available at no cost

Fee waived for Intro to Guidelines seminar (\$125) 8

Fee waived for Guidelines Refresher seminar (\$60) 0

Fee waived for Knowledge & Ethics seminar (\$100) 0



Characteristics of Attorneys Approved for Fee Waivers

	Low	High	Average
Percentage of practice - indigent defense work	23%	100%	50%
Years since admitted to Virginia State Bar	0 yr.	23 yrs.	14.5 yrs.
Number of attorneys in firm primarily engaged in criminal defense work	1	3	1.0



Characteristics of Attorneys Approved for Fee Waivers

	No	Yes
Grossed more than \$80,000 from criminal practice previous year	100%	0%
Ever attended a Guidelines training seminar	87.5%	12.5%



INTRODUCTION TO SENTENCING GUIDELINES



(6 Hours - Approved for 6 CLE & VIDC Re-certification)

The introduction seminar is designed for the attorney or criminal justice professional who is new to Virginia's Sentencing Guidelines. The seminar will begin with general background information and progress to detailed information on scoring each of the guidelines factors to include changes beginning July 1, 2019. Register by completing the form and submit to the Commission. Cost \$125.00 (Paralegals \$62.50). Purchase manual separately. (Fee waived for Judges, CAs, Public Defenders, P&P and staff. Limited fee waivers are available for attorneys) Same content as in previous years.

2020 SEMINAR DATES AND LOCATIONS \$125

JANUARY 10 - SCOTT

Scott County Government Center
☐ 9:30-5:00 (#722)

MARCH 5 - WINCHESTER

Frederick County Public Safety Building
☐ 9:30-5:00 (#711)

MARCH 6 - FAIRFAX

Fairfax County Government Center
☐ 9:30-5:00 (#712)

MARCH 10 - ABINGDON

Southwest VA Higher Education Center
☐ 9:30-5:00 (#713)

DECEMBER 2 - ROANOKE

Roanoke Higher Education Center
☐ 9:30-5:00 (#718)

DECEMBER 4 - FAIRFAX

Fairfax County Government Center
☐ 9:30-5:00 (#719)

DECEMBER 8 - HENRICO

Henrico Police and Fire Training Center
☐ 9:30-5:00 (#720)

DECEMBER 10 - NORFOLK

Norfolk Police Training Center
☐ 9:30-5:00 (#721)

ESTHER J. WINDMUELLER FEE WAIVER APPLICATION FORM



VIRGINIA CRIMINAL
SENTENCING COMMISSION



VIRGINIA
CRIMINAL SENTENCING COMMISSION



Training Schedule 2020 (CLEs)

[2020 CLE Seminars](#) >

[Windmueller Fee Waiver](#) >

[Abingdon - Directions](#) >

[Blacksburg - Directions](#) >

[Charlottesville - Directions](#) >

[Chesapeake Library - Directions](#) >

[Chesterfield/Chester -
Directions](#) >

[Culpeper - Directions](#) >

[Dublin - Directions](#) >

[Fairfax - Government Center](#) >

Upcoming Guidelines Training

INTRODUCTION TO SENTENCING GUIDELINES



(6 Hours - Approved for 6 CLE & VIDC Re-certification)

The introduction seminar is designed for the attorney or criminal justice professional who is new to Virginia's Sentencing Guidelines. The seminar will begin with general background information and progress to detailed information on scoring each of the guidelines factors to include changes beginning July 1, 2019. Register by completing the form and submit to the Commission. Cost \$125.00 (Paralegals \$62.50). Purchase manual separately. (Fee waived for Judges, CAs, Public Defenders, P&P and staff. Limited fee waivers are available for attorneys) Same content as in previous years.

2020 SEMINAR DATES AND LOCATIONS \$125

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Fairfax County Government Center
 9:30-5:00 (#712)

MARCH 10 - ABINGDON

Southwest VA Higher Education Center
 9:30-5:00 (#713)

MARCH 11 - ROANOKE

Roanoke Higher Education Center
 9:30-5:00 (#714)

MARCH 17 - CHESTERFIELD

Workforce Alliance, Midlothian Center
 9:30-5:00 (#715)

MARCH 25 - PORTSMOUTH

Department of Social Services
 9:30-5:00 (#716)

MARCH 27 - DANVILLE

Danville Community College
 9:30-5:00 (#717)

DECEMBER 2 - ROANOKE

Roanoke Higher Education Center
 9:30-5:00 (#718)

DECEMBER 4 - FAIRFAX

Fairfax County Government Center
 9:30-5:00 (#719)

DECEMBER 8 - HENRICO

Henrico Police and Fire Training Center
 9:30-5:00 (#720)

DECEMBER 10 - NORFOLK

Norfolk Police Training Center
 9:30-5:00 (#721)

Register online for all classes.

<http://www.vcsc.virginia.gov/training.html>

You may also register for a SWIFT account online.

<http://www.vcsc.virginia.gov/swift.html> or email SWIFT@vacourts.gov

The online Sentencing Guidelines manual is free, while the paper version cost \$155. Text VCSC to 565-12 to access the mobile website and manual.

ORDER FORM FOR MANUAL AND SEMINARS

Mr. Ms. Mrs. _____

Name: _____

Address: (street address for UPS delivery)

City: _____

State: _____ Zip: _____

Phone: (____) _____

Fax: (____) _____

E-Mail: _____

22nd Edition Manual Selection (Eff. July 1, 2019)

Update from an Earlier Edition.....\$80.00

Complete Manual with Binder & Tabs.....\$155.00

2020 Seminar Selection

Introduction to Guidelines .Seminar # _____..\$125.00

TOTAL ENCLOSED: \$ _____

Sentencing Guidelines Manual is required for seminar

● Mail your registration form to:

Virginia Criminal Sentencing Commission
 100 N. 9th Street - 5th Floor, Richmond, VA 23219
 Make Checks Payable to the Treasurer of Virginia
 Fee waived for Judges, Commonwealth Attorneys, P&P, Public Defenders & Staff). Special pricing for paralegals.

● CALL 804.225.4398 ● FAX to 804.786.3934

● TEXT to 804.393.9588



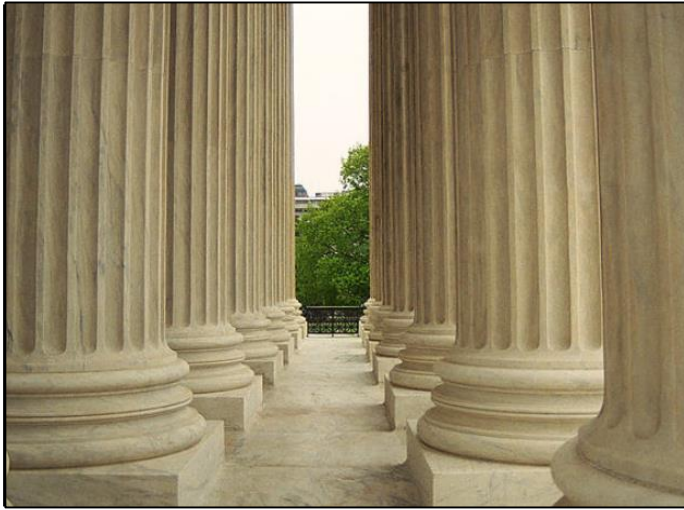
Discussion

- Does the Commission wish to approve funds for waivers for FY2021?
- If so, does the Commission desire to modify the application, scoring sheet, or approval threshold?





VIRGINIA CRIMINAL SENTENCING COMMISSION



Miscellaneous Items

June 1, 2020



Probation Violation Guidelines Study Update

Probation Violation Guidelines Study

- Update -

- **The Sample has been selected**
 - **4,000 Cases**
 - **2,000 New Law (Condition 1) Violators**
 - **2,000 Technical Violators**
 - **FY2014 - FY2018**
- **Virginia State Police criminal history records have been requested and received.**
- **Department of Corrections has provided access to violation data, including Major Violation Reports filed with the court.**



Probation Violation Guidelines Study

- Update -

- Staff are reviewing the Major Violation Reports and other data in order to collect additional detail about each case.
- Two retired probation officers have been hired as hourly staff to assist in data collection and provide further insight.
- Goal: Complete data collection by June 30.
- Plan: Analyze data in July and August.
 - Present preliminary findings in September.
 - Present concepts to focus groups for feedback in September.
 - Present final results and any recommendations in November.
 - Pilot test before statewide implementation.





Sentencing Guidelines Application (SWIFT) Update

SWIFT!

Update 2020

1 – **FALL PILOT SITES** (Judges and Clerks Agreed to Participate)

- Chesapeake Circuit
- Montgomery Circuit
- Norfolk Circuit
- Pittsylvania Circuit

2 – **ALL DOCKET NUMBERS WILL BE INCLUDED WITH GUIDELINE FORMS BEGINNING JUNE 1, 2020**

Convictions

Offense	Counts	VCC	Offense Date	Docket No.
Primary Offense GRAND LARCENY	3 +	LAR 2359 F9	MM DD YY 01 19 06 01 24 06 02 04 06	CR0600229700 CR0600229800 CR0600230100
Additional Offense + Text Drop-Down -1 STATUTORY BURGLARY	2 +	BUR 2216 F9	01 29 06 02 04 06	CR0600229900 CR0600230000
-2 POSS MARIJ & COCAINE RESIDUE	1 +	NAR 3022 F5	12 12 05	CR0600288300

Primary Offense Code Section §: 18.2-95

3 – **THERE WILL BE MODIFIED COVER & CONTINUATION PAGES BEGINNING JUNE 1, 2020**

◆ **PRIMARY OFFENSE**

Description: GRAND LARCENY

Counts: 3

VCC: LAR 2359 F9

Offense Date: Month: 01, Day: 19, Year: 06

Primary Offense Code Section §: 18.2-95

Docket Number: CR0600229700

→ For a comprehensive list of all offenses in the sentencing event, please refer to the **Offense Details** page following **Section D**.

◆ **METHOD OF ADJUDICATION**

Offense Details

Offender Name: DOE, JOHN

Offense	Counts	VCC	Offense Date	Docket No.
Primary				
GRAND LARCENY	3	LAR-2359-F9	1/19/06	CR0600229700
			01/24/06	CR0600229800
			02/04/06	CR0600230100
Additional				
1. STATUTORY BURGLARY	2	BUR-2216-F9	01/29/06	CR0600229900
			02/04/06	CR0600230000
2. POSS MARIJ & COCAINE RESIDUE	1	NAR-3022-F5	12/12/05	CR0600288300

4 – **SWIFT WILL CONNECT PROBATION VIOLATIONS TO THE UNDERLYING OFFENSE(S)**

To automate the transfer of forms to the courts, required the deciphering of various court docket numbering systems

Most courts used a standardized docket numbering system. However, 34 courts do not. The FY 2021 *SWIFT* update manages docketing anomalies when identifying underlying offenses for Probation Violations. The 31 courts that use proprietary docket number formatting are Amherst, Augusta, Bedford, Bland, Charlotte, Charlottesville City, Chesapeake, Chesterfield, Colonial Heights, Culpeper, Dinwiddie, Fluvanna, Frederick, Giles, Goochland, Hanover, Isle of Wight, Lee, Louisa, Mecklenburg, New Kent, Northampton, Nottoway, Page, Portsmouth City, Richmond City, Rockingham, Stafford, Staunton, Suffolk, and Wise. Three other courts, Bristol City, Loudon and York, have methods of formatting docket numbers that has no discernible relationship to the root offense docket numbers and cases in these courts will not be connected to the underlying offense(s).

Name	Docket no.	Charge	Offense Date	Hearing Date
TAMMY LYNN	CR0600029502	• #2 PV - CREDIT CARD FORGERY	2005-11-23	2022-07-08
TAMMY LYNN	CR0600029702	• #2 PV-CREDIT CARD FRAUD	2005-11-23	2022-07-08
TAMMY LYNN	CR0600039602	• #2 PV-UTTER CHECK	2005-03-26	2022-07-08
TAMMY LYNN	CR0600039907	• #2 PV - FELONY SHOPLIFTING	2005-01-03	2022-07-08
TAMMY LYNN	CR0600039908	• #2 PV - LARCENY, 3RD OR SUB	2004-12-20	2022-07-08
TAMMY LYNN	CR0700106203	• #2 PV-LARCENY, 3RD SUB	2007-05-14	2022-07-08
TAMMY LYNN	CR0700126702	• #2 PV - CONSPIRACY SELL/DIST	2006-09-05	2022-07-08
TAMMY LYNN	CR1100127701	• #1 PV - AGGREGATE BAD CHECKS	2011-03-26	2022-07-08
TAMMY LYNN	CR1100142416	• #1 PV FORGERY, CHECK	2011-06-14	2022-07-08
TAMMY LYNN	CR1100155001	• #1 PV - LARCENY, 3RD OF SUB	2010-10-15	2022-07-08

✓ Sentencing Guideline Offense • Probation Violation Offense

Most Serious Original Felony Offense Information

Primary Offense Drop-Down Text VCC FRD - 2512 - F5 Original Sentencing Date 12 | 12 | 07 mm/dd/yy

CREDIT CARD FORGERY

- **A new summary page is attached to the SRR/Probation Violation forms**
This summary is only generated when using *SWIFT*. The summary page cannot be edited because the court issued docket numbers will be used to connect sentencing guidelines forms to the appropriate court file(s).

Offense Details

Offender Name: |

Offense	VCC	Offense Date	Docket No.
1. #2 PV - CREDIT CARD FORGERY	PRB-4850-F9	2005-11-23	CR0600029502
2. #2 PV-CREDIT CARD FRAUD	PRB-4850-F9	2005-11-23	CR0600029702
3. #2 PV-UTTER CHECK	PRB-4850-F9	2005-03-26	CR0600039602
4. #2 PV - FELONY SHOPLIFTING	PRB-4850-F9	2005-01-03	CR0600039907
5. #2 PV - LARCENY, 3RD OR SUB	PRB-4850-F9	2004-12-20	CR0600039908
6. #2 PV-LARCENY, 3RD SUB	PRB-4850-F9	2007-05-14	CR0700106203
7. #2 PV - CONSPIRACY SELL/DIST	PRB-4850-F9	2006-09-05	CR0700126702
8. #1 PV - AGGREGATE BAD CHECKS	PRB-4850-F9	2011-03-26	CR1100127701
9. #1 PV FORGERY, CHECK	PRB-4850-F9	2011-06-14	CR1100142416
10. #1 PV - LARCENY, 3RD OF SUB	PRB-4850-F9	2010-10-15	CR1100155001



2020

Upcoming Meeting Dates

September 14, 2020 (Monday)

November 4, 2020 (Wednesday)