

INTRODUCTION TO SENTENCING GUIDELINES

A VIRTUAL EXPERIENCE 2020-2021



There are three components to this training. Participants must watch videos on thirteen different topics, answer a question on each topic and participate in a 60-minute live seminar after scoring two case examples. You may watch all the videos in one day (83 minutes) or watch them when you have time. The videos are available on:

YouTube (https://www.youtube.com/watch?v=xJzc5xxw7q4&list=PLFfhZYBrnXWpUx1-GrrfQr49p2_70lqyO)

VCSC website (<http://www.vcsc.virginia.gov/training.html>)

Mobile Website (<http://bycell.co/cpuul>).

The videos may be viewed on a PC, tablet or cell phone. The 60-minute webinar will be held at least once per month.

1. Please print the instructions and exercises attached or call the Commission and we will send you a hard copy by U.S. mail. (804.225.4398)

2. After you watch each video, answer the question at the end of each video and text the key word (VCSC "ENTER KEYWORD" - example VCSC PRIMARY) to **56512** for the answer. If you have any problems with texting, please call the hotline for the answers. *The **handout**, printed in step, one includes the question for each video and the keyword.*

3. Complete the two case examples and call the hotline if you need help or have questions. When you are ready register for the live webinar. Look for available dates and times on www.vcsc.virginia.gov or mobile.vcsc.virginia.gov. Register using the mobile website (mobile.vcsc.virginia.gov, Virtual Training) or email Danielle.mccowan-lewis@vcsc.virginia.gov.

Questions: Please call **804.225.4398** or text 804.393.9588



EXERCISES

To start, text the letters **VCSC** to **56512** to receive the link to the mobile website, electronic guidelines manual and VCC search. Follow the link and review the resources.

Video 1. Primary Offense (Video: 10 minutes)

Please select the primary offense from these two offenses:

- | | | | |
|--|----------------|---------|-------------|
| •Robbery of a Residence with a Firearm | § 18.2-58 | 5Y-Life | ROB-1207-F9 |
| •Rape, Victim Age 13 or Older | § 18.2-61(A,i) | 5Y-Life | RAP-1129-F9 |

*For the answer, text **VCSC PRIMARY** to 56512*

Also see the Guidelines Manual – General Instructions, Pages 5-6

Video 2. Additional Offenses (Video: 10 minutes)

Please select the primary offense and identify the additional offenses in this sentencing event:

- | | | | |
|--|---------------------|--------|-------------|
| •Grand Larceny
\$1,000 or more | § 18.2-95 | 1Y-20Y | LAR-2359-F9 |
| •Conspiracy to Commit
Grand Larceny \$1,000 or more | § 18.2-95/§ 18.2-22 | 1Y-10Y | LAR-2359-C9 |
| •Prescription Fraud | § 18.2-258.1(A) | 1Y-5Y | NAR-3016-F6 |

*For the answer, text **VCSC ADD** to 56512*

Also see the Guidelines Manual – General Instructions, Pages 11-13

Video 3. Scoring Worksheets, A & B vs. Worksheet C (Video: 4 minutes)

True or False?

On Sections A & B you total the maximum penalties and on Section C you assign points based on the maximum penalty of each count.

*For the answer, text **VCSC SCORING** to 56512*

Also see the Guidelines Manual – General Instructions, Pages 10, 11 & 28

Video 4. Victim Injury (Video: 4 minutes)

What type of injury is scored when the victim becomes pregnant as the result of a sexual assault?

*For the answer, text **VCSC INJURY** to 56512*

Also see the Guidelines Manual – General Instructions, Pages 18-19

□ **Video 5. Weapon Factors** (Video: 3 minutes)

From whose perspective are weapons factors scored?

For the answer, text **VCSC WEAPONS** to 56512

Also see the Guidelines Manual – General Instructions, Pages 14-17

□ **Video 6. Prior Record Factors** (Video: 12 minutes)

Identify the five offenses from each sentencing event that would be scored for the factor “Prior Convictions/Adjudications”. Score the factor using the partial Worksheet A printed below. Bonus points: What would be the score for “Prior Convictions/Adjudications” on Worksheet C?

07/20/09	Virginia Beach Juvenile Court	Robbery (Max Life)	Committed to a State Facility
05/27/11	Norfolk General	Reckless Driving (Max 12 M)	Fine
02/20/13	Newport News Circuit Court	Possession of Cocaine (Max 10 Y)	10 Years <u>Susp.</u>
08/03/15	Hampton	Drunk in Public (Max Fine)	\$50 Fine
09/05/15	Madison, Oregon	First Degree Larceny (Max 20 Y) Over <u>\$1,500</u> - 2 counts	Serve 60 days
01/18/16	Norfolk Circuit	Burglary (Max 20 Y) Petit Larceny (Max 12 M)	20 Yrs. <u>Susp.</u> Serve 3 Years Probation

LARCENY ♦ A

◆ **Prior Convictions/Adjudications** Total the maximum penalties for the 5 most recent and serious prior record events

Years:	Less than 2.....	0	21 - 36.....	3	0
	2 - 11.....	1	37 or more.....	4	
	12 - 20.....	2			

LARCENY ♦ C

◆ **Prior Convictions/Adjudications** Assign points to the 5 most recent and serious prior record events and total the points

Maximum Penalty:	Less than 10.....	0	0
(years)	10, 20.....	1	
	30.....	2	
	40 or more.....	3	

For the answer, text **VCSC FIVE** to 56512

Also see the Guidelines Manual – General Instructions, Pages 23-36

□ **Video 7. Prior Specific Offenses** (Video: 8 minutes)

Identify the following offenses as Person, Property, Drug, Traffic or Other:

- Petit Larceny From the Person § 18.2-95 1Y-20Y LAR-2369-F6
- Operate Vehicle While License
Revoked – Endangerment § 46.2-357(B,2) 1Y-5Y LIC-6832-F9

*For the answer, text **VCSC PRIOR** to 56512*

Also see the Guidelines Manual – General Instructions, Pages 29-36

Operate Vehicle While License Revoked- Endangerment- Person Crime

□ **Video 8. Juvenile Record** (Video: 4 minutes)

When are juvenile adjudications **NOT** scored on the sentencing guidelines?

(select all that apply)

- A. A felony adjudication was reported by the defendant, but cannot be verified
- B. Defendant is 33 years old and a DWI at age 17 has been verified by court records
- C. An 18-year-old defendant has a verified truancy record from juvenile court
- D. A 20-year-old defendant was convicted of shoplifting at the age of 14 and has no further contact with the courts until the current offense.

*For the answer, text **VCSC JUVENILE** to 56512*

Also see the Guidelines Manual – General Instructions, Pages 25, 27 & 29

□ **Video 9. Legal Restraint** (Video: 4 minutes)

Legal restraint is scored for what offense(s) at conviction (primary, additional, both)?

*For the answer, text **VCSC RESTRAINT** to 56512*

Also see the Guidelines Manual – General Instructions, Pages 37-38

□ **Video 10. Classifying Prior Record** (Video: 7 minutes)

Based on the defendant’s criminal history below, how should the defendant’s prior record be classified? Category I, II or Other

7/20/16	VA Beach Juvenile Court	Robbery ROB-1213-F9 (Max. Life)	Committed to a State Facility
05/27/18	Hampton Circuit Court	Attempted Burglary BUR-2213-F9 (Max. 10Y)	10 Years, 9 Years Suspended Serve 1 Year
03/22/20	Norfolk Circuit Court	Possession of Cocaine NAR-3022-F5 (Max. 10y)	10 Years, 10 Years Suspended Serve 3 Years on Probation

*For the answer, text **VCSC CLASSIFY** to 56512*

Also see the Guidelines Manual – General Instructions, Page 23

□ **Video 11. Risk Assessment** (Video: 5 minutes)

1. For the Factor “Offender’s Relationship with Victim” on the Sex Offender Risk Assessment, how are internet relationships scored?

- a. Relative b. Known to Victim c. Stranger d. Stepparent

2. If the Nonviolent Risk Assessment recommends an alternative, give an example of an alternative sentence. _____

*For the answer, text **VCSC RISK** to 56512*

Also see the Guidelines Manual – General Instructions,
Sex Offender Risk Assessment Pages 41-46,
Nonviolent Risk Assessment Pages 47-51

□ **Video 12. Mandatory Minimums** (Video: 6 minutes)

Does this recommendation need to be modified because of the mandatory minimums in the sentencing event? If so, what is the guidelines recommendation?

1 count Possession of Sch. I/II Drug § 18.2-250 NAR-3022-F5
No Mandatory Minimum

2 counts Transport 1 oz. or of Sch. I/II Into the Commonwealth § 18.2-248.01 NAR-3066-F9
3Y Mandatory Minimum

Section B	Section C
<input type="radio"/> Probation/No Incarceration	<input type="radio"/> Life Sentence
<input type="radio"/> Incarceration 1 Day to 3 Months	<input checked="" type="radio"/> Incarceration (Enter Midpoint and Range Below)
<input type="radio"/> Incarceration 1 Day to 6 Months	Range Midpoint: <input type="text" value="5"/> <input type="text" value="5"/> <input type="text" value="0"/> yyy/mm/ddd
<input type="radio"/> Incarceration 3 to 6 Months	Sentence Range: <input type="text" value="4"/> <input type="text" value="0"/> <input type="text" value="0"/> to <input type="text" value="6"/> <input type="text" value="7"/> <input type="text" value="0"/>
<input type="radio"/> Probation/No Incarceration or Incarceration to 6 Months	<input type="checkbox"/> Recommendation Adjusted for Mandatory Minimum
Mandatory Minimum: <input type="text"/> <input type="text"/> <input type="text"/> yyy/mm/ddd	

For the answer, text **VCSC MANMIN** to 56512

Also see the Guidelines Manual – General Instructions, Pages 39-40

□ **Video 13. Recording the Guidelines Recommendation** (Video: 6 minutes)

Are guidelines recommendations automatically populated when completing guidelines manually? Which method automatically records guidelines recommendations?

For the answer, text **VCSC RECOMMEND** to 56512

Also see the SWIFT manual

□ **Register for the Live Webinar**

Each month, a sixty-minute webinar will be offered to answer specific questions and to allow participants to test their knowledge by completing guidelines. Please see the case examples attached. Participants will be encouraged to email their questions in advance or text them to the staff during the webinar.

Register for the seminar by using the mobile website, calling the Commission at (804) 225-4398 or sending an email to danielle.mccowan-lewis@vcsc.virginia.gov.



CONTACT INFO:

SWIFT@vcsc.virginia.gov

804.225.4398 (Hotline)

804.393.9588 (Text)

804.786.3934 (Fax)



EXERCISES: INFORMATION & INSTRUCTIONS

1. **WORKSHEETS:** Please score the two case examples on the worksheets provided or use a blank form on ***SWIFT***. After logging into ***SWIFT***, select the worksheet you want to use and do not enter a name. Click on submit and you can begin scoring the sentencing guidelines. If you need a ***SWIFT*** account, please email swift@vcsc.virginia.gov and provide your name, bar number (if an attorney) and your primary court. You will have access to all participating courts.
2. **RESOURCES:** As you score the examples, please refer to the Sentencing Guidelines Manual. (*An electronic version of the manual is available at mobile.vcsc.virginia.gov or you can text the letters VCSC to 56512 to receive a link to the VCSC mobile website and electronic manual.*) You may also want to review the videos or the PowerPoint presentations.
3. **SUPPORT:** Assistance with these exercises and with all your sentencing guidelines questions is available by calling the hotline at **804.225.4398**, by sending a text to **804-393-9588** or by sending any staff member an email.
4. **FACTS NEEDED FOR EXERCISES:** Please find below additional information that is needed to score the case examples.
 - a. Prior larceny convictions must be scored based on Virginia's current penalty structure and threshold. If you do not know the value of the property taken or do not know that it was valued at \$1,000 or more, it must be scored as a misdemeanor.
 - b. Simple possession of marijuana is now a civil offense and prior convictions for simple possessions are not scored on the sentencing guidelines. Also, if the quantity of marijuana sold is not more than one ounce or the quantity is unknown, the prior conviction is not scored.
 - c. If multiple weapons are used in the offense, score the weapon that picks up the highest number of points for the "Weapon Used" factors.
 - d. To determine the statutory maximum for an offense, the best resource to determine penalty structure is the Virginia Crime Code (VCC) book. You can find an offense by searching for the offense in the alphabetical listing or the statutory listing of the VCC book. The VCC book is available in an electronic and pdf format at www.vcsc.virginia.gov or mobile.vcsc.virginia.gov. You may also want to refer to the online *Code of Virginia*.



EXERCISES: CASE EXAMPLE 1 — JIM BAKER

Offenses: 6 counts **Embezzlement**, \$1000 or more
 LAR-2707-F9 (1-20 yrs.)
 § 18.2-111

1 count **Forgery**
 FRD-2520-F5 (1-10 yrs.)
 § 18.2-172



Facts: The defendant worked for Company X for 5 years and shortly thereafter began embezzling funds. In total, the documented amount embezzled was \$15,700.00. It is believed the actual amount was closer to \$35,000. The embezzlement was discovered after the defendant forged a company check to pay for an Amazon order. At the age of 49 the defendant was arrested for seven felony offenses.

Prior Record

Date of Conviction	Jurisdiction	Offense at Conviction	Sentence
4/5/91	Norfolk Juvenile Court	Larceny from Person \$5 or more	1 year supervised probation \$1200 restitution
10/12/14	Portsmouth Circuit	Grand Larceny	Time Served, 3 yrs Good Behavior
1/5/15	Chesapeake General District Court	Possess Marijuana	Fine
3/7/15	Chesapeake General District Court	Possess Marijuana, Second Offense	6 months suspended \$50 fine
6/7/15	Norfolk Circuit Court	PWID 1/2 Oz. to 5 Lbs. Marijuana	5 yrs suspended 1 year probation
10/5/17	Norfolk Circuit Court	Forgery Petit Larceny	5 yrs suspended, CCAP 5 yrs supervised probation 12 months suspended <i>* On probation at time of offense</i>
9/23/20	Norfolk Circuit Court	Probation Violation	Revoke and Resuspended 5 yrs supervised probation





Sentencing Guidelines Cover Sheet

Scheduled Sentencing Date:

____/____/____

Complete this form ONLY for applicable felonies sentenced on or after July 1, 2020.

◆ 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 _____

Preparer Name _____ Commonwealth's Attorney Probation Officer

Prosecuting Commonwealth's Attorney _____ Defense Attorney _____

◆ CONVICTIONS

Offense	Counts	VCC	Offense Date
Primary Offense	____	_____	____/____/____

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

Primary Offense Code Section § _____ Docket Number _____

Drug Type in Event *Please check all that apply. This information is for research purposes only.*

- Cocaine
- Codeine
- Fentanyl
- Heroin
- Hydrocodone
- Methadone
- Methamphetamine
- Methylphenidate
- Morphine
- Oxycodone
- Any other Schedule I/II drug _____

◆ 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

◆ NONVIOLENT RISK ASSESSMENT Section D of Drug, Fraud, and Larceny Worksheets

- Recommended for Alternative Punishment
- NOT Recommended for Alternative Punishment
- Not Applicable (INELIGIBILITY CONDITIONS marked on Section D)
- Not a DRUG, FRAUD or LARCENY Offense

◆ Final Disposition Fill In After Sentence Has Been Pronounced

◆ SENTENCE

Total Time Imposed Before Suspension Life Sentence +

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Total Effective Time to Serve Life Sentence +

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 Sentenced to Time Served

Post Release

Post Release Incarceration Term § 18.2-10 (suspended)

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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)*

- | | | | | | | | |
|--|--|--|--|--|--|--|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> Day Reporting <input type="checkbox"/> Electronic Monitoring <input type="checkbox"/> Intensive Probation <input type="checkbox"/> Substance Abuse Treatment <input type="checkbox"/> § 18.2-251/§ 18.2-258.1 | <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 <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table> <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table> <small>Office Use Only</small> <input type="checkbox"/> DJJ Commitment <input type="checkbox"/> Indeterminate <input type="checkbox"/> Determinate <input type="checkbox"/> Other _____ | | | | | | |
| | | | | | | | |
| | | | | | | | |

◆ 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

	<small>Office Use Only</small>									
	<table border="1" style="display: inline-table;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table> <table border="1" style="display: inline-table;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table> <table border="1" style="display: inline-table;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>									

◆ SENTENCING DATE

<small>Month</small>	<small>Day</small>	<small>Year</small>			

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

Larceny Section A

Offender Name: _____

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

A.	Attempted or conspired larceny (1 count).....	(1)	
B.	Statutory maximum penalty equals 5 years		
	1 count	1	
	2 counts	4	
	3 counts	6	
C.	Statutory maximum penalty equals 10 years (1 count).....	3	
D.	Grand larceny auto		
	1 count	5	
	2 counts	7	
	3 counts	10	
E.	Grand larceny from person		
	1 count	4	
	2 counts	11	
F.	Grand larceny of a firearm (1 count).....	1	
G.	Failure of bailee to return animal, aircraft, vehicle or boat (1 count).....	4	
H.	Larceny of bank notes, checks or any book of accounts; Any other larceny offense with maximum penalty of 20 years		
	1 count	2	
	2 - 3 counts	4	
	4 counts	6	

Score
▼

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

Years:	5 - 11	1	34 - 44	4
	12 - 22	2	45 or more	5
	23 - 33	3		

Score
▼

0	
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◆ Additional Offenses Total the maximum penalties for additional offenses, including counts _____

Years:	Less than 1	0	23 - 33	3
	1 - 11	1	34 - 44	4
	12 - 22	2	45 or more	5

Score
▼

0	
---	--

◆ Prior Convictions/Adjudications Total the maximum penalties for the 5 most recent and serious prior record events _____

Years:	Less than 2	0	21 - 36	3
	2 - 11	1	37 or more	4
	12 - 20	2		

Score
▼

0	
---	--

◆ Prior Felony Larceny Convictions/Adjudications _____

Number of Counts:	1	2
	2 - 3	3
	4 or more	4

Score
▼

0	
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◆ Other Prior Felony Property Convictions/Adjudications _____

Number of Counts:	1 - 4	1
	5 or more	2

Score
▼

0	
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◆ Prior Felony Convictions/Adjudications Against Person _____

Number of Counts:	1	1
	2 or more	2

Score
▼

0	
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◆ Prior Misdemeanor Convictions/Adjudications (Excludes Traffic) _____

Number of Counts:	1 - 4	1
	5 - 8	2
	9 or more	3

Score
▼

0	
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◆ Prior Incarcerations/Commitments _____ **If YES, add 5** →

0	
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◆ Prior Juvenile Record _____ **If YES, add 1** →

0	
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◆ Legally Restrained at Time of Offense _____

None	0
Other than parole/post-release, supervised probation or CCCA.....	1
Parole/post-release, supervised probation or CCCA.....	2

Score
▼

0	
---	--

SCORE THE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE IS H: EMBEZZLEMENT (§ 18.2-111)

◆ Amount of Embezzlement _____

Amount:	Less than \$10,000	0
	\$10,000-\$19,999	3
	\$20,000-\$74,999	6
	\$75,000-\$119,999	9
	\$120,000 or more	14

Score
▼

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Total Score _____ **If total is 15 or less, go to Section B. If total is 16 or more, go to Section C.**

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Larceny/Section A

Larceny Section B

Offender Name: _____

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

- A. Any attempted or conspired larceny (1 count).....(1)
- B. Maximum penalty equals 5 or 10 years
 - 1 count3
 - 2 counts.....4
 - 3 counts.....7
- C. Grand larceny auto
 - 1 count3
 - 2 counts.....4
 - 3 counts.....7
- D. Grand larceny from person (1 count)6
- E. Grand larceny of a firearm (1 count)1
- F. Failure of bailee to return animal, aircraft, vehicle or boat (1 count)1
- G. Larceny of bank notes, checks, etc. or any book of accounts
 - 1 count3
 - 2 counts.....4
 - 3 counts.....7
- H. Any other grand larceny offense with a maximum penalty of 20 years
 - 1 count3
 - 2 counts.....4
 - 3 counts.....7

Score

▼

0	
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◆ Primary Offense Remaining Counts Total the maximum penalties for counts of the primary not scored above

- Years: Less than 220 32 - 422
- 22 - 311 43 or more3

0	
---	--

◆ Additional Offenses Total the maximum penalties for additional offenses, including counts _____

- Years: Less than 10
- 1 - 101
- 11 - 212
- 22 - 313
- 32 - 424
- 43 or more5

0	
---	--

◆ Prior Convictions/Adjudications Total the maximum penalties for the 5 most recent and serious prior record events _____

- Years: Less than 20
- 2 - 191
- 20 - 382
- 39 or more3

0	
---	--

◆ Prior Misdemeanor Convictions/Adjudications (Excludes Traffic) _____

- Number of Counts: 1 - 22
- 33
- 4 or more4

0	
---	--

◆ Prior Incarcerations/Commitments _____ If YES, add 7 →

0	
---	--

◆ Legally Restrained at Time of Offense _____

- None0
- Other than parole/post-release, supervised probation or CCCA4
- Parole/post-release, supervised probation or CCCA5

0	
---	--

SCORE THE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE IS H: EMBEZZLEMENT (§ 18.2-111)

◆ Amount of Embezzlement _____

- Amount: Less than \$15,0000
- \$15,000 or more3

0	
---	--

Total Score _____ →

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See **Larceny Section B Recommendation Table** to convert score to guidelines sentence.
Then, go to **Section D Nonviolent Risk Assessment** and follow the instructions.

Larceny Section C

Offender Name: _____

____ Prior Record Classification ____

◆ Primary Offense _____

Category I Category II Other
(scores for attempted/conspired offenses are in parentheses)

A. Attempted or conspired larceny (1 count)	(8)	(4)	(2)
B. Statutory maximum penalty equals 5 or 10 years			
1 count	20	10	5
2 counts	28	14	7
3 counts	40	20	10
C. Grand larceny auto			
1 count	32	16	8
2 - 3 counts	56	28	14
4 counts	72	36	18
D. Grand larceny from person			
1 count	40	20	10
2 counts	56	28	14
3 counts	68	34	17
E. Grand larceny of a firearm (1 count)	68	34	17
F. Failure of bailee to return animal, aircraft, vehicle or boat (1 count)	28	14	7
G. Larceny of bank notes, checks, etc. or any book of accounts			
1 - 2 counts	32	16	8
3 counts	96	48	24
H. Any other larceny offense with a maximum penalty of 20 years			
1 count	28	14	7
2 counts	44	22	11
3 counts	56	28	14

Score

0		
---	--	--

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

Maximum Penalty: 5, 10	1
(years) 20	2

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

Maximum Penalty: Less than 5	0
(years) 5, 10	1
20	2
30	3
40 or more	5

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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 10	0
(years) 10, 20	1
30	2
40 or more	3

0		
---	--	--

◆ Prior Felony Larceny Convictions/Adjudications _____

Number of Counts: 1	1
2	2
3	3
4 or more	4

0	0	
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◆ Other Prior Felony Property Convictions/Adjudications _____

Number of Counts: 1	0
2 - 3	1
4 or more	2

0	0	
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◆ Prior Felony Convictions/Adjudications Against Person _____

Number of Counts: 1	2
2	4
3 or more	6

0	0	
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◆ Prior Felony Drug Convictions/Adjudications _____

Number of Counts: 1 - 2	1
3	2
4 or more	3

0	0	
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◆ Prior Juvenile Record _____

If YES, add 3

0	0	
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◆ Legally Restrained at Time of Offense _____

None	0
Other than parole/post-release, supervised probation or CCCA	3
Parole/post-release, supervised probation or CCCA	4

0	0	
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SCORE THE FOLLOWING FACTOR **ONLY** IF PRIMARY OFFENSE IS H: EMBEZZLEMENT (§ 18.2-111)

◆ Amount of Embezzlement _____

Amount: Less than \$28,000	0
\$28,000 - \$89,999	24
\$90,000 or more	30

0		
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Total Score _____

See Larceny Section C Recommendation Table for guidelines sentence range. Then, go to Section D Nonviolent Risk Assessment and follow the instructions.

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Larceny/Section C

Nonviolent Risk Assessment ❖ Larceny Section D

Offender Name: _____

◆ Ineligibility Conditions

- A. Was the offender recommended for **Probation/No Incarceration** on Section B? Yes No
- B. Are any prior record offenses violent (Category I/II listed in Appendix A of the Guidelines Manual)? Yes No
- C. Are any of the offenses at sentencing violent (Category I/II listed in Appendix A of the Guidelines Manual)? Yes No
- D. Do any of the offenses at sentencing require a mandatory term of incarceration? Yes No

If answered **YES** to **ANY**, go to "Nonviolent Risk Assessment Recommendations" on cover sheet and check **Not Applicable**. If answered **NO** to **ALL**, complete remainder of Section D worksheet.

◆ Offender Age at Time of Offense

Younger than 21 years	22	
21 to 29 years	16	
30 to 43 years	7	
Older than 43 years	1	<div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>

◆ Gender

Offender is Female	13	
Offender is Male	9	<div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>

◆ Prior Adult Felony Convictions

Number	0	0	
of Counts:	1 - 2	5	
	3 or more	15	<div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>

◆ Prior Adult Incarcerations

Number:	0	0	
	1 - 9	4	
	10 or more	32	<div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>

◆ Legally Restrained at Time of Offense

If YES, add 6 → 0

Total Score

- 31 or less, check Recommended for Alternative Punishment.
- 32 or more, check NOT Recommended for Alternative Punishment.

Larceny/ Section D

Go to **Cover Sheet** and fill out **Nonviolent Risk Assessment Recommendations**.



Offense Details

Offender Name:

Offense	Counts	VCC	Offense Date	Docket No.
Primary Offense				
1.				

Additional Offense	Counts	VCC	Offense Date	Docket No.
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				



EXERCISES: CASE EXAMPLE 2 — A.K. FORTY VII

Offenses: One (1) count of **Robbery-Bank w/a gun**

ROB-1210-F9 (5 Years - Life)
§18.2-58

One (1) count of **Use of Firearm**
ASL-1319-F9 (3 Years - Mandatory)
§18.2-53.1



One (1) count of **Brandish a Firearm**
WPN-5251-M1 (1-12 Months)
§18.2-282

Facts: Please watch the [surveillance video](#) that was presented in court. The defendant entered the bank armed and demanded money from two tellers. He also threatened to blow up the bank with a bomb when other employees began to move around. After collecting an undisclosed amount of cash, the defendant exited the building and displayed a weapon to a citizen walking down the sidewalk. One teller quit working because she feared returning to the bank and did not want to face the defendant in court. For good cause one count of robbery and one count of use of firearm in the commission of a felony were nol prossed. The defendant's record is below, however, a juvenile record was alleged but could not be confirmed. There is a pending probation revocation hearing pending in the Richmond Circuit Court.

Date of Conviction	Jurisdiction	Prior Record Offense at Conviction	Sentence
5/5/12	Roanoke District Court	Petit Larceny	6 Months Suspended 12 Months Good Behavior
10/10/13	Buchanan District Court	Trespassing Assault & Battery	12 Months Suspended 11 Months, 10 Months Suspended
1/5/14	Halifax Circuit Court	Grand Larceny from Person (\$5 +)	2 Years Imposed, All Suspended but Time Served 20 Years Good Behavior
3/3/16	Richmond Circuit Court	Unlawful Wounding	2 Years Imposed, Serve 8 Months 2 Years Supervised Probation
6/6/18	Prince William Circuit Court	Grand Theft Auto (2018 GMC Pickup)	20 Years, 19 Years Suspended Indefinite Supervised Probation



◆ Final Disposition Fill In After Sentence Has Been Pronounced

◆ SENTENCE

Total Time Imposed Before Suspension Life Sentence +

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Total Effective Time to Serve Life Sentence +

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 Sentenced to Time Served

Post Release

Post Release Incarceration Term § 18.2-10 (suspended)

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

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Office Use Only
- DJJ Commitment Indeterminate Determinate
- Other _____

◆ 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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Office Use Only

◆ SENTENCING DATE

		Month	·			Day	·			Year
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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

Robbery Section A

Offender Name: _____

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

- A. Attempted or conspired robbery or carjacking (1 count) (1)
- B. Street without a gun or simulated gun
 - 1 count 2
 - 2 counts 6
- C. Business without a gun or simulated gun
 - 1 count 4
 - 2 counts 6
- D. Residence without a gun or simulated gun (1 count)..... 4
- E. Carjacking without a gun (1 count) 4
- F. Street, residence, business or carjacking with a gun or simulated gun (1 count)..... 6
- G. Bank robbery with or without a gun or simulated gun (1 count)..... 6

Score

0

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

- Years: 10 or more..... 2

0

◆ **Additional Offenses** Total the maximum penalties for additional offenses, including counts

- Years: Less than 2 0
 2 or more 2

0

◆ **Weapon Used**

- None 0
- Simulated weapon or other than firearm 1
- Firearm..... 3

0

◆ **Victim Injury**

- Threatened 1
- Emotional, physical or serious 2
- Life threatening 3

0

◆ **Prior Convictions/Adjudications** Total the maximum penalties for the 5 most recent and serious prior record events

- Years: Less than 6 0
 6 or more 1

0

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

0

◆ **Prior Juvenile Record** _____ If YES, add 1 →

0

◆ **Legally Restrained at Time of Offense** _____ If YES, add 3 →

0

Total Score _____ →

If total is 5 or less, the guidelines sentence is **Probation/No Incarceration or Incarceration to 6 months.**
 If total is 6 or more, go to Section C.

0

Robbery Section A

Robbery Section C

Offender Name: _____

____ Prior Record Classification ____

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

A. Attempted or conspired robbery or carjacking without a gun or simulated gun (1 count)	(20)	(10)	(5)
B. Attempted or conspired robbery or carjacking with gun or simulated gun (1 count)	(92)	(46)	(23)
C. Residence or street with gun or simulated gun			
1 count	192	128	64
2 counts	270	180	90
3 counts	444	296	148
D. Bank or business with gun or simulated gun			
1 count	168	112	56
2 counts	348	232	116
3 counts	528	352	176
E. Residence, bank, business, street or carjacking without a gun or simulated gun			
1 count	84	56	28
2 counts	162	108	54
3 counts	336	224	112
F. Carjacking with gun or simulated gun (1 count)	246	164	82

Score

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

Maximum Penalty: 10	5
(years) Life	19

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

Maximum Penalty: Less than 2	0	20	10
(years) 2, 3	1	30	14
4, 5	2	40 or more	19
10	5		

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◆ **Type of Additional Offense:**

Second Degree Murder Conviction for Current Event _____ If YES, add 63 →

0		
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◆ **Weapon Used**

Firearm/simulated firearm (firearm points included with primary offense)	0
Simulated weapon other than simulated firearm	7
Weapon other than firearm, knife or explosive	7
Knife	9
Explosive	16

0		
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◆ **Prior Incarcerations/Commitments** _____ If YES, add 7 →

0	0	
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◆ **Legally Restrained at Time of Offense** _____ If YES, add 5 →

0	0	
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◆ **Prior Juvenile Record** _____ If YES, add 8 →

0	0	
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SCORE THE FOLLOWING FACTORS ONLY IF PRIMARY OFFENSE IS C, D, E, OR F: COMPLETED ROBBERY OR CARJACKING (§ 18.2-58, 18.2-58.1)

◆ **Victim Injury**

Threatened	0
Emotional	2
Physical, serious	6
Life threatening	23

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	20	5
(years) 2, 3, 4, 5	1	30	8
10	3	40 or more	11

0		
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◆ **Prior Felony Convictions/Adjudications Against Person**

Number of Counts: 1	3
2	7
3 or more	10

0		
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SCORE THE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE IS E OR F: COMPLETED CARJACKING (§ 18.2-58.1(A))

◆ **Type of Additional Offense**

Additional offense of Felony Kidnapping or Felony Assault (other than use of firearm)..... 57

0		
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Total Score _____

See Robbery Section C Recommendation Table for guidelines sentence range.

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Offense Details

Offender Name:

Offense	Counts	VCC	Offense Date	Docket No.
Primary Offense				
1.				

Additional Offense	Counts	VCC	Offense Date	Docket No.
1.				
2.				
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