

Drug/Schedule I/II ❖ Section A

Offender Name: _____

❖ Primary Offense

- A. Possess Schedule I or II drug or First offender violation
- | | |
|----------------|---|
| 1 count | 1 |
| 2 counts | 3 |
| 3 counts | 8 |
- B. Sell, distribute, possession with intent, etc., Schedule I or II drug
- | | |
|----------------|----|
| 1 count | 12 |
| 2 counts | 13 |
| 3 counts | 14 |
| 4 counts | 15 |
- C. Manufacture Schedule I/II, Methamphetamine (1st/2nd) or Distribute Methamphetamine 10g or more
- | | |
|----------------|----|
| 1 count | 12 |
| 2 counts | 13 |
| 3 counts | 14 |
| 4 counts | 15 |
- D. Accommodation - Sell, distribute, possession with intent Schedule I or II drug
- | | |
|----------------|---|
| 1 count | 5 |
| 2 counts | 7 |
- E. Sell, etc., imitation Schedule I or II drug (1 count)
- F. Possess precursors with intent to manufacture methamphetamine (1 count)
- G. Sell, etc., Schedule I or II drug to minor (1 count)

Score

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

- Years: 5 - 10 1 31 - 42 4
- 11 - 21 2 43 or more 5
- 22 - 30 3

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

- Years: Less than 4 0 22 - 30 3
- 4 - 10 1 31 - 42 4
- 11 - 21 2 43 or more 5

0	
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❖ Knife or Firearm in Possession at Time of Offense _____ If YES, add 2

0	
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❖ Conviction in Current Event Requiring Mandatory Minimum Term (6 mos or more) If YES, add 9

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 7 0
- 7 - 26 1
- 27 - 48 2
- 49 or more 3

0	
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❖ Prior Incarcerations/Commitments _____ If YES, add 2

0	
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❖ Prior Felony Drug Convictions/Adjudications

Primary offense:

F: Possession of Methamphetamine precursors

Number of Counts	Points
1.....	3
2 or more	6

Primary offense:

All other offenses

Number of Counts	Points
1 - 2	1
3 - 4	2
5.....	3
6 or more	4

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.....1
- Parole, post-release, supervised probation, supervised probation after incarceration.....4

0	
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SCORE THE FOLLOWING FACTOR **ONLY** IF PRIMARY OFFENSE IS **A: POSSESSION OF SCHEDULE I/II DRUG** (§ 18.2-250(A,a))

❖ Two or More Prior Felony Convictions/Adjudications _____ If YES, add 2

For Possession, Possession with Intent, Distribution, Manufacture or Sale of Schedule I or II Drug, etc.

0	
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Total Score

If total is 10 or less, go to **Section B**. If total is 11 or more, go to **Section C**.

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Drug/Schedule I/II Section B

Offender Name: _____

1 Primary Offense _____

- A. Possess Schedule I or II drug or First offender violation
- 1 count 3
- 2 counts 6
- B. Accommodation - Sell, distribute, possession with intent Schedule I or II drug
- 1 count 8
- 2 counts 9
- C. Sell, etc., imitation Schedule I or II drug (1 count) 4
- D. Possession of methamphetamine precursors (1 count) 6

Score

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

- Years: 5 - 9 2
- 10 - 19 3
- 20 - 28 4
- 29 - 38 5
- 39 or more 6

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

- Years: Less than 1 0
- (12 Months = 1 Year) 1 - 9 2
- 10 - 19 3
- 20 - 28 4
- 29 - 38 5
- 39 or more 6

0	
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4 Knife or Firearm in Possession at Time of Offense _____ If YES, add 2 →

0	
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5 Prior Convictions/Adjudications Total the maximum penalties for the 5 most recent and serious prior record events _____

- Years: Less than 1 0
- (12 Months = 1 Year) 1 - 22 1
- 23 - 43 2
- 44 or more 3

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

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

0	
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7 Prior Incarcerations/Commitments _____

Primary offense: D.
Possession of methamphetamine precursors

If YES, add 2

Primary offense:
All other offenses

If YES, add 1

0	
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8 Prior Juvenile Record _____ If YES, add 1 →

0	
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9 Legally Restrained at Time of Offense _____

- None 0
- Other 2
- Parole, post-release, supervised probation, supervised probation after incarceration 3

0	
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SCORE THE FOLLOWING FACTOR **ONLY** IF PRIMARY OFFENSE IS **A: POSSESSION OF SCHEDULE I/II DRUG (§18.2-250(A,a))**

10 Two or More Prior Felony Convictions/Adjudications _____ If YES, add 2 →

For Possession, Possession with Intent, Distribution, Manufacture or Sale of Schedule I or II Drug, etc.

0	
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Total Score _____

See Drug/Schedule I/II Section B Recommendation Table to convert score to guidelines sentence.
Then, go to Section D Nonviolent Risk Assessment and follow the instructions.

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Drug/Schedule I/II ❖ Section C

Offender Name: _____

1 Primary Offense

		Prior Record Classification		
		Category I	Category II	Other
(scores for attempted/conspired offenses are in parentheses)				
A. Possess Schedule I or II drug or First offender violation	Attempted, conspired or completed: 1 count	20	10	5
	2 counts	28	14	7
	3 counts	36	18	9
B. Sell, Distribute, Possession with intent, etc., Schedule I or II drug	Completed (Attempted or Conspired): 1 count	60 (48)	36 (24)	12 (12)
	2 counts	80 (64)	48 (32)	16 (16)
	3 counts	95 (76)	57 (38)	19 (19)
	4 counts	130 (104)	78 (52)	26 (26)
C. Sell, etc., Schedule I or II drug, second offense	Completed (Attempted or Conspired): 1 count	110 (88)	66 (44)	22 (22)
	2 counts	310 (248)	186 (124)	62 (62)
D. Sell, etc., Schedule I or II drug - third or subsequent offense	Attempted, conspired or completed: 1 count	175	105	35
	2 counts	390	234	78
E. Manufacture Schedule I/II, Methamphetamine (1st/2nd) or Distribute Methamphetamine 10g or more	Attempted, conspired or completed: 1 count	130	78	26
F. Sell, etc., Schedule I or II drug to minor	Attempted, conspired or completed: 1 count	60	30	15
G. Accommodation—Sell, etc., Schedule I or II drug	Attempted, conspired or completed: 1 count	32	16	8
	2 counts	40	20	10
H. Sell, etc., imitation Schedule I or II drug; Possession of methamphetamine precursors	Attempted, conspired or completed: 1 count	12	6	3
	2 counts	20	10	5

Score

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

Maximum Penalty (years) 5, 10 1 40, 50, Life 5 →

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

Primary offense D: Sell, etc., Sch. I/II 3rd or Subsequent	
Years	Points
Less than 5	0
5, 10, 15	2
20	4
30	6
40, 50, Life	7

Primary offense: All other offenses	
Years	Points
Less than 5	0
5, 10, 15	1
20	2
30	4
40, 50, Life	5

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4 Mandatory Minimum in Current Event Assign points to each additional offense with a mandatory minimum and total the points

2 Year Mandatory Minimum 13 3 Year Mandatory Minimum 25 5 Years or More Mandatory Minimum 32 →

0		
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5 Firearm in Possession at Time of Offense If YES, add 5 → | | | | |---|---|--| | 0 | 0 | | |---|---|--|

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

Maximum Penalty: Less than 5 0 30 3
(years) 5, 10, 15 1 40, 50, Life 4
20 2 →

0		
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7 Prior Felony Drug Convictions/Adjudications

Primary offense D: Sell, etc., Sch. I/II 3rd or Subsequent	
Number of Counts	Score
2	9
3	10
4	17
5 or more	20

Primary offense: All other offenses	
Number of Counts	Score
1	2
2	3
3	5
4	7
5	8
6 or more	10

0		
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8 Prior Felony Convictions/Adjudications Against Person

Number of Counts: 1 3 3 9
2 6 4 or more 12 →

0		
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9 Prior Felony Property Convictions/Adjudications

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

0	0	
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10 Prior Juvenile Record If YES, add 1 → | | | | |---|---|--| | 0 | 0 | | |---|---|--|

11 Legally Restrained at Time of Offense If YES, add 3 → | | | | |---|---|--| | 0 | 0 | | |---|---|--|

12 Type of Additional Offense (Score if primary offense is E: Manufacture Methamphetamine § 18.2-248 (C1))

Additional offense of child present during manufacture of methamphetamine If YES, add 14 →

0		
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13 Sale/Quantity of Cocaine (Score if primary offense is B, C, D, or F: § 18.2-248(C) or § 18.2-255(A))

Quantity of Cocaine: Less than 28.35 grams 0 28.35 g to less than 226.8 grams 36 226.8 grams or more 60 →

0		
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Total Score

See Drug/Schedule I/II Section C Recommendation Table for guidelines sentence range.
Then go to Section D Nonviolent Risk Assessment and follow the instructions.

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Nonviolent Risk Assessment ❖ Drug/Schedule I/II Section D

❖ Ineligibility Conditions

Offender Name: _____

- A. Was the offender recommended for **Probation/No Incarceration** on Section B? ☐ Yes ☐ No
- B. Do any of the offenses at sentencing involve the sale, distribution, or possession with intent, etc. of cocaine of a combined quantity of 28.35 grams (1 ounce) or more? ☐ Yes ☐ No
- C. Are any prior record offenses violent (Category I/II listed in Appendix A of the Guidelines Manual)? ☐ Yes ☐ No
- D. Are any of the offenses at sentencing violent (Category I/II listed in Appendix A of the Guidelines Manual)? ☐ Yes ☐ No
- E. Do any of the offenses at sentencing require a mandatory term of incarceration? ☐ Yes ☐ No
- F. Did the offense occur while serving a state-responsible sentence? ☐ 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 9

21 to 29 years 6

30 to 43 years 3

Older than 43 years 1

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❖ Gender

Offender is Male 2

0	
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❖ Prior Juvenile Adjudication

Female with prior juvenile adjudication 1

Male with prior juvenile adjudication 7

☐ Juvenile record unknown

0	
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❖ Prior Adult Felony Convictions

Number of Counts: 0 0

1 - 2 1

3 5

4 or more 15

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❖ Prior Adult Incarcerations

Number: 0 0

1 - 3 1

4 or more 8

0	
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❖ Prior Arrest or Confinement Within Past 12 Months (Prior to Offense) — If YES, add 3 —>

0	
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Total Score

- ☐ 15 or less, check Recommended for Alternative Punishment.
- ☐ 16 or more, check NOT Recommended for Alternative Punishment.

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

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Drug/Schedule I or II
Section D