

Other Sexual Assault Sentencing Guidelines Cover Sheet

Complete this form ONLY for applicable felonies sentenced on or after July 1, 2016.

Scheduled Sentencing Date:

◆ OFFENDER

First _____ Middle _____ Last _____ Suffix _____

Date of Birth: / /

Social Security Number:

CCRE:

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

Additional Offenses

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 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

Days

Sentence Range

Days

TO

Days

Recommendation Adjusted for Mandatory Minimum

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

Years

Months

Other Sexual Assault ❖ Section A (Part I)

Offender Name: _____

Offenses Not Applicable for Risk Assessment:

Risk Assessment is **NOT APPLICABLE** if the primary offense is bestiality, bigamy, aggravated sexual battery-parent to child age 13-17, or prostitution. (Go to Section A (Part II))

◆ **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	↓	0
	Known to victim (not relative or step-parent)	3		
	Stranger	8		
	Step-parent	2		

◆ **Aggravated Sexual Battery (Primary Offense §18.2-67.3)** _____

No penetration, no attempted penetration	0	↓	0
Penetration or attempted penetration	4		

◆ **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		

◆ **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	↓	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 A (Part II)**

Other Sexual Assault ~~❖~~ Section A (Part II)

Offender Name: _____

◆ Primary Offense

- A. Other than listed below; all attempted or conspired offenses (1 count) 1
- B. Non-forcible sodomy, parent/grandparent to child or grandchild age 13 to 17 (1 count)..... 7
- C. Indecent liberties with child under age 15
 - 1 count 3
 - 2 counts..... 8
 - 3 counts..... 10
- D. Indecent liberties by custodian
 - 1 count 4
 - 2 counts..... 6
 - 3 counts..... 7
- E. Non-forcible carnal knowledge of child age 13, 14 (statutory rape)
 - 1 count 2
 - 2 counts..... 8
 - 3 counts..... 12
- F. Aggravated sexual battery
 - 1 count 3
 - 2 counts..... 6
 - 3 counts..... 9
- G. Aggravated sexual battery, victim age 13 or 14 or parent/grandparent to child/grandchild age 13 to 17
 - 1 count 6
 - 2 counts..... 8
 - 3 counts..... 10
- H. Incest with own child/grandchild (1 count)..... 3
- I. Incest with own child/grandchild age 13 to 17 (1 count)..... 2

Score

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

- Years: 5 - 26 1
- 27 - 52 2
- 53 or more 3

0	
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◆ 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	
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◆ Victim Less than Age 13 at Time of Offense _____ If YES, add 5 →

0	
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◆ Victim Injury

- Threatened or emotional 2
- Physical or life threatening 4

0	
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◆ 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	
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◆ Prior Felony Sexual Assault Convictions/Adjudications

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

0	
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◆ Prior Incarcerations/Commitments _____ If YES, add 3 →

0	
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◆ 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	
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◆ Risk Assessment Score (From Section A Part I)

- Less than 28 0
- 28 or more (Level 1, 2, or 3) 8

0	
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Total Score

If total is 8 or less, go to **Section B**. If total is 9 or more, go to **Section C**.

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Other Sexual Assault ❖ Section B

Offender Name: _____

◆ Primary Offense

- A. Other than listed below (1 count) 1
- B. Aggravated sexual battery
 - 1 count 2
 - 2 counts 4
 - 3 counts 6

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 | |

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 AT CONVICTION IS
INDECENT LIBERTIES BY CUSTODIAN (§ 18.2-370.1(A))**

◆ Victim Injury

- Threatened or emotional 3
- Physical or life threatening 4

0	
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Total Score

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

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Other Sexual Assault Section C

Offender Name: _____

Primary Offense

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

A. All attempted or conspired sexual assault (1 count).....	(24).....	(12).....	(6)
B. Completed sexual assault other than listed below (1 count)	36.....	18.....	9
C. Non-forcible sodomy, parent/grandparent to child/grandchild age 13 - 17			
1 count	36.....	18.....	9
D. Indecent liberties with child			
1 count	24.....	12.....	6
2 counts.....	40.....	20.....	10
3 counts.....	104.....	52.....	26
E. Non-forcible carnal knowledge of child age 13 - 14 (statutory rape)			
1 count	36.....	18.....	9
F. Incest with own child/grandchild (1 count).....	104.....	52.....	26
G. Incest with own child/grandchild age 13 - 17 (1 count)	104.....	52.....	26
H. Aggravated sexual battery			
1 count	90.....	60.....	34
2 counts.....	132.....	88.....	50
3 counts.....	288.....	192.....	108
I. Aggravated sexual battery, parent/grandparent to child/grandchild age 13-17			
1 count	84.....	56.....	32
2 counts.....	90.....	60.....	34
3 counts.....	180.....	120.....	68

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

0		
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Additional Offenses Assign points to each additional offense (including counts) and total the points

Maximum Penalty Less than 1.....	0.....
(years) 1	1.....
2	2.....
3	3.....
4	4.....
5	5.....
10	10.....
20	19.....
30	29.....
40 or more.....	39.....

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Weapon Used, Brandished, Feigned or Threatened If YES, add 4

0	0	
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Victim Injury

Threatened or emotional.....	6.....
Physical or life threatening	9.....

0	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.....
(years) 2, 3, 4, 5	1.....
10	3.....
20	6.....
30	9.....
40 or more.....	12.....

0		
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Prior Felony Sexual Assault Convictions/Adjudications

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

0		
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On Post-Incarceration Supervision If YES, add 5

0	0	
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Total Score

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

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