



# Sentencing Guidelines Cover sheet

Scheduled Sentencing Date:

\_\_\_\_/\_\_\_\_/\_\_\_\_

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

## ◆ OFFENDER

First \_\_\_\_\_ Middle \_\_\_\_\_ Last \_\_\_\_\_ Suffix \_\_\_\_\_

Date of Birth: \_\_\_\_\_  
Month Day Year

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
			<small>Month Day Year</small>
Primary Offense	____	____-____-____	____/____/____
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 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 \_\_\_\_\_ TO \_\_\_\_\_  
Years Months Days

Recommendation Adjusted for **Mandatory Minimum**

Non Guidelines Offense  
*(Primary offense is a non guidelines 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 Term § 18.2-10 ..... 

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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 \_\_\_\_\_  
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"> <li><input type="checkbox"/> Day Reporting</li> <li><input type="checkbox"/> Detention Center Incarceration</li> <li><input type="checkbox"/> Diversion Center Incarceration</li> <li><input type="checkbox"/> Electronic Monitoring</li> <li><input type="checkbox"/> § 18.2-251/§ 18.2-258.1</li> <li><input type="checkbox"/> Substance Abuse Treatment</li> <li><input type="checkbox"/> Intensive Probation</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Community-Based Program _____</li> <li><input type="checkbox"/> <b>CCAP</b> Detention/Diversion Center Incarceration, 22-28 weeks</li> <li><input type="checkbox"/> <b>CCAP</b> Detention/Diversion Center Incarceration, 42-48 weeks</li> <li><input type="checkbox"/> Drug Court</li> <li><input type="checkbox"/> Youthful Offender <small>(Enter 4 yrs. to serve)</small> <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></tr></table> <small>Other</small> <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></tr></table> <small>CBP</small></li> <li><input type="checkbox"/> <b>DJJ</b> Commitment <input type="checkbox"/> Indeterminate <input type="checkbox"/> Determinate</li> <li><input type="checkbox"/> Other _____</li> </ul> |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

## ◆ 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

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Month                      Day                      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**

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# Assault Section A

Offender Name: \_\_\_\_\_

## ◆ Primary Offense \_\_\_\_\_ (scores for attempted/conspired offenses are in parentheses)

- A. Assault and battery against a family member, third or subsequent conviction (1 count).....2
- B. Assault and battery against a law enforcement officer, fire or medical services, etc. (1 count) .....6
- C. Any attempted or conspired assault and battery, unlawful injury or strangulation (1 count) .....(1)
- D. Unlawful injury to law enforcement officer, fire/rescue personnel services, etc. (1 count).....7
- E. Any other unlawful injury
  - 1 count ..... 1
  - 2 counts.....3
- F. Any attempted or conspired malicious injury (1 count).....(3)
- G. Any attempted, conspired or completed aggravated malicious injury (1 count).....7
- H. Malicious injury to a law enforcement officer, fire or medical services, etc. (1 count).....7
- I. Any other malicious injury (1 count) .....7
- J. Use of firearm in the commission of a felony (1 count) .....4
- K. DWI with reckless disregard, victim permanently impaired
  - 1 count ..... 1
  - 2 counts.....3
- L. Strangulation (1 count).....3

**Score**

▼

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

- |        |                 |                    |
|--------|-----------------|--------------------|
| Years: | 3 - 10 ..... 1  | 24 - 31 ..... 4    |
|        | 11 - 17 ..... 2 | 32 - 39 ..... 5    |
|        | 18 - 23 ..... 3 | 40 or more ..... 6 |

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

<p><b>Primary offense:</b> K: DWI with Reckless Disregard</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Years</th> <th style="text-align: right;">Points</th> </tr> </thead> <tbody> <tr><td>Less than 2.....</td><td style="text-align: right;">0</td></tr> <tr><td>2 - 17.....</td><td style="text-align: right;">2</td></tr> <tr><td>18 - 23.....</td><td style="text-align: right;">3</td></tr> <tr><td>24 - 31.....</td><td style="text-align: right;">4</td></tr> <tr><td>32 - 39.....</td><td style="text-align: right;">5</td></tr> <tr><td>40 or more.....</td><td style="text-align: right;">6</td></tr> </tbody> </table>	Years	Points	Less than 2.....	0	2 - 17.....	2	18 - 23.....	3	24 - 31.....	4	32 - 39.....	5	40 or more.....	6	<p><b>Primary offense:</b> All other offenses</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Years</th> <th style="text-align: right;">Points</th> </tr> </thead> <tbody> <tr><td>Less than 2.....</td><td style="text-align: right;">0</td></tr> <tr><td>2 - 10.....</td><td style="text-align: right;">1</td></tr> <tr><td>11 - 17.....</td><td style="text-align: right;">2</td></tr> <tr><td>18 - 23.....</td><td style="text-align: right;">3</td></tr> <tr><td>24 - 31.....</td><td style="text-align: right;">4</td></tr> <tr><td>32 - 39.....</td><td style="text-align: right;">5</td></tr> <tr><td>40 or more.....</td><td style="text-align: right;">6</td></tr> </tbody> </table>	Years	Points	Less than 2.....	0	2 - 10.....	1	11 - 17.....	2	18 - 23.....	3	24 - 31.....	4	32 - 39.....	5	40 or more.....	6
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0	
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## ◆ Weapon Used \_\_\_\_\_

- None.....0
- Automobile, simulated weapon or other than firearm.....1
- Firearm.....2

0	
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## ◆ Life Threatening Injury \_\_\_\_\_ If YES, add 2 →

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

<p><b>Primary offense:</b> K: DWI with Reckless Disregard</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Years</th> <th style="text-align: right;">Points</th> </tr> </thead> <tbody> <tr><td>Less than 1.....</td><td style="text-align: right;">0</td></tr> <tr><td>1 - 46.....</td><td style="text-align: right;">2</td></tr> <tr><td>47 or more.....</td><td style="text-align: right;">3</td></tr> </tbody> </table>	Years	Points	Less than 1.....	0	1 - 46.....	2	47 or more.....	3	<p><b>Primary offense:</b> All other offenses</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Years</th> <th style="text-align: right;">Points</th> </tr> </thead> <tbody> <tr><td>Less than 7.....</td><td style="text-align: right;">0</td></tr> <tr><td>7 - 23.....</td><td style="text-align: right;">1</td></tr> <tr><td>24 - 46.....</td><td style="text-align: right;">2</td></tr> <tr><td>47 or more.....</td><td style="text-align: right;">3</td></tr> </tbody> </table>	Years	Points	Less than 7.....	0	7 - 23.....	1	24 - 46.....	2	47 or more.....	3
Years	Points																		
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Years	Points																		
Less than 7.....	0																		
7 - 23.....	1																		
24 - 46.....	2																		
47 or more.....	3																		

0	
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## ◆ Prior Incarcerations/Commitments \_\_\_\_\_ If YES, add 2 →

0	
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## ◆ Prior Juvenile Record \_\_\_\_\_ If YES, add 2 →

0	
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## ◆ Legally Restrained at Time of Offense \_\_\_\_\_

- None.....0
- Other than post-incarceration supervision .....3
- Post-incarceration supervision (supervision after active incarceration) .....5

0	
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**SCORE THE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE AT CONVICTION IS A:  
ASSAULT & BATTERY AGAINST A FAMILY MEMBER - § 18.2-57.2(B)**

## ◆ Type of Prior Felony Person Convictions/Adjudications \_\_\_\_\_

- None.....0
- Assault and battery against a family member, third or subsequent (§18.2-57.2(B)).....3
- Other person felony.....4

0	
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## Total Score \_\_\_\_\_

If total is 5 or less, go to **Section B**. If total is 6 or more, go to **Section C**.

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# Assault Section B

Offender Name: \_\_\_\_\_

## ◆ Victim Injury

Threatened, emotional, or physical ..... 2  
 Life Threatening ..... 4

Score

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

Primary offense: Strangulation (§ 18.2-51.6)	
Maximum Penalty (years)	Points
Less than 5 .....	5
5 or more .....	6

Primary offense: All other offenses	
Maximum Penalty (years)	Points
Less than 5 .....	1
5 or more .....	2

0	
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## ◆ Weapon Used or Brandished

If YES, add 2

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

Primary offense: Strangulation (§ 18.2-51.6)	
Maximum Penalty (years)	Points
Less than 5 .....	0
5 - 18 .....	3
19 - 38 .....	4
39 or more .....	5

Primary offense: All other offenses	
Maximum Penalty (years)	Points
Less than 5 .....	0
5 - 18 .....	1
19 - 38 .....	2
39 or more .....	3

0	
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## ◆ Prior Juvenile Record

If YES, add 3

0	
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**SCORE THE FOLLOWING FACTORS ONLY IF PRIMARY OFFENSE AT CONVICTION IS  
 ASSAULT & BATTERY AGAINST A FAMILY MEMBER (§ 18.2-57.2(B))  
 OR STRANGULATION (§ 18.2-51.6)**

## ◆ Prior Incarcerations/Commitments

Number: 1 ..... 1  
 2 ..... 3  
 3 or more ..... 5

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

Number of Counts: 1 - 2 ..... 0  
 3 - 5 ..... 1  
 6 - 8 ..... 2  
 9 or more ..... 3

0	
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## Total Score

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

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Assault/ Section B

# Assault Section C

Offender Name: \_\_\_\_\_  
 \_\_\_\_\_ Prior Record Classification \_\_\_\_\_

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

A. Assault and battery against a family member, third or subsequent conviction or Strangulation (1 count) .....	28	14	7
B. Assault and battery against a law enforcement officer, fire or medical services, etc. (1 count) .....	32	16	8
C. Unlawful injury (1 count) .....	32	16	8
D. Any attempted or conspired malicious injury (1 count) .....	(68)	(34)	(17)
E. Any completed malicious injury			
1 count .....	102	68	34
2 counts .....	120	80	40
3 counts .....	204	136	68
F. Aggravated malicious injury (1 count) .....	321	214	107
G. Use of firearm in the commission of a felony - first offense (1 count) .....	32	32	32
H. Use of firearm in the commission of a felony - subsequent offense (1 count) .....	56	56	56
I. DWI with reckless disregard, Victim permanently impaired (1 count) .....	48	24	12

**Score**

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

Primary offense:

D, E, F, G, or H: All malicious woundings or use of a firearm

Maximum Penalty (years)	Points
3 .....	2
5 .....	3
10 .....	6
20 .....	13
30 .....	19
Life .....	26

Primary offense:

A, B, C, or I: Unlawful injury, any A & B, DWI or strangulation

Maximum Penalty (years)	Points
5 .....	3
10 .....	5

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

Primary offense:

D, E, F, G, or H: All malicious woundings or use of a firearm

Maximum Penalty (years)	Points
Less than 1 .....	0
1,2 .....	1
3 .....	2
4,5 .....	3
10 .....	6
20 .....	13
30 .....	19
40 or more .....	26

Primary offense:

A, B, C, or I: Unlawful injury, any A & B, DWI or strangulation

Maximum Penalty (years)	Points
Less than 1 .....	0
1,2 .....	1
3,4 .....	2
5 .....	3
10 .....	5
20 .....	11
30 .....	16
40 or more .....	22

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◆ **Weapon Used**

Primary offense:

D, E, F, G, or H: All malicious woundings or use of a firearm

Simulated weapon or other than listed below .....	0
Knife or firearm .....	4

Primary offense:

A, B, C, or I: Unlawful injury, any A & B, DWI or strangulation

Simulated weapon or other than listed below .....	0
Knife .....	2
Firearm .....	3

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0	0	
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◆ **Number of Victims Receiving Life Threatening Injury**

Primary offense:

D, E, F, G, or H: All malicious woundings or use of a firearm

Number	Score
1 .....	14
2 .....	70
3 or more .....	85

Primary offense:

A, B, C, or I: Unlawful injury, any A & B, DWI or strangulation

Number	Score
1 or more .....	3

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0		
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◆ **Prior Convictions/Adjudications** Assign points to the 5 most recent and serious prior record events and total the points

Primary offense:

D, E, F, G, or H: All malicious woundings or use of a firearm

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

Primary offense:

A, B, C, or I: Unlawful injury, any A & B, DWI or strangulation

Maximum Penalty (years)	Points
Less than 4 .....	0
4,5,10 .....	1
20 .....	3
30 .....	4
40 or more .....	6

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

Primary offense:

D, E, F, G, or H: All malicious woundings or use of a firearm

Number	Score
1 .....	6
2 .....	12
3 or more .....	18

Primary offense:

A, B, C, or I: Unlawful injury, any A & B, DWI or strangulation

**Do Not Score**

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0		
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◆ **Legally Restrained at Time of Offense**

Primary offense:

D, E, F, G, or H: All malicious woundings or use of a firearm

If YES, add 6

Primary offense:

A, B, C, or I: Unlawful injury, any A & B, DWI or strangulation

If YES, add 2

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0	0	
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**Total Score** \_\_\_\_\_

See Assault Section C Recommendation Table for guidelines sentence range.

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