

# 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 YearSocial Security Number:  -  - CCRE:  V  A 

CORIS

Offender ID: PSI: 

## ◆ COURT

Judicial Circuit 

City/County \_\_\_\_\_

FIPS Code: 

Sentencing Judge's Name \_\_\_\_\_

  
For Office Use OnlyPreparer Name \_\_\_\_\_  Commonwealth's Attorney Probation Officer

Prosecuting Commonwealth's Attorney \_\_\_\_\_ Defense Attorney \_\_\_\_\_

## ◆ CONVICTIONS

### Offense

Primary Offense \_\_\_\_\_

Additional Offenses \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### Counts

### VCC

 -  -  -  -  -  - 

### Offense Date

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 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 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><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><td style="width: 20px; height: 20px;"></td></tr></table><br/><small>Office Use Only</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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Office Use Only

# Other Sexual Assault/Obscenity **Section A** Offender Name: \_\_\_\_\_

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

- A. All attempted or conspired offenses (1 count).....(1)
- B. Production, publication, sale or financing child pornography (1 count).....6
- C. Possess child porn (1st Offense) (1 count).....5
- D. Possess child porn (2nd or subsequent) (1 count).....9
- E. Reproduce, transmit, sell, etc., child porn (1 count).....5
- F. Procure minor for obscene material by communications system (1 count).....6
- G. Procure minor for prostitution, sodomy, pornography by communications system (1 count).....6
- H. Propose sex act by communications system, child less than age 15 (1 count).....8
- I. Propose sex act by communications system, child less than age 15, offender 7+ years older (1 count).....9
- J. Propose sex act by communications system, child age 15 or more, offender 7+ years older (1 count).....6
- K. Propose sex act by communications system, child age 15 or more, offender 7+ yrs old (2nd/subseq.) (1 count).....9

**Score**

0

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

Primary offense B, C or D: Production or Possession of Child Porn	
Years	Points
5 - 26 .....	2
27 - 52 .....	3
53 or more .....	4

Primary offense: All other offenses	
Years	Points
5 - 26 .....	1
27 - 52 .....	2
53 or more .....	3

0

## ◆ 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

## ◆ Victim Less than Age 13 at Time of Offense \_\_\_\_\_ If YES, add 5 →

0

## ◆ Victim Injury \_\_\_\_\_

- Threatened or emotional .....
- Physical or life threatening.....4

0

## ◆ 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

## ◆ Prior Felony Sexual Assault Convictions/Adjudications \_\_\_\_\_

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

0

## ◆ Prior Incarcerations/Commitments \_\_\_\_\_ If YES, add 3 →

0

## ◆ 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

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

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

# Other Sexual Assault/Obscenity ❖ Section B

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

## ◆ Primary Offense \_\_\_\_\_

- A. Production, publication, sale or financing child pornography (1 count) ..... 1
- B. Possess child porn (1 count) ..... 1
- C. Reproduce, transmit, sell, etc., child porn (1 count) ..... 1
- D. Procure minor for obscene material by communications system (1 count) ..... 1
- E. Procure minor for prostitution, sodomy, etc. by communications system (1 count) ..... 1
- F. Propose sex act by communications system, child less than age 15 (1 count) ..... 6
- G. Propose sex act by communications system, child less than age 15, offender 7+ years (1 count) ..... 6
- H. Propose sex act by communications system, child age 15 or more, offender 7+ years (1 count) ..... 2
- I. Propose sex act by communications system, child age 15 or more, offender 7+ years (2nd/subseq.) (1 count) ..... 2

**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 IS **D, E, F, G, H OR I: ELECTRONIC SOLICITATION** (§18.2-374.3)

## ◆ Victim Injury \_\_\_\_\_

- Threatened, emotional, physical or life threatening ..... 5

▼

0	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/Obscenity **Section C** Offender Name: \_\_\_\_\_

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

A. All attempted or conspired offenses of possess, reproduce, transmit etc. child porn 1 count .....	(24)	(12)	(6)
B. All attempted or conspired offenses of electronic solicitation of minor 1 count .....	(24)	(12)	(6)
C. Entice, etc., minor to perform in porn; take part in child porn 1 count .....	68	34	17
D. Produce child porn; finance child porn Attempted, conspired or completed: 1 count .....	100	50	25
2 counts .....	216	108	54
E. Possess child porn (1st Offense) 1 count .....	48	24	12
F. Possess child porn (2nd or subsequent) 1 count .....	76	38	19
G. Reproduce, transmit, sell, etc., child porn 1 count .....	100	50	25
H. Procure minor for obscene material by communications system 1 count .....	68	34	17
I. Procure minor for prostitution, sodomy, etc. by communications system 1 count .....	68	34	17
J. Propose sex act by communications system, child less than age 15 1 count .....	68	34	17
K. Propose sex act by communications system, child less than age 15, offender 7+ years 1 count .....	148	74	37
L. Propose sex act by communications system, child age 15 or more, offender 7+ years (2nd+) 1 count .....	68	34	17

**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

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

Primary offense B, H, I, J, K, or L: Electronic Solicitation	
Years	Points
Less than 1 .....	0
1 .....	1
2 .....	2
3 .....	3
4 .....	4
5 .....	8
10 .....	12
20 .....	15
30 .....	18
40 or more .....	22

Primary offense: All other offenses	
Years	Points
Less than 1 .....	0
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** \_\_\_\_\_

Primary offense B, H, I, J, K, or L: Electronic Solicitation	
	Points
Threatened or emotional .....	14
Physical or life threatening .....	15

Primary offense: All other offenses	
	Points
Threatened or emotional .....	6
Physical or life threatening .....	9

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.

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