

# Rape/Sexual Assault Sentencing Guidelines Cover Sheet

Complete this form ONLY for applicable felonies sentenced on or after July 1, 2019.

Scheduled Sentencing Date:

## ◆ 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			Month Day Year
_____	<input type="text"/>	<input type="text"/>	<input type="text"/>
Additional Offenses			
_____	<input type="text"/>	<input type="text"/>	<input type="text"/>
_____	<input type="text"/>	<input type="text"/>	<input type="text"/>

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  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)*

### 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

# ◆ 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> |  |  |  |  |  |  |  |
|  |   |  |  |  |  |  |  |  |
|  |   |  |  |  |  |  |  |  |

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Other	CBP

## ◆ 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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\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

## ◆ SENTENCING DATE

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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# 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
	Known to victim (not relative or step-parent) .....	3
	Stranger .....	8
	Step-parent .....	2

0

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

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

0

◆ **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	

0

◆ **Prior Adult Felony/Misdemeanor Arrests for Crimes Against 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	
Prior mental health treatment.....	2	
Prior alcohol or drug treatment.....	3	
No prior treatment .....	4	

0

**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, serious 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

## ◆ 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, serious 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.

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◆ 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