

# Rape Sentencing Guidelines Cover Sheet

Complete this form ONLY for applicable felonies sentenced on or after July 1, 2023.

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 For Office Use Only

Preparer Name ☐ Commonwealth's Attorney ☐ Probation Officer

Prosecuting Commonwealth's Attorney  Defense Attorney

## CONVICTIONS

☐ Please check this box and change the F or M in the Virginia Crime Code (VCC) to a D if one or more offenses is in violation of deferred dispositions §§ 18.2-251, 18.2-258.1, 19.2-298.02 or 19.2-303.6 (e.g. RAP-1123-F6 to RAP-1123-D6).

Offense	Counts	VCC	Offense Date
			Month Day Year
Primary Offense	<div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div></div> / <div><div></div><div></div></div> / <div><div></div><div></div><div></div><div></div></div>

For a comprehensive list of all offenses in the sentencing event, please refer to the **Docket Details** page following **Section C**.

Primary Offense Code Section §  Docket Number

## METHOD OF ADJUDICATION

☐ Jury Trial ☐ Sentence Set by Jury ☐ Sentence Set by Judge

☐ Bench Trial ☐ Guilty Plea ☐ Life ☐ Juvenile ☐ Fine Only ☐ Alford Plea/Nolo contendere

## SENTENCING GUIDELINES RECOMMENDATION

### Section B

- ☐ Probation/No Incarceration  
☐ Incarceration 1 Day to 3 Months  
☐ Incarceration 3 to 6 Months

### Section C

☐ Incarceration (Enter Midpoint and Range Below)

Range Midpoint

Sentence Range  TO

☐ No Recommendation Offense  
(Primary offense does not yield a recommendation)

## SUM OF ALL MANDATORY MINIMUMS

☐ Life

### 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

## ☐ Modification of Recommendation Based on Substantial Assistance, Acceptance of Responsibility or Expression of Remorse

The decision to modify the guidelines recommendation must be made by the judge. If the recommended low end is 3 years or less, the low end is adjusted to no incarceration. If recommended low end is more than 3 years, the low end is reduced by 50%.

If accepted by the court the

Adjusted Range is: \_\_\_\_\_ TO \_\_\_\_\_  
Years Months Days Years Months Days

## ◆ SENTENCE

☐ Taken under Advisement/Continued

Total Time Imposed Before Suspension ..... ☐ Life Sentence + 

Years	Months	Days

Total Effective Time to Serve ..... ☐ Life Sentence + 

Years	Months	Days

☐ Incarceration Sentence to Run Concurrently With Another Event

☐ Restitution \$ \_\_\_\_\_ ☐ Fine \$ \_\_\_\_\_

☐ Sentenced to Time Served

### Post Release

Post Release Incarceration Term § 18.2-10 (suspended) ..... 

Years	Months	Days

  
 (6 months to 3 years)

Post Release Supervision Period § 19.2-295.2(A) ..... 

Years	Months	Days

  
 (6 months to 3 years)

**Probation** (Sentenced to no time, probation up to statutory maximum; Sentenced to incarceration, probation up to 5 years )

Probation Period (Supervised) ☐ Indeterminate Not to Exceed § 19.2-303 

Years	Months	Days

### Good Behavior

☐ Good Behavior Period (§ 19.2-306) \_\_\_\_\_ ☐ Fixed at Statutory Maximum § 19.2-303.1  
Years Months Days

### Agreements and Other Details (check all that apply)

- ☐ 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

### Other Sentencing Programs (check all that apply)

- ☐ Day Reporting
- ☐ Electronic Monitoring
- ☐ Intensive Probation
- ☐ Substance Abuse Treatment
- ☐ § 18.2-251/§ 18.2-258.1
- ☐ Community-Based Program \_\_\_\_\_
- ☐ CCAP
- ☐ Drug Court 

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- ☐ Youthful Offender
- ☐ DJJ Commitment ☐ Indeterminate ☐ Determinate
- ☐ Other \_\_\_\_\_

## ◆ 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

☐ Accepted Nonviolent Risk Assessment recommendation, no departure reason needed. 

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## ◆ SENTENCING DATE

Month	Day	Year

 . 

Month	Day	Year

 . 

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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# Rape — Section A

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

## ◆ 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

## ◆ 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 C**

Rape/Section A

# Rape Section C

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

There is no Section B for this offense.

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

<b>A. Attempted or conspired forcible rape, forcible sodomy or object sexual penetration</b>			
1 count .....	(60)	(30)	(15)
<b>B. Forcible rape or object sexual penetration, victim under age 13</b>			
1 - 2 counts .....	312	208	117
3 counts.....	882	588	331
<b>C. Forcible sodomy, victim under age 13</b>			
1 - 2 counts .....	354	236	133
3 counts.....	882	588	331
<b>D. Forcible rape or object sexual penetration, victim age 13 or older</b>			
1 count .....	402	268	151
2 counts.....	882	588	331
<b>E. Forcible sodomy, victim age 13 or older</b>			
1 count .....	324	216	122
2 counts.....	882	588	331

**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:	10 .....	5
(years)	Life .....	18

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

Maximum Penalty:	Less than 2.....	0
(years)	2, 3 .....	1
	4, 5 .....	2
	10 .....	5
	20 .....	9
	30 .....	14
	40 or more.....	18

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◆ **Weapon Used, Brandished, Feigned or Threatened** \_\_\_\_\_ If YES, add 39 →

0		
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◆ **Victim Injury** \_\_\_\_\_

Threatened or emotional.....	3
Physical, serious physical .....	20
Life threatening .....	76

0		
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◆ **Prior Felony Sexual Assault Convictions/Adjudications** \_\_\_\_\_

Number	1 .....	13
of Counts:	2 .....	26
	3 or more.....	39

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

See **Rape 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

Rape/Section C



# Offense Details

Offender Name:

Offense	Counts	VCC	Offense Date	Docket No.
Primary Offense				
1.				

Additional Offense	Counts	VCC	Offense Date	Docket No.
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				