

Subcommittee Members

Co-Chairs: Senator John S. Edwards
& Hon. Shannon L. Taylor
Hon. Stacey W. Moreau
Timothy S. Coyne

Subcommittee Report
From October 4, 2021, Meeting



Commonwealth of Virginia

220 Deer Run Road
Danville, Virginia 24540

Department of Corrections
Division of Community Corrections
Adult Probation and Parole
District 14

TELEPHONE NO.
(434) 791 -5231
FAX NO.
(434) 791-5288

June 22, 2021

Probationer

PO: Tanya Jones

DOB: 11/01/19XX
SSN: 123-45-6789

Danville Circuit Court

CR14000505 Welfare Fraud: Larceny
CR14000505 Welfare Fraud: Larceny
CR14000506 Welfare Fraud: Larceny
CR14000507 Welfare Fraud: Larceny

Total Revocable Time: 11 years, 11 months, 29 days

Previous Violation(s) for current court and docket numbers only:

12/10/2014 Violation of condition 8
7/20/2015 Violation of condition 1
6/25/2016 Violation of condition 6 and 8
8/17/2017 Violation of condition 11
5/18/2019 Violation of condition 8

This violation constitutes the fourth technical violation of conditions 2-8 and 10.
(or appropriate verbiage based on the violation)

Special condition violation: YES [] NO [X]

New law violation: YES [] NO [X]



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July 21, 2021

Stephen J. Probationer

SSN: 123-45-6789

Danville Circuit Court

CR14000545 Grand Larceny
CR14000551 Obtain Money by False Pretense

Total Revocable Time: 7 years, 6 months

Previous Violation(s) for current court and docket numbers only:

04/15/2016 Violation of condition 8
04/21/2017 Violation of conditions 4, 8, and 10
01/19/2018 Violation of conditions 1, 4, 6, 8, 10, and 11
05/17/2019 Violation of conditions 6, 8, and 10
06/19/2020 Violation of special condition
01/22/2021 Violations of 8, 10, and 11

This violation constitutes the sixth technical violation of conditions 2-8 and 10 and the third violation of condition 11.

Special condition violation: YES [X] NO []

New law violation: YES [] NO []

As of 04/19/2021, the probationer has not been convicted of any new offenses since his last hearing date of 01/22/2021.



Sentencing Guidelines
Case Details Worksheet

SWIFT/DCN: _____

1. Defendant's Name: _____

2. Defendant Information: Gender: _____ Race: _____ Ethnicity: _____ Age: _____ Handicapped: _____

3. Type of Counsel: Retained Court Appointed Public Defender Other

4. Pretrial Status: Secured Bond Unsecured Bond Own Recognizance Confinement Third Party Release Unknown

5. Pretrial Supervision by Pretrial Services Agency: No Yes Yes, ordered but did not complete/attend

6. Posttrial Status: Secured Bond Unsecured Bond Own Recognizance Confinement Third Party Release Unknown

7. Source of Bond: Personal Family Other Bonding Company N/A Unknown

8. Total Time Served Prior to Sentencing: Years _____ Months _____ Days _____

9. Number of Codefendants: _____

10. Legal Status at Offense (check all that apply):

- Escaped Inmate Mandatory Parole Discretionary Parole
- Geriatric Release - § 53.1-40.01 Post Release - §19.2-295.2 Probation Bond
- Recognizance Community Program Pre-Trial Supervision Good Behavior
- Juvenile Probation Juvenile Parole Summons Other _____ None

11. Weapon Use: None Possessed Used to Injure Used to Threaten (Includes by voice, note, text, etc.)

12. Weapon Type: Firearm Knife Explosive Simulated/Feigned Weapon Blunt Object
 Note/Verbal Vehicle Animal Other _____ N/A

13. Offender's Role Alone Leader Accomplice Police Officer/LEO Not Determined

14. Value of Property Taken/Damaged: Highest value for one item \$ _____ Total value of all items \$ _____

15. Location: Bank Business Residence Street/Outside Automobile Other _____ N/A

16. Injury to Victim: Death Life Threatening Serious Physical Physical
 Emotional Threatened None N/A

17. Victim Relationship to Offender: None/Stranger Known Friend
 Family Police Officer/LEO Other _____

18. Victim Information: Gender: _____ Race: _____ Ethnicity: _____ Age: _____ Handicapped: _____

19. Type of Primary Drug: _____ Quantity of Primary Drug: _____

20. Number of Felony Juvenile Adjudications: Person _____ Property _____ Drug _____ Other _____

Source for Question #21: Defense Attorney Defendant PSI/PSR Commonwealth's Attorney Probation Officer

21. Other factors known at the time of sentencing (check all that apply)

- a. Drug abuse (admitted, family information, documented in reports) Yes Treatment: (in or completed treatment) prior to offense after arrest
- b. Alcohol abuse (admitted, family information, documented in reports) prior to offense after arrest
- c. Mental health issues (admitted, family information, documented in reports) prior to offense after arrest
- d. Under the Influence of drugs/alcohol at the time of the offense
- e. Employment (Last 2 years): Full or part-time for at least 18 months Full-time student Disabled
 Stay-at-home spouse/parent Retired Unemployed/Not stable
- f. Housing (Last 2 years): Stable/same residence 1+ yrs Multiple Changes Homeless at the time of the offense
- g. Provides support: Enter Number dependents or family members supported _____
- h. Education: Less than High school High school/GED Technical Training Some College
 College Degree Post-graduate/Professional Currently Enrolled (School, College Training)
- i. Military: Active Reserve Honorably Discharged Undesirable Discharge
 Medical Discharge General Discharge Bad Conduct Discharge
- j. Defendant's Response: Accepts Responsibility Sought Treatment Developed Rehabilitation Plans
 Remorseful Paid All or Part Restitution
- k. Other: _____

Case Details

Preliminary Results

Based on 1,282 Worksheets Keyed for July and 579 Worksheets Keyed for August
(Total 1,861)

14%

Missing the entire case details worksheet

61%

Missing a response to question 21

Modification of Recommendation

Preliminary Results

Based on 1,282 Worksheets Keyed for July and 579 Worksheets Keyed for August
(Total 1,861)

10%

Box checked for substantial assistance, acceptance of responsibility or expression of remorse (n = 187)

31% - Already in strict concurrence

59% - Brought into strict concurrence*

10% - Still not in strict concurrence

*Note: Of the 187 cases, 129 were not in concurrence with the guidelines recommendation. Of the 129 cases, 86% percent are calculated as in concurrence based on the modification.

Strict concurrence is defined as an effective sentence between the low end and high end of the guidelines recommendation. Unlike general concurrence, rounding and alternative rules are not applied.

◆ 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 _____

◆ SENTENCE

Total Time Imposed Before Suspension Life Sentence + Sentenced to Time Served

Total Effective Time to Serve Life Sentence +

Incarceration Sentence to Run Concurrently With Another Event

Restitution \$ _____ Fine \$ _____

Post Release

Post Release Incarceration Term § 18.2-10 (suspended) (6 months to 3 years)

Post Release Supervision Period § 19.2-295.2(A) (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) § 19.2-303 Indefinite

Good Behavior

Good Behavior Period (§ 19.2-306) _____ (Up to Statutory Maximum)

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

§ 19.2-298.02, § 19.2-303.6 (Deferred Disposition)

Community-Based Program _____

CCAP

Drug Court

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.

◆ 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

Office Use Only



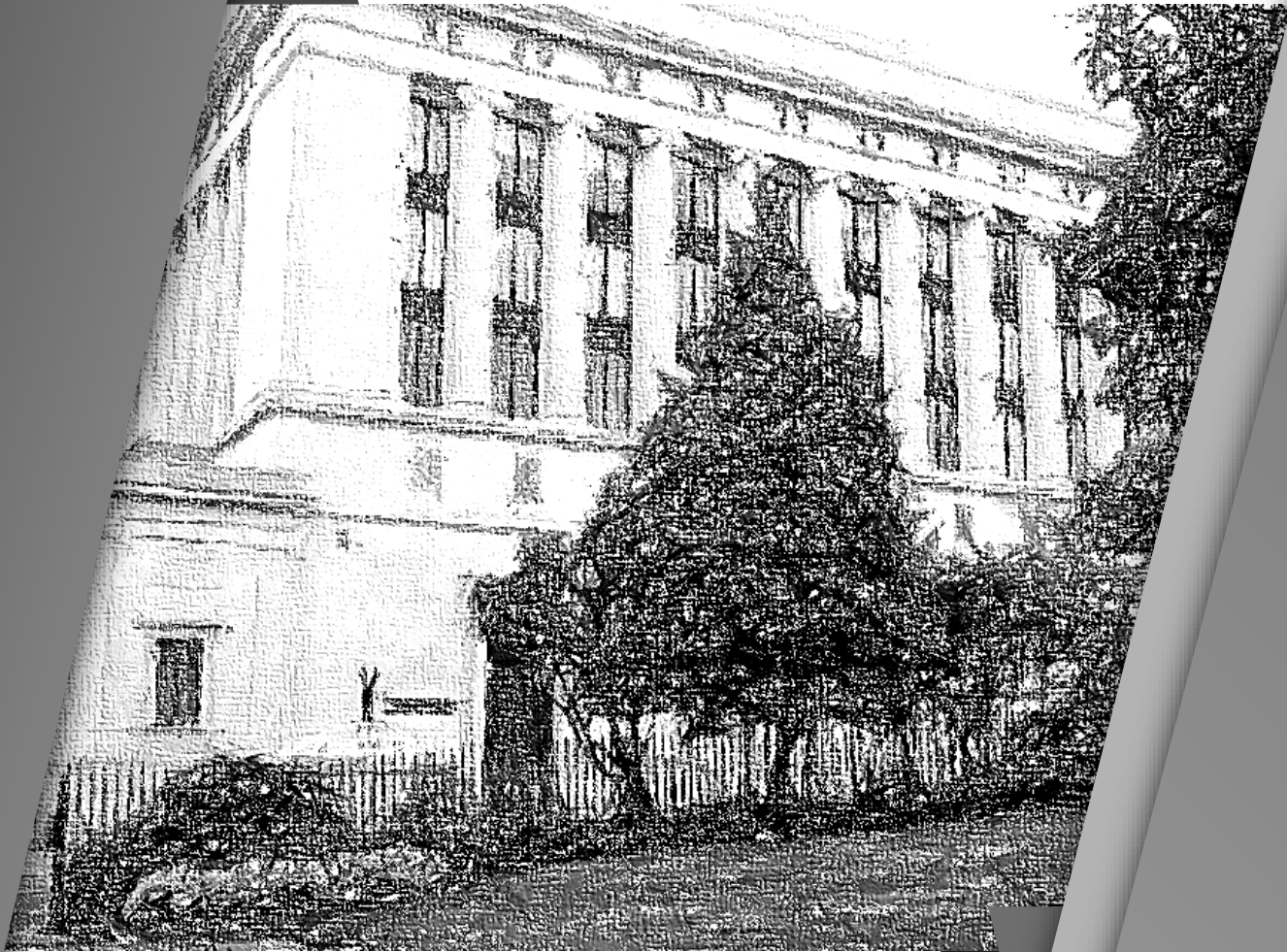
Modification of Recommendation

Guidance Based on Departure Reasons

Judges and attorneys have requested more guidance in applying the modified recommendation. Based on the analysis of nearly 200 departure reasons, the court sentenced below the guidelines when the **defendant demonstrated a change in attitude or behavior prior to sentencing**. Below are specific reasons used in the past to justify a sentence below the historically based sentence recommendation:

1. Positive or promising behavior while awaiting sentencing (e.g., drug free, employment, education, lifestyle change, etc.)
2. Began rehabilitation process without court intervention; took initiative to make a change (e.g., enrolled or completed substance abuse treatment, mental health counseling, sex offender treatment, found housing, etc.)
3. Demonstrated being responsible for the support and care of family members (e.g., providing financial support, working with social services, etc.)
4. Maintained, obtained employment or job skills before sentencing
5. Completed school, college, or a training program before sentencing
6. Admitted guilt shortly after the offense, during the arrest, etc., and prior to an appearance in court.
7. Aided in preventing the crime from escalating into a more serious offense (e.g., prevented a death, assault, rape, etc.)
8. Current offense is an old crime that was committed when the defendant had a different lifestyle; the defendant is not the same person today.
9. Behavior out of the norm and low possibility for recidivism (e.g., no prior record or limited record; extremely young or elderly)
10. Time served is sufficient based on the defendant's demeanor in court or the defendant's demonstrated acceptance of responsibility/expression of remorse prior to appearance in court.
11. Substantial assistance as determined by the Commonwealth and accepted by the judge.
12. Other reasons sufficient for the court to sentence below the historical sentence recommendation.

Results are based on a manual review of departure reasons provided by judges. Cases were selected when the reason given was classified as acceptance of responsibility or expression of remorse. Substantial assistance departures were not reviewed because the details may only be known by the Commonwealth and the court.



VCSC

November 3, 2021.