

DEVELOPMENT OF NEW ROBBERY GUIDELINES



March 27, 2023

§ 18.2-58. Robbery; penalties

A. For the purposes of this section, "serious bodily injury" means the same as that term is defined in § [18.2-51.4](#).

B. Any person who commits robbery is guilty of a felony and shall be punished as follows:

1. Any person who commits robbery and causes serious bodily injury to or the death of any other person is guilty of a Class 2 felony.
2. Any person who commits robbery by using or displaying a firearm, as defined in § [18.2-308.2:2](#), in a threatening manner is guilty of a Class 3 felony.

§ 18.2-58. Robbery; penalties

3. Any person who commits robbery by using physical force not resulting in serious bodily injury or by using or displaying a deadly weapon other than a firearm in a threatening manner is guilty of a Class 5 felony.
4. Any person who commits robbery by using threat or intimidation or any other means not involving a deadly weapon is guilty of a Class 6 felony.

Code 1950, § 18.1-91; 1960, c. 358; 1966, c. 361; 1975, cc. 14, 15, 605; 1978, c. 608; 2021, Special Session I, c. 534.

FY 2022 ROBBERY CASES

Two Issues Have Been Observed:

- + • Fewer Robbery Cases in Guidelines Than
• in Court Case Management (CMS) Data.
- + • Relatively Few Robbery Cases Under the
• New Penalty Structure (Offense Date On
Or After 07/01/2021).

FY 2021-FY 2022 ROBBERY CASES

CMS vs Guidelines Cases

Fiscal Year	CMS Cases	Guidelines Cases*	Difference
2021	329	285	44
2022	387	270	117
Total	716	555	161

* Robbery was the primary offense on the Sentencing Guidelines. Not included are sentencing events with robbery as the additional offense and not the primary because of scoring errors.

FY 2022 ROBBERY CASES

Offense Subgroups

Subgroup	Frequency	Percent
Non-Guidelines*	2	0.7
Offense Before 07/01/2021	209	77.4
Offense On/After 07/01/2021	30	11.2
Carjacking*	29	10.7
Total	270	100.0

*Excluded from Case Details Worksheet Analyses

FY 2022 ROBBERY CASES

Weapon Use

- +
 - Used to Threaten – 98 Cases (41.0%)
 - • Used to Injure – 37 Cases (15.5%)
 - Possessed Weapon – 24 Cases (10.0%)
 - None Used – 24 Cases (10.0%)

FY 2022 ROBBERY CASES

Weapon Type

- Firearm – 104 Cases (43.5%)
- Knife – 18 Cases (7.5%)
- Other* – 11 Cases (4.6%)
- Simulated Weapon – 9 Cases (3.8%)
- Note/Verbal – 5 Cases (2.1%)
- Blunt Object – 1 Case (0.4%)
- Explosive, Vehicle, Etc. – No Cases

* Includes Pepper Spray/Mace, Stun Gun, Crowbar, Cords, Lumber, Etc.

FY 2022 ROBBERY CASES

Offender's Role

- +
 - Acted Alone – 81 Cases (33.9%)
 - Not Determined – 34 Cases (14.2%)
 - Accomplice – 32 Cases (13.4%)
 - Leader – 30 Cases (12.6%)

FY 2022 ROBBERY CASES

Location of Robbery

- + • Business – 73 Cases (30.5%)
- Street/Outside – 63 Cases (26.4%)
- Residence – 37 Cases (15.5%)
- Automobile – 14 Cases (5.9%)
- Other – 3 Cases (1.3%)
- Bank – 2 Cases (0.8%)



FY 2022 ROBBERY CASES

Injury to Victim

- +
 - Threatened – 91 Cases (38.1%)
 - Physical – 46 Cases (19.2%)
 - Emotional – 27 Cases (11.3%)
 - None – 20 Cases (8.4%)
 - Serious Physical – 11 Cases (4.6%)
 - Death – 6 Cases (2.5%)
 - Life Threatening – 2 Cases (0.8%)



FY 2022 ROBBERY CASES

Victim Relationship to Offender

- +
 - None/Stranger – 122 Cases (51.0%)
 - • Known – 30 Cases (12.6%)
 - Other – 12 Cases (5.0%)
 - Friend – 9 Cases (3.8%)
 - Family – 3 Cases (1.3%)

FY 2022 ROBBERY CASES

Victim Age – Frequency Distribution

Age (Years)	Frequency	Percent	Cum. Percent
15-19	11	20.4	20.4
20-29	17	31.5	51.9
30-39	8	14.8	66.7
40-49	6	11.1	77.8
50-59	5	9.2	87.0
60+	7	13.0	100.0
Total	54	100.0	

Only 54 Cases (22.6%) with Valid Victim Age – Median Age of Victim is 27 Years



DESK AUDIT

Requesting VCSC Approval



Desk Audit

Reasons for an Audit

- Determine if and why Sentencing Guidelines are missing.
- Capture missing information from the Case Details Worksheets.
- Move the development of Robbery Guidelines forward.

Audit Requirements

- Access to court records through OCRA
- Limited field visits when electronic access is denied or not available
- Continue to monitor FY2023 for missing Robbery Guidelines
- **Approval of the Commission to conduct a continuous audit**