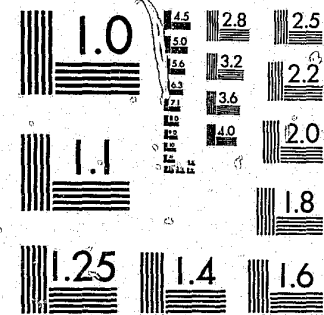


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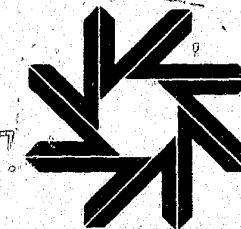
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# SENTENCE DISPARITY IN VIRGINIA BY COURT SETTING

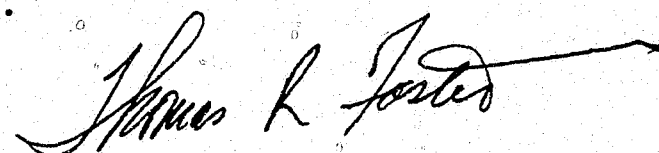
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VIRGINIA DEPARTMENT OF CORRECTIONS  
DIVISION OF PROGRAM DEVELOPMENT AND EVALUATION  
RESEARCH AND REPORTING UNIT

August 1980  
Report No. 80106

This report was prepared by Keith Taylor, Research Analyst.  
Inquiries concerning the report should be directed to the  
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U.S. Department of Justice  
National Institute of Justice

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ACQUISITIONS

In the recent years sentencing disparity has been a subject of increased discussion and research. Disparity in sentencing has been found to be associated with a large number of variables. Sentencing differences have been shown to exist between judges (Green, 1960), races, community structures (Bullock, 1961), socioeconomic classes (Wald, 1967), and geographic locations (Diamond, Zeisel, 1977).

The failure to supply equal sentences for equal offenses is due to several circumstances within the law. Usually, the law states a minimum and a maximum with a wide range of latitude within which the judge specifies the sentence for the individual offender. Within this broad framework there has been little success on the part of judges to establish sentencing guidelines to assist in reducing disparities.

One reason functional guidelines have not been successfully established is the continuing conflict of the goals of sentencing. As Judge Edward Neather, Eastern U. S. District Court of New York (NCSC, 1975) states:

On the one hand, a sentencing judge is expected to shape the punishment to fit the crime, and on the other hand, he is also expected to shape the punishment to fit the individual defendant.

Once a judge has made his decision on the sentence he is not required to set down the reasons upon which his decision was based (Frankel, 1973). This circumstance impedes the reduction of disparities in two ways. It allows personal bias to go undetected, and it denies the experience and thinking of judges in similar circumstances to the judge making his sentencing determination.

The manner in which the sentencing decision is made also shows the degree to which the judge views sentencing as an important part of the judicial process. Days or even weeks in some cases are spent hearing a case, and additional time is then spent in making the decision of guilt or innocence. But, as Judge Frankel notes, once the decision of guilt is reached, an hour or so is spent hearing presentencing reports and defendant pleas, at the conclusion of which, in most cases, the sentencing decision is made on the spot.

When a judge renders his sentencing decision it stands. Judge Frankel points out that an offender cannot appeal his sentence even on the constitutional grounds of cruel and unusual punishment as long as it is within the legislated range. This situation in no way encourages the reduction of disparity which exists in sentencing.

In a study of 1,437 criminal cases in Philadelphia, Green (1960) found that the disparity in sentencing was not based on sex, age, race, or place of birth once severity of the crime, number of indictments, and prior record were held constant.

Disparity in sentencing was found among the 18 judges sentencing the cases. Less disparity in sentencing was found for the petty and the more serious crimes, while greater sentence disparity among the judges was found in cases of intermediate severity.

Bullock (1961) found in a study of race and sentencing in Texas, that race, plea bargaining, and areas in which offenders were convicted were variables which influence length of sentence. Longer sentences were meted out in counties containing a larger city and shorter sentences in counties containing only smaller cities.

In an extensive study of Canadian magistrates (lower court judges) Hogarth (1971) found that they had extensive ties to the community, held beliefs and attitudes in common with the community, and that their attitudes and beliefs were consistent with their sentencing practices. In other words the beliefs and attitudes of the community were consistent with the sentencing practices of the magistrate. In addition, he found that urban magistrates were likely to give a more severe sentence than rural magistrates. He noted that this difference was the result of both differences in type of cases heard, and differences in the penal philosophies of the magistrates.

There is an additional situation which adds to the possibility of disparity in sentencing. As many as 13 states including Virginia, maintain sentencing by jury for some non-capital offenses (American Bar Association, 1967). This can



lead to disparity because juries sitting for a limited period of time do not have, as judges do, a background of experiences upon which to base their sentencing decision (Virginia Law Review, 1967).

Even with this being the case Kalven and Zeisel (1966) found that when the jury sets the penalty the judge and jury agree on the penalty in 57% of the cases.

Based on the findings of the studies cited this study will look at sentencing practices in Virginia with the expectation that sentences will be more severe in heavily populated, urban areas, and less severe in the less populated, rural areas, and that this pattern will remain, even though an undetermined number of sentences were made by jury.

The Felon Information System was used to analyze data on the 9078 felons who were committed from Virginia Courts during the 3 fiscal years 1977, 1978, and 1979. The data used were: sentence at commitment, committing court, and most serious offense.

#### Court Settings

In order to study the 138 Circuit Court localities in Virginia it was necessary to designate the setting of each locality. Three settings were distinguished: Metropolitan areas, Small Cities, and Counties.

Metropolitan areas are those areas of Virginia designated by the U. S. Bureau of the Budget as Standard Metropolitan Statistical Areas (SMSA).\*

Essentially these Metropolitan areas consist of a central city or cities with a population of 25,000 or more, and the surrounding county or counties such that the population density of the area is at least 1,000 persons per square mile and the total population is at least 75,000. Examples are, Alexandria and surrounding area, Richmond and surrounding area, and Norfolk and surrounding area. Eight areas within Virginia have been designated in such a way. The portion of the Kingsport-Bristol Metropolitan area located in Virginia did not include the central hub of population for the area and thus will not be considered for the purposes of this study. The city of Bristol, and Scott and Washington counties will be included as Small Cities, and Counties respectively.

Small Cities as designated for this study are incorporated Virginia cities not found within an SMSA. That is, the City and surrounding county or counties do not have a population density of at least 1,000 persons per square mile, and/or do not have a population totaling 75,000 or more. Examples are Danville, Lexington, South Boston, and Waynesboro.

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\*As defined by the U.S. Bureau of the Budget in Standard Metropolitan Statistical Areas, 1967.

Designated Counties are those Virginia counties not included as part of an SMSA. Examples are Bath, Lee, Halifax, and Caroline counties. A full list of Metropolitan areas, Small Cities, and Counties can be found in Appendix 1.

#### Classification of Offenses

Felony crimes in Virginia fall into two groups: classed and unclassed felonies. The difference between the two is the manner in which penalties for the offenses are specified. Penalties for classed felonies are specified according to the felony class designated for the offense. Class designation ranges from 1 to 6. Class 1 felonies represent the most serious offense, Capital Murder, and have a sentence of either Life Imprisonment or Death. There were no commitments for Class 1 felonies during the period studied, and will not be included in this analysis. Class 6 felonies represent the least serious felonies and have a sentence range of 1 to 5 years. Penalties for unclassed felonies are prescribed by the section of the law defining the offense.

In order to work with the large number of offenses occurring in the period studied it was necessary to classify the unclassified offenses. The task was accomplished on the basis of a list provided by the Assistant Attorney General's Office of the Department of Corrections. The list places an offense into the class into which it would fall based on the

usual length of prescribed punishment and seriousness of offense. It is intended only as an approximation and not as a proposed system for placing all felonies into the 6 classes of felonies (see Appendix 2).

There were some offenses designated by the Assistant Attorney General to be misdemeanors which were coded as Class 6 felonies due to the fact that they appear in the report of felons committed. In addition there were 11 offenses accounting for 25 commitments which were not coded. These cases were dropped from the analysis.

The present data collection system collects the total sentence for the current commitment, and the most serious offense associated with the commitment. This means when an offense is listed there could be additional offenses of the same or lessor degree of severity associated with the commitment, and the sentence shown will be inclusive of the most serious offense and any additional offenses associated with the commitment. Therefore, this study is restricted to sentencing practices across Virginia as they are associated with the most serious offense at commitment. It cannot be taken as a study of sentencing practices based on individual offenses.

#### Distribution of Offenses

The first step in analyzing the relationship of sentencing to court settings or to offense classes is to establish how the offenses are distributed among the courts, and how this compares to the distribution of the population in Virginia.

The proportion of commitments to the Department of Corrections from Metropolitan courts, and the proportion of Virginia's population in Metropolitan areas is nearly the same. Commitments from Metropolitan courts amounted to 65% of all commitments, and 64% of Virginia's population live in Metropolitan areas. County courts accounted for a smaller proportion of commitments than expected. Twenty-four percent of the commitments came from County courts, while 30% of Virginia's population live in the Counties. The greatest difference occurred between Small City commitments and the population. Small Cities outside of Metropolitan areas accounted for 11% of the commitments, while only 6% of Virginia's population lives in these Small Cities (see Table 1).

Metropolitan courts contributed a greater proportion of more serious offenses than expected and more closely approximated the expected proportion of less serious offenses based on the number of commitments ( $x^2=44.05, P<.001$ ). However, based on the percent of Virginia's population coming from Metropolitan areas (64%) the proportion of offenses approximate what would be expected, with the exception of the most serious offenses, Class 2 felonies ( $x^2=49.49, P<.001$ ).

Percent of Offenses by Class  
& Type of Court

	Percent of Total Offenses	Metropolitan	Small City	County
Class 2	22%	76%	8%	16%
Class 3	46%	62%	11%	27%
Class 4	6%	67%	12%	21%
Class 5	20%	63%	11%	26%
Class 6	6%	64%	11%	25%
Virginia		65%	11%	24%
Virginia pop.		64%	6%	30%

Table 1

The distribution of offenses in County courts differed significantly from the distribution in Virginia ( $x^2=74.6, P<.001$ ), due primarily to the small proportion of Class 2 offenses from County areas. After adjusting for the proportion of Virginia's population living in Counties, County courts contributed a significantly smaller proportion of offenses than would be expected ( $x^2=191.43, P<.001$ ).

Small City courts contributed the expected proportion of offenses, with the exception that they contributed less Class 2 offenses than expected based on the number of commitments ( $x^2=15.54, P<.01$ ). But when adjusted for their proportion of the population (6%) Small City courts contribute a greater than expected proportion of offenses ( $x^2=417.91, P<.001$ ).

Sentencing in Court Settings

Next we will look at the sentences imposed for the different classes of offenses by the various court settings in Virginia. Table 2 gives the average sentence imposed for each

class of felony by court setting, and for Virginia. The average sentence at commitment in Virginia was 8.5 years. There was no significant variation from this overall average in courts from Metropolitan areas, Small Cities, or Counties. As would be expected, in Virginia as well as in each of the court settings Class 2 felonies received the longest sentences and Class 6 felonies received the shortest sentences. Within the individual court settings it can be seen that the progression of shorter sentences for less serious offenses, to longer sentences for more serious offenses is not without exception. But this circumstance is not particularly notable due to the fact that there is an extensive overlapping of the range of sentences authorized for each felony class, with the exception of Class 2 felonies (see Table 4). Looking at individual classes of felonies it is found that there were significant differences in the average sentence of the different court settings for Class 2, Class 3, and Class 5 felonies.

	Average Sentence			
	Metropolitan	Small City	County	Virginia
Class 2	14.6	15.9	17.7	15.2
Class 3	7.1	8.3	7.8	7.4
Class 4	5.4	5.6	5.1	5.4
Class 5	6.3	5.6	4.7	5.7
Class 6	5.3	4.7	5.0	5.1
Virginia	8.6	8.6	8.2	8.5

Table 2

The average sentence imposed for Class 2 felonies varied significantly from a high of 17.7 years in Counties, to the low of 14.6 years in Metropolitan areas ( $F(2,1996)=5.05, P<.01$ ). The average sentence ordered by County courts for Class 2 felonies were 2 years 6 months above the mean in Virginia, while Small City court sentences were 8.4 months above, and Metropolitan Courts were 7.2 months below.

For Class 3 felonies the average sentence applied varied significantly from a high of 8.3 years in Small Cities to the low of 7.1 years in Metropolitan areas ( $F(2,4154)=3.82, P<.05$ ). In Small Cities the average sentence ordered was 10.8 months above the average in Virginia, while Counties averaged 4.8 months above, and Metropolitan courts were 3.6 months below.

The average sentence in court settings for Class 4 felonies did not differ significantly from Virginia's average of 5.4 years.

Class 5 felonies also showed a significant difference in the average sentence exacted among the court settings. Metropolitan courts ordered the highest average sentence of 6.3 years, and Counties applied the lowest average sentence of 4.7 years ( $F(2,1790)=7.48, P=.0006$ ). The average in County courts was 1 year less than the average in Virginia. Small Cities had an average only 1.2 months below Virginia, while the Metropolitan court's average sentence was 7.2 months greater than Virginia's average.

Virginia's average sentence for Class 6 felonies was 5.1 years, and courts from Metropolitan areas, Small Cities, and Counties did not differ more than would be expected by chance.

Commitments with Greater than Average Sentences

This section will compare the average sentence of commitments from each court setting for specific offenses, with the average sentence in Virginia for the same offenses. The reported totals represent the percent of sentences for specific offenses within each class of felony that are above the Virginia average for the same offenses. In Appendix 3 can be found a listing of the average sentence imposed in Virginia for each specific offense.

In Virginia 67% of the commitments ordered had sentences that were below the average sentence for the specific offense, and 33% were at or above the average. As offenses decrease in seriousness, the proportion of sentences imposed above the average increases, with the significant exception of Class 5 felonies, in which the percent of commitments with sentences above the average (27%) was less than would be expected by chance fluctuation ( $\chi^2(4)=42.7, P=.0001$ ) (see Table 3).

Percent of Commitments At and Above  
Average Sentence

	Metropolitan	Small City	County	Virginia
Class 2	33%	39%	37%	34%
Class 3	33%	41%	35%	34%
Class 4	38%	33%	34%	37%
Class 5	28%	26%	25%	27%
Class 6	38%	48%	34%	38%
VA.	34%	38%	33%	33%

Table 3

The type of court also bears on the percent of commitments with sentences affixed that are above the average for the specific offense ( $\chi^2(2)=8.9, P<.05$ ). In Small City courts 38% of the sentences ordered are above the average, while in Metropolitan and County courts 34% and 33% of the sentences ordered are above the average for the specific offense. Again, specifically in Class 3 felonies Small City courts order a significantly greater proportion of commitments with sentences above the average (41%) than do Metropolitan (33%) or County (35%) courts ( $\chi^2(2)=13.6, P<.01$ ).

Sentences Authorized By Law

The sentences ordered by Virginia courts will next be compared to the sentences authorized by law. Table 4 lists the authorized range of punishment for each felony class, the average sentence applied in Virginia, and the last column represents the average sentence as a percent of the maximum



authorized punishment. As can be seen the average sentence for Class 2 felonies is 25% of the maximum punishment allowed. At the other extreme the average sentence imposed for offenses classified as Class 6 felonies is 102% of the authorized punishment allowed. From Table 3 we can see that 38% of those offenses coded as Class 6 felonies have sentences at or above this average sentence. In other words 38% of the offenses coded as Class 6 felonies have sentences at or above 102% of the maximum punishment authorized by law. It must be pointed out again, that offenses coded as Class 6 felonies may include some unclassified felonies, and some misdemeanors as well as those offenses specifically classified as Class 6 felonies by law. In addition, there may be other less severe offenses included in the sentence.

Average Sentence as a Percent  
of Maximum Punishment

	Sentence Range	Average Sentence	Percent of Maximum Punishment
Class 2	20-life*	15.19	25%
Class 3	5-20	7.39	37%
Class 4	2-10	5.36	54%
Class 5	1-10	5.74	57%
Class 6	1-5	5.12	102%

Table 4

\*A Life sentence is given the numeric equivalent of a 60 year sentence.

But the general relationship still remains. As the seriousness of the offense increases, the average sentence, as a percent of the maximum punishment authorized, decreases, and conversely, as the seriousness of the offense decreases, the average sentence represents a greater proportion of the maximum punishment authorized. On the average, less serious offenses are given a greater proportion of the allowable punishment than are more serious offenses.

#### Sentences for Specific Offenses

In addition to the general felony classes several specific offenses are viewed. First Degree Murder will be looked at primarily because it is the most serious offense. Unspecified Robbery, Burglary, Grand Larceny, and Narcotic Drug Violations are viewed because they were the most frequently encountered offenses. These four most frequent offenses account for 50% of all commitments over the 3 year period studied. Robbery accounted for 56% of all Class 2 felonies. Burglary and Grand Larceny accounted for 62% of Class 3 felonies, and Narcotic Drug Violations accounted for 51% of Class 5 felonies.

Fifty percent of the sentences issued for First Degree Murder were above the mean in Virginia of 42.8 years. County courts ordered the highest average sentence for First Degree Murder, 47.5 years. Metropolitan and Small City courts followed with sentences of 41.4 and 41.3 years, respectively.

Because of the wide range in sentences for First Degree Murder the differences in Metropolitan areas, Small Cities, and Counties were not statistically significant (Table 5).

First Degree Murder		
	Average Sentence	Percent of Commitments
Metropolitan	41.4	73%
Small City	41.3	5%
County	47.5	22%
Virginia	42.8	100%

Table 5

For unspecified Robbery, Small City courts tended to order sentences that were longer than other court settings. The average sentence issued by Small City courts was 13.2 years. In Metropolitan courts the average was 10.5 years, and in County courts 11 years, while the average sentence ordered in Virginia was 10.4 years ( $F(2,1105)=2.91, P=.055$ ).

A greater than expected proportion of Robbery commitments came from Metropolitan (80%) and Small City (9%) courts, while County courts (11%) had fewer than expected commitments, based on the population of the respective areas ( $\chi^2=189.93, P<.001$ ) (Table 6).

Robbery		
	Average Sentence	Percent of Commitments
Metropolitan	10.5	80%
Small City	13.2	9%
County	11.0	11%
Virginia	10.4	100%

Table 6

Small City courts issued larger sentences for Burglary than courts in Counties or in Metropolitan areas ( $F(,1660)=11.78, P=.0001$ ). The average sentence in Small City courts was 7.1 years. In County courts the average sentences issued was 5.7 years and in Metropolitan courts the average sentence for Burglary was 5.2 years (Table 7).

Burglary		
	Average Sentence	Percent of Commitments
Metropolitan	5.2	69%
Small City	7.1	12%
County	5.7	19%
Virginia	5.5	100%

Table 7

In Virginia the average sentence for Grand Larceny was 5 years. Larger sentences were ordered by County courts than by either of the other court settings. County courts imposed sentences that averaged 6.1 years; Metropolitan and Small City courts averaged significantly less at 4.5 years ( $F(2,913)=9.34, P=.0001$ ) (Table 8).

Grand Larceny		
	Average Sentence	Percent of Commitments
Metropolitan	4.5	63%
Small City	4.5	11%
County	6.1	26%
Virginia	5.0	100%

Table 8

Sentences in Virginia for Narcotic Drug Violations averaged 6.6 years. The average sentences specific to Metropolitan and County courts were 6.5 and 6.8 years respectively. Small City courts issued the highest average sentence of 7.3 years, but differences among the court settings were not found to be significant (Table 9).

Narcotic Drug Violations		
	Average Sentence	Percent of Commitments
Metropolitan	6.5	72%
Small City	7.3	9%
County	6.8	19%
Virginia	6.6	100%

Table 9

Based on the proportion of Virginia's population in each setting, court commitments for these 5 offenses were consistently greater than expected from Metropolitan and City courts and less than expected from County courts. (Based on a series of  $\chi^2$ ,  $S, P < .05$ ).

### Summary

Courts in Metropolitan areas of Virginia committed the numbers of offenders that would be expected considering the proportion of the population living in those areas. The exception to this finding is the most serious class of offenses. Metropolitan courts committed more than their share of Class 2 felony offenders.

Sentencing practices in Metropolitan courts have the trend of setting comparatively low sentences for the more serious classes of felony and higher sentences for the less serious offenses. The lowest sentences in the state for Class 2, and Class 3 felonies were given by Metropolitan courts. Sentences for the less serious Class 5 felonies were the longest in the State in Metropolitan areas.

Compared to their population a greater than expected number of offenders were committed from Small City courts. Possibly as an attempt to fight the higher rate of crime that the above statement would imply, Small City courts gave a greater proportion of sentences, than either County or Metropolitan courts, that were above the average in Virginia for the same offense. In addition Small City courts gave the longest sentences for Robbery, a Class 2 offense, and the longest sentences for all Class 3 offenses, including the longest sentences for Burglary.

Commitments from County courts were fewer than would be expected considering the population in this area of Virginia, and complementary to the low commitment rate County courts also tend to give shorter sentences than other settings in Virginia. The exception to this trend is in the most serious offenses; Class 2 felonies receive the longest sentences in Virginia in County areas. Also, Grand Larceny, a Class 3 offense, is compensated for in Counties by the longest sentences in Virginia.

As would be easily expected, sentences in general do decrease as the seriousness of the offense decreases, but while more serious offenses are punished by sentences which are much less than the law allows, less serious offenses receive sentences that are closer to the maximum allowed by law.

#### Recommendations

It was stated earlier that the results of this study are based on the most serious offense associated with each commitment. Additional offenses of a less severe nature may have also contributed to the sentence imposed at commitment. Under the present data collection system there is no way of ascertaining how many commitments are for multiple offenses, or how much the additional offenses add to the sentences at commitment. To gain knowledge of the number of multiple offense commitments,

and their effect on sentences in Virginia it is recommended that each individual offense and the sentence for each offense become a regular part of the data collection system.



Appendix 1

Virginia  
Standard Metropolitan  
Statistical Areas (SMSA)\*

Washington, D. C.  
(VA. Part)

Petersburg - Hopewell

Lynchburg

Alexandria City  
Fairfax City  
Falls Church City  
Manassas City  
Manassas Park City  
Arlington County  
Fairfax County  
Loudoun County  
Prince William County

Colonial Heights City  
Hopewell City  
Petersburg City  
Dinwiddie County  
Prince George County

Lynchburg City  
Amherst County  
Appomattox County  
Campbell County

Newport News - Hampton

Roanoke

Richmond

Hampton City  
Newport News City  
Poquoson City  
Williamsburg City  
Gloucester County  
James City County  
York County

Ronoake City  
Salem City  
Botetourt County  
Craig County  
Roanoke County

Richmond City  
Charles City County  
Chesterfield County  
Goochland County  
Hanover County  
Henrico County  
New Kent County  
Powhatan County

Norfolk - Va. Beach

Kingsport - Bristol\*\*  
(VA. Part)

Chesapeake City  
Norfolk City  
Portsmouth City  
Suffolk City  
Va. Beach City

Bristol City  
Scott County  
Washington County

\* statistical abstract of the United States, 1973.

\*\* Kingsport-Bristol is not included as an SMSA in this study.

Virginia Cities not located within a SMSA\*

Bedford  
Buena Vista  
Charlottesville  
Clifton Forge  
Covington  
Danville  
Emporia  
Franklin  
Fredericksburg  
Galax  
Harrisonburg  
Lexington  
Martinsville  
Norton  
Radford  
South Boston  
Staunton  
Waynesboro  
Winchester

\* Bristol is included as a City not in SMSA for this study.

Virginia Counties not located within a SMSA\*

Accomack	Grayson	Orange
Albemarle	Greene	Page
Alleghany	Greensville	Patrick
Amelia	Halifax	Pittsylvania
Augusta	Henry	Prince Edward
Bath	Highland	Pulaski
Bedford	Isle of Wight	Rappahannock
Bland	King & Queen	Richmond County
Brunswick	King George	Rockbridge
Buchanan	King William	Rockingham
Buckingham	Lancaster	Russell
Caroline	Lee	Scott
Carroll	Louisa	Shenandoah
Charlotte	Lunenburg	Smyth
Clarke	Madison	Southampton
Culpeper	Mathews	Spotsylvania
Cumberland	Mecklenburg	Stafford
Dickerson	Middlesex	Surry
Essex	Montgomery	Sussex
Fauquier	Nansemond	Tazewell
Floyd	Nelson	Warren
Fluvanna	Northampton	Washington
Franklin County	Northumberland	Westmoreland
Frederick	Nottoway	Wise
Giles		Wythe

\* Scott & Washington counties are included as not in a SMSA for this study.

Appendix 2

Felony Classification\*

Class 2

Murder, 1st Degree  
Rape  
Abduction for Rape  
Carnal Knowledge of Child  
Robbery, Armed  
Robbery, Bank  
Robbery, Unspec.

Class 3

Murder 2nd Degree  
Murder, Not Spec.  
Assault, Felonious  
Assaulting Police Officer  
Burglary  
Breaking & Enter  
Grand Larceny  
Larceny, Unspec.  
Possess of Stolen Goods  
Larceny, Auto  
Fraud & Credit Card Theft  
Embezzlement  
Arson

Class 4

Murder, Attempted  
Rape, Statutory  
Robbery, Attempted  
Forgery of Checks, Uttering  
Pandering, Soliciting  
Seduction  
Bribery, Attempted Bribery

Class 5

Manslaughter, Vol.  
Rape, Attempted  
Shoot, occupied Dwelling  
Shoot, occupied Vehicle  
Kidnapping  
Abduction  
Extortion  
Burglary, Attempt  
Poss. burglary tools  
Break & Enter, Attempt  
Larceny, Farm Animals  
Larceny, Attempt  
Shoplifting  
Property Damage & Destruction  
Forgery of Documents  
Sodomy  
False Public Alarm  
Conspiracy to Commit Crime  
Habitual Traffic Offender  
Violation of Narcotics Laws

Class 6

Manslaughter, Invol.  
Manslaughter, unspec.  
Assault to Maim  
Maiming  
Attempt Kidnapping  
Larceny, Petty  
Auto, Unauthorized use  
Bad Checks  
Confidence Games  
Threaten Property Destruction  
Adultery  
Incest  
Molesting, Indecent Liberties  
Indecent Exposure  
Discharge Fire Arm, Exp.  
Concealed Weapon  
Violate Weapons laws  
Brandish Firearm  
Poss. Fire Arms  
Accessory After Fact  
Escape  
Aiding Escape  
Violate Prison Rules  
Driving Under Influence  
Hit & Run  
Revoked Permit  
Mfg. Liquor

\*As approximated by the Assistant Attorney General's office  
of the Department of Corrections.

APPENDIX 3

SENTENCES IN VIRGINIA OVER A THREE YEAR PERIOD ASSOCIATED WITH MOST SERIOUS OFFENSE

	CASES	SHORTEST SENTENCE YRS MOS	AVERAGE SENTENCE YRS MOS	LONGEST SENTENCE YRS MOS
MURDER, 1ST DEG.	174	5 0	42 9	LIFE
MURDER, 2ND DEG.	220	2 0	14 4	LIFE
MURDER, UNSPEC.	183	2 0	37 0	LIFE
MURDER, ATT.	45	2 0	10 4	LIFE
MANSLAUGHTER, VOL.	113	0 1	5 4	11 0
MANSLAUGHTER, INV.	39	1 0	4 2	22 6
MANSLAUGHTER UNS.	11	1 0	3 9	5 0
MANSLAUGHTER, ATT.	1	0 6	0 6	0 6
RAPE.	274	0 11	21 6	LIFE
RAPE, STAT.	22	1 0	4 9	10 0
RAPE, ATT.	49	1 0	10 4	45 0
ABDUCTION	8	2 0	18 2	46 0
CARNAL KNOWLEDGE OF CHILD	10	1 0	5 5	12 0
ROBBERY, ARMED	421	0 6	11 4	61 0
ROBBERY, BANK	1	5 0	5 0	5 0
ROBBERY, UNSP.	1111	0 6	10 10	LIFE
ROBBERY, ATT.	96	1 0	6 4	39 3
ASSAULT, FELONIOUS	362	0 6	7 5	LIFE
ASSAULT TO MAIM	11	1 0	4 10	15 0
MAIMING	134	0 8	8 0	60 0
SHOOTING INTO DWELLING	29	1 0	4 9	20 0
SHOOTING INTO VEHICLE	14	0 6	3 0	8 0
ASSAULTING POLICE OFFICER	1	41 0	41 0	41 0
THREATEN BODILY HARM	1	7 0	7 0	7 0
KIDNAPPING	3	15 0	41 4	58 0
ABDUCTION	85	1 0	13 11	LIFE
KIDNAPPING, ATT.	1	5 0	5 0	5 0
BLACKMAIL	6	1 0	3 0	5 0
BURGLARY, STAT.	1664	0 3	5 7	LIFE
BURGLARY, ATT.	20	0 2	3 0	6 0
BURGLARY TOOLS	16	1 0	3 11	11 0
BREAK AND ENTER	373	0 6	6 1	89 0
BREAK AND ENTER ATT.	10	2 0	4 8	10 7
LARCENY, GRAND	916	0 6	5 0	51 0
LARCENY, ANIMALS	4	1 0	2 0	3 0
LARCENY, ATT.	15	1 0	4 5	20 0
LARCENY, PETTY	77	0 6	1 10	10 0
SHOPLIFTING	5	1 0	2 7	5 0
LARCENY, UNSP.	7	1 0	2 10	6 0
POSSESSION, STOLEN GOODS	108	0 6	4 0	17 0
AUTO THEFT	156	1 0	4 4	20 0
UNAUTHORIZED USE AUTO	77	0 5	3 0	12 0
FRAUD	67	0 9	4 0	20 0
BAD CHECKS	28	1 0	4 11	26 0
CONFIDENCE GAMES	1	7 0	7 0	7 0
EMBEZZLEMENT	23	1 0	3 9	10 0
ARSON	77	1 0	7 0	35 0
MALICIOUS DESTRUCTION	2	2 0	2 6	3 0

Appendix 3  
SENTENCES IN VIRGINIA OVER A THREE YEAR PERIOD ASSOCIATED WITH MOST SERIOUS OFFENSE

	CASES	SHORTEST SENTENCE YRS MOS	AVERAGE SENTENCE YRS MOS	LONGEST SENTENCE YRS MOS
THREATENING DESTRUCTION	1	4 6	4 6	4 6
FORGERY, CHECKS	430	0 6	4 9	35 0
FORGERY OTHERS	2	2 0	4 0	6 0
COUNTERFEITING	4	3 0	4 0	5 0
SODOMY	69	1 0	8 11	45 0
SOLICITING	8	1 0	2 9	5 0
CONDUCTING BAWDY HOUSE	2	1 0	1 0	1 0
TRANSPORT FEMALE FOR PROSTIT.	2	2 0	8 6	15 0
ADULTERY	3	2 0	3 4	5 0
INCEST	4	5 0	8 9	20 0
SEDUCTION	2	2 0	5 0	8 0
INDECENT LIBERTIES	31	1 0	3 9	15 0
INDECENT EXPOSURE	8	1 0	3 2	10 0
TRANSPORT, IMMORAL PURPOSE	1	8 0	8 0	8 0
BIGAMY	2	3 0	3 0	3 0
CONTRIBUTING TO DELINQUENCY	2	1 0	3 0	5 0
FALSE PUBLIC ALARM	6	1 0	2 6	3 0
DISCHARGING FIREARMS	5	1 0	3 7	6 0
CARRYING CONCEALED WEAPON	2	1 0	1 0	1 0
WEAPONS LAW VIOLATION	12	1 0	13 3	LIFE
BRANISHING FIREARM	4	1 0	1 3	2 0
POSSESSION OF FIREARM	13	1 0	13 8	78 0
CONSPIRACY	10	3 0	9 5	20 0
BRIBERY	6	1 0	3 4	7 0
PERJURY	4	2 0	2 2	2 6
ACCESSORY AFTER FACT	5	1 0	11 5	30 1
OBSTRUCTING JUSTICE	1	2 0	2 0	2 0
ESCAPE	5	2 0	3 5	8 0
AIDING AN ESCAPE	4	1 0	2 6	4 0
VIOLATING PRISON RULES	1	1 0	1 0	1 0
DRIVING UNDER INTOXICANTS	2	1 0	1 0	1 0
HIT AND RUN	18	1 0	3 0	9 7
PERMIT REVOKED	1	2 0	2 0	2 0
AUTO LICENSE LAWS	2	1 0	1 0	1 0
HABITUAL TRAFFIC OFFENDER	416	0 6	1 6	LIFE
OPERATING GAMBLING HOUSE	2	1 0	2 6	4 0
LIQUOR, MANUFACTURE	3	2 0	5 10	13 0
NARCOTIC DRUG LAWS	919	0 6	6 7	85 0
HEALTH LAW VIOLATION	1	1 0	1 0	1 0

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