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RETIRED
GEORGE R. ST. JOHN

August 29, 2012

VIA HAND DELIVERY

The Honorable Llezelle Dugger, Clerk
Circuit Court of Charlottesville
315 East High Street
Charlottesville, Virginia 22901

Re: Commonwealth v. George Huguely

Dear Ms. Dugger:

Please find enclosed for filing Defendant's Sentencing Memorandum in the above-referenced matter.

Please do not hesitate to call me if you have any questions or concerns.

Thank you.

Sincerely,



Rhonda Quagliana

RQ/amy

Enclosure

Cc: Warner D. Chapman, Esquire (with enclosure) (by hand delivery)
Francis McQ. Lawrence, Esquire

KARQ - CLIENTS\Huguely, George\garrett.dugger letters\dugger.memo.sentencing.82912.docx

re
8/29/12

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF
CHARLOTTESVILLE

COMMONWEALTH OF VIRGINIA,

v.

Case No.: _____

GEORGE HUGUELY,

Defendant.

DEFENDANT'S SENTENCING MEMORANDUM

The defendant, George W. Huguely, V ("Mr. Huguely"), by counsel, respectfully submits the following Memorandum in connection with his sentencing.

Background

The Office of Probation and Parole has prepared sentencing guidelines and a presentence investigation report. In light of the circumstances and on the advice of his attorneys, Mr. Huguely has elected to provide his background and personal information to the Court by means other than a presentence investigation report. Mr. Huguely has provided the Court with numerous letters on his behalf and will also present testimony from witnesses. Mr. Huguely has also attached to this memorandum sentencing guidelines for involuntary manslaughter and grand larceny.

The jury acquitted Mr. Huguely of first-degree premeditated murder; first-degree felony murder; robbery; breaking and entering with the intent to commit larceny; and breaking and entering with the intent to commit assault and battery. The jury convicted Mr. Huguely of second-degree murder and grand larceny and recommended a sentence of

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CHARLOTTESVILLE, VA
LEZELLE A. DODD, CLERK
BY [Signature] DEPUTY CLERK

twenty-five (25) years on the conviction of murder in the second degree and one (1) year on the conviction of grand larceny for a total of twenty-six (26) years. This Court should reconsider the jury's recommended sentence.

Argument

Our appellate courts have spoken to the appropriate review by the trial judge of a jury's recommended sentence. The Court has a positive duty to independently examine the sentence recommended by the jury and modify it where appropriate. In Virginia, the jury and the judge maintain distinct roles in criminal sentencing. The jury "ascertains or fixes the maximum punishment in accordance with contemporary community values and within the limits established by law," then "[a]fter conviction, ... the court may suspend imposition of sentence or suspend the sentence in whole or part." Batts v.

Commonwealth, 30 Va. App. 1, 15–16 (1999) (citations omitted).

[T]he punishment as fixed by the jury is not final or absolute, since its finding on the proper punishment is subject to suspension by the trial judge, in whole or in part, on the basis of any mitigating facts that the convicted defendant can marshal.... Under such practice, the convicted criminal defendant is entitled to "two decisions" on the sentence, one by the jury and the other by the trial judge in the exercise of his statutory right to suspend; his "ultimate sentence ... does not [therefore] rest with the jury" alone but is always subject to the control of the trial judge. This procedure makes the jury's finding little more than an advisory opinion or first-step decision.

Duncan v. Commonwealth, 2 Va. App. 342, 345 (1986) (citation omitted).

The mandated review of the jury's recommended sentence recognizes that judges possess a breadth of experience in sentencing required to ensure the fair administration of justice. Again, reflecting the distinct roles performed by the jury and the judge, judges

are permitted to hear and consider evidence not considered by juries, including reliable hearsay, presentence investigation reports, and sentencing guidelines, to name some.

In this case, the jury had a range of five (5) years to forty (40) years in the penitentiary on the conviction for murder in the second degree and a range of a fine of one (1) dollar to twenty (20) years in the penitentiary on the conviction for grand larceny. Despite the enormous range of sentence in a case like this, a jury receives virtually no guidance in reaching its decision. Sentencing instructions given to jurors are sparse, providing little more than the potential range of penalty and instructing that Virginia has abolished parole. Although sentencing guidelines are required in all felony cases in Virginia and routinely relied upon by our courts, jurors are not provided with sentencing guidelines. Jurors receive no information about sentences imposed for like offenses. They have little or no ability to compare sentences imposed in the City of Charlottesville and across the Commonwealth with sentences imposed for similar convictions.

Though jurors may consider mitigation evidence, judges are uniquely situated to bring their experience to bear on weighing such evidence and considering a defendant's background and character in arriving at a just sentencing decision. Juries receive victim impact evidence, also available for the Court's reasoned consideration along with all the other facts and circumstances appropriately weighed for sentencing purposes. Judges possess unique experience with respect to rehabilitation and a particular defendant's prospects for being restored and reintegrated into the community.

By its verdict, the jury determined that Mr. Huguely did not commit a premeditated murder. The jury determined he had not broken and entered Ms. Love's

apartment with either the intent to commit a larceny or the intent to commit assault and battery. They found he committed no robbery by inflicting violence or threatening violence for the purpose of taking the computer. The jury found Mr. Huguely not guilty of breaking and entering with the intent to commit larceny, and accordingly, determined that Mr. Huguely's taking of the computer was an afterthought, not a taking intended when he entered Ms. Love's apartment. The evidence established that both Mr. Huguely and Ms. Love were intoxicated, Mr. Huguely heavily so. Mr. Huguely's statement to police established that he left the apartment unaware that Ms. Love was seriously injured and without knowledge she had died. No weapons were used to inflict injury. The Commonwealth's medical examiner testified that a single contact event could have resulted in injuries thought to be fatal. The jury nonetheless determined that malice existed and that an appropriate conviction was murder in the second degree.

Given the facts, however, this case compels a sentence at or below the low end of the guidelines. For convictions for second-degree murder and grand larceny and considering Mr. Huguely's negligible criminal record, the sentencing guidelines recommend a sentence of fourteen (14) years and one (1) month to twenty-three (23) years and seven (7) months, with a midpoint of eighteen (18) years and ten (10) months. In Virginia, guidelines were promulgated to ensure consistency in sentencing, something favored by our courts and society in general.

Beyond the obviously tragic outcome, there are no facts in this case sufficiently aggravating to warrant a sentence above the low end of the guidelines or a sentence inconsistent with those imposed across the Commonwealth for like offenses. On the

conviction for grand larceny alone, the Court should consider its own sentencing patterns and the guidelines to determine when, if ever, a defendant with a negligible criminal record received a sentence of one year for the theft of a computer. On the conviction for second-degree murder, this Court has recently imposed a fifteen-year sentence in a case in which the defendant repeatedly stabbed his wife to death and fled the scene. There is nothing that takes this case out of the minerun of cases for which the sentencing guidelines recommend a reduction.

In this case, the sentencing guidelines for manslaughter recommend a sentence of one (1) year and eleven (11) months to four (4) years and eleven (11) months with a midpoint of three (3) years and four (4) months. This Court has rejected a motion to set aside the verdict on the conviction for second-degree murder. Nonetheless, it was maintained at trial that an appropriate disposition would be reflected by a conviction for no more than manslaughter. There were facts supporting the contention that Ms. Love's death resulted from negligence rather than malice. There was also a legitimate dispute regarding whether Mr. Huguely was guilty of grand larceny.

At sentencing, the jury heard victim impact statements from Lexie and Sharon Love, Yeardley Love's sister and mother. Since the conclusion of the trial, the Loves have filed a civil claim seeking thirty million dollars in damages against Mr. Huguely. Civil damages provide plaintiffs with a means—though imperfect—of making a victim whole and penalizing a tortfeasor. In Virginia, the recovery of damages in an action for wrongful death is a means of “compensation” “by way of solace and comfort” to the victim, “for the sorrow, suffering, and mental anguish occasioned by [an individual's]

death.” Doe v. Isaacs, 265 Va. 531, 536 (2003); Baltimore & O.R. Co. v. Noell’s Adm’r, 73 Va. 394, 395 (1879); see also Breeding v. Johnson, 208 Va. 652, 659 (1968). The jury is empowered to award damages “as the jury may deem fair and just” as such compensation, solace, and comfort. Matthews v. Hicks, 197 Va. 112, 119 (1955). The jury in a civil action may also award punitive damages against the defendant; these damages “are something in addition to full compensation, and something not given as plaintiff’s due, but for the protection of the public, as a punishment to defendant, and as a warning and example to deter him and others from committing like offenses.” Isaacs, 265 Va. at 536 (citation and quotation omitted). At sentencing, the jury was unaware of the existence of a civil claim against Mr. Huguely. To the extent that the Loves seek such remuneration, the Court may consider and balance this means of recovery in determining whether a sentence of twenty-six years meets the demands of justice.

Mr. Huguely also asks the Court to consider the wealth of mitigation evidence presented on his behalf. The letters submitted and testimony offered paint the picture of a young man with a supportive and caring family and friends, all of outstanding character. Family and friends describe Mr. Huguely’s core character, beginning with George’s mother, Marta Murphy. While these events caused a devastating loss to the Loves, Ms. Murphy addresses the Court as a mother dealing with her own unique grief. “We love Georgie deeply and will stand by him forever. Our tight knit family and close group of friends will offer him a strong and supportive network when he is released... Please have mercy and be lenient and compassionate on my beautiful son....” She also writes, “I don’t have enough words to express my deep sorrow for the loss of Yeardeley’s life. We

got to know her and love her as any parent gets to know their child's girlfriend. She was a part of our lives...." Ms. Murphy writes of her family's history, which is a story of immigrants who found success in a new country and about imparting the values of her own mother and father to her children, George and Teran. She describes her son's ordinary upbringing and his passage through boyhood to young adulthood. She addresses the difficulties faced by parents of college-age children. She hopes this tragedy will serve as a wakeup call about the excessive drinking that occurs on college campuses across the country.

George's younger sister Teran describes George as "always happy, funny, helpful, caring, sensitive and loving." George always exhibited great qualities such as "honesty, trust and loyalty." Teran recalls that when their parents divorced she began to realize "the kind of protector that George really was" and regardless of what was going on, he "always made sure that I was okay and looked out for me day in and day out." For Teran, George was the person she sought for advice and a helping hand and he never expected anything in return "because that is the kind of person he is." Teran concludes that George is a "smart, spiritual, generous and loving older sibling that I am happy to call my brother."

George's younger cousin, the seventh of the 12 grandchildren, Marta Massaro, writes that George has led the grandchildren with "pride, honor and love" and that she admires him "in every way possible" and that she "could not imagine a more suitable person to be the eldest grandchild." She tells us that George has always taught her "the importance and values of family" and has always showed love and respect to her

grandparents, aunts, uncles and each of the cousins. She tells us that she looks up to George “in so many ways” and she hopes someday that she can “acquire the love and faith that George has.” Olivia Massaro is another cousin of George and she still looks to George as “a major role model” in her life. She says that “George has faced the struggle and uncertainty of the past two years with faith, strength and courage and for that I admire him.”

The mitigation evidence establishes a history typical of a young man afforded opportunities to be educated, graduate from high school and enter college. Relatives and friends describe a youth characterized by an ordinary progression though childhood into young adulthood, absent behavior consistent with these tragic events. Maureen Samperton is a mother and has known George his entire life. George and Teran match up in age with two of her children and they attended the same schools, played on the same teams and spent countless hours between the two houses. She describes George as “always a respectful, considerate and a true and loyal friend.” She says that George was “well-liked by teachers, coaches, parents and his peers, and that he was often chosen captain of his teams which displayed his maturity and dedication to the sports he loved.”

Shelby Samperton is the sister of one of George’s childhood friends. She tells the Court that she is six years older than George and she saw George when he was with her brother. She notes that “every time George came over to our house he was respectful and engaging with me and my parents. I was always comfortable around him. I know him as a smart and funny and loyal friend, brother, son, nephew and cousin.”

Scott Smith and George attended the same school in first grade. He shares with the Court the two of them dealing with broken legs in first grade and how George comforted him. Scott also shares a tragedy in his life where his brother perished in a tragic house fire, and that George and other friends met him on his return home and that George gave him a big hug and expressed to him then, and later after his parents separated, “we are strong, we will get through this together.” Scott talks about Yeardeley and tells the Court that she was a wonderful young woman and a friend of his and many others. He tells the Court it is not his intention to take away from the horrible tragedy of Yeardeley’s death and George’s involvement. He says that he wants the Court to know that George has many wonderful qualities.

Mary Beth Taylor is a mother, teacher and friend of the Hugueley and Murphy families and shared the school carpool, seeing George day in and day out for eight years. She says that when she had to restore order George was always unfailingly polite and contrite. She tells us that George has always been “quick to offer a kind word as well as being helpful to me even when I didn’t ask.” She says of him, “he was consistently respectful of me as a mother and authority figure.” Ms. Taylor says of the family that “they are some of the finest people I know” and have “very strong family values” and that it was evident to her that “George loved them beyond measure.” Ms. Taylor hopes that the information she gives the Court will be a “little window of George’s character from the eyes of a mother of four” and will offer the Court perspective of the young man he truly is.

Taylor Walsh is a close friend of George who went to college in Lexington. He says that George and four of their other classmates at Landon became extremely close and that he spent nearly “every day of high school alongside George.” Taylor tells the Court that George was always “an extremely loyal and caring person” and says “George was always the person I could look to when times were tough.” Taylor says that although they went to different schools, they stayed in close contact. Taylor tells us that George always seemed to be “that same person I grew to know and love in high school” and that George was “selfless, wanting nothing but the best for his friends and family” and Taylor was confident that George “would always be there” for him when he “needed him most.” Taylor has seen George rely on his faith and religion to keep him strong. Taylor tells us that when his grandmother passed away, he received a phone call from an unknown number that was George using the jail telephone to call to check on Taylor and see how he was doing and to tell him that he was thinking about him and his family during their time of loss. Taylor commits to the Court to be there when George is released from incarceration.

Witnesses to Mr. Huguely’s background and character verify that Mr. Huguely developed lasting and loyal relationships, was thoughtful and courteous toward others, was bright and ambitious, and lived a life typical of millions of high school and college-age youngsters. Jack Masur, a close friend of George’s who first met George when he was ten years old, writes that from the moment he first met George, George was always “an extremely loyal and caring friend.” He tells the Court that George “quickly gained” his trust and that he immediately identified George as someone who would be a lifetime

friend. Jack tells the Court that George's characteristics allowed him to be extremely well-liked by both the students and faculty at Landon School and that he was always "respectful of his classmates and his teachers and he was universally regarded as someone that you could rely on." Jack tells us that he and George volunteered during their entire high school career for a once-a-week outreach to an elementary school which had students with physical and developmental issues. Jack reports that George was someone "who always puts others first and effortlessly makes people smile." Although Jack and George went to different schools they stayed in close contact. George was very interested in Jack's Division III lacrosse career. Jack says of the many phone calls of George's that "phone calls always affirmed what I knew to be true in high school: George wanted nothing but the best for his friends and family and he would proactively make sure he was always there if you needed anything." Finally, Jack observes George's courage, kindness and capacity to love.

Max Pomper, who was the captain of the University of Virginia lacrosse team when George was in his third year, met George on the lacrosse field. He tells us that as captain of the lacrosse team he often looked at George for "advice and direction as I knew he was one hundred percent on the same page as me when it came to doing the right thing for the team." He tells us that George was a great teammate. He also tells us that what impressed him very much about George was his faith and that while other teammates and friends seemed to lose touch with their faith, George did not and that George "rarely missed a Sunday mass while at the University," an impressive feat and a testament to him and his Catholic upbringing. Max tells the Court that George is in no

way perfect, nor is he, but that what he can say about George is that “he tried his best to be a good person while I was privileged enough to know him” and he was “a good person who during his college years, a most difficult and tumultuous time for most, filled with temptation, stayed true to his faith and true to his friends and family who love and care about him.”

The letters submitted on Mr. Huguely’s behalf and the testimony of witnesses establish that, despite his immaturity at the time of the offenses and his heavy use of alcohol, his background demonstrates that he is capable of being rehabilitated and integrated into society, and that he possesses the traits and characteristics of a person who can contribute a great deal to his community. Stoddert Nibley, one of George’s closest friends who also was close with Yeardeley throughout her four years at the University of Virginia, tells the Court that he has known George since he drove George to elementary school. He writes that George introduced him to his long-term girlfriend and he introduced George to Yeardeley. As well as loving George, he had great love and affection for Yeardeley who he describes as a “striking young lady that had a certain glow that drew everyone in the room towards her.” He tells us of George that he had an “uncanny ability to help others” and that he has had a “positive influence on other individuals.” Stoddert is convinced that “George’s innate gifts would be used to benefit others” and that he knows that George can be “a server of people.” Stoddert expresses his great hope for George but notes that his heart is with the Love family and that there are few who have been more hurt by these events than he.

Peter Preston, a father, tells the Court that he was a backyard neighbor of George for about 14 years and saw George growing up. He tells the Court that George was comfortable talking to adults as a young man, courteous and “a sheer delight to have around the house.” Peter says that George would often act as a “referee” between his two boys. As a next door neighbor, Mr. Preston is in a position to note that George grew up “as a devoted Christian and was surrounded by many family members endowed with extraordinary and deep faith.”

Michael and Matthew Preston, who are next door neighbors to George, tell the Court that he was their best childhood friend. They talk of George spending time at a neighborhood nursing home where George was a caring and spirited volunteer, and that George would always be the “level headed peacemaker” when sports got too spirited. Michael and Matthew note George’s “faith in God and love for his family” and tell the Court that that is what they admire most about him.

Connor Cassidy, a friend and classmate of George’s, who with George served as co-captain of both the football and lacrosse teams their senior year of high school, notes it was a “privilege” to serve with George and that it allowed George to “exercise his strong leadership abilities.” He recalls that George “was able to lead by example with his hard work and high energy while always keeping team goals the top priority.” George and he shared a level of “spirituality and contemplativeness that is unique.” He highlights George’s “dedication to team values” and his “gregarious personality” which helped all of the team members “feel valued for their role and contributions.”

George's aunt, Alina Massaro, is also his godmother. She testified at trial about an interaction between George and Yeardeley the night before May 3. She tells us that George is "extremely charismatic and people just naturally gravitate towards him" and that he is "an intelligent, generous and loving young man" who is "easy to be around" and "always surrounded by good friends." She also tells us that George is a "man of enormous faith" and that George has taught her "more about faith and accountability in the last 28 months than I could ever have taught him. He is an inspiration to everyone that knows him." Marta Sanson, George's grandmother, characterizes George as "our first grandchild" who "holds a very special place in our lives. He has been kind, generous and caring to my husband and me. He has been a role model for his younger cousins." She shares with the Court how difficult the events relating to George's arrest have been for all of them. She shares her feeling that the Loves' loss is unimaginable and that she has prayed for the Loves every day and notes that all are "heartbroken."

Cristina Fisher is George's first cousin (one of 12) and a junior in college. She says of George, "as the eldest of our cousins, he always looked out for all of us and has been especially protective of the girls." She reports that George is the "one in the family that brings a smile to everyone's face upon first seeing him and can make our entire family laugh by telling a story at any family gathering." She tells the Court that George acted "as the mediator between the parents and the children whenever there was a disagreement" and that he was "always able to find a common ground that satisfied both parties." Cristina, as a junior in college, reports a well known fact that the college drinking culture is powerful and that excessive drinking is prevalent among older teens

and young adults, especially in college, and that “students at even the most prestigious universities abuse alcohol on a regular basis.”

Some of the other writers also address alcohol. It goes without saying that, from years of sentencing experience, this Court possesses an understanding of substance abuse issues and the role of alcohol in criminal conduct. The Court oversees the rehabilitation efforts of thousands of defendants and knows that immaturity and alcohol abuse often accompany one another and, combined, cause behaviors not otherwise typical. The Court possesses a breadth of experience with people successfully rehabilitated who go on to live alcohol-free productive lives.

There is nothing in Mr. Huguely’s background to suggest that the use of alcohol could not be successfully addressed or that a sentence of twenty-six years is required to ensure that Mr. Huguely never abuses alcohol. College drinking presents a major concern for parents, administrators and others. At trial, Mr. Huguely’s friends described their plan to intervene to help their teammate and friend with alcohol abuse. There is every reason to believe such an intervention would have been successful. Mr. Huguely would then have done what most do—graduate from college, become employed, and grow out of the patterns many develop as college undergraduates. In short, the Court can hold Mr. Huguely accountable and impose a sentence consistent with the goals of rehabilitation and that recognizes the degree to which alcohol contributed to a tragic outcome.

Conclusion

Trial courts are particularly well situated to view a case against a background of other cases the Court sees, sentencing guidelines, and evidence submitted by the defense, to make a just sentencing decision. For the reasons set forth above, Mr. Huguely respectfully prays that the Court modify the jury's decision at or below the low end of the guidelines of fourteen (14) years.

GEORGE HUGUELY

By Counsel

ST. JOHN, BOWLING, LAWRENCE & QUAGLIANA, LLP

By: 

Francis McQuarrie VSB# 14754

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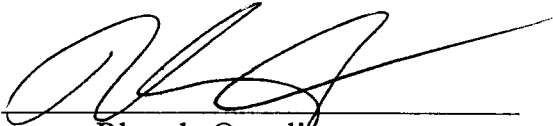
434-296-1301 facsimile

Counsel for George W. Huguely, V

CERTIFICATE

I hereby certify that a true and exact copy of the foregoing was sent by hand delivery this 29th day of August, 2012 to:

Warner D. Chapman
Charlottesville Commonwealth
Attorney's Office
P. O. Box 911
Charlottesville, Virginia 22902



Rhonda Quagliana

Murder/Homicide Section A

Offender Name: _____

1 Primary Offense

- A. First degree murder Completed: 1 count 9
 Attempted or conspired: 1 count 8
- B. Second degree murder or felony homicide
 Completed: 1 count 8
 Attempted or conspired: 1 count 4
- C. Voluntary manslaughter
 Attempted, conspired or completed: 1 count 5
- D. Involuntary manslaughter
 Completed: 1 count 1
 2 counts 3
 Attempted or conspired: 1 count 1
- E. Aggravated vehicular manslaughter 1 count 8

Score

0	1
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2 Primary Offense Additional Counts Total the maximum penalties for counts of the primary not scored above

- Years: 10 - 17 5
- 18 - 27 6
- 28 - 37 7
- 38 or more 8

0	0
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3 Additional Offenses Total the maximum penalties for additional offenses, including counts

- Years: Less than 1 0
- 1 - 7 4
- 8 - 17 5
- 18 - 27 6
- 28 - 37 7
- 38 or more 8

0	6
---	---

4 Weapon Used

- None 0
- Automobile, simulated weapon or other than listed below 4
- Knife or firearm 5

0	0
---	---

5 Mandatory Firearm Conviction for Current Event

If YES, add 3

0	0
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6 Prior Convictions/Adjudications Total the maximum penalties for the 5 most recent and serious prior record events

- Years: Less than 1 0
- 1 - 12 1
- 13 - 28 2
- 29 - 42 3
- 43 or more 4

0	1
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SCORE THE FOLLOWING ONLY IF PRIMARY OFFENSE AT CONVICTION IS INVOLUNTARY MANSLAUGHTER WITH A VEHICLE (§18.2-36.1(A) OR (B))

7 Prior Criminal Traffic Misdemeanors

- Number: 1 2
- 2 4
- 3 5
- 4 6
- 5 or more 7

0	0
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Total Score

If total is 7 or less, the guidelines sentence is Probation/No Incarceration or Incarceration to 6 Months. If total is 8 or more, go to Section C.

	8
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Murder/Homicide Section C

Offender N. _____

◆ Primary Offense _____

____ Prior Record Classification ____
 Category I Category II Other

A. First degree murder		Life	596	335	
Completed: 1 count	.....	Life	652	367
Completed: 2 counts	.....	120	118	59
B. Second degree murder or felony homicide					
Completed: 1 count	.....	354	236	205
Attempted or conspired: 1 count	.....	120	118	59
C. Voluntary manslaughter					
Completed: 1 count	.....	120	96	48
Completed: 2 counts	.....	144	96	48
Attempted or conspired: 1 count	.....	60	48	24
Attempted or conspired: 2 counts	.....	96	48	24
D. Involuntary manslaughter					
Completed: 1 count	.....	76	38	19
Attempted or conspired: 1 count	.....	60	38	19
E. Aggravated vehicular manslaughter, attempted, conspired or completed: 1 count		213	142	71

Score

19

or

Life

◆ Primary Offense Additional Counts Assign points to each count of the primary not scored above and total the points

Primary offense completed first degree murder	
Maximum Penalty (years)	Points
Life	34

Primary offense other than completed first degree murder	
Maximum Penalty (years)	Points
10	11
20	21
40	42

0

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

Primary offense completed first degree murder	
Maximum Penalty (years)	Points
Less than 1	0
1	1
2	2
3	3
4	3
5	4
10	9
20	17
30	26
40 or more	34

Primary offense other than completed first degree murder	
Maximum Penalty (years)	Points
Less than 1	0
1	1
2	2
3	3
4	4
5	5
10	11
20	21
30	32
40 or more	42

21

◆ Prior Convictions/Adjudications Assign points to the 5 most recent and serious prior record events and total the points

Primary offense completed first degree murder	
Maximum Penalty (years)	Points
Less than 1	0
1, 2	1
3	2
4, 5	3
10	7
20	14
30	20
40 or more	27

Primary offense other than completed first degree murder	
Maximum Penalty (years)	Points
Less than 2	0
2, 3	1
4, 5	2
10	3
20	6
30	10
40 or more	13

0

◆ Weapon Used, Brandished, Feigned or Threatened

Primary offense completed first degree murder _____
 If YES, add 32

Primary offense other than completed first degree murder _____
 Do Not Score

00

◆ Legally Restrained at Time of Offense

Primary offense completed first degree murder _____
 If YES, add 13

Primary offense other than completed first degree murder _____
 If YES, add 2

00

Total Score

See Murder/Homicide Section C Recommendation Table for guidelines sentence range.

40

❖ Murder/Homicide • Section C Recommendation Table

Score	Sentence Range Midpoint	Sentence Range
17	1 yr. 5 mo.	0 yr. 9 mo. - 2 yr. 8 mo.
18	1 yr. 6 mo.	0 yr. 9 mo. - 2 yr. 9 mo.
19	1 yr. 7 mo.	0 yr. 10 mo. - 2 yr. 10 mo.
20	1 yr. 8 mo.	0 yr. 10 mo. - 2 yr. 11 mo.
21	1 yr. 9 mo.	0 yr. 11 mo. - 2 yr. 11 mo.
22	1 yr. 10 mo.	0 yr. 11 mo. - 3 yr. 0 mo.
23	1 yr. 11 mo.	1 yr. 0 mo. - 3 yr. 0 mo.
24	2 yr. 0 mo.	1 yr. 0 mo. - 3 yr. 1 mo.
25	2 yr. 1 mo.	1 yr. 1 mo. - 3 yr. 2 mo.
26	2 yr. 2 mo.	1 yr. 2 mo. - 3 yr. 3 mo.
27	2 yr. 3 mo.	1 yr. 3 mo. - 3 yr. 4 mo.
28	2 yr. 4 mo.	1 yr. 3 mo. - 3 yr. 5 mo.
29	2 yr. 5 mo.	1 yr. 4 mo. - 3 yr. 6 mo.
30	2 yr. 6 mo.	1 yr. 4 mo. - 3 yr. 8 mo.
31	2 yr. 7 mo.	1 yr. 5 mo. - 3 yr. 9 mo.
32	2 yr. 8 mo.	1 yr. 6 mo. - 3 yr. 10 mo.
33	2 yr. 9 mo.	1 yr. 7 mo. - 4 yr. 0 mo.
34	2 yr. 10 mo.	1 yr. 8 mo. - 4 yr. 1 mo.
35	2 yr. 11 mo.	1 yr. 8 mo. - 4 yr. 3 mo.
36	3 yr. 0 mo.	1 yr. 9 mo. - 4 yr. 5 mo.
37	3 yr. 1 mo.	1 yr. 9 mo. - 4 yr. 6 mo.
38	3 yr. 2 mo.	1 yr. 10 mo. - 4 yr. 8 mo.
39	3 yr. 3 mo.	1 yr. 10 mo. - 4 yr. 9 mo.
40	3 yr. 4 mo.	1 yr. 11 mo. - 4 yr. 11 mo.
41	3 yr. 5 mo.	1 yr. 11 mo. - 5 yr. 0 mo.
42	3 yr. 6 mo.	1 yr. 11 mo. - 5 yr. 2 mo.
43	3 yr. 7 mo.	2 yr. 0 mo. - 5 yr. 3 mo.
44	3 yr. 8 mo.	2 yr. 0 mo. - 5 yr. 4 mo.
45	3 yr. 9 mo.	2 yr. 0 mo. - 5 yr. 5 mo.
46	3 yr. 10 mo.	2 yr. 1 mo. - 5 yr. 6 mo.
47	3 yr. 11 mo.	2 yr. 1 mo. - 5 yr. 7 mo.
48	4 yr. 0 mo.	2 yr. 1 mo. - 5 yr. 8 mo.
49	4 yr. 1 mo.	2 yr. 2 mo. - 5 yr. 9 mo.
50	4 yr. 2 mo.	2 yr. 2 mo. - 5 yr. 10 mo.
51	4 yr. 3 mo.	2 yr. 3 mo. - 5 yr. 10 mo.
52	4 yr. 4 mo.	2 yr. 3 mo. - 5 yr. 11 mo.
53	4 yr. 5 mo.	2 yr. 4 mo. - 5 yr. 11 mo.
54	4 yr. 6 mo.	2 yr. 4 mo. - 6 yr. 0 mo.
55	4 yr. 7 mo.	2 yr. 5 mo. - 6 yr. 1 mo.
56	4 yr. 8 mo.	2 yr. 5 mo. - 6 yr. 2 mo.
57	4 yr. 9 mo.	2 yr. 6 mo. - 6 yr. 3 mo.
58	4 yr. 10 mo.	2 yr. 6 mo. - 6 yr. 4 mo.
59	4 yr. 11 mo.	2 yr. 7 mo. - 6 yr. 5 mo.
60	5 yr. 0 mo.	2 yr. 8 mo. - 6 yr. 6 mo.
61	5 yr. 1 mo.	2 yr. 9 mo. - 6 yr. 7 mo.
62	5 yr. 2 mo.	2 yr. 10 mo. - 6 yr. 9 mo.
63	5 yr. 3 mo.	2 yr. 10 mo. - 6 yr. 10 mo.
64	5 yr. 4 mo.	2 yr. 11 mo. - 6 yr. 11 mo.

Score	Sentence Range Midpoint	Sentence Range
65	5 yr. 5 mo.	2 yr. 11 mo. - 7 yr. 1 mo.
66	5 yr. 6 mo.	3 yr. 0 mo. - 7 yr. 2 mo.
67	5 yr. 7 mo.	3 yr. 0 mo. - 7 yr. 3 mo.
68	5 yr. 8 mo.	3 yr. 1 mo. - 7 yr. 4 mo.
69	5 yr. 9 mo.	3 yr. 1 mo. - 7 yr. 6 mo.
70	5 yr. 10 mo.	3 yr. 2 mo. - 7 yr. 7 mo.
71	5 yr. 11 mo.	3 yr. 2 mo. - 7 yr. 8 mo.
72	6 yr. 0 mo.	3 yr. 3 mo. - 7 yr. 10 mo.
73	6 yr. 1 mo.	3 yr. 3 mo. - 7 yr. 11 mo.
74	6 yr. 2 mo.	3 yr. 4 mo. - 8 yr. 0 mo.
75	6 yr. 3 mo.	3 yr. 4 mo. - 8 yr. 2 mo.
76	6 yr. 4 mo.	3 yr. 5 mo. - 8 yr. 3 mo.
77	6 yr. 5 mo.	3 yr. 5 mo. - 8 yr. 4 mo.
78	6 yr. 6 mo.	3 yr. 6 mo. - 8 yr. 5 mo.
79	6 yr. 7 mo.	3 yr. 6 mo. - 8 yr. 7 mo.
80	6 yr. 8 mo.	3 yr. 7 mo. - 8 yr. 8 mo.
81	6 yr. 9 mo.	3 yr. 7 mo. - 8 yr. 9 mo.
82	6 yr. 10 mo.	3 yr. 8 mo. - 8 yr. 11 mo.
83	6 yr. 11 mo.	3 yr. 8 mo. - 9 yr. 0 mo.
84	7 yr. 0 mo.	3 yr. 9 mo. - 9 yr. 1 mo.
85	7 yr. 1 mo.	3 yr. 9 mo. - 9 yr. 3 mo.
86	7 yr. 2 mo.	3 yr. 9 mo. - 9 yr. 4 mo.
87	7 yr. 3 mo.	3 yr. 10 mo. - 9 yr. 5 mo.
88	7 yr. 4 mo.	3 yr. 10 mo. - 9 yr. 6 mo.
89	7 yr. 5 mo.	3 yr. 10 mo. - 9 yr. 8 mo.
90	7 yr. 6 mo.	3 yr. 11 mo. - 9 yr. 9 mo.
91	7 yr. 7 mo.	3 yr. 11 mo. - 9 yr. 10 mo.
92	7 yr. 8 mo.	4 yr. 0 mo. - 10 yr. 0 mo.
93	7 yr. 9 mo.	4 yr. 1 mo. - 10 yr. 1 mo.
94	7 yr. 10 mo.	4 yr. 2 mo. - 10 yr. 2 mo.
95	7 yr. 11 mo.	4 yr. 3 mo. - 10 yr. 4 mo.
96	8 yr. 0 mo.	4 yr. 4 mo. - 10 yr. 5 mo.
97	8 yr. 1 mo.	4 yr. 5 mo. - 10 yr. 6 mo.
98	8 yr. 2 mo.	4 yr. 6 mo. - 10 yr. 7 mo.
99	8 yr. 3 mo.	4 yr. 7 mo. - 10 yr. 9 mo.
100	8 yr. 4 mo.	4 yr. 8 mo. - 10 yr. 10 mo.
101	8 yr. 5 mo.	4 yr. 9 mo. - 10 yr. 11 mo.
102	8 yr. 6 mo.	4 yr. 10 mo. - 11 yr. 1 mo.
103	8 yr. 7 mo.	4 yr. 11 mo. - 11 yr. 2 mo.
104	8 yr. 8 mo.	5 yr. 0 mo. - 11 yr. 3 mo.
105	8 yr. 9 mo.	5 yr. 1 mo. - 11 yr. 5 mo.
106	8 yr. 10 mo.	5 yr. 2 mo. - 11 yr. 6 mo.
107	8 yr. 11 mo.	5 yr. 3 mo. - 11 yr. 7 mo.
108	9 yr. 0 mo.	5 yr. 3 mo. - 11 yr. 8 mo.
109	9 yr. 1 mo.	5 yr. 4 mo. - 11 yr. 10 mo.
110	9 yr. 2 mo.	5 yr. 4 mo. - 11 yr. 11 mo.
111	9 yr. 3 mo.	5 yr. 5 mo. - 12 yr. 0 mo.
112	9 yr. 4 mo.	5 yr. 5 mo. - 12 yr. 2 mo.