

# Sentencing Guideline Resources for Practitioners

by Gregory Stoner

Sentencing guidelines on both the state and federal level play an important role in our justice system. While the guidelines are considered advisory, they provide guidance, help eliminate sentencing disparities, and serve as a basis for prescribing consistent sentences. Because of their complex and evolving nature, understanding the intricacies of these guidelines can often prove challenging for even the most experienced attorney. However, a number of helpful print and online resources are available to criminal law practitioners.

## Federal Sentencing Guidelines

The website of the United States Federal Sentencing Commission (<http://www.ussc.gov/>) contains a wealth of diverse information. One, the *Federal Sentencing Guidelines Manual*, serves as the core resource. Various appendices document all amendments to the guidelines, and a special compilation provides guidance on instances in which a departure from a specific guideline may be warranted. The frequently consulted, single page sentencing table is also available. Practitioners will also find a complete archive of the full text of all manuals published since the guidelines were formally adopted in 1987. (The text of current and archived versions of the manual can also be accessed via services such as Lexis and Westlaw, and a single volume print publication is available from West. The guidelines can also be found within Title 18 of the US Code). Other important resources available on the commission website include annual reports, extensive datasets and statistics, and select briefs, decisions, and staff analyses involving the interpretation of various sentencing issues.

A number of helpful print and online resources concerning federal sentencing guidelines are also available. *Practice Under the Federal Sentencing Guidelines*, available from Aspen Publishers, is a two-volume treatise containing the full text of the guidelines and extensive analysis of the guidelines and their application in hundreds of cases. More concise analyses, also accompanied by the text of the guidelines, can be found in the single volume *Federal Sentencing Law and Practice* and *Federal Sentencing Guidelines Handbook* (both published by West). For those practitioners seeking a compilation of case law annotations, West's *Federal Sentencing Guidelines Digest* is a very handy resource. Annotations can also be found in Title 18 of both the *United States Code Service* (Lexis) and the *United States Code Annotated* (West).

## Virginia Sentencing Guidelines

Information available on the website of the Virginia Criminal Sentencing Commission (<http://www.vcsc.virginia.gov/>) is less expansive than that found on the site of the Federal Sentencing Commission, but this resource is still essential for conducting research on Virginia's sentencing guidelines. Annual reports of the commission, available online in full text beginning with the 2001 report, provide extensive information regarding guideline compliance, as well as the recommendations of the commission for modifications to the guidelines. Sentencing guideline worksheets, required by statute in all felony cases, are available in PDF format. Information concerning training sessions regularly offered throughout the commonwealth by the commission can

also be found on the website. Lastly, the full text of the *Virginia Sentencing Guidelines Manual*, currently in its 15th edition, is not available on the VCSC website; however, print copies can be ordered from the commission.

Several publications concerning criminal law in Virginia contain substantive discussions of sentencing law and practice in the commonwealth. *Defending Criminal Cases in Virginia* (Virginia CLE), *Virginia Criminal Law and Procedure* (LexisNexis), *Virginia Criminal Benchbook for Judges and Lawyers* (LexisNexis), and *Virginia Practice—Criminal Procedure* (West) are particularly helpful resources in understanding the sentencing process.



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