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May 15, 2022

**Motion to Reconsider Bond**

Honorable Clerk Jennifer Wren  
Hampton Juvenile and Domestic Relations Court  
8th Judicial District of Virginia  
220 North King Street P O Box 69104  
Hampton, VA 23669  
Tel.: 757-727-6147  
**Via Facsimile: 757-727-6082**  
**Via Email: [jwren@vacourts.gov](mailto:jwren@vacourts.gov)**

**RE: Commonwealth v. Cory Bigsby**

**Firm File Number: 201042022**

**Court Date / Time: June 13, 2022 at 10:00 a.m.**

**Location: Hampton Juvenile and Domestic Relations Court**

<b>Case Number(s):</b>	JA058601-03-00	JA058601-04-00	JA058601-05-00
	JA058601-06-00	JA058601-07-00	JA058601-08-00
	JA058601-09-00		

**Dear Honorable Clerk Wren:**

Kindly forward the enclosed Motion to Reconsider Bond to the Honorable Judge of this Court for review.

Sincerely,

Amina Matheny-Willard  
Attorney and Counselor at Law

AMW/amw

Enclosure: Motion to Reconsider Bond (w/Order)

cc: **Cory Bigsby, Via First Class Mail**  
Anton Bell, Esquire and Kevin Kulp, Esquire  
236 North King St., Hampton VA 23669; Tel.: 757.727.6442; Fax: 757.727.6802  
**Via Email: [abell@hampton.gov](mailto:abell@hampton.gov); [kjkulp@hampton.gov](mailto:kjkulp@hampton.gov)**

**VIRGINIA: IN JUVENILE AND DOMESTIC RELATIONS COURT FOR THE  
CITY OF HAMPTON**

**COMMONWEALTH OF VIRGINIA**

**v.**

**CORY J. BIGSBY, SR.**

**Accused.**

)

)Case Nos.:

) **JA058601-03-00; JA058601-04-00**

) **JA058601-05-00; JA058601-06-00**

) **JA058601-07-00; JA058601-08-00**

) **JA058601-09-00**

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**MOTION TO RECONSIDER BOND**

**COMES NOW**, CORY BIGSBY, by and through his counsel, Amina Matheny-Willard and MOVES this Honorable Court to Enter an Order Granting Mr. Bigsby bond.

In support of his Motion to Reconsider Bond, Mr. Bigsby states as follows:

1. The Hampton Police Department and the Hampton Commonwealth Attorney charged Mr. Bigsby with seven (7) counts of felony child neglect on February 3, 2022;
2. The Hampton Police Department, in conjunction with the FBI, denied Mr. Bigsby his Constitutional Right to Counsel upon his request (a fact admitted by the Hampton Chief of Police);
3. The Hampton Police Department, in conjunction with the FBI, subjected Mr. Bigsby to enhanced interrogation techniques over several days of questioning, including, but not limited to, sleep deprivation, because the Hampton Police Department and the FBI erroneously believed that Mr. Bigsby was involved in the disappearance of his son;
4. The Hampton Police Department and the FBI pursued an “Ends Justify the Means” approach with regard to the questioning of Mr. Bigsby. However



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in their obsession regarding Mr. Bigsby, law enforcement was derelict in their duty to find Codi Bigsby;

5. When their attempt to browbeat Mr. Bigsby did not work, the Commonwealth sought his extended pre-trial incarceration;

6. The extended pre-trial incarceration of Mr. Bigsby has continued the “Ends Justify the Means” approach to this investigation... which has led to Mr. Bigsby’s rights being abused and precious resources being wasted that could be used to find Codi Bigsby;

7. The Commonwealth Attorney argued that Mr. Bigsby is “a person of interest” in the disappearance of Codi Bigsby. The Commonwealth Attorney went further to suggest that Mr. Bigsby may have been involved in the disappearance of his son at his first bond and at his second bond hearings, leading this Court to believe that Mr. Bigsby would likely be facing further charges, specifically involving the disappearance of Codi Bigsby;

8. This Court relied on the Commonwealth’s assertion that Mr. Bigsby was a suspect in his son’s disappearance to continue his pre-trial incarceration;

9. The Commonwealth duped the Court, the citizens of the City of Hampton, the citizens of the Commonwealth of Virginia and indeed, the nation, into believing that they had probable cause to file charges against Mr. Bigsby

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related to Codi's disappearance, when, in fact, they have NO SUCH PROBABLE CAUSE;

10. The Commonwealth's deception was not only to my client's detriment but also to the detriment of Codi Bigsby as well;

11. Since the previous bond hearings, the Commonwealth has seemingly stalled its investigation, no doubt motivated by a bias against Mr. Bigsby that precludes any ability to be fair and impartial;

12. Mr. Bigsby's minor son remains missing and instead of looking for Codi and investigating all possible leads, the Hampton Police Department and the Commonwealth Attorney have chosen to use innuendo and public outrage to keep Mr. Bigsby incarcerated, pre-trial.

13. The Commonwealth Attorney argued during Mr. Bigsby's bond-hearings and he brazenly interviewed with Court-TV, stating, Mr. Bigsby's pre-trial release might result in Mr. Bigsby "destroying evidence". The Court took this concern very seriously and denied Mr. Bigsby bond;

14. Certainly, if the Commonwealth had a legitimate belief that Mr. Bigsby was likely to "destroy evidence" they would have taken measures to secure said evidence by now;

15. If the Commonwealth's argument was not based on a specific concern, one that could have been remedied in the months following the original bond



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hearing, then the Court, at least, in part, based its decision to hold Mr. Bigsby pre-trial on a misrepresentation by the Commonwealth;

16. Mr. Bigsby asserts that a reconsideration of the Court's refusal to admit him to bond is appropriate pursuant to Virginia Code § 19.2-124 **(See Exhibit 1)**, in that several changes in circumstances have occurred." Furthermore, the Circuit Court remanded the issue of bond to the Juvenile and Domestic Relations District Court. **(See Exhibit 2)**. One of those changes, specifically, relate to the classification of Mr. Bigsby as a suspect in Codi's disappearance and the Commonwealth's assertion that Mr. Bigsby may "destroy evidence". No words written in a defense motion for relief can be louder and clearer than the Commonwealth's failure to find Codi Bigsby or charge the person responsible for his disappearance. The Commonwealth's choice to demonize Mr. Bigsby to distract from their failure to find a missing child should not be further rewarded by this Court;

17. This Court should solely consider the current pending charges when determining appropriate bond conditions for Mr. Bigsby;

18. Virginia Code § 19.2-120 **(See Exhibit 3)** provides clear instruction that the Court should consider "the nature and circumstances of the offense". "The offense" references the charges before the Court, not any possible offense the Commonwealth may imply or assert without evidence. The Court's consideration of the Commonwealth's concerns related to Codi Bigsby's disappearance were certainly understandable, but now the Court has the

**VIRGINIA: IN JUVENILE AND DOMESTIC RELATIONS COURT FOR THE CITY OF HAMPTON**

benefit of several months of time having passed. In that time the Commonwealth has failed to show any progress in their investigation, precisely because their efforts are focused on demonizing Mr. Bigsby rather than determining what really happened to Codi. Torturing Mr. Bigsby, denying him counsel and prolonging his excruciating pre-trial detention has not brought the Commonwealth any closer to closing this case, in fact their dereliction has squandered extremely valuable time that could have actually been spent searching for Codi or the person actually responsible for Codi's disappearance;

19. Mr. Bigsby loves and cares for his son and absolutely denies any involvement in Codi's disappearance;

20. Mr. Bigsby is despondent that he cannot search for Codi;

21. Given the Commonwealth's dilatory conduct in this investigation, it is time that this Court solely consider the child abuse/neglect charges and the facts before it;

It may be true that indefinite incarceration and enhanced interrogation techniques generate more confessions for the corrupt law enforcement officers / agencies that use them, but they are entirely un-American concepts that have no place in our criminal justice system. Mr. Bigsby was treated like an enemy combatant at Guantanamo Bay or Abu Ghraib, not a suspect of a crime in the United States. It is absolutely time for this Court



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133 to end this injustice, consider the facts before it in this case and release Mr. Bigsby from  
134 pre-trial incarceration.

135 It should be noted that Mr. Bigsby's pre-trial incarceration is grossly hindering  
136 counsel's efforts to prepare his case for trial.

137 **Virginia Code § 19.2-120. Admission to Bail. (See Exhibit 3)**

138 **(EMPHASIS ADDED)**

139 *Prior to conducting any hearing on the issue of bail, release or detention, the judicial*  
140 *officer shall, to the extent feasible, obtain the person's criminal history: **Cory Bigsby has***  
141 ***no prior convictions.***

142 *A. A person who is held in custody pending trial or hearing for an offense, civil or criminal*  
143 *contempt, or otherwise **SHALL be admitted to bail by a judicial officer**, unless there*  
144 *is probable cause to believe that:*

145 *1. He will not appear for trial or hearing or at such other time and place as may*  
146 *be directed, ...: **Mr. Bigsby was Honorably Discharged by the U.S. Military***  
147 ***and he receives his full retirement benefits. In Order to accomplish this, Mr.***  
148 ***Bigsby was required to follow orders, comply with instructions, allow himself***  
149 ***to be instructed and directed, etc. for twenty (20) years. He owns a home in***  
150 ***Hampton and he looks forward to being exonerated of these charges.***  
151 ***Additionally, we are prepared to offer Home Electronic Monitoring if the***  
152 ***Court deems it appropriate, however, we do not feel that it is necessary (See***  
153 ***Exhibit 4).***

154 *2. His liberty will constitute an unreasonable danger to himself, family or*  
155 *household members or the public: **The Commonwealth Already Duped the***

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*Court, the City of Hampton, the Commonwealth of Virginia and the Nation,  
into believing that this is the case, it is apparent NOW, that the  
Commonwealth clearly has no probable cause to believe that Mr. Bigsby had  
anything to do with Codi's disappearance. Additionally, we are prepared to  
offer Home Electronic Monitoring if the Court deems it appropriate, however,  
we do not feel that it is necessary (See Exhibit 4).*

*B. In making a determination under subsection A, the judicial officer SHALL consider  
all relevant information, including:*

*i. The nature and circumstances of the offense;*

*In this case, it is abundantly clear that the Hampton Police  
Department in conjunction with the Hampton Commonwealth  
Attorney's Office have GROSSLY OVERCHARGED Mr. Bigsby  
in an effort to demonize him without regard to the requirements of  
the statute he is actually charged under. Leaving children home  
alone with no injury whatsoever would generally lead to a referral  
to Child Protective Services and a Safety Plan being put in place  
and NO CRIMINAL charges being brought against the parent.*

*If criminal charges are brought, they would be brought  
under the Misdemeanor Code Section, NOT the Felony Code  
Section. The Misdemeanor Abuse and Neglect Statute, Virginia  
Code § 18.2-371 reads in pertinent part: (See Attached Exhibit 5)*

*Any person 18 years of age or older, including the parent  
of any child, who (i) willfully contributes to, encourages,*

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Firm Text: 757.239.3961  
Firm Fax: 757.282.7808  
Email: [amina@aminlaw.com](mailto:amina@aminlaw.com)  
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PARALEGAL  
meera Matheny / Cell: 757.633.9891  
Email: [ameera@aminlaw.com](mailto:ameera@aminlaw.com)  
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**VIRGINIA: IN JUVENILE AND DOMESTIC RELATIONS COURT FOR THE CITY OF HAMPTON**

*or causes any act, omission, or condition that renders a child delinquent, in need of services, in need of supervision, or abused and neglected as defined in § 16.1-288 ... is guilty of a **Class 1 Misdemeanor**.*

*In fact, the Criminal Complaints (See Exhibit 6) only allege that on both dates, the children “were left without a means or ability to communicate emergency services” – which equates to “in need of services” under the **MISDEMEANOR STATUTE**. There is no allegation that any of the children ever NEEDED emergency services, the ONLY allegation is that they were left without a means or ability to obtain emergency services.*

*The facts in the Criminal Complaint do NOT rise to the level of a FELONY under Virginia Code § 18.2-371.1 (See Exhibit 7) which requires:*

*B. 1. Actions that are “so gross, wanton, and culpable as to show a reckless disregard for human life ... ” (ie: child getting into lion’s den at the zoo, no injury)*

*Leaving children home along with NO injury does not rise to this felony level.*

***EVEN IF HE WERE FOUND GUILTY OF THE SEVEN (7) GROSSLY OVERCHARGED FELONY CHARGES, HOWEVER, based on Mr. Bigsby’s Sentencing Guidelines (See Exhibit 8) which recommend an active incarceration***

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*sentence of 1 day BUT NO MORE THAN 6 months, he has already served close to the  
high-end of his guidelines - PRE-TRIAL.*

*ii. whether a firearm is alleged to have been used in the commission of the  
offense: No.*

*iii. the weight of the evidence: As I indicated above, the facts DO NOT fit  
the charge, Mr. Bigsby has been Grossly OVER-charged and the  
allegations amount to misdemeanor abuse and neglect, at best.*

*iv. the history of the accused ..., including his family ties or involvement in  
employment, education, or medical, mental health, or substance abuse  
treatment: Mr. Bigsby has no prior juvenile or adult convictions, he's  
retired military and there are NO medical, mental health or substance  
abuse concerns.*

*v. his length of residence in or ties to the community: Mr. Bigsby just  
purchased a house in Hampton, Virginia. All of his children are here  
in Virginia. He was originally stationed in Virginia in 2006 in Fort  
Story with his now ex-wife and his 3 children at that time (currently  
18yo, 22yo and 26yo). His ex-wife and his older children have resided  
in Virginia since 2006 and they still reside in Virginia to this day. Mr.  
Bigsby chose to remain in Virginia after his Honorable Discharge  
from the military. We are prepared to offer Home Electronic  
Monitoring if the Court deems it appropriate, however, we do not feel  
that it is necessary. (See Exhibit 4).*

*vi. his record of convictions: No Record.*



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vii. *his appearance at court proceedings or flight to avoid prosecution or convictions for failure to appear at court proceedings: Mr. Bigsby has NO failure to appear charges or convictions. We are prepared to offer Home Electronic Monitoring if the Court deems it appropriate, however, we do not feel that it is necessary. (See Exhibit 4).*

viii. *Whether the person is likely to obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness, juror, victim, or family or household members ...: The Commonwealth previously made this allegation with no basis whatsoever. They have demonstrated that they do not have probable cause to believe that Mr. Bigsby has anything, whatsoever, to do with Codi's disappearance. We are prepared to offer Home Electronic Monitoring if the Court deems it appropriate, however, we do not feel that it is necessary. (See Exhibit 4).*

**WHEREFORE, CORY BIGSBY PRAYS** that the Honorable Court GRANT him a reasonable bond.

**Respectfully Submitted,**

By: 

Amina Matheny-Willard, VSB#: 43566

Attorney and Counselor at Law

Amina Matheny-Willard, PLLC

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Norfolk, Virginia 23510

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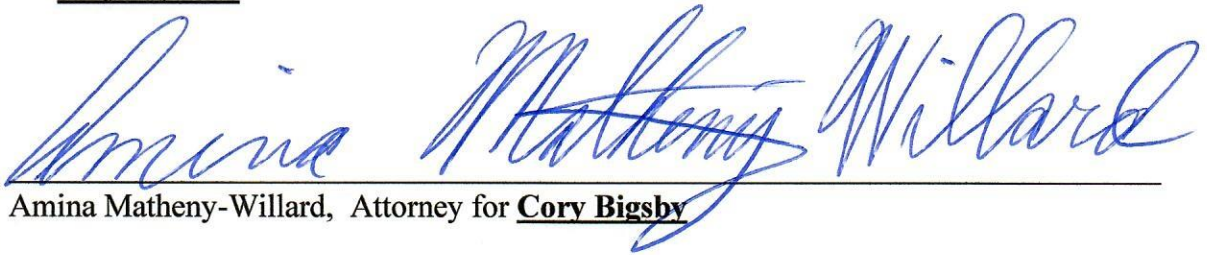
**VIRGINIA: IN JUVENILE AND DOMESTIC RELATIONS COURT FOR THE  
CITY OF HAMPTON**

**CERTIFICATE OF SERVICE**

I hereby certified that I forwarded the foregoing MOTION to:

Anton Bell, Esquire  
Kevin Kulp, Esquire  
Hampton Commonwealth's Attorney  
236 N. King St.  
Hampton, VA 23669  
Tel.: 757-727-6442  
***Via Facsimile: 757-727-6802***  
***Via Email: abell@hampton.gov***  
***Via Email: kjkulp@hampton.gov***

on: **May 15, 2022.**



Amina Matheny-Willard, Attorney for **Cory Bigsby**



276 COMMONWEALTH OF VIRGINIA )  
277 )Case Nos.:  
278 v. ) JA058601-03-00; JA058601-04-00  
279 ) JA058601-05-00; JA058601-06-00  
280 ) JA058601-07-00; JA058601-08-00  
281 ) JA058601-09-00  
282 )  
283 CORY J. BIGSBY, SR. )  
284 Accused. )

285  
286 **ORDER**  
287

288 UPON Motion of the Accused and after having considered the factors enumerated  
289 in Virginia Code §19.2-120. Admission to Bail, it is  
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291 **HEREBY ORDERED** that:  
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293 ☐ Bond is Granted with the following conditions: \_\_\_\_\_  
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305 ☐ This matter be docketed for hearing on: \_\_\_\_\_  
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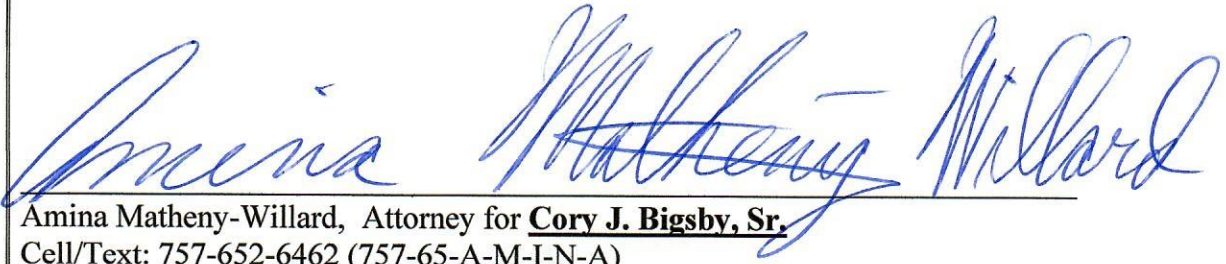
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**I ASK FOR THIS:**

  
Amina Matheny-Willard, Attorney for Cory J. Bigsby, Sr.  
Cell/Text: 757-652-6462 (757-65-A-M-I-N-A)

**SEEN AND \_\_\_\_\_:**

\_\_\_\_\_  
**ANTON BELL**, Attorney for the Commonwealth



# EXHIBIT

# 1

Code of Virginia  
Title 19.2. Criminal Procedure  
Chapter 9. Bail and Recognizances

**§ 19.2-124. Appeal from bail, bond, or recognizance order.**

A. If a judicial officer denies bail to a person, requires excessive bond, or fixes unreasonable terms of a recognizance under this article, the person may appeal the decision of the judicial officer.

If the initial bail decision on a charge brought by a warrant or district court *capias* is made by a magistrate, clerk, or deputy clerk, the person shall first appeal to the district court in which the case is pending.

If the initial bail decision on a charge brought by direct indictment or presentment or circuit court *capias* is made by a magistrate, clerk, or deputy clerk, the person shall first appeal to the circuit court in which the case is pending.

If the appeal of an initial bail decision is taken on any charge originally pending in a district court after that charge has been appealed, certified, or transferred to a circuit court, the person shall first appeal to the circuit court in which the case is pending.

Any bail decision made by a judge of a court may be appealed successively by the person to the next higher court, up to and including the Supreme Court of Virginia, where permitted by law.

The bail decision of the higher court on such appeal, unless the higher court orders otherwise, shall be remanded to the court in which the case is pending for enforcement and modification. The court in which the case is pending shall not modify the bail decision of the higher court, except upon a change in the circumstances subsequent to the decision of the higher court.

B. The attorney for the Commonwealth may appeal a bail, bond, or recognizance decision to the same court to which the accused person is required to appeal under subsection A.

C. The court granting or denying such bail may, upon appeal thereof, and for good cause shown, stay execution of such order for so long as reasonably practicable for the party to obtain an expedited hearing before the next higher court.

No such stay under this subsection may be granted after any person who has been granted bail has been released from custody on such bail.

D. No filing or service fees shall be assessed or collected for any appeal taken pursuant to this section.

Code 1950, §§ 19.1-109.3, 19.1-112; 1960, c. 366; 1973, cc. 130, 485; 1975, c. 495; 1978, c. 755; 1984, c. 703; 1991, c. 581; 1999, cc. [829](#), [846](#); 2007, cc. [462](#), [549](#); 2010, cc. [404](#), [592](#); 2013, cc. [408](#), [474](#); 2016, c. [621](#); 2019, c. [616](#); 2021, Sp. Sess. I, c. [337](#).



# EXHIBIT

# 2

**VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON**

DATE: April 5, 2022

JUDGE: William R. Savage, III

COMMONWEALTH OF VIRGINIA

vs.

CASE NO.: CR22-123-00 through -06

CORY BIGSBY, DEFENDANT

OFFENSE : Child Abuse (F) (7cts)  
CODE SECTION : 18.2-3671.1  
OFFENSE DATE : 12/13/2021 (3cts); 01/25/2022 (4cts)

APR 05 2022

**CRIMINAL ORDER**

Attorney for the Commonwealth : Anton Bell  
Attorney for the Defendant : Jeffrey Ambrose  
Court Reporter : Deidra Nichols-Dickson

The defendant, who was led to the bar in the custody of the jailor of this Court, was present and represented by the retained attorney named above.

It appearing to the Court that the issue of bond in the above case was appealed from the Juvenile and Domestic Relations District Court, and having heard the evidence, the Court doth deny said motion.

Further, the Court remands the issue of bond to the Juvenile and Domestic Relations District Court.

Case #JA058601-03-00 through JA058601-09-00

S/WILLIAM R. SAVAGE, III  
JUDGE

Clerk:jmm



# EXHIBIT

# 3

Code of Virginia  
Title 19.2. Criminal Procedure  
Chapter 9. Bail and Recognizances

**§ 19.2-120. Admission to bail.**

Prior to conducting any hearing on the issue of bail, release or detention, the judicial officer shall, to the extent feasible, obtain the person's criminal history.

A. A person who is held in custody pending trial or hearing for an offense, civil or criminal contempt, or otherwise shall be admitted to bail by a judicial officer, unless there is probable cause to believe that:

1. He will not appear for trial or hearing or at such other time and place as may be directed, or
2. His liberty will constitute an unreasonable danger to himself, family or household members as defined in § [16.1-228](#), or the public.

B. In making a determination under subsection A, the judicial officer shall consider all relevant information, including (i) the nature and circumstances of the offense; (ii) whether a firearm is alleged to have been used in the commission of the offense; (iii) the weight of the evidence; (iv) the history of the accused or juvenile, including his family ties or involvement in employment, education, or medical, mental health, or substance abuse treatment; (v) his length of residence in, or other ties to, the community; (vi) his record of convictions; (vii) his appearance at court proceedings or flight to avoid prosecution or convictions for failure to appear at court proceedings; and (viii) whether the person is likely to obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness, juror, victim, or family or household member as defined in § [16.1-228](#).

C. The judicial officer shall inform the person of his right to appeal from the order denying bail or fixing terms of bond or recognizance consistent with § [19.2-124](#).

D. If the judicial officer sets a secured bond and the person engages the services of a licensed bail bondsman, the magistrate executing recognizance for the accused shall provide the bondsman, upon request, with a copy of the person's Virginia criminal history record, if readily available, to be used by the bondsman only to determine appropriate reporting requirements to impose upon the accused upon his release. The bondsman shall pay a \$15 fee payable to the state treasury to be credited to the Literary Fund, upon requesting the defendant's Virginia criminal history record issued pursuant to § [19.2-389](#). The bondsman shall review the record on the premises and promptly return the record to the magistrate after reviewing it.

1975, c. 495; 1978, c. 755; 1979, c. 649; 1987, c. 390; 1991, c. 581; 1993, c. 636; 1996, c. [973](#); 1997, cc. [6](#), [476](#); 1999, cc. [829](#), [846](#); 2000, c. [797](#); 2002, cc. [588](#), [623](#); 2004, cc. [308](#), [360](#), [406](#), [412](#), [461](#), [819](#), [954](#), [959](#); 2005, c. [132](#); 2006, c. [504](#); 2007, cc. [134](#), [386](#), [745](#), [923](#); 2008, c. [596](#); 2010, c. [862](#); 2011, cc. [445](#), [450](#), [480](#); 2012, c. [467](#); 2015, c. [413](#); 2018, c. [71](#); 2020, c. [999](#); 2021, Sp. Sess. I, cc. [337](#), [344](#), [345](#), [523](#), [540](#).



# EXHIBIT

# 4

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## SCRAM GPS



### **GPS Location Monitoring From SCRAM**

Virginia Electronic Monitoring Systems, LLC (VEMS) is proud to offer a one-piece GPS tracking anklet that combines superior location accuracy with industry-leading battery life. VEMS provides a high level of service quality and technical support that our customers have come to rely on.

SCRAM GPS combines superior monitoring accuracy with an industry-leading strap design that virtually eliminates false alerts.

Client GPS tracking is now an integrated part of the SCRAM Systems suite of alcohol and location monitoring solutions.

### **Open Strap, Closed Strap. There is Nothing in Between.**

An OPEN alert means an OPEN strap. No waiting, no guessing, no reason to doubt.

The strap design on the SCRAM GPS bracelet is different from other products on the market. It



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GPS, the detection of removal is nearly instantaneous, eliminating grace periods, wait times, and the confusion between “alerts” and “events.”

### **A Better GPS Monitoring Device**

- Slim one-piece design
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- Extreme temperature, shock, and impact resistance
- Waterproof
- Revolutionary strap design that substantially reduces false alerts
- RF Base Station
- 30-second, tool-free installation
- Customizable inclusion/exclusion zones
- Street-level map views





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Bracelet** **Laboratory Testing  
Services** >



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## Monitoring Systems, LLC

VEMS, LLC

P.O. Box 1134 Chesterfield, VA  
23832

(757) 513-0942

# EXHIBIT

# 5



Code of Virginia

Title 18.2. Crimes and Offenses Generally

Chapter 8. Crimes Involving Morals and Decency

**§ 18.2-371. Causing or encouraging acts rendering children delinquent, abused, etc.; penalty; abandoned infant.**

Any person 18 years of age or older, including the parent of any child, who (i) willfully contributes to, encourages, or causes any act, omission, or condition that renders a child delinquent, in need of services, in need of supervision, or abused or neglected as defined in § [16.1-228](#) or (ii) engages in consensual sexual intercourse or anal intercourse with or performs cunnilingus, fellatio, or anilingus upon or by a child 15 or older not his spouse, child, or grandchild is guilty of a Class 1 misdemeanor. This section shall not be construed as repealing, modifying, or in any way affecting §§ [18.2-18](#), [18.2-19](#), [18.2-61](#), [18.2-63](#), and [18.2-347](#).

If the prosecution under this section is based solely on the accused parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense to prosecution of a parent under this section that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services personnel, within the first 14 days of the child's life. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

Code 1950, § 18.1-14; 1960, c. 358; 1975, cc. 14, 15; 1981, cc. 397, 568; 1990, c. 797; 1991, c. 295; 1993, c. 411; 2003, cc. [816](#), [822](#); 2006, c. [935](#); 2008, cc. [174](#), [206](#); 2014, c. [794](#); 2015, cc. [502](#), [503](#).

Code of Virginia  
Title 18.2. Crimes and Offenses Generally  
Chapter 1. In General

## **§ 18.2-11. Punishment for conviction of misdemeanor.**

The authorized punishments for conviction of a misdemeanor are:

- (a) For Class 1 misdemeanors, confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both.
- (b) For Class 2 misdemeanors, confinement in jail for not more than six months and a fine of not more than \$1,000, either or both.
- (c) For Class 3 misdemeanors, a fine of not more than \$500.
- (d) For Class 4 misdemeanors, a fine of not more than \$250.

For a misdemeanor offense prohibiting proximity to children as described in subsection A of § [18.2-370.2](#), the sentencing court is authorized to impose the punishment set forth in subsection B of that section in addition to any other penalty provided by law.

1975, cc. 14, 15; 1990, c. 788; 2000, c. [770](#).

# EXHIBIT

# 6



CRIMINAL COMPLAINT  
Commonwealth of Virginia

RULES 3A.3 AND 7C.3

Hampton

CITY OR COUNTY

☐ General District Court  
☒ Juvenile and Domestic Relations District Court

Under penalty of perjury, I, the undersigned Complainant swear or affirm that I have reason to believe that the Accused committed a criminal offense, on or about

12/13/2021

DATE OFFENSE OCCURRED

in the ☒ City ☐ County ☐ Town

of Hampton

I base my belief on the following facts: (Print ALL information clearly.)

On January 31st, 2022 at 0906 hours, Hampton Police Communications received a report of a missing 4-year-old child, C.B. at [REDACTED] Drive, Hampton, VA, 23664. During the investigation, the child's father, Cory Bigsby, was interviewed. During this interview, Bigsby confessed to leaving his children; 4 year-old C.B., and 2 year-old twins K.B. and C.B., alone at the home without adult supervision on several occasions. Specifically, Bigsby confessed to leaving the children alone for over 3 hours on December 13th, 2021; so he could go buy a vehicle in Norfolk. The three youngest children were left home alone during this transaction. The children were left without a means or ability to communicate emergency services. During this interview, Det. Smith was informed by Bigsby that the children were too much of a burden to take out with him when he leaves his home.

18.2-371.1 - Felony Child Endangerment x3  
Hampton IBR: 22-0131-016

The statements above are true and accurate to the best of my knowledge and belief.

In making this complaint, I have read and fully understand the following:

- By swearing to these facts, I agree to appear in court and testify if a warrant or summons is issued.
- The charge in this warrant cannot be dismissed except by the court, even at my request.

Detective D. Smith

525

NAME OF COMPLAINANT (LAST, FIRST, MIDDLE)  
(PRINT CLEARLY)

Subscribed and sworn to before me this day.

2/3/22 6:27pm

DATE AND TIME

SIGNATURE OF COMPLAINANT

☐ CLERK ☒ MAGISTRATE ☐ JUDGE

CRIMINAL COMPLAINT

ACCUSED: Name, Description, Address/Location

Bigsby, Cory

LAST NAME, FIRST NAME, MIDDLE NAME

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN	MO.	DAY	YR.	FT.	IN.	WGT.	EYES	HAIR
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
SSN [REDACTED]										

- ☐ Complainant is not a law-enforcement officer or animal control officer. Authorization prior to issuance of felony arrest warrant given by
- ☐ Commonwealth's attorney  
☐ Law-enforcement agency having jurisdiction over alleged offense

NAME OF PERSON AUTHORIZING ISSUANCE OF WARRANT

DATE AND TIME AUTHORIZATION GIVEN

RECEIVED  
FEB 04 2022



**CRIMINAL COMPLAINT**  
Commonwealth of Virginia

RULES 3A.3 AND 7C.3

Hampton

CITY OR COUNTY

☐ General District Court  
☒ Juvenile and Domestic Relations District Court

Under penalty of perjury, I, the undersigned Complainant swear or affirm that I have reason to believe that the Accused committed a criminal offense, on or about

01/25/2022

in the ☐ City ☐ County ☐ Town

of Hampton

DATE OFFENSE OCCURRED

I base my belief on the following facts: (Print ALL information clearly.)

On January 31st, 2022 at 0906 hours, Hampton Police Communications received a report of a missing 4-year-old child, C.B. at [REDACTED] Drive, Hampton, VA, 23664. During the investigation, the child's father, Cory Bigsby, was interviewed. During this interview, Bigsby confessed to leaving his children; 5 year-old D. B., 4 year-old C.B., and 2 year-old twins K.B. and C.B., alone at the home without adult supervision on several occasions. Records were discovered of Cory leaving his home on January 25th, 2022 at 1709 hours, visiting several locations, and returning home at 1909 hours. All four children were left home alone during this time. The children were left without a means or ability to communicate emergency services. During this interview, Det. Smith was informed by Bigsby that at the children were too much of a burden to take out with him when he leaves his home.

18.2-371.1 - Felony Child Endangerment x4  
Hampton IBR: 22-0131-016

The statements above are true and accurate to the best of my knowledge and belief.

In making this complaint, I have read and fully understand the following:

- By swearing to these facts, I agree to appear in court and testify if a warrant or summons is issued.
- The charge in this warrant cannot be dismissed except by the court, even at my request.

Detective D. Smith

NAME OF COMPLAINANT (LAST, FIRST, MIDDLE)  
(PRINT CLEARLY)

Subscribed and sworn to before me this day.

2/3/22 6:27pm

DATE AND TIME

SIGNATURE OF COMPLAINANT

☐ CLERK ☒ MAGISTRATE ☐ JUDGE

**CRIMINAL COMPLAINT**

ACCUSED: Name, Description, Address/Location

Bigsby, Cory

LAST NAME, FIRST NAME, MIDDLE NAME

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	MO.	DAY	YR.	FT.	IN.	WGT.	EYES	HAIR
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
SSN	[REDACTED]								

- ☐ Complainant is not a law-enforcement officer or animal control officer. Authorization prior to issuance of felony arrest warrant given by
- ☐ Commonwealth's attorney
- ☐ Law-enforcement agency having jurisdiction over alleged offense

NAME OF PERSON AUTHORIZING ISSUANCE OF WARRANT

DATE AND TIME AUTHORIZATION GIVEN

# EXHIBIT

7



Code of Virginia  
Title 18.2. Crimes and Offenses Generally  
Chapter 8. Crimes Involving Morals and Decency

**§ 18.2-371.1. Abuse and neglect of children; penalty; abandoned infant.**

A. Any parent, guardian, or other person responsible for the care of a child under the age of 18 who by willful act or willful omission or refusal to provide any necessary care for the child's health causes or permits serious injury to the life or health of such child is guilty of a Class 4 felony. For purposes of this subsection, "serious injury" includes but is not limited to (i) disfigurement, (ii) a fracture, (iii) a severe burn or laceration, (iv) mutilation, (v) maiming, (vi) forced ingestion of dangerous substances, and (vii) life-threatening internal injuries. For purposes of this subsection, "willful act or willful omission" includes operating or engaging in the conduct of a child welfare agency as defined in § [63.2-100](#) without first obtaining a license such person knows is required by Subtitle IV (§ [63.2-1700](#) et seq.) of Title 63.2 or after such license has been revoked or has expired and not been renewed.

B. 1. Any parent, guardian, or other person responsible for the care of a child under the age of 18 whose willful act or omission in the care of such child was so gross, wanton, and culpable as to show a reckless disregard for human life is guilty of a Class 6 felony.

2. If a prosecution under this subsection is based solely on the accused parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense to prosecution of a parent under this subsection that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services personnel, within the first 14 days of the child's life. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

C. Any parent, guardian, or other person having care, custody, or control of a minor child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall not, for that reason alone, be considered in violation of this section.

1981, c. 568; 1988, c. 228; 1990, c. 638; 1993, c. 628; 2003, cc. [816](#), [822](#); 2006, c. [935](#); 2015, cc. [502](#), [503](#); 2016, c. [705](#).

Code of Virginia  
Title 18.2. Crimes and Offenses Generally  
Chapter 1. In General

## § 18.2-10. Punishment for conviction of felony; penalty.

The authorized punishments for conviction of a felony are:

- (a) For Class 1 felonies, imprisonment for life and, subject to subdivision (g), a fine of not more than \$100,000. Any person who was 18 years of age or older at the time of the offense and who is sentenced to imprisonment for life upon conviction of a Class 1 felony shall not be eligible for (i) parole, (ii) any good conduct allowance or any earned sentence credits under Chapter 6 (§ [53.1-186](#) et seq.) of Title 53.1, or (iii) conditional release pursuant to § [53.1-40.01](#) or [53.1-40.02](#).
- (b) For Class 2 felonies, imprisonment for life or for any term not less than 20 years and, subject to subdivision (g), a fine of not more than \$100,000.
- (c) For Class 3 felonies, a term of imprisonment of not less than five years nor more than 20 years and, subject to subdivision (g), a fine of not more than \$100,000.
- (d) For Class 4 felonies, a term of imprisonment of not less than two years nor more than 10 years and, subject to subdivision (g), a fine of not more than \$100,000.
- (e) For Class 5 felonies, a term of imprisonment of not less than one year nor more than 10 years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.
- (f) For Class 6 felonies, a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.
- (g) Except as specifically authorized in subdivision (e) or (f), the court shall impose either a sentence of imprisonment together with a fine, or imprisonment only. However, if the defendant is not a natural person, the court shall impose only a fine.

For any felony offense committed (i) on or after January 1, 1995, the court may, and (ii) on or after July 1, 2000, shall, except in cases in which the court orders a suspended term of confinement of at least six months, impose an additional term of incarceration of not less than six months nor more than three years, which shall be suspended conditioned upon successful completion of a period of post-release supervision pursuant to § [19.2-295.2](#) and compliance with such other terms as the sentencing court may require. However, such additional term may only be imposed when the sentence includes an active term of incarceration in a correctional facility.

For a felony offense prohibiting proximity to children as described in subsection A of § [18.2-370.2](#), the sentencing court is authorized to impose the punishment set forth in that section in addition to any other penalty provided by law.

1975, cc. 14, 15; 1977, c. 492; 1990, c. 788; 1991, c. 7; 1994, 2nd Sp. Sess., cc. [1](#), [2](#); 1995, c. [427](#); 2000, cc. [361](#), [767](#), [770](#); 2003, cc. [1031](#), [1040](#); 2006, cc. [36](#), [733](#); 2008, c. [579](#); 2017, cc. [86](#), [212](#); 2020, cc. [1115](#), [1116](#); 2021, Sp. Sess. I, cc. [344](#), [345](#).

# EXHIBIT

# 8



**Sentencing Guidelines Cover Sheet**

Complete this form ONLY for applicable felonies sentenced on or after July 1, 2019

Scheduled Sentencing Date:

05/14/20

**OFFENDER**

First: CORY Middle: JAMAR Last: BIGSBY Suffix: SR.

Date of Birth:    SSN:   
Month Day Year

CCRE: CORIS Offender ID: PSI #:

**COURT**Judicial Circuit 4 City/County: HAMPTON FIPS Code: 710      Sentencing Judge's Name: 

Preparer Name: AMINA MATHENY-WILLARD

☐ Commonwealth's Attorney ☐ Probation Officer

Prosecuting Commonwealth's Attorney: ANTON BELL

Defense Attorney: AMINA MATHENY-WILLARD

**PRIMARY OFFENSE**

Description

Counts

VCC

Offense Date

GROSS, WANTON, OR RECKLESS CARE FOR CHILD

7

FAM

3808

F6

Month Day Year  
12 13 21

Primary Offense Code Section § 18.2-371.1(B)

Docket Number For a comprehensive list of all offenses in the sentencing event, please refer to the **Offense Details** page following **Section C**.**METHOD OF ADJUDICATION**☐ Jury Trial Sentence Set by Jury:     
Years Months Days☐ Life ☐ Juvenile ☐ Fine Only☐ Bench Trial ☐ Guilty Plea ☐ Alford Plea/Nolo contendere**SENTENCING GUIDELINES RECOMMENDATION****Section B**

- ☐ Probation/No Incarceration
- ☐ Incarceration 1 Day to 3 Months
- ☒ Incarceration 1 Day to 6 Months
- ☐ Incarceration 3 to 6 Months
- ☐ Probation/No Incarceration or Incarceration to 6 Months

**Section B**  
Mandatory Minimum

yyy/mm/dd

**Section C**

- ☐ Life Sentence
- ☐ Incarceration (Enter Midpoint and Range Below)

Range Midpoint

    
Years Months Days

Sentence Range

    
Years Months DaysTO     
Years Months Days☐ Recommendation Adjusted for **Mandatory Minimum**

- ☐ Non Guidelines Offense  
(Primary offense is a non guidelines offense)

◆ **Final Disposition**

Fill In After Sentence Has Been Pronounced

BIGSBY, CORY JAMAR

◆ **SENTENCE**Total Time Imposed Before Suspension ..... ☐ Life Sentence + 

Years	Months	Days
<input type="text"/>	<input type="text"/>	<input type="text"/>

Total Effective Time to Serve ..... ☐ Life Sentence + 

<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	----------------------

☐ Sentenced to Time Served

## Post Release

Post Release Term § 18.2-10 ..... 

<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	----------------------

Post Release Supervision Period § 19.2-295.2(A) ..... 

<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	----------------------

Probation Period (Supervised) § 19.2 - 303 ..... ☐ Indefinite 

<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	----------------------

☐ Good Behavior Period § 19.2 - 306 ..... 

<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	----------------------

## Check all that apply

- ☐ Incarceration Sentence to Run Concurrently With Another Sentencing Event
- ☐ 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
- ☐ Restitution \$  ☐ Fine \$

## Other Sentencing Programs (check all that apply)

- |   |  |                      |                      |                      |                      |                      |                      |
|---|--|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| <input type="checkbox"/> Day Reporting                  | <input type="checkbox"/> Community-Based Program _____   |                      |                      |                      |                      |                      |                      |
| <input type="checkbox"/> Detention Center Incarceration | <input type="checkbox"/> CCAP Detention/Diversion Center Incarceration, 22-28 weeks  |                      |                      |                      |                      |                      |                      |
| <input type="checkbox"/> Diversion Center Incarceration | <input type="checkbox"/> CCAP Detention/Diversion Center Incarceration, 42-48 weeks  |                      |                      |                      |                      |                      |                      |
| <input type="checkbox"/> Electronic Monitoring          | <input type="checkbox"/> Drug Court <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td colspan="3">Office Use Only</td></tr><tr><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td></tr></table> | Office Use Only      |                      |                      | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Office Use Only   |  |                      |                      |                      |                      |                      |                      |
| <input type="text"/>                                    | <input type="text"/>   | <input type="text"/> |                      |                      |                      |                      |                      |
| <input type="checkbox"/> Intensive Probation            | <input type="checkbox"/> Youthful Offender <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td></tr></table>                                       | <input type="text"/> | <input type="text"/> | <input type="text"/> |                      |                      |                      |
| <input type="text"/>                                    | <input type="text"/>   | <input type="text"/> |                      |                      |                      |                      |                      |
| <input type="checkbox"/> § 18.2-251/§ 18.2-258.         | <input type="checkbox"/> DJJ Commitment <input type="radio"/> Indeterminate <input type="radio"/> Determinate  |                      |                      |                      |                      |                      |                      |
| <input type="checkbox"/> Substance Abuse Treatment      | <input type="checkbox"/> Other _____   |                      |                      |                      |                      |                      |                      |

◆ **REASON FOR DEPARTURE**

Must be completed pursuant to § 19.2-298.01(B)

	Office Use Only	
--	-----------------	--

◆ **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	
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**Miscellaneous/Person & Property** ❖ **Section A**◆ **Primary Offense**

Offender Name: BIGSBY, CORY JAMAR

- A. Burn unoccupied dwelling/church (1 count) ..... 6  
 B. Burn occupied dwelling/church (1 count) ..... 6  
 C. Burning of personal property, standing grain, etc., value \$500 or more  
     1 count ..... 2  
     2 counts ..... 6  
 D. Threatening to bomb, burn or explode (1 count) ..... 1  
 E. Threat by letter, communication or electronic message (1 count) ..... 3  
 F. Child neglect/abuse, serious injury  
     1 count ..... 3  
     2 counts ..... 7  
**G. Gross, reckless care of child (1 count) ..... 1**  
**H. Cruelty and injury to child (1 count) ..... 2**  
 I. Maliciously shoot, throw missile at train, car, etc. (1 count) ..... 1  
 J. Damage/destroy any property or monument \$1,000 or more (1 count) ..... 2

Score

1

◆ **Primary Offense Remaining Counts**

Total the maximum penalties for counts of the primary not scored above

- Years: 5 - 7 ..... 1  
 8 - 18 ..... 2  
 19 - 28 ..... 3  
 29 - 38 ..... 4  
 39 or more ..... 5

0

◆ **Additional Offenses**

Total the maximum penalties for additional offenses, including counts

- Years: Less than 1 ..... 0  
 1 - 7 ..... 1  
 8 - 18 ..... 2  
 19 - 28 ..... 3  
 29 - 38 ..... 4  
 39 or more ..... 5

4

◆ **Victim Injury**

Primary offense:

F, G, or H: Offenses with VCC prefix "FAM"

- Points  
 Threatened, emotional, or physical ..... 2  
 Life threatening ..... 5

Primary offense:

All other offenses

- Points  
 Threatened, emotional, or physical ..... 1  
 Life threatening ..... 2

2

◆ **Conviction in Current Event Requiring Mandatory Minimum Term (6 mos or more)** If YES, add 8

0

◆ **Prior Convictions/Adjudications**

Total the maximum penalties for the 5 most recent and serious prior record events

- Years: Less than 2 ..... 0  
 2 - 38 ..... 1  
 39 or more ..... 2

0

◆ **Prior Incarcerations/Commitments**

If YES, add 4

0

◆ **Legally Restrained at Time of Offense**

Primary offense:

J: Damage/Destroy property \$1,000 or more

- Points  
 Any legal restraint ..... 1

Primary offense:

All other offenses

- Points  
 None ..... 0  
 Other than post-incarceration supervision ..... 2  
 Post-incarceration supervision ..... 5

0

**SCORE THE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE IS J: DAMAGE/DESTROY TO PROPERTY \$1,000 OR MORE**◆ **Prior Vandalism Convictions/Adjudications**

- Misdemeanor vandalism ..... 1  
 Felony vandalism ..... 2  
 Both felony and misdemeanor vandalism ..... 3

0

**Total Score**

If total is 8 or less, go to Section B. If total is 9 or more, go to Section C.

7



**Miscellaneous/Person & Property** ❖ **Section B**

Offender Name: BIGSBY, CORY JAMAR

◆ **Primary Offense**

- A. Burn unoccupied dwelling/church (1 count) ..... 6
- B. Burn occupied dwelling/church (1 count) ..... 7
- C. Burning of personal property, standing grain, etc., value \$500 or more (1 count) ..... 6
- D. Threatening to bomb, burn or explode (1 count) ..... 6
- E. Threat by letter, communication or electronic message (1 count) ..... 7
- F. Child neglect/abuse, serious injury (1 count) ..... 3
- G. Gross, reckless care of child (1 count) ..... 2
- H. Cruelty and injury to child (1 count) ..... 2
- I. Maliciously shoot, throw missile at train, car, etc. (1 count) ..... 7
- J. Damage/destroy any property or monument \$1,000 or more (1 count) ..... 8

Score

2

◆ **Primary Offense Remaining Counts**

Total the maximum penalties for counts of the primary not scored above

Primary offense:

J: Damage/Destroy property \$1,000 or more

Years	Points
5 - 9 .....	1
10 - 19 .....	2
20 - 29 .....	3
30 - 39 .....	4
40 or more .....	5

Primary offense:

All other offenses

Years	Points
5 - 9 .....	2
10 - 19 .....	3
20 - 29 .....	4
30 - 39 .....	5
40 or more .....	6

5

◆ **Additional Offenses**

Total the maximum penalties for additional offenses, including counts

Years:	Less than 1 .....	0
	1 - 9 .....	2
	10 - 19 .....	3
	20 - 29 .....	4
	30 - 39 .....	5
	40 or more .....	6

0

◆ **Victim Injury**

Primary offense:

F, G or H: Offenses with VCC prefix "FAM"

	Points
Threatened, emotional, or physical .....	9
Life threatening .....	10

Primary offense:

All other offenses

	Points
Threatened, emotional, or physical .....	2
Life threatening .....	3

9

◆ **Legally Restrained at Time of Offense**

If YES, add 1

0

**SCORE THE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE IS J: DAMAGE/DESTROY TO PROPERTY \$1,000 OR MORE**◆ **Prior Incarcerations/Commitments**

If YES, add 1

0

**Total Score**

See Miscellaneous/Person &amp; Property Section B Recommendation Table to convert score to guidelines sentence.

16



# Miscellaneous/Person & Property

## Section C

### Primary Offense

	Prior Record Classification		
	<input type="checkbox"/> Category I	<input type="checkbox"/> Category II	<input type="checkbox"/> Other
(scores for attempted/conspired offenses are in parentheses)			
A. Burn unoccupied dwelling/church (1 count).....	68	34	17
B. Burn occupied dwelling/church			
Completed: 1 count.....	108	54	27
2 counts.....	200	100	50
Attempted or conspired: 1 count.....	(68)	(34)	(17)
2 counts.....	(72)	(36)	(18)
C. Burning of personal property, standing grain, etc., value \$500 or more (1 count).....	32	16	8
D. Threatening to burn, bomb or explode (1 count).....	32	16	8
E. Threat by letter, communication or electronic message (1 count).....	40	20	10
F. Child neglect/abuse, serious injury (1 count).....	32	16	9
G. Gross, reckless care of child (1 count).....	28	14	7
H. Cruelty and injury to child (1 count).....	28	14	7
I. Maliciously shoot, throw missile at train, car, etc. (1 count).....	32	16	8
J. Damage/destroy any property or monument \$1,000 or more (1 count).....	32	16	8

Score

### Primary Offense Remaining Counts

Assign points to each count of the primary not scored above and total the points

Maximum Penalty:	5, 10, 20, 30, 40	1
(years)	Life	5

### Additional Offenses

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

Primary offense:

B: Burn occupied dwelling/church

Years	Points
Less than 5.....	0
5,10.....	3
20.....	6
30.....	9
40 or more.....	12

Primary offense:

All other offenses

Years	Points
Less than 5.....	0
5,10.....	1
20.....	2
30.....	3
40 or more.....	5

### Firearm Used or Brandished

If YES, add 2

#### Victim Injury

Primary offense:

G or H: Reckless Care/Cruelty Child

	Points
Threatened or emotional.....	6
Physical.....	7
Life threatening.....	10

Primary offense:

F: Child Neglect/Abuse

	Points
Threatened or emotional.....	6
Physical or Serious Physical.....	12
Life threatening.....	13

Primary offense: All other offenses

A, B, C, D, E, I and J

	Points
Threatened or emotional.....	2
Physical.....	4
Life threatening.....	5

### Prior Convictions/Adjudications

Assign points to the 5 most recent and serious prior record events and total the points

Maximum Penalty:	Less than 20	0
(years)	20, 30, 40 or more.....	1

### Prior Felony Convictions/Adjudications Against Person

Primary offense:

B: Burn occupied dwelling/church

Number of Counts	Points
1.....	3
2.....	4
3.....	6
4 or more.....	8

Primary offense:

All other offenses

Number of Counts	Points
1.....	1
2.....	2
3.....	3
4.....	4
5 or more.....	5

### Prior Felony Convictions/Adjudications with the Same VCC Prefix as Primary Offense

Number of Counts:	1.....	2	4.....	8
	2.....	4	5 or more.....	10
	3.....	6		

### Legally Restrained at Time of Offense

Primary offense:

F: Child neglect/abuse

	Points
None.....	0
Other than post-incarceration supervision.....	6
Post-incarceration supervision.....	9

Primary offense:

All other offenses

	Points
Any legal restraint.....	2

### Type of Additional Offense

Primary offense:

B: Burn Occupied Dwelling/Church

	Points
Additional offense with VCC Prefix "MUR".....	133

Primary offense:

All other offenses

Do Not Score

**Total Score**

See Miscellaneous Section C Recommendation Table for guidelines sentence range.

# DRAFT - NOT FOR USE BY THE COURT

FINALIZE IN SWIFT - NOT TO BE SIGNED BY JUDGE

## Docket Details

Offender Name: BIGSBY, CORY JAMAR; SR.

Offense	Counts	VCC	Offense Date	Docket No.
Primary				
GROSS, WANTON, OR RECKLESS CARE FOR CHILD	7	FAM-3808-F6	12/13/21	

NORFOLK CITY





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