

**Robbery Scenario  
Guideline Application Exercise**

**United States Sentencing Commission  
Office of Education & Sentencing Practice**

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## ROBBERY SCENARIO

Application of the guidelines and sentencing for Defendant A

|                              |  |
|------------------------------|--|
| Conviction:                  | Count 1  |
| Offense:                     | Armed Bank Robbery; violation of 18 U.S.C. § 2113(a) and (d)   |
| Maximum Statutory Penalties: | Up to 25 years imprisonment and up to \$250,000 fine; Class B Felony (18 U.S.C. § 3559(a)(2)): up to 5 years supervised release following imprisonment (18 U.S.C. § 3583(b)); up to 3 years imprisonment upon subsequent revocation (18 U.S.C. § 3583(e)(3)) |

### Facts

1. On December 1, 2010, Defendant A and a co-participant robbed a federally insured bank. The robbery was planned by Defendant A, who directed the co-participant.
2. In the robbery, Defendant A carried the pistol while the co-participant carried a folding knife.
3. Although not part of the plan, during the robbery Defendant A pushed a teller, causing her to fall, resulting in a cut on her forehead, bruises, and contusions.
4. While neither part of the plan nor directed by Defendant A, during the robbery the co-participant restrained a customer by binding him with tape and forcing him into a closet.
5. \$15,000 in bank loot was taken and ultimately divided, \$9,000 for Defendant A and \$6,000 for the co-participant; \$5,000 of the loot was recovered from Defendant A upon arrest six days after robbery, while nothing was recovered from the co-participant.
6. Within a few days of apprehension Defendant A provided full information to the government and announced intentions to plead guilty. The government stated that it will make a motion for Defendant A to receive full Acceptance of Responsibility.



## Guideline Application

### Offense Level Calculations

|                               |  |
|-------------------------------|--|
| Chapter Two Offense Guideline | §2B3.1 (Robbery)   |
| • §2B3.1(a)                   | 20 (base offense level)  |
| • §2B3.1(b)(1)                | +2 (robbery of bank)   |
| • §2B3.1(b)(2)(C)             | +5 (firearm possessed by defendant)<br>(knife possessed by co-participant is +3, but only the greater offense level is used) |
| • §2B3.1(b)(3)(A)             | +2 (“bodily injury” resulting from defendant pushing a teller)   |
| • §2B3.1(b)(4)(B)             | +2 (restraint of customer by co-participant)   |
| • §2B3.1(b)(7)(B)             | +1 (“loss” of \$15,000 loot taken by defendant and co-participant)   |
| (Chapter Two Offense Level:   | 32)  |

### Chapter Three Adjustments

- §3A1.3 (Restraint guideline directs that it not be applied because the robbery guideline has an SOC for this factor)
- §3B1.1(c) +2 (Aggravating Role based on defendant’s leadership over the co-participant)
- §3E1.1(a)&(b) -3 (Acceptance of Responsibility)

**Offense Level Total 31**

## Criminal History Calculations

### Chapter Four, Part A

- 2 year probation sentence for auto theft: 1 criminal history point (§4A1.1(c))
- 6 month jail sentence followed by 3 years probation for grand larceny: 2 criminal history points (§4A1.1(b))
- “Status” due to the instant offense being committed while on the probation of the prior grand larceny sentence: 2 criminal history points (§4A1.1(d))

**Criminal History Category III** (based on a total of 5 criminal history points)

## “Overrides” of Offense Level and/or Criminal History Category

§3A1.4 and Chapter Four, Part B

**No “overrides” are applicable**

## Applicable Guideline Range

Chapter Five, Part A - Sentencing Table

**135-168 months** (11 years, 3 months to 14 years) (Based on Offense Level 31 and Criminal History Category III)

**Zone D** - no imprisonment substitutions provided for under the guidelines, pursuant to §5C1.1(f), because the guideline range of 135-168 months is in Zone D on the Sentencing Table

## Supervised Release

**Three to five years of supervised release** to follow imprisonment, pursuant to §5D1.2(a)(1), based on the statutory classification of the offense as a Class B felony

### Restitution

\$10,000 restitution to the bank for the unrecovered bank loot; payment to the injured teller in the amount of the medical expenses and the lost income resulting from the offense; and, payment to victims for lost income, child care, transportation and other expenses incurred during participation in the investigation, prosecution, and proceedings relating to the offense, pursuant to 18 U.S.C. § 3663A (Mandatory restitution) and §5E1.1

### Fine

**\$15,000 to \$150,000, assuming an ability to pay**, pursuant to §5E1.2(c)(3)(A)&(B), based on offense level 31