

Multiple Counts Scenarios
Thursday, September 18, 2014
10:00am - 11:30am

1. Defendant pled guilty to an information charging three counts of telemarketing fraud (§2B1.1) and two counts of tax evasion (§2T1.1).

In February of 2011, the defendant set up a type of telemarketing company known as a recovery room scheme. The defendant purchased lead lists from other telemarketing companies, and only contacted people who previously had purchased bogus items through other telemarketing companies.

The defendant's company operated from February 2011 until June 2012. The defendant represented himself as a federal government employee from the Federal Trade Commission. He told his victims that for a processing fee of \$500, he would be able to recover the monies that these victims had lost to previous telemarketing scams.

Over the course of the offense, the defendant contacted approximately 200 victims. The scheme resulted in the collection of a total of \$61,500 from 123 individuals.

In addition, the defendant failed to file his income taxes for the tax years of 2006 and 2007. The defendant's only income was that received through the telemarketing scheme. How would the counts group?

2. Defendant pled guilty to two counts of bank robbery (§2B3.1).

On February 1, 2013, the defendant entered Smith Bank armed with a hunting knife. He approached a teller's window, brandished his weapon, and said, "Give me all the money in your drawer or I will slit your throat." The teller placed \$2000 in an envelope and handed it to the defendant.

Although the teller managed to engage the silent alarm, the defendant eluded police and fled from the scene.

On February 2, 2013, the defendant entered the Jones Bank again armed with a hunting knife. The defendant approached a teller's window, brandished his knife, and said, "I will kill you if you don't give me all the money in your drawer." The teller handed the defendant \$3000. As the defendant was leaving the bank, he was apprehended by local police. How would the counts group?

3. Defendant is convicted of one count of bank robbery (violation of 18 U.S.C. § 2113(a)), one count of felon in possession (violation of 18 U.S.C. § 922(g)), and one count of using a firearm during the commission of a crime of violence (violation of 18 U.S.C. § 924(c)). The gun used in the robbery is the gun that is the subject of the 924(c) count and the felon in possession count. How would the counts group?