

ADVANCED CRIMINAL HISTORY EXERCISES

Criminal History Exercise #1

<u>Arrest Date</u>	<u>Charge/Docket #</u>	<u>Date/Sent. Imposed</u>
02/07/03 (Age 18)	Burglary, Montgomery County District Ct. Dayton, OH, Case#2003-CR-411	04/07/03: 4 to 15 yrs. imprisonment consecutive to Case#2003-CR-805
02/07/03 (Age 18)	Burglary, Montgomery County District Ct. Dayton, OH, Case#2003-CR-805	04/07/03: 4 to 15 yrs. imprisonment consecutive to Case# 2003-CR-411

Are these sentences scored separately or as a single sentence?

How many criminal history points?

ADVANCED CRIMINAL HISTORY EXERCISES

Criminal History Exercise #2

<u>Arrest Date*</u>	<u>Charge/Docket #</u>	<u>Date/Sent. Imposed</u>
01/19/10 (Age 24)	Felon in possession of firearm, Miami FL, U.S. District Ct. (SD/FL)	08/20/10: 14 months BOP custody, 2 yrs. SR
11/25/11 (Age 24) *Warrant issued by the state for attempted murder and possession of gun by felon on 12/20/09	Felon in possession of firearm, Miami Dade County District Court, Miami Florida	01/14/12: 6 months custody DOC

Are these sentences scored separately or as a single sentence?

How many criminal history points?

ADVANCED CRIMINAL HISTORY EXERCISES

Criminal History Exercise #3

<u>Arrest Date</u>	<u>Charge/Docket #</u>	<u>Date/Sent. Imposed</u>
05/06/09 (Age 20)	Aggravated Robbery; Rutherford County Criminal Court, Murfreesboro, TN	06/26/09: 2 years' custody, concurrent with all other convictions
05/06/09 (Age 20)	Aggravated Robbery; Rutherford County Criminal Court, Murfreesboro, TN	06/26/09: 1 year's custody, concurrent with all other convictions

Are these sentences counted separately or as a single sentence?

How many criminal history points?

ADVANCED CRIMINAL HISTORY EXERCISES

Criminal History Exercise #4

<u>Arrest Date</u>	<u>Charge/Docket #</u>	<u>Date/Sent. Imposed</u>
12/05/11 (Age 21)	Consp. to commit possession of CDS (Cocaine) Second Judicial District Court Albuquerque, New Mexico	11/07/11: Guilty 2 years deferred adjudication, probation with drug treatment 09/06/12: probation revoked; guilty and resentenced to 180 days custody

How many criminal history points?

Criminal History Exercise #5

<u>Arrest Date</u>	<u>Charge/Docket #</u>	<u>Date/Sent. Imposed</u>
03/05/04 (Age 22)	21 U.S.C. § 952 and 960, Importation of Marijuana (felony) USBP (Calexico, CA) U.S. District Court (SD/CA)	06/28/04: 4 months BOP, 2 years SR 11/10/04: SR violation, warrant issued 05/29/05: SR revoked, 4 months BOP, 2 years SR reimposed

How many criminal history points?

ADVANCED CRIMINAL HISTORY EXERCISES

Criminal History Exercise #6

<u>Arrest Date</u>	<u>Charge/Docket #</u>	<u>Date/Sent. Imposed</u>
03/05/04 (Age 22)	21 U.S.C. § 952 and 960, Importation of Marijuana (felony) US Border Patrol (Calexico, CA) U.S. District Court (SD/CA)	06/28/04: 4 months BOP, 2 years SR 11/10/04: SR violation, warrant issued 05/29/05: SR revoked, 4 months BOP, 2 years SR reimposed

How many criminal history points?

ADVANCED CRIMINAL HISTORY EXERCISES

Career Offender Exercise

- Count One: Possession with Intent to Distribute Heroin, 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1)(A)(i) – 10 years to life imprisonment
- Count Two: Possession of a Firearm in Furtherance of a Drug Trafficking Crime – 8 U.S.C. § 924(c)(1)(A)- 5 years to life imprisonment

Count One: §2D1.1

Count Two: §2K2.4

BOL: (10-30 KG Heroin) 34

Mandatory Consecutive 60 months

OL: 34-3 for Acceptance = 31 (before application of Career Offender Override)

Step One

Do you have a count, other than the 18 U.S.C. § 924(c) count, that qualifies the defendant as a Career Offender?

If NOT: use the following table to determine your guideline:

§3E1.1 Reduction

Guideline range for the 18 U.S.C. § 924(c) count

No reduction

360-life

2-level reduction

292-365

3-level reduction

262-327

ADVANCED CRIMINAL HISTORY EXERCISES

STEP TWO

Determine the guideline range for the non 924(c) count(s) of conviction. This is the “otherwise applicable guideline range”.

What is the defendant’s final offense level and corresponding “otherwise applicable guideline range”?

STEP THREE

Add the mandatory minimum required by the 924(c) count(s) to the minimum and maximum of the guideline range for the non 924(c) count(s).

What is the resulting guideline range?

STEP FOUR

Compare the minimums of the two ranges and choose the higher.

322-387

§3E1.1 Reduction

No reduction
2-level reduction
3-level reduction

Guideline range for the 18 U.S.C. § 924(c) count

360-life
292-365
262-327

What is the defendant’s guideline range pursuant to §4B1.1?