

DRUG SCENARIOS

1. Defendant is convicted under 21 U.S.C. § 841(a)(1) and (b)(1)(A) for distributing at least 10kg of heroin from January 2014-december 2015. Defendant has two prior convictions for distribution of heroin that resulted in the death of two individuals. The factual statement in the instant offense states that multiple individuals died as a result of the heroin that the defendant distributed. What is the defendant's base offense level at §2D1.1?

2. Defendant was charged with Conspiracy to Distribute at least 2kg of Methamphetamine in violation of 21 U.S.C. §841(a)(1) and (b)(1)(A). When the defendant was arrested, officers also found marijuana (1lb) and 2 bricks of heroin (2kg). Police have wire taps indicating that the defendant was selling marijuana and heroin (defendant also admits to selling marijuana and heroin). Will the marijuana and heroin found at the time of the defendant's arrest be included in the drug quantity calculation at §2D1.1?

3. Three defendants convicted of a drug conspiracy involving 10,000kg of marijuana- §2D1.1. Defendant 1 lives in Minnesota, but owns a grow operation in California. Defendant 2 lives in California at the grow operation and is responsible for taking care of the plants, watering them, harvesting, etc. Defendant 3 lives in Colorado and has access to an airplane. He flew to California on several occasions to pick-up the marijuana (total of 5,000kg) and took it back to Colorado to distribute to his people. What amounts are attributable to each defendant?

4. Defendant convicted of Conspiracy to Distribute Alpha-pyrrolidinopentiophenone (a-PVP) in violation of 21 U.S.C. §§ 846 and 841(a)(1) and (b)(1)(C). Defendant and her husband were selling large quantities of heroin, marijuana and "a-PVP", a Schedule I substance commonly referred to as "bath salts", from their home. Defendant purchased the "a-PVP" from China through the internet. Is "a-PVP" referenced in the guideline at §2D1.1? Which is not a factor that the court can consider when determining the "most closely related substance"?

5. Defendant is convicted of Conspiracy to Possess with Intent to Distribute and Distribution of "UR-144" and "XLR-II", each a Schedule I Controlled Substance Analogue, in violation of 21 U.S.C. §§ 846 and 802(32). Defendant was the owner of a smoke shop called Twisted

Headz and sold packages of synthetic cannabinoids called “Extreme Rampage” commonly known as “spice”. Is “UR-144” or “XLR-II” referenced in the guideline at §2D1.1? Must the court determine the “most closely related controlled substance”?

6. Defendant in a drug conspiracy regularly picked up his drugs to sell from a storage unit at a storage facility. When the storage unit was searched, agents found drug proceeds, ledgers regarding the conspiracy and refrigerators containing marijuana. Would you apply §2D1.1(b)(12) for “maintaining a premises”? Variation: Further investigation revealed that the defendant rented the storage unit in his name. Would you apply §2D1.1(b)(12)?

7. Defendant’s boyfriend was a drug dealer who had a house that was used solely to receive shipments of drugs. There was no distribution of drugs that occurred at the house. Neither the defendant nor her boyfriend lived in the house. Would you apply §2D1.1(b)(12) for “maintaining a premises”? Variation: Further investigation revealed that the defendant and her boyfriend were named on the lease as renters. Would you apply §2D1.1(b)(12)?

8. Defendant convicted of Distribution of 20gm of Heroin in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C)-0-20 years imprisonment. Defendant has no prior criminal history. Defendant did not carry a gun. Defendant was arrested after being pulled over for a traffic stop at which point he told authorities that he was paid \$500.00 to deliver the Heroin to a man named “Joe”. Defendant cooperated fully with the authorities and the government. Does the defendant receive the 2-level reduction at §2D1.1(b)(17)?

9. Defendant is convicted of Conspiracy to distribute 500 grams of Cocaine in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B)- 5-40 years imprisonment. Defendant made several deliveries with a co-defendant who was armed during the transactions (co-defendant was responsible for the bulk of the deliveries on his own). Defendant has no prior criminal history. Defendant waited until the day of sentencing to debrief with the government, but otherwise truthfully provided all information. Does the defendant qualify for relief from the mandatory minimum pursuant to 18 U.S.C. § 3553(f)?
