USING THE DECISION TREE, PLEASE ANALYZE THE APPROPRIATE GROUPING DECISION FOR EACH SCENARIO.

1.   Defendant is convicted of one count of felon in possession (§2K2.1). The defendant, during a routine traffic stop, was found to be unlawfully in possession of a firearm. A few weeks later, a search warrant was issued. During the search of the defendant's residence, seven additional firearms were located. Three of the firearms were stolen. The defendant subsequently was charged with and pled guilty to one count of possession of stolen firearms (§2K2.1).

Do these counts group? _____

2.   Defendant is convicted in the District of Maryland of two counts of embezzlement (§2B1.1). Defendant is a bank teller who, on two occasions, embezzled $10,000. Defendant also pled guilty in the Eastern District of Virginia to one count of fraud (§2B1.1). Defendant fraudulently obtained and used 10 credit cards, with a loss totaling $5,000 ($500 per card). These two separate cases will be consolidated for sentencing at the same time.

Do these counts group? _____

3.   Defendant is convicted of one count of mortgage fraud (§2B1.1) and one count of tax evasion (§2T1.1). Defendant is a mortgage officer who falsified applications. Defendant also falsified his tax returns.

Do these counts group under rule (d)? _____

4.   Defendant is convicted of bank robbery (§2B3.1) and assault (§2A2.2).   Defendant entered the Wells Fargo bank armed with a knife. The defendant walked behind the counter, pointed the knife at the teller, and demanded the teller to give him all the money in her drawer. After the teller emptied her drawer, which contained only a few hundred dollars, the defendant got angry and slashed the teller across the cheek. The teller had to undergo plastic surgery to repair the damage to her face.

Robbery (§2B3.1)

- BOL 20
- (b)(1) financial institution +2
- (b)(2) dangerous weapon +4
- (b)(3) permanent injury +6

Assault (§2A2.2)

- BOL 14
- (b)(2) dangerous weapon +4
- (b)(3) permanent injury +7

How do these counts group? _____

5.   Defendant is convicted of transportation of aliens (§2L1.1) and illegal reentry (§2L1.2). Defendant was arrested after crossing the border with three other aliens. Defendant served as a brush guide through the New Mexico desert. While being processed by Border Patrol Agents, it was discovered that the defendant had previously been deported after a conviction for aggravated assault.

Illegal Reentry (§2L1.2)

- BOL 8

- (b)(1) prior COV +16

Transporting Aliens (§2L1.1)

- BOL 12

How do these counts group? _____

6.   Defendant is convicted of two counts of aggravated assault (§2A2.2). The defendant assaulted his girlfriend on March 2, 2016, causing serious bodily injury. His girlfriend reported the assault to tribal authorities. As a result, the defendant got angry, and again assaulted his girlfriend on March 10, 2016, when he brandished a knife and threatened to harm her.

Assault (§2A2.2)

- BOL 14
- (b)(3) injury +5

Assault (§2A2.2)

- BOL 14
- (b)(2) weapon +3

Do these counts group under the rules at §3D1.2? _____

7.   Defendant is convicted of possession with intent to distribute meth (§2D1.1) and false statements (§2B1.1). Defendant is convicted of distribution of 50 grams of methamphetamine (actual). The defendant negotiated the sale of the controlled substance with an undercover agent. After arrest, the defendant provided materially false information to DEA agents. The defendant provided the names of co-defendants who were not, in fact, involved in the drug trafficking.

PWID Meth (§2D1.1)

- BOL 30
- §3C1.2 (Obstruction) +2

False Statements (§2B1.1)

- BOL 6

How do these counts group? _____

8.   Defendant is convicted of illegal reentry (§2L1.2) and fraudulently acquiring citizenship documents (§2L2.2). Defendant is an alien previously deported for a crime of violence, not authorized to return to the United States. Defendant, after crossing the border from Mexico into California, presented a fraudulent U.S. passport.

Document Fraud (§2L2.2)

- BOL 8
- (b)(1) prior deport +2
- (b)(3) fraud US passport +4

Illegal Reentry (§2L1.2)

- BOL 8
- (b)(1) prior COV +16

How do these counts group? _____

9.   Defendant is convicted of drug trafficking (§2D1.1) and felon in possession (§2K2.1). Defendant sold 3 kilos of cocaine to an undercover officer. During the sale, the defendant possessed a handgun.

Drug Trafficking (§2D1.1)

- BOL 26
- (b)(1) weapon +2

Felon in Possession (§2K2.1)

- BOL 24
- (b)(6) gun in other offense +4

How do these counts group? _____

10.   Defendant is convicted of one count of possession with intent to distribute marijuana (§2D1.1) and one count of re-entry of a removed alien (§2L1.2). Border Patrol agents encountered the defendant walking through the brush in Texas. The defendant was carrying a large burlap backpack containing marijuana. Defendant reported that he had been recruited a month earlier while working in the apple orchards in Mexico to transport marijuana into the United States.

Illegal Reentry (§2L1.2)   PWID Marijuana (§2D1.1)

•   BOL 8   •   BOL 10

•   (b)(1) prior felony +4

How do these counts group? _____

11.   Defendant is convicted of two counts of sexual exploitation of a child (§2G2.1). The counts involve the same victim, who is 13 years of age. The defendant engaged in sexual contact with the child on two occasions: May 1, 2016 and June 14, 2016.

Production (§2G2.1)   Production (§2G2.1)

•   BOL 32   •   BOL 32
•   (b)(1) minor +2   •   (b)(1) minor +2
•   (b)(2) sex act +2   •   (b)(2) sex act +2
•   (b)(5) relative +2   •   (b)(5) relative +2

How do these counts group? _____

12.   Defendant is convicted of one count of distribution of heroin (§2D1.1), one count of distribution of cocaine (§2D1.1), one count of felon in possession (§2K2.1), and one count of aggravated assault (§2A2.2). On one occasion, the defendant sold 90 grams of heroin to an undercover agent. A couple of weeks later, the defendant sold the same undercover agent 500 grams of cocaine. While conducting the sale of the cocaine with the undercover agent, the defendant possessed a firearm. When DEA agents arrived to arrest the defendant, the

defendant fled in his vehicle, led the officers on a dangerous high speed chase, and purposefully drove his vehicle into one of the agent's cruisers, causing injury.

Distribution Heroin (§2D1.1)

- BOL 22
- (b)(2) violence +2

Distribution Cocaine (§2D1.1)

- BOL 24
- (b)(1) weapon +2
- (b)(2) violence +2

Felon in Possession (§2K2.1)

- BOL 20
- (b)(6) gun in other offense +4
- §3C1.2 reckless endangerment +2

Aggravated Assault

- BOL 14
- (b)(2) weapon +2
- (b)(3) injury +5
- (b)(7) 18 USC § 111 +2
- §3A1.2 Official Victim +6

How do these counts group? _____

13. Defendant was arrested in Arlington National Cemetery after committing several offenses. The defendant is convicted of one count of theft (§2B1.1); he stole several objects from the cemetery, with a total loss of $42,000. He is also convicted of robbery (§2B3.1); he robbed a tourist of her purse, cell phone, and camera for a total loss of $7000. The defendant is also convicted of assaulting the robbery victim (§2A2.2), as he pushed her from behind, knocking her to the pavement and causing bodily injury.

Theft (§2B1.1)

- BOL 6
- (b)(1) loss +6
- (b)(5) national cemetery +2

Robbery (§2B3.1)

- BOL 20
- (b)(3) injury +2

Assault (§2A2.1)

- BOL 14
- (b)(3) injury +3

How do these counts group? _____