

## BASIC CRIMINAL HISTORY EXERCISES

### Exercise #1 – Relevant Conduct or Criminal History?

Defendant's instant federal offense of conviction is a bank robbery that occurred on November 13, 2016, which is also established as the earliest date of relevant conduct

In the immediate flight from the robbery, Defendant stole a car to make his getaway

Defendant's prior record includes the following:

### Exercise 1 – Relevant Conduct or Criminal History?

<u>Offense Date</u>	<u>Conviction &amp; Court</u>	<u>Date/Sent. Imposed</u>
11/13/16 (Age 23)	Auto Theft State Circuit Court	2/25/17: 2 years' imprisonment
<u>Arrest Date</u> 11/13/16		

**This offense was committed by the defendant during his immediate flight from the bank robbery that is the basis for the instant federal offense of conviction**

Is the auto theft relevant conduct, criminal history, or both, or neither?

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## BASIC CRIMINAL HISTORY EXERCISES

### Exercise #2 – Relevant Conduct or Criminal History?

Defendant's instant federal offense of conviction is distribution of cocaine on November 13, 2016

It is established that Defendant's relevant conduct includes a course of conduct including all his cocaine distributions dating back to August 1, 2016

Defendant's prior record includes the following:

### Exercise 2 – Relevant Conduct or Criminal History?

<u>Offense Date</u>	<u>Conviction &amp; Court</u>	<u>Date/Sent. Imposed</u>
9/13/16 (Age 28)	Sale of Cocaine State Court	1/10/17: 3 years' imprisonment
<u>Arrest Date</u> 12/1/16		
<b>This offense conduct has been determined to be an act by the defendant in the same course of conduct of the defendant's instant federal offense of conviction for sale of cocaine</b>		

Is the state cocaine sale relevant conduct, criminal history, or both, or neither?

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## BASIC CRIMINAL HISTORY EXERCISES

### Exercise #3 – Relevant Conduct or Criminal History?

Defendant's instant federal offense of conviction is felon in possession of a firearm

In the application of §2K2.1 (Felon in Possession), Defendant is being given the increased base offense level (BOL 20 instead of BOL 14) based on the following prior felony conviction that Defendant sustained for a controlled substance offense:

### Exercise 3 – Relevant Conduct or Criminal History?

<u>Offense Date</u>	<u>Conviction &amp; Court</u>	<u>Date/Sent. Imposed</u>
1/15/12 (Age 34)	Drug Distribution State District Court	11/15/12: 36 months' custody
<u>Arrest Date</u> 4/20/12		

Is the state drug distribution relevant conduct, criminal history, or both, or neither?

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## BASIC CRIMINAL HISTORY EXERCISES

### Exercise #4 – Length of Prior Sentence

Sentence of 3 years' imprisonment, suspended to 6 months' imprisonment & 4 years' probation to follow

What is the maximum sentence imposed?

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### Exercise #5 – Length of Prior Sentence

Sentence of "time served"

At the time of sentencing the defendant had been in pretrial custody for 5 months

What is the maximum sentence imposed?

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### Exercise #6 – Length of Prior Sentence

Sentence of 3 years' probation

At the time of sentencing the defendant had been in pretrial custody for 5 months

What is the maximum sentence imposed?

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## BASIC CRIMINAL HISTORY EXERCISES

### **Exercise #7 – Length of Prior Sentence**

Sentence of 18 months' imprisonment

This sentence was subsequently reduced by the judge to 90 days' imprisonment

What is the maximum sentence imposed?

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### **Exercise #8 – Length of Prior Sentence**

Sentence of 3 to 5 years' imprisonment

What is the maximum sentence imposed?

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## BASIC CRIMINAL HISTORY EXERCISES

### Exercise #9 – Applicable Time Frame

Defendant's instant federal offense of conviction, theft from an interstate shipment, occurred on November 1, 2016

Defendant's earliest date of relevant conduct is January 11, 2015

Defendant's prior record includes the following:

<b>Exercise 9 – Applicable Time Frame</b>		
<b><u>Offense Date</u></b>	<b><u>Conviction &amp; Court</u></b>	<b><u>Date/Sent. Imposed</u></b>
<b>7/4/05 (Age 23)</b>	<b>Assault State Criminal Court</b>	<b>9/1/05: 90 days' jail</b>
<b><u>Arrest Date</u></b> <b>7/4/05</b>		

Does this prior fall within the applicable time frame?

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## BASIC CRIMINAL HISTORY EXERCISES

### Exercise #10 – Applicable Time Frame

Defendant's instant federal offense of conviction is a bank robbery that occurred on March 1, 2017, which is also established as the earliest date of relevant conduct

Defendant's prior record includes the following:

#### Exercise 10 – Applicable Time Frame

<u>Offense Date</u>	<u>Conviction &amp; Court</u>	<u>Date/Sent. Imposed</u>
11/25/00 (Age 22)	Burglary State Criminal Court	2/20/01: 5 years' imprisonment
<u>Arrest Date</u> 12/20/00		4/20/03: Paroled

Does this prior fall within the applicable time frame?

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## BASIC CRIMINAL HISTORY EXERCISES

### Exercise #11 – Applicable Time Frame

Defendant's instant federal conviction is for a drug sale on January 1, 2016

It is established that defendant's earliest date of relevant conduct was a drug sale in the same course of conduct on January 1, 2010

Defendant's prior record includes the following:

### Exercise 11 – Applicable Time Frame

<u>Offense Date</u>	<u>Conviction &amp; Court</u>	<u>Date/Sent. Imposed</u>
7/13/93 (Age 23)	Aggravated Assault State District Court	1/25/94: 6 years' custody department of corrections
<u>Arrest Date</u> 7/13/93		7/24/96: Paroled

Does this prior fall within the applicable time frame?

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## BASIC CRIMINAL HISTORY EXERCISES

### Exercise #12 – Applicable Time Frame

Defendant's instant federal offense of conviction, Interstate Transportation of a Stolen Motor Vehicle, occurred on December 1, 2015

Defendant's earliest date of relevant conduct is June 1, 2015

Defendant's prior record includes the following:

#### Exercise 12 – Applicable Time Frame

<u>Offense Date</u>	<u>Conviction &amp; Court</u>	<u>Date/Sent. Imposed</u>
4/4/16 (Age 32)	Misdemeanor Domestic Violence County Court	7/1/16: \$500 fine and domestic violence program
<u>Arrest Date</u> 4/4/16		

Does this prior fall within the applicable time frame?

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## BASIC CRIMINAL HISTORY EXERCISES

### Exercise #13 – Applicable Time Frame

Defendant's instant federal conviction is a fraud conspiracy from January 1, 2010 to December 31, 2015

Defendant joined the conspiracy July 1, 2014, which is also established as the defendant's earliest date of relevant conduct

Defendant's prior record includes the following:

### Exercise 13 – Applicable Time Frame

<u>Offense Date</u>	<u>Conviction &amp; Court</u>	<u>Date/Sent. Imposed</u>
1/13/02 (Age 26)	Receipt of Stolen Interstate Shipment U.S. District Court	2/2/03: 3 years' probation
<u>Arrest Date</u> 3/15/02		2/1/06: Probation expired

Does this prior fall within the applicable time frame?

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## BASIC CRIMINAL HISTORY EXERCISES

### Exercise #14 – Excluded Misdemeanor and Petty Offense Sentences

#### Exercise 14 – Excluded Misdemeanor & Petty Offenses

<u>Offense Date</u>	<u>Conviction &amp; Court</u>	<u>Date/Sent. Imposed</u>
8/10/12 (Age 25)	Unlicensed Driver Municipal Court	12/22/12: \$250 fine
<u>Arrest Date</u> 8/10/12		



How many criminal history points?

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## BASIC CRIMINAL HISTORY EXERCISES

### Exercise #15 – Excluded Misdemeanor and Petty Offense Sentences

#### Exercise 15 – Excluded Misdemeanor & Petty Offenses

<u>Offense Date</u>	<u>Conviction &amp; Court</u>	<u>Date/Sent. Imposed</u>
11/21/13 (Age 21)	Driving While Intoxicated (misdemeanor)	07/20/14: 3 days' jail and \$500 fine
<u>Arrest Date</u> 11/21/13	County Criminal Court	



How many criminal history points?

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## BASIC CRIMINAL HISTORY EXERCISES

### Exercise #16 – “Status”

Defendant’s instant federal offense of conviction is a bank robbery that occurred on November 13, 2016, which is also established as the earliest date of relevant conduct

Defendant’s prior record includes the following:

### Exercise 16 – “Status”

<u>Offense Date</u>	<u>Conviction &amp; Court</u>	<u>Date/Sent. Imposed</u>
10/18/13 (Age 27)	Possession with Intent to Distribute Heroin	2/21/14: 5 years’ imprisonment
<u>Arrest Date</u> 10/18/13	State Criminal Court	2/20/16: Paroled

**Defendant was on active supervision of this state parole when he committed the instant federal offense; State parole authorities are awaiting the disposition of the instant federal case before taking action**

Do criminal history points for “status” apply?

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## BASIC CRIMINAL HISTORY EXERCISES

### Exercise #17 - "Status"

Defendant's instant federal offense of conviction is a drug sale that occurred on January 1, 2016

It is established that defendant's earliest date of relevant conduct was a drug sale in the same course of conduct on January 1, 2010, and that the relevant conduct continued until January 1, 2016

Defendant's prior record includes the following:

### Exercise 17 - "Status"

<u>Offense Date</u>	<u>Conviction &amp; Court</u>	<u>Date/Sent. Imposed</u>
2/11/13 (Age 26)	DUI 2 <sup>nd</sup> Offense State Court	5/25/13: \$1000 fine & 6 months' probation
<u>Arrest Date</u> 2/11/13		11/24/13: Probation expired

Do criminal history points for "status" apply?

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## BASIC CRIMINAL HISTORY EXERCISES

### Criminal History Points Prior Offense Committed at 18 or Older

Points*	Sentence	Time Frame (Earliest Date of Relevant Conduct)
3	>13 months	Within 15 yrs. of prior sentence imposition or release
2	≥60 days	Within 10 yrs. of prior sentence imposition
1 (max of 4)	All others**	Within 10 yrs. of prior sentence imposition

\* If otherwise countable

\*\* Exceptions may apply



### Criminal History Points Prior Offense Committed Before 18

Points*	Sentence	Time Frame (Earliest Date of Relevant Conduct)
3	Only if convicted as an adult and >13 months	Within 15 yrs. of prior sentence imposition or release
2	≥ 60 days	Within 5 yrs. of prior sentence imposition or release
1 (max of 4)	All others**	Within 5 yrs. of prior sentence imposition

\* If otherwise countable

\*\* Exceptions may apply



## The Interplay Between Criminal History Time Frames and Relevant Conduct

