

Date the defendant was ordered deported or removed for the FIRST TIME: **08/28/1999**

(a) Base Offense Level (BOL): 8

(b) Specific Offense Characteristics (SOCs):

(b)(1) - (Apply the Greater) If the defendant committed the instant offense after sustaining –

- (A) a conviction for a felony that is an illegal reentry offense, **add 4 levels**
- (B) two or more convictions for misdemeanors under 8 USC 1325(a), **add 2 levels**

Offense Level Increase at (b)(1): 0 - no priors

(b)(2) - (Apply the Greatest) If BEFORE the defendant was ordered deported/ removed from the U.S. for the first time, the defendant sustained –

- (A) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was five years or more, **add 10 levels**
- (B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, **add 8 levels**
- (C) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed exceeded one year and one month, **add 6 levels**
- (D) a conviction for any other felony offense (other than an illegal reentry offense), **add 4 levels**
- (E) three or more convictions for misdemeanors that are crimes of violence or drug trafficking offenses, **add 2 levels**

Offense Level Increase at (b)(2): 0 - no countable criminal history convictions

(b)(3) - (Apply the Greatest) If AFTER the defendant was ordered deported/ removed from the U.S. for the first time, the defendant engaged in criminal conduct resulting in –

- (A) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was five years or more, **add 10 levels**
- (B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, **add 8 levels**
- (C) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed exceeded one year and one month, **add 6 levels**
- (D) a conviction for any other felony offense (other than an illegal reentry offense), **add 4 levels**
- (E) three or more convictions for misdemeanors that are crimes of violence or drug trafficking offenses, **add 2 levels**

Offense Level Increase at (b)(3): 0 - no priors other than Illegal Reentry

§2L1.2 Offense Level Sum: 8

Date the defendant was ordered deported or removed for the FIRST TIME: **10/15/2008**

(a) Base Offense Level (BOL): 8

(b) Specific Offense Characteristics (SOCs):

(b)(1) - (Apply the Greater) If the defendant committed the instant offense after sustaining –

(A) a conviction for a felony that is an illegal reentry offense, **add 4 levels**

(B) two or more convictions for misdemeanors under 8 USC 1325(a), **add 2 levels**

Offense Level Increase at (b)(1): 2 - there are 3 prior misd. Illegal Entries

(b)(2) - (Apply the Greatest) If BEFORE the defendant was ordered deported/ removed from the U.S. for the first time, the defendant sustained –

(A) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was five years or more, **add 10 levels**

(B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, **add 8 levels**

(C) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed exceeded one year and one month, **add 6 levels**

(D) a conviction for any other felony offense (other than an illegal reentry offense), **add 4 levels**

(E) three or more convictions for misdemeanors that are crimes of violence or drug trafficking offenses, **add 2 levels**

Offense Level Increase at (b)(2): 4 - 2007 Felony Conviction - 1 year probation

(b)(3) - (Apply the Greatest) If AFTER the defendant was ordered deported/ removed from the U.S. for the first time, the defendant engaged in criminal conduct resulting in –

(A) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was five years or more, **add 10 levels**

(B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, **add 8 levels**

(C) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed exceeded one year and one month, **add 6 levels**

(D) a conviction for any other felony offense (other than an illegal reentry offense), **add 4 levels**

(E) three or more convictions for misdemeanors that are crimes of violence or drug trafficking offenses, **add 2 levels**

Offense Level Increase at (b)(3): 10 - 2010 Felony Conviction - 5 years prison **24**

§2L1.2 Offense Level Sum: _____

Date the defendant was ordered deported or removed for the FIRST TIME: **12/09/1993**

(a) Base Offense Level (BOL): 8

(b) Specific Offense Characteristics (SOCs):

(b)(1) - (Apply the Greater) If the defendant committed the instant offense after sustaining –

- (A) a conviction for a felony that is an illegal reentry offense, **add 4 levels**
- (B) two or more convictions for misdemeanors under 8 USC 1325(a), **add 2 levels**

Offense Level Increase at (b)(1): 0 - no prior convictions

(b)(2) - (Apply the Greatest) If BEFORE the defendant was ordered deported/ removed from the U.S. for the first time, the defendant sustained –

- (A) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was five years or more, **add 10 levels**
- (B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, **add 8 levels**
- (C) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed exceeded one year and one month, **add 6 levels**
- (D) a conviction for any other felony offense (other than an illegal reentry offense), **add 4 levels**
- (E) three or more convictions for misdemeanors that are crimes of violence or drug trafficking offenses, **add 2 levels**

Offense Level Increase at (b)(2): 0 - no countable criminal history convictions

(b)(3) - (Apply the Greatest) If AFTER the defendant was ordered deported/ removed from the U.S. for the first time, the defendant engaged in criminal conduct resulting in –

- (A) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was five years or more, **add 10 levels**
- (B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, **add 8 levels**
- (C) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed exceeded one year and one month, **add 6 levels**
- (D) a conviction for any other felony offense (other than an illegal reentry offense), **add 4 levels**
- (E) three or more convictions for misdemeanors that are crimes of violence or drug trafficking offenses, **add 2 levels**

Offense Level Increase at (b)(3): 0 - no countable criminal history convictions

§2L1.2 Offense Level Sum: **8**

Date the defendant was ordered deported or removed for the FIRST TIME: **06/01/2010**

- (a) Base Offense Level (BOL): 8
 (b) Specific Offense Characteristics (SOCs):

(b)(1) - (Apply the Greater) If the defendant committed the instant offense after sustaining –

- (A) a conviction for a felony that is an illegal reentry offense, **add 4 levels**
 (B) two or more convictions for misdemeanors under 8 USC 1325(a), **add 2 levels**

Offense Level Increase at (b)(1): 0 - no prior convictions

(b)(2) - (Apply the Greatest) If BEFORE the defendant was ordered deported/ removed from the U.S. for the first time, the defendant sustained –

- (A) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was five years or more, **add 10 levels**
 (B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, **add 8 levels**
 (C) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed exceeded one year and one month, **add 6 levels**
 (D) a conviction for any other felony offense (other than an illegal reentry offense), **add 4 levels**
 (E) three or more convictions for misdemeanors that are crimes of violence or drug trafficking offenses, **add 2 levels**

Offense Level Increase at (b)(2): 4 - 2010 conviction - deferred adjudication scored

(b)(3) - (Apply the Greatest) If AFTER the defendant was ordered deported/ removed from the U.S. for the first time, the defendant engaged in criminal conduct resulting in –

- (A) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was five years or more, **add 10 levels**
 (B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, **add 8 levels**
 (C) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed exceeded one year and one month, **add 6 levels**
 (D) a conviction for any other felony offense (other than an illegal reentry offense), **add 4 levels**
 (E) three or more convictions for misdemeanors that are crimes of violence or drug trafficking offenses, **add 2 levels**

Offense Level Increase at (b)(3): 0

§2L1.2 Offense Level Sum: **12**

If AFTER the defendant was deported...the defendant engaged in criminal conduct. In this case, the defendant engaged in the criminal conduct before the deportation and was convicted after he illegally reentered.

Date the defendant was ordered deported or removed for the FIRST TIME: **02/09/2011**

(a) Base Offense Level (BOL): 8

(b) Specific Offense Characteristics (SOCs):

(b)(1) - (Apply the Greater) If the defendant committed the instant offense after sustaining –

(A) a conviction for a felony that is an illegal reentry offense, **add 4 levels**

(B) two or more convictions for misdemeanors under 8 USC 1325(a), **add 2 levels**

Offense Level Increase at (b)(1): 4 - prior felony deportation

(b)(2) - (Apply the Greatest) If BEFORE the defendant was ordered deported/ removed from the U.S. for the first time, the defendant sustained –

(A) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was five years or more, **add 10 levels**

(B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, **add 8 levels**

(C) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed exceeded one year and one month, **add 6 levels**

(D) a conviction for any other felony offense (other than an illegal reentry offense), **add 4 levels**

(E) three or more convictions for misdemeanors that are crimes of violence or drug trafficking offenses, **add 2 levels**

8 - Felony conviction 2009 - single sentence,

Offense Level Increase at (b)(2): 8 - aggregate sentences when consecutive - (12 months + 12 months = 24 months)

(b)(3) - (Apply the Greatest) If AFTER the defendant was ordered deported/ removed from the U.S. for the first time, the defendant engaged in criminal conduct resulting in –

(A) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was five years or more, **add 10 levels**

(B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, **add 8 levels**

(C) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed exceeded one year and one month, **add 6 levels**

(D) a conviction for any other felony offense (other than an illegal reentry offense), **add 4 levels**

(E) three or more convictions for misdemeanors that are crimes of violence or drug trafficking offenses, **add 2 levels**

0 - no prior felony convictions, only misd.

Offense Level Increase at (b)(3): _____

§2L1.2 Offense Level Sum: **20** _____

Date the defendant was ordered deported or removed for the FIRST TIME: **07/01/2011**

(a) Base Offense Level (BOL): 8

(b) Specific Offense Characteristics (SOCs):

(b)(1) - (Apply the Greater) If the defendant committed the instant offense after sustaining –

- (A) a conviction for a felony that is an illegal reentry offense, **add 4 levels**
- (B) two or more convictions for misdemeanors under 8 USC 1325(a), **add 2 levels**

Offense Level Increase at (b)(1): 0 - no prior convictions

(b)(2) - (Apply the Greatest) If BEFORE the defendant was ordered deported/ removed from the U.S. for the first time, the defendant sustained –

- (A) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was five years or more, **add 10 levels**
- (B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, **add 8 levels**
- (C) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed exceeded one year and one month, **add 6 levels**
- (D) a conviction for any other felony offense (other than an illegal reentry offense), **add 4 levels**
- (E) three or more convictions for misdemeanors that are crimes of violence or drug trafficking offenses, **add 2 levels**

Offense Level Increase at (b)(2): 0 - sentence was vacated, no criminal history points

(b)(3) - (Apply the Greatest) If AFTER the defendant was ordered deported/ removed from the U.S. for the first time, the defendant engaged in criminal conduct resulting in –

- (A) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was five years or more, **add 10 levels**
- (B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, **add 8 levels**
- (C) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed exceeded one year and one month, **add 6 levels**
- (D) a conviction for any other felony offense (other than an illegal reentry offense), **add 4 levels**
- (E) three or more convictions for misdemeanors that are crimes of violence or drug trafficking offenses, **add 2 levels**

Offense Level Increase at (b)(3): 4 - felony conviction - time served 22 days **12**

§2L1.2 Offense Level Sum: _____

Date the defendant was ordered deported or removed for the FIRST TIME: **10/15/2008**

- (a) Base Offense Level (BOL): 8
 (b) Specific Offense Characteristics (SOCs):

(b)(1) - (Apply the Greater) If the defendant committed the instant offense after sustaining –

- (A) a conviction for a felony that is an illegal reentry offense, **add 4 levels**
 (B) two or more convictions for misdemeanors under 8 USC 1325(a), **add 2 levels**

Offense Level Increase at (b)(1): 0 - only 1 prior misd. conviction (need at least 2)

(b)(2) - (Apply the Greatest) If BEFORE the defendant was ordered deported/ removed from the U.S. for the first time, the defendant sustained –

- (A) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was five years or more, **add 10 levels**
 (B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, **add 8 levels**

(C) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed exceeded one year and one month, **add 6 levels**

(D) a conviction for any other felony offense (other than an illegal reentry offense), **add 4 levels**

(E) three or more convictions for misdemeanors that are crimes of violence or drug trafficking offenses, **add 2 levels**

Offense Level Increase at (b)(2): 6 Add revocation time to original sentence (1 year + 2 months) - However, see U.S. v. Franco-Galvan, 864 F.3d 338 (5th Cir. 2017); U.S. v. Martinez, __ F.3d __ (9th Cir. Sept. 15, 2017)

(b)(3) - (Apply the Greatest) If AFTER the defendant was ordered deported/ removed from the U.S. for the first time, the defendant engaged in criminal conduct resulting in –

(A) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was five years or more, **add 10 levels**

(B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, **add 8 levels**

(C) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed exceeded one year and one month, **add 6 levels**

(D) a conviction for any other felony offense (other than an illegal reentry offense), **add 4 levels**

(E) three or more convictions for misdemeanors that are crimes of violence or drug trafficking offenses, **add 2 levels**

Offense Level Increase at (b)(3): 8

§2L1.2 Offense Level Sum: **22**

Conviction from 2013, although state classifies offense as a misd., guidelines consider offenses with punishable term of imprisonment exceeding one year a felony - 4A1.2(o)

Date the defendant was ordered deported or removed for the FIRST TIME: **12/15/2002**

- (a) Base Offense Level (BOL): 8
 (b) Specific Offense Characteristics (SOCs):

(b)(1) - (Apply the Greater) If the defendant committed the instant offense after sustaining –

- (A) a conviction for a felony that is an illegal reentry offense, **add 4 levels**
 (B) two or more convictions for misdemeanors under 8 USC 1325(a), **add 2 levels**

Offense Level Increase at (b)(1): 4 - prior felony conviction - 2L1.2, App. Note 4

(b)(2) - (Apply the Greatest) If BEFORE the defendant was ordered deported/ removed from the U.S. for the first time, the defendant sustained –

- (A) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was five years or more, **add 10 levels**
 (B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, **add 8 levels**
 (C) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed exceeded one year and one month, **add 6 levels**
 (D) a conviction for any other felony offense (other than an illegal reentry offense), **add 4 levels**
 (E) three or more convictions for misdemeanors that are crimes of violence or drug trafficking offenses, **add 2 levels**

Offense Level Increase at (b)(2): 0 - no convictions that received criminal history points

(b)(3) - (Apply the Greatest) If AFTER the defendant was ordered deported/ removed from the U.S. for the first time, the defendant engaged in criminal conduct resulting in –

- (A) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was five years or more, **add 10 levels**
 (B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, **add 8 levels**
 (C) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed exceeded one year and one month, **add 6 levels**
 (D) a conviction for any other felony offense (other than an illegal reentry offense), **add 4 levels**
 (E) three or more convictions for misdemeanors that are crimes of violence or drug trafficking offenses, **add 2 levels**

Offense Level Increase at (b)(3): 8 -

Felony conviction - see 2L1.2, App. Note 4 - can be scored under (b)(1) and (b)(3)

§2L1.2 Offense Level Sum: **20**

Date the defendant was ordered deported or removed for the FIRST TIME: **11/18/2007**

- (a) Base Offense Level (BOL): 8
 (b) Specific Offense Characteristics (SOCs):

(b)(1) - (Apply the Greater) If the defendant committed the instant offense after sustaining –

- (A) a conviction for a felony that is an illegal reentry offense, **add 4 levels**
 (B) two or more convictions for misdemeanors under 8 USC 1325(a), **add 2 levels**

Offense Level Increase at (b)(1): 2 - two prior misd. convictions

(b)(2) - (Apply the Greatest) If BEFORE the defendant was ordered deported/ removed from the U.S. for the first time, the defendant sustained –

- (A) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was five years or more, **add 10 levels**
 (B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, **add 8 levels**
 (C) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed exceeded one year and one month, **add 6 levels**
 (D) a conviction for any other felony offense (other than an illegal reentry offense), **add 4 levels**
 (E) three or more convictions for misdemeanors that are crimes of violence or drug trafficking offenses, **add 2 levels**

Offense Level Increase at (b)(2): 4 - felony in 2007

(b)(3) - (Apply the Greatest) If AFTER the defendant was ordered deported/ removed from the U.S. for the first time, the defendant engaged in criminal conduct resulting in –

- (A) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was five years or more, **add 10 levels**
 (B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, **add 8 levels**
 (C) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed exceeded one year and one month, **add 6 levels**
 (D) a conviction for any other felony offense (other than an illegal reentry offense), **add 4 levels**
 (E) three or more convictions for misdemeanors that are crimes of violence or drug trafficking offenses, **add 2 levels**

Offense Level Increase at (b)(3): 8

Felony from 2014 - 12 to 30 months - use stat max. Use conviction that results in greatest increase - 2015 conviction was only 1 yr. or +4

§2L1.2 Offense Level Sum: **22** _____

Date the defendant was ordered deported or removed for the FIRST TIME: **06/20/2012**

(a) Base Offense Level (BOL): 8

(b) Specific Offense Characteristics (SOCs):

(b)(1) - (Apply the Greater) If the defendant committed the instant offense after sustaining –

(A) a conviction for a felony that is an illegal reentry offense, **add 4 levels**

(B) two or more convictions for misdemeanors under 8 USC 1325(a), **add 2 levels**

Offense Level Increase at (b)(1): 4 - felony conviction

(b)(2) - (Apply the Greatest) If BEFORE the defendant was ordered deported/removed from the U.S. for the first time, the defendant sustained –

(A) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was five years or more, **add 10 levels**

(B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, **add 8 levels**

(C) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed exceeded one year and one month, **add 6 levels**

(D) a conviction for any other felony offense (other than an illegal reentry offense), **add 4 levels**

(E) three or more convictions for misdemeanors that are crimes of violence or drug trafficking offenses, **add 2 levels**

Offense Level Increase at (b)(2): 6 - aggregate sentences (1 year and 60 days)

(b)(3) - (Apply the Greatest) If AFTER the defendant was ordered deported/removed from the U.S. for the first time, the defendant engaged in criminal conduct resulting in –

(A) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was five years or more, **add 10 levels**

(B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, **add 8 levels**

(C) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed exceeded one year and one month, **add 6 levels**

(D) a conviction for any other felony offense (other than an illegal reentry offense), **add 4 levels**

(E) three or more convictions for misdemeanors that are crimes of violence or drug trafficking offenses, **add 2 levels**

Offense Level Increase at (b)(3): 4 - felony conviction

§2L1.2 Offense Level Sum: **22**

Date the defendant was ordered deported or removed for the FIRST TIME: **06/01/2001**

(a) Base Offense Level (BOL): 8

(b) Specific Offense Characteristics (SOCs):

(b)(1) - (Apply the Greater) If the defendant committed the instant offense after sustaining –

- (A) a conviction for a felony that is an illegal reentry offense, **add 4 levels**
- (B) two or more convictions for misdemeanors under 8 USC 1325(a), **add 2 levels**

Offense Level Increase at (b)(1): 0 - no prior convictions

(b)(2) - (Apply the Greatest) If BEFORE the defendant was ordered deported/ removed from the U.S. for the first time, the defendant sustained –

- (A) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was five years or more, **add 10 levels**
- (B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, **add 8 levels**
- (C) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed exceeded one year and one month, **add 6 levels**
- (D) a conviction for any other felony offense (other than an illegal reentry offense), **add 4 levels**
- (E) three or more convictions for misdemeanors that are crimes of violence or drug trafficking offenses, **add 2 levels**

Offense Level Increase at (b)(2): 4 - felony conviction - 30 days

(b)(3) - (Apply the Greatest) If AFTER the defendant was ordered deported/ removed from the U.S. for the first time, the defendant engaged in criminal conduct resulting in –

- (A) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was five years or more, **add 10 levels**
- (B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, **add 8 levels**
- (C) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed exceeded one year and one month, **add 6 levels**
- (D) a conviction for any other felony offense (other than an illegal reentry offense), **add 4 levels**
- (E) three or more convictions for misdemeanors that are crimes of violence or drug trafficking offenses, **add 2 levels**

Offense Level Increase at (b)(3): 4 - felony conviction - 10 months

§2L1.2 Offense Level Sum: 16