



§1B1.3 - Relevant Conduct Analysis

Principle One - Acts of the Defendant

Principle One

The defendant will be accountable for acts that he or she did in furtherance of the offense of conviction.

The relevant conduct analysis at §1B1.3, answers two questions:

≡ WHO AND WHEN? ≡

WHO committed the act and WHEN did the act occur?

WHO?

Acts of the Defendant | §1B1.3(a)(1)(A)

All acts and omissions:

- committed,
- aided,
- abetted,
- counseled,
- commanded,
- induced,
- procured, or
- willfully caused

... by the defendant.

WHEN?

Did the relevant behavior occur:



In preparation for that offense?



During the commission of the offense of conviction?



In the course of attempting to avoid detection or responsibility for that offense?

Example One



The defendant is convicted of one count of armed bank robbery. The applicable guideline is §2B3.1 (Robbery). In preparation for the bank robbery, the defendant carjacked a vehicle to use as his getaway. During the robbery, the defendant, while brandishing a knife, demanded the teller empty her drawer. The defendant left the bank with \$500. During his getaway, the defendant led law enforcement officers on a high-speed chase. The defendant struck another vehicle, causing the driver of that other vehicle to suffer serious bodily injury.

When applying the robbery guideline for this offense, the defendant's acts will result in application of the following specific offense characteristics:

- Carjacking (occurred in preparation for the offense);
- Property of a financial institution taken (occurred during the offense of conviction);
- Brandishing a dangerous weapon (occurred during the offense of conviction);
- Causing serious bodily injury (occurred to avoid detection for the offense); and
- The loss amount involved in the offense including the value of the vehicle he carjacked (in preparation), the \$500 taken from the bank (during), and the damage to the other vehicle (to avoid detection).

These acts are relevant conduct as determined under §1B1.3.(a)(1)(A).

Example Two

The defendant pleaded guilty to one count of distribution of methamphetamine. The applicable guideline is §2D1.1. In this case, the defendant sold 100 grams of methamphetamine to a confidential informant.

During the sale, the defendant possessed a firearm.

True or false? When applying §2D1.1, the defendant's relevant conduct includes both the 100 grams of methamphetamine he sold and the possession of the firearm during the sale.



True - During the commission of the drug distribution, the defendant committed the act of distributing the methamphetamine and committed the act of possessing the firearm in furtherance of the offense of conviction. Both are included as relevant conduct under §1B1.3.(a)(1)(A).