



Multiple Counts of Conviction Flowchart

Sort

Sort Each Count According to Rule (a) (b) or (c)

Set aside any count requiring a mandatory consecutive imprisonment term, such as § 924(c). See §3D1.1(e).

If a full-guideline reference applies, sort by the referenced guideline unless otherwise provided. See §1B1.5(c).

(a)

Multiple Counts Using
SAME Guideline in §3D1.1(a)*

*Refer to list on reverse side.

(b)

Multiple Counts Using
SAME Guideline in §3D1.1(b)*
Involving Different Victims or
Same Victim on Different
Occurrences

*Refer to list on reverse side.

(c)

All Other Counts

Calculate

Apply Guideline One Time
Based on Combined Offense
Behavior.

Calculate Each Count
Separately. Adjust the Highest
Count under §3D1.1(b)(2).*

*Refer to table on reverse side.

Calculate Each Count
Separately.

Select

(d)

The Offense Level for All Counts Is the Highest for Any
Group or Count in:

(a)

(b)

or

(c)



Rule

(a)

Guidelines Covered

§2A3.5
 §§2B1.1, 2B1.4, 2B1.5, 2B4.1, 2B5.1, 2B5.3, 2B6.1
 §§2C1.1, 2C1.2, 2C1.8
 §§2D1.1, 2D1.2, 2D1.5, 2D1.11, 2D1.13
 §§2E4.1, 2E5.1
 §§2G2.2, 2G3.1
 §2K2.1
 §§2L1.1, 2L2.1
 §2N3.1
 §2Q2.1
 §2R1.1
 §§2S1.1, 2S1.3
 §§2T1.1, 2T1.4, 2T1.6
 §§2T1.7, 2T1.9, 2T2.1, 2T3.1

Application Tips

- Counts must use the same guideline to sort into Rule (a).
- Each set of counts sharing a Rule (a) guideline forms its own group.
- Each Rule (a) group is calculated separately.

Rule

(b)

Guidelines Covered

All offenses in Chapter Two, Part A (except §2A3.5)
 §§2B2.1, 2B3.1, 2B3.2, 2B3.3
 §2D2.3
 §§2E1.3, 2E1.4, 2E2.1
 §§2G1.1, 2G1.3, 2G2.1
 §§2H1.1, 2H4.1
 §§2J1.2, 2J1.3
 §2K1.4
 §§2M3.9, 2M6.1
 §2N1.1
 §2Q1.4
 §2X6.1

Number of Counts

Increase in Offense Level

2	Add 2 levels
3	Add 3 levels
4 or 5	Add 4 levels
6 or more	Add 5 levels

Application Tips

- Counts must use the same guideline to sort into Rule (b).
- A case may have more than one Rule (b) group. For each group, add the adjustment for the number of counts in that group to the highest offense level in that group.
- A group cannot include more than one count involving the same victim on the same occasion. Sort any remaining count(s) into another qualifying Rule (b) group. If any remaining counts cannot sort into a Rule (b) group, sort using Rule (c).
- Check the applicable guideline for exceptions to Rule (b). See §2A6.1, App. Note 3, and §2A6.2, App. Note 4.

Rule

(c)

Counts Covered

- Any count that is the only count using its guideline.
- Any count that uses a guideline not listed in either Rule (a) or Rule (b).
- Any count that uses a Rule (b) guideline when its inclusion in every Rule (b) group would result in a group with two counts involving the same victim on the same occasion. See Rule (b) Tips.

