



The 2026 Sentencing Guideline Amendments
(Plus 2025's Minor Role Amendment)
Beth Blackwood, Federal Defender Sentencing Resource Counsel

Agenda

1

Fentanyl-
Related
Substances

2

New Mult-
Count Rules!

3

Inflationary
Adjustments

4

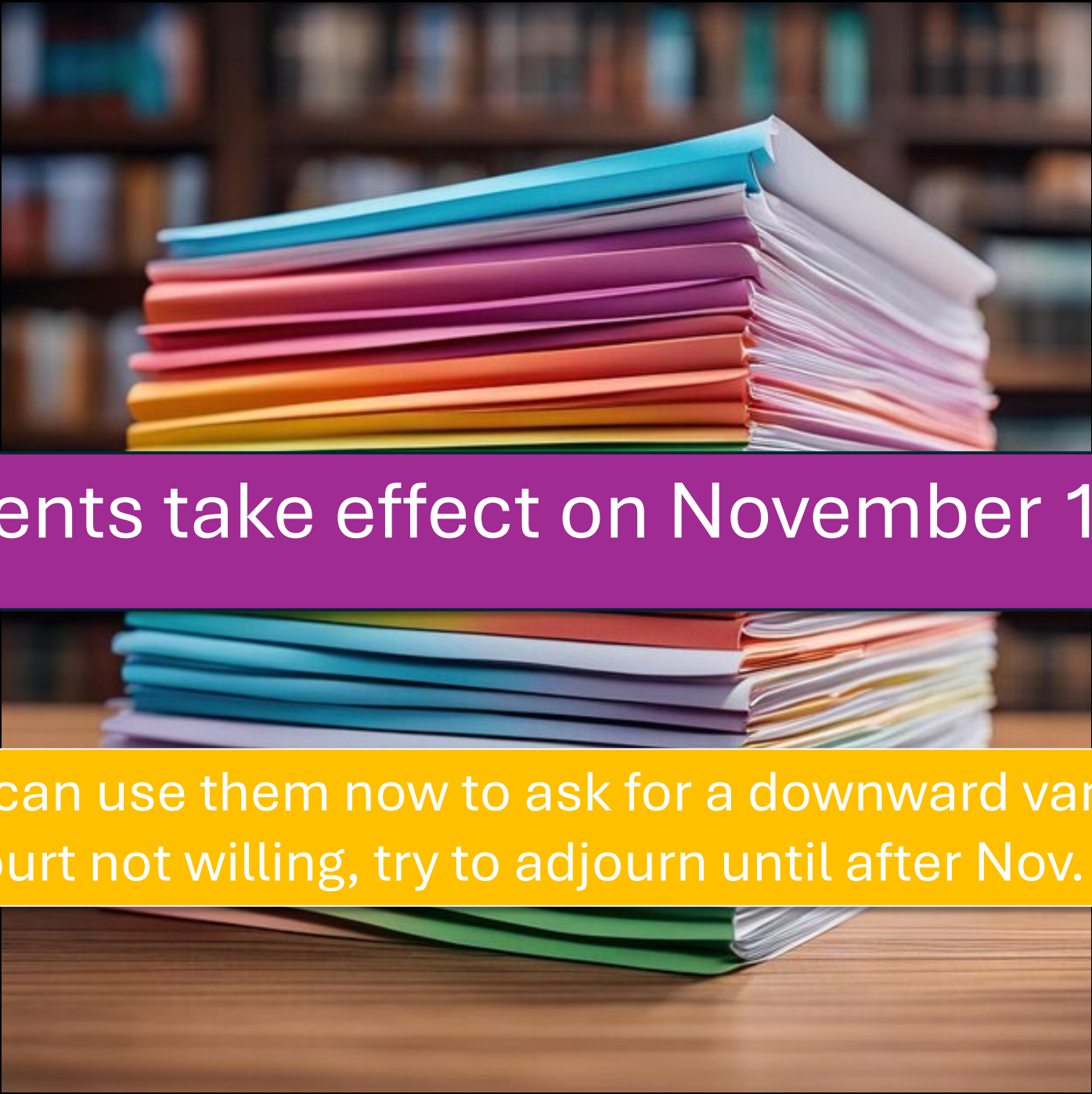
New intro to
Chapter 5

5

Simplification:
Deleted SOC's

6

Mitigating
Role
Amendment
Refresh

A stack of colorful folders (blue, pink, orange, yellow, green) is placed on a wooden desk. In the background, a blurred bookshelf filled with books is visible. A purple banner is overlaid on the top half of the image, and a yellow banner is overlaid on the bottom half.

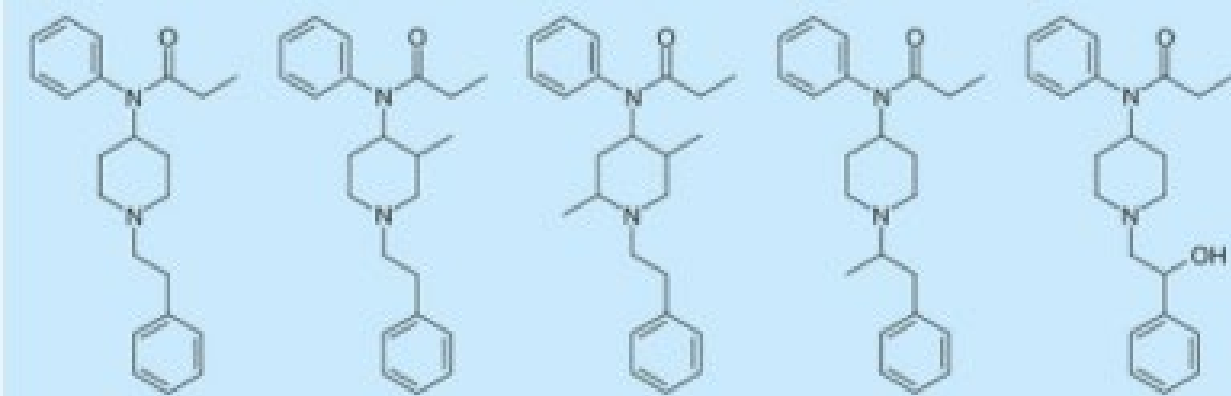
Amendments take effect on November 1, 2025!

But you can use them now to ask for a downward variance! If court not willing, try to adjourn until after Nov. 1.



Remember EX POST FACTO

But also....remember the ONE BOOK RULE



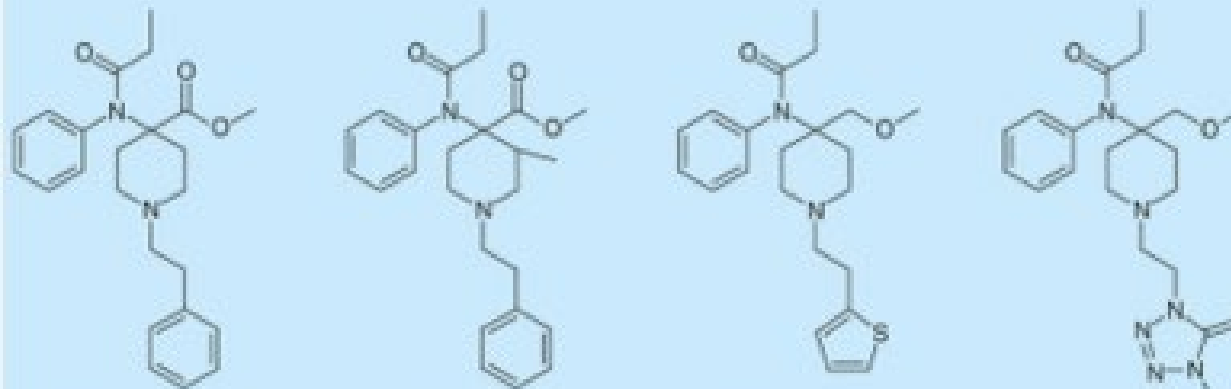
Fentanyl (6)

Mefentanyl (26)

Phenaridine (29)

α -mefentanyl (27)

Ohmefentanyl (95)

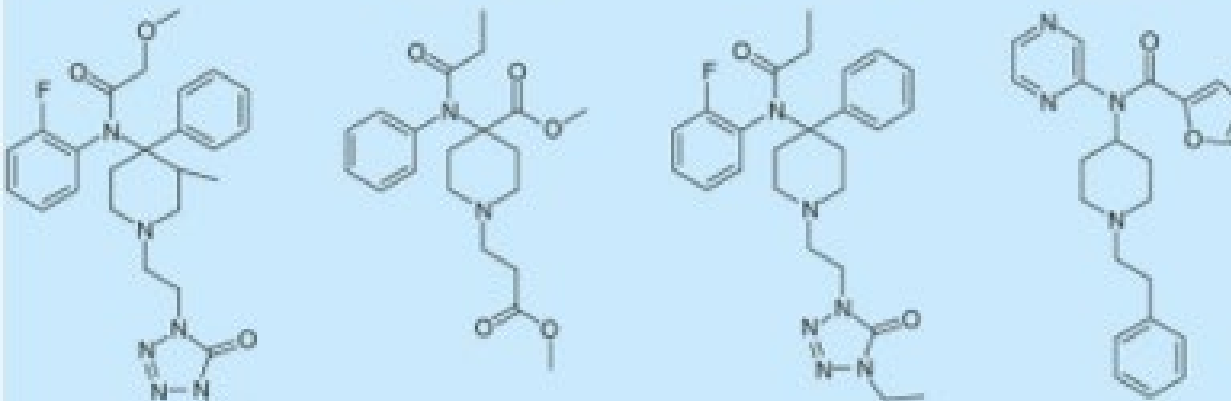


Carfentanil (45)

Lofentanil (47)

Sufentanil (52)

Alfentanil (53)



Brifentanil (39)

Remifentanyl (56)

Trefentanyl (38)

Mirfentanyl (72)

Fentanyl-Related Substances

Fentanyl Analogue

Similar chemical structure to fentanyl

Fentanyl Related Substance

Structurally related to fentanyl by 1 or more listed modifications

(A) By replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle.

(B) By substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino, or nitro groups.

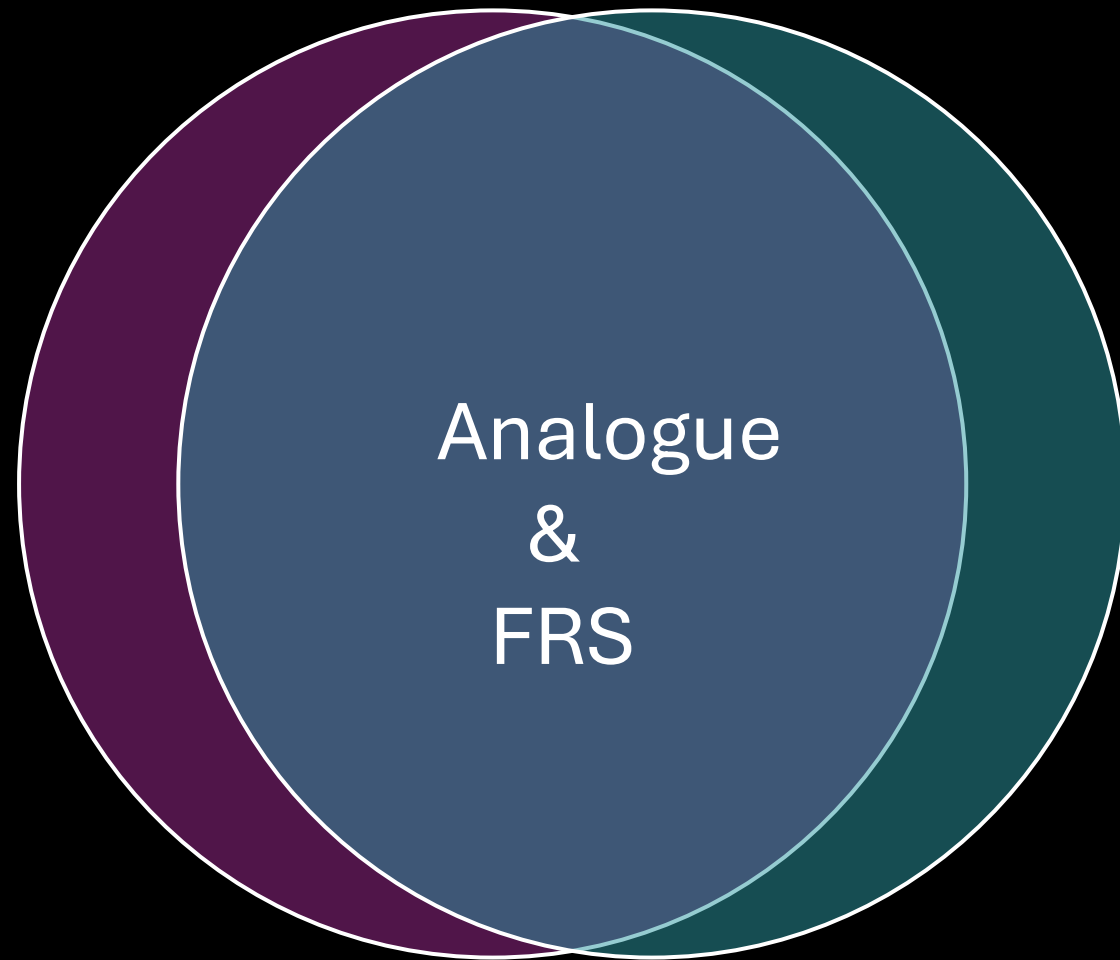
(C) By substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups.

(D) By replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle.

(E) By replacement of the N-propionyl group with another acyl group.

(c) DRUG QUANTITY TABLE

CONTROLLED SUBSTANCES AND QUANTITY*	BASE OFFENSE LEVEL
(1) ● 90 KG or more of Heroin; ● 450 KG or more of Cocaine; ● 25.2 KG or more of Cocaine Base; ● 90 KG or more of PCP, or 9 KG or more of PCP (actual); ● 45 KG or more of Methamphetamine, or 4.5 KG or more of Methamphetamine (actual), or 4.5 KG or more of "Ice"; ● 45 KG or more of Amphetamine, or 4.5 KG or more of Amphetamine (actual); ● 900 G or more of LSD; ● 36 KG or more of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide); ● 9 KG or more of a Fentanyl Analogue; ● 9 KG or more of a Fentanyl-Related Substance; ● 90,000 KG or more of Marihuana; ● 18,000 KG or more of Hashish; ● 1,800 KG or more of Hashish Oil; ● 90,000,000 units or more of Ketamine; ● 90,000,000 units or more of Schedule I or II Depressants; ● 5,625,000 units or more of Flunitrazepam; ● 90,000 KG or more of <i>Converted Drug Weight</i>.	Level 38



Some substantially less potent FRS:

Acetyl
Fentanyl

Butyryl
Fentanyl

Valeryl
Fentanyl

Meta-flouro-
fentanyl

4'-
flourofentanyl



SRC Zoom office hours

B *I* U [↗](#) [↘](#)

Unique Zoom links will go out 24-48 hours before each date

*** Note: Office Hours is a resource only for federal defenders and CJA-appointed attorneys

Last name *

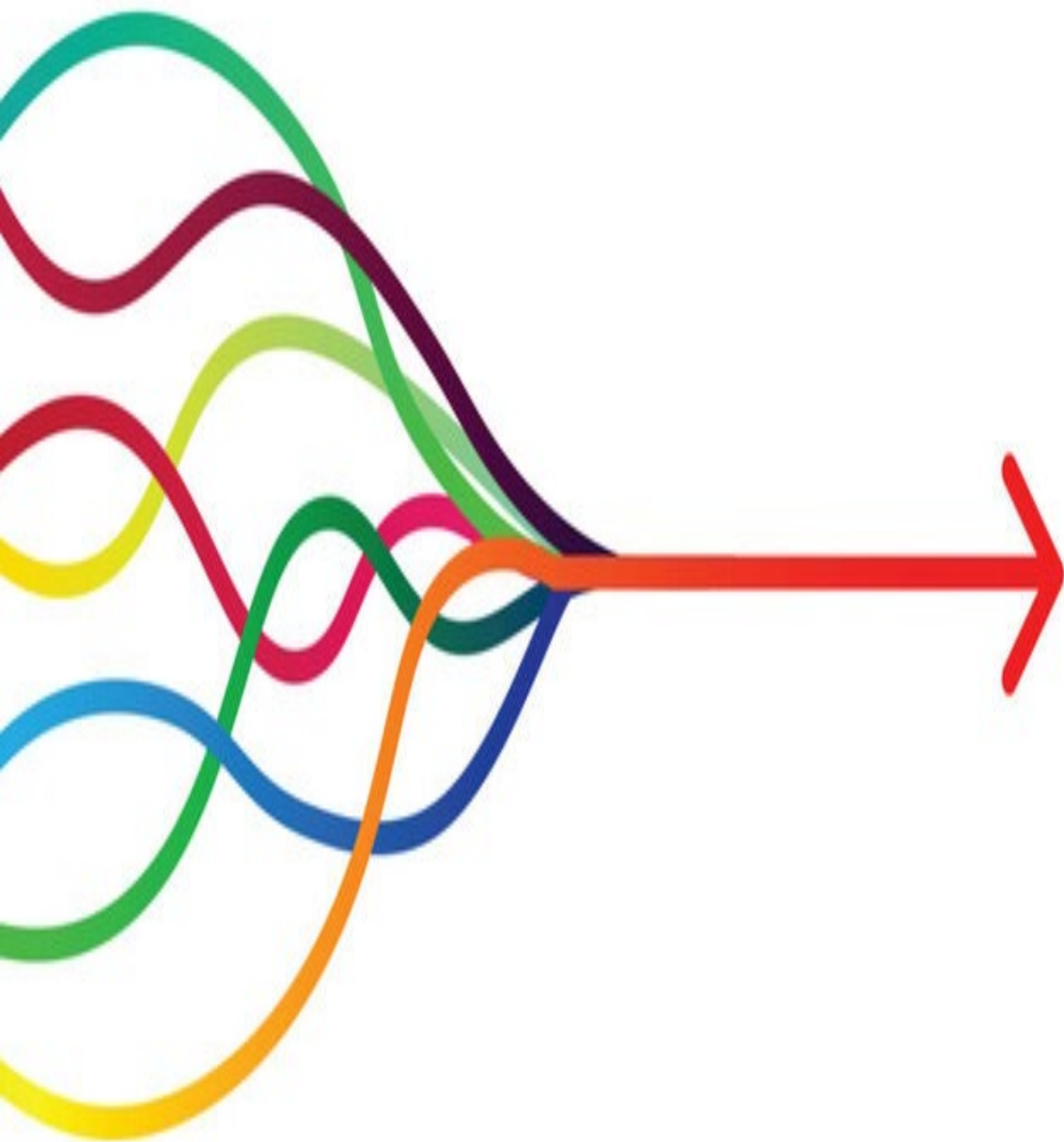
Short answer text

First name *

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New Multi-Count Rules

2

Overview

- “Grouping” → Gone Units → Gone
- The guidelines that have always aggregated counts (e.g. drugs, guns, fraud) still do
- Others are still calculated count-by-count
- The highest offense level still controls
- Now a short list of guidelines that can ever trigger additional levels (f/k/a units), and only in limited circumstances





Why?

- Grouping rules confusing and lead to error
- Too many USSC Helpline calls
- Despite training and other resources, judges still misapplying the rules
- Intent = outcome neutral (so if it's not, use this to make a variance argument)

§3D1.1. Procedure for Determining Offense Level on Multiple Counts

Step By Step



STEP ONE:

If multiple counts under any of these GLs, calculate them in the aggregate under a single guideline

These are currently the aggregate harm GLs that “group” under §3D1.2(d)

Fraud

Drug trafficking

New §3D1.1(a)

Firearm offenses

Illegal reentry

CP non-production offenses

§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.

STEP TWO:

For all other counts,
calculate each count
individually under the
applicable GL

New §3D1.1(c)

STEP THREE:

If counts under any of these GL, determine whether additional levels must be added

These are currently the GLs excluded from §3D1.2(d)

Robbery

Murder, assault, rape, obstruction, etc.

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.

New §3D1.1(b)(1)

VICAR

CP production

STEP FOUR:

Find which count has the highest offense level; this level (whether or not extra levels) now applies to all counts

STEP THREE:

If counts under any of these, determine whether additional levels must be added

These are currently the GLs excluded from 3D1.2(d)

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.

New §3D1.1(b)(1)

**Additional
levels will apply
only if two
conditions are
both present:**



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.

New §3D1.1(b)(1)

First, there must be multiple counts that come under the same guideline listed here

&

Second, those counts must be distinct—involve different victims or the same victim on different occasions

**Additional
levels will apply
only if two
- - -**

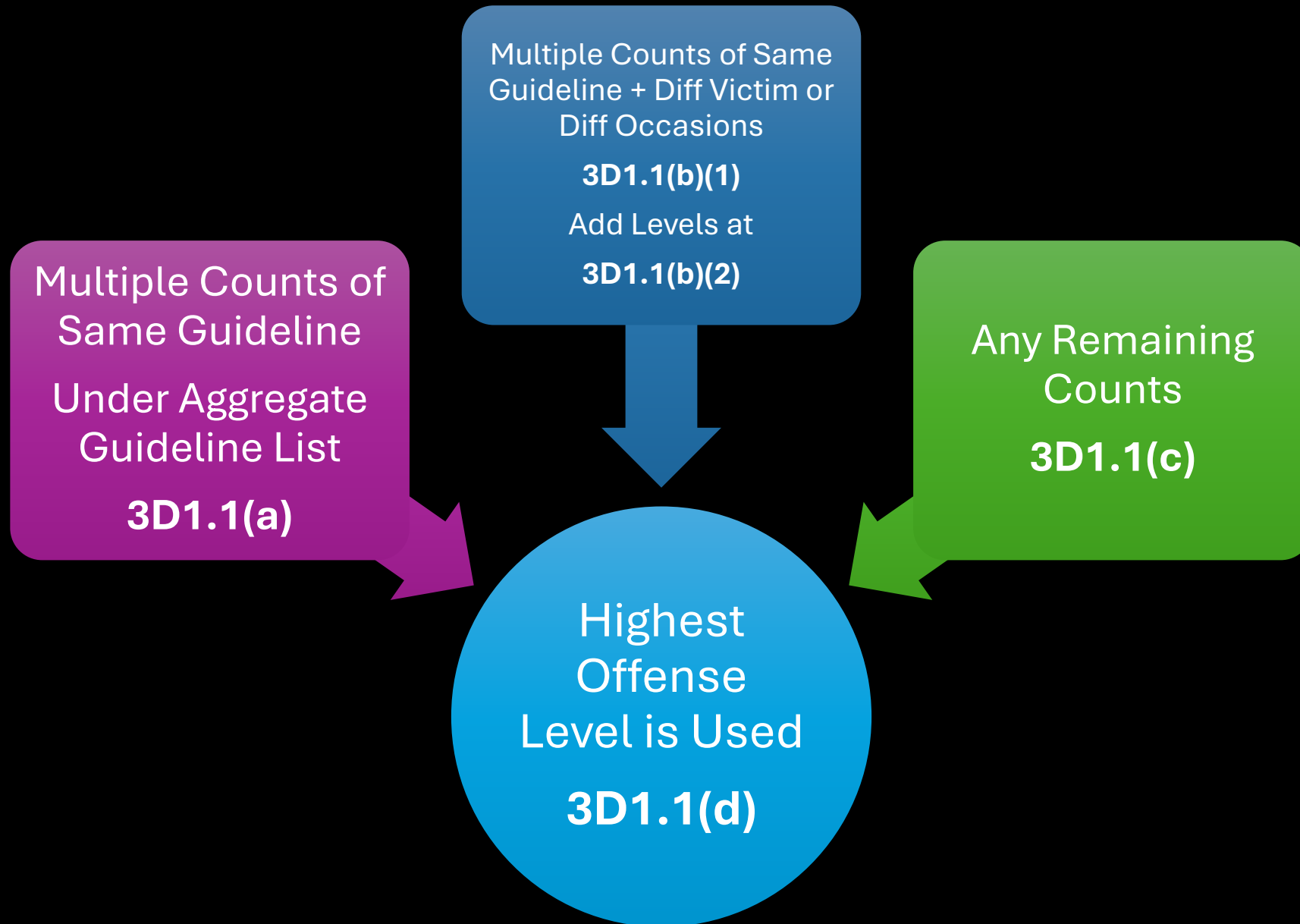
all offenses in Chapter Two, Part A (except §2A3.5);
§§2B2.1, 2B3.1, 2B3.2, 2B3.3;
§2D2.3;
§§2E1.3, 2E1.4, 2E2.1;
§§2G1.1, 2G1.3, 2G2.1;
§§2H1.1, 2H4.1;
§2J1.2, 2J1.3;

NUMBER OF COUNTS COVERED BY GUIDELINE LISTED IN PARAGRAPH (1)		INCREASE IN OFFENSE LEVEL
(A)	2	add 2 levels
(B)	3	add 3 levels
(C)	4 or 5	add 4 levels
(D)	6 or more	add 5 levels.

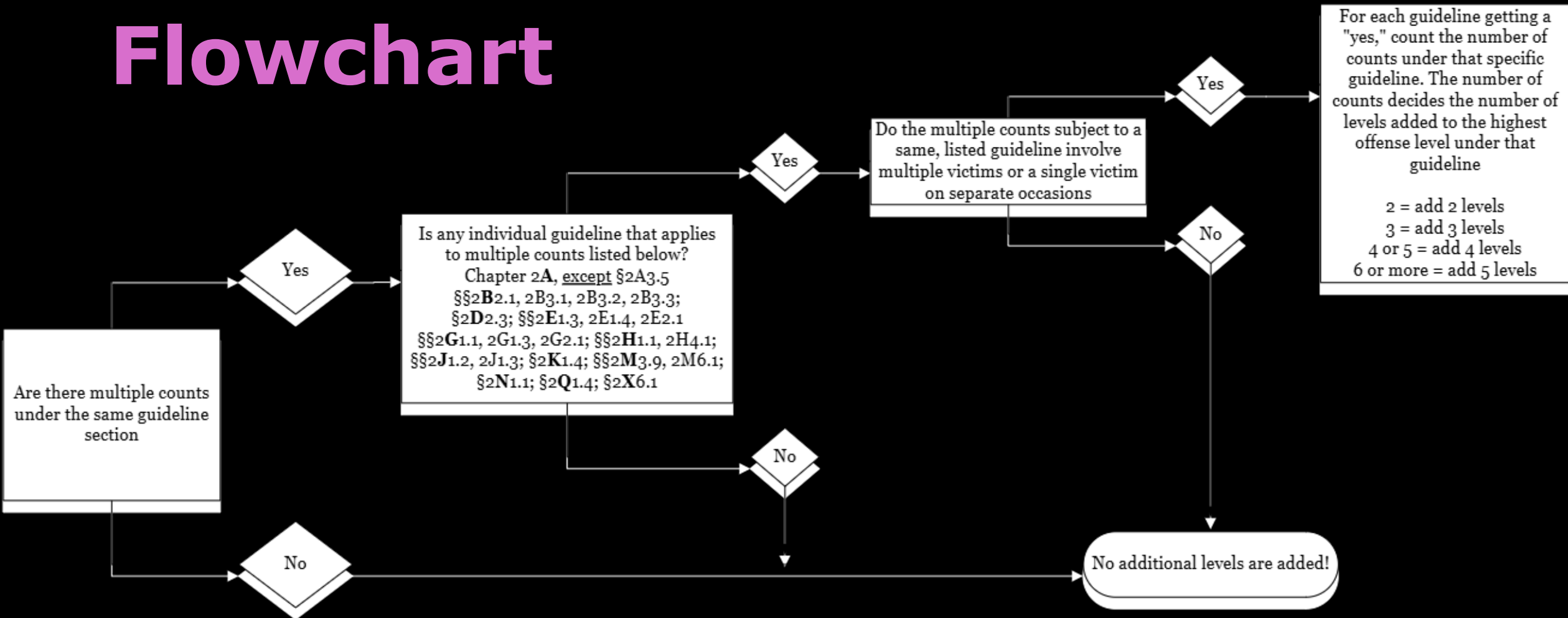
New §3D1.1(b)(2)

(e) SPECIAL INSTRUCTION FOR CERTAIN MULTIPLE COUNTS.—If there are multiple counts of conviction, exclude from the application of subsections (a) through (d) above the following counts:

- (1) Any count for which the statute (A) specifies a term of imprisonment to be imposed; and (B) requires that such term of imprisonment be imposed to run consecutively to any other term of imprisonment. Sentences for such counts are governed by subsection (a) of §5G1.2 (Sentencing on Multiple Counts of Conviction).
- (2) Any count of conviction under 18 U.S.C. § 1028A. *See* Application Note 2(B) of the Commentary to §5G1.2 (Sentencing on Multiple Counts of Conviction) for guidance on how sentences for multiple counts of conviction under 18 U.S.C. § 1028A should be imposed.



SRC Multi-Count Flowchart



Example #1

Example #1

Count 1: Possessing and Carrying of a Firearm in Furtherance of a Crime of Violence. 18 U.S.C. § 924(c)(1)(A)(ii).

Count 2: Carjacking. 18 U.S.C. § 2119.

Counts 3-5: Interference with Commerce by Robbery. 18 U.S.C. § 1951.



Step One: calculate in aggregate?

Count 2: Carjacking. 18 U.S.C. § 2119.

Interference with Commerce by Robbery. 18 U.S.C. §

**ALL FOUR
\$2B3.1**

§2A3.5;
 §§2B1.1, 2B1.4, 2B1.5, 2B1.6, 2B1.7, 2B1.8, 2B1.9, 2B5.1, 2B5.2, 2B5.3, 2B5.4, 2B5.5, 2B5.6, 2B5.7, 2B5.8, 2B5.9;
 §§2C1.1, 2C1.2, 2C1.3, 2C1.4, 2C1.5, 2C1.6, 2C1.7, 2C1.8, 2C1.9, 2C5.1, 2C5.2, 2C5.3, 2C5.4, 2C5.5, 2C5.6, 2C5.7, 2C5.8, 2C5.9;
 §§2D1.1, 2D1.2, 2D1.3, 2D1.4, 2D1.5, 2D1.6, 2D1.7, 2D1.8, 2D1.9, 2D5.1, 2D5.2, 2D5.3, 2D5.4, 2D5.5, 2D5.6, 2D5.7, 2D5.8, 2D5.9;
 §§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.

New §3D1.1(a)

Step Two: calculate each count

Count 2: Carjacking of a white Toyota Corolla (bearing license plate IFB011)

- | | | |
|-----|--|-----------------------|
| 51. | Base Offense Level: The guideline for a violation of 18 U.S.C. § 2119 is USSG §2B3.1. The base offense level for a robbery is 20. USSG §2B3.1(a). | <u>20</u> |
| 52. | Specific Offense Characteristics: Because the offense involved carjacking, increase by 2 levels. USSG §2B3.1(b)(5). | <u>+2¹</u> |
| 53. | Victim Related Adjustment: None. | <u>0</u> |
| 54. | Adjustment for Role in the Offense: None. | <u>0</u> |
| 55. | Adjustment for Obstruction of Justice: None. | <u>0</u> |
| 56. | Adjusted Offense Level (Subtotal): Twenty-two. | <u>22</u> |

Step Two: calculate each count

Count 2: Carjacking of a white Toyota Corolla (bearing license plate IFB011)

- | | | |
|-----|--|-----------------------|
| 51. | Base Offense Level: The guideline for a violation of 18 U.S.C. § 2119 is USSG §2B3.1. The base offense level for a robbery is 20. USSG §2B3.1(a). | <u>20</u> |
| 52. | Specific Offense Characteristics: Because the offense involved carjacking, increase by 2 levels. USSG §2B3.1(b)(5). | <u>+2⁴</u> |
| 53. | Victim Related Adjustment: None. | <u>0</u> |
| 54. | Adjustment for Role in the Offense: None. | <u>0</u> |
| 55. | Adjustment for Obstruction of Justice: None. | <u>0</u> |
| 56. | Adjusted Offense Level (Subtotal): Twenty-two. | <u>22</u> |

Count 3: Interference with Commerce by Robbery of Ecomaxx Gas Station, Road #782 in Cidra, PR

- | | | |
|-----|--|-----------------------|
| 57. | Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951 is USSG §2B3.1. The base offense level for a robbery is 20. USSG §2B3.1(a). | <u>20</u> |
| 58. | Specific Offense Characteristics: If a firearm was otherwise used, increase by 6 levels; USSG 2B3.1(b)(2)(B). | <u>+6⁵</u> |
| 59. | Victim Related Adjustment: None. | <u>0</u> |
| 60. | Adjustment for Role in the Offense: None. | <u>0</u> |
| 61. | Adjustment for Obstruction of Justice: None. | <u>0</u> |
| 62. | Adjusted Offense Level (Subtotal): Twenty-six. | <u>26</u> |

Step Two: calculate each count

Count 2: Carjacking of a white Toyota Corolla (bearing license plate IFB011)

51.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 2119 is USSG §2B3.1. The base offense level for a robbery is 20. USSG §2B3.1(a).	<u>20</u>
52.	Specific Offense Characteristics: Because the offense involved carjacking, increase by 2 levels. USSG §2B3.1(b)(5).	<u>+2⁴</u>
53.	Victim Related Adjustment: None.	<u>0</u>
54.	Adjustment for Role in the Offense: None.	<u>0</u>
55.	Adjustment for Obstruction of Justice: None.	<u>0</u>
56.	Adjusted Offense Level (Subtotal): Twenty-two.	<u>22</u>

Count 3: Interference with Commerce by Robbery of Ecomaxx Gas Station, Road #782 in Cidra, PR

57.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951 is USSG §2B3.1. The base offense level for a robbery is 20. USSG §2B3.1(a).	<u>20</u>
58.	Specific Offense Characteristics: If a firearm was otherwise used, increase by 6 levels; USSG 2B3.1(b)(2)(B).	<u>+6⁵</u>
59.	Victim Related Adjustment: None.	<u>0</u>
60.	Adjustment for Role in the Offense: None.	<u>0</u>
61.	Adjustment for Obstruction of Justice: None.	<u>0</u>
62.	Adjusted Offense Level (Subtotal): Twenty-six.	<u>26</u>

Count 4: Interference with Commerce by Robbery of Ecomaxx Gas Station, Road #171 in Cidra, PR

63.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951 is USSG §2B3.1. The base offense level for a robbery is 20. USSG §2B3.1(a).	<u>20</u>
64.	Specific Offense Characteristics: if a firearm was otherwise used, increase by 6 levels; USSG 2B3.1(b)(2)(B).	<u>+6⁶</u>
65.	Victim Related Adjustment: None.	<u>0</u>
66.	Adjustment for Role in the Offense: None.	<u>0</u>
67.	Adjustment for Obstruction of Justice: None.	<u>0</u>
68.	Adjusted Offense Level (Subtotal): Twenty-six.	<u>26</u>

Step Two: calculate each count

Count 2: Carjacking of a white Toyota Corolla (bearing license plate IFB011)

51.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 2119 is USSG §2B3.1. The base offense level for a robbery is 20. USSG §2B3.1(a).	<u>20</u>
52.	Specific Offense Characteristics: Because the offense involved carjacking, increase by 2 levels. USSG §2B3.1(b)(5).	<u>+2⁴</u>
53.	Victim Related Adjustment: None.	<u>0</u>
54.	Adjustment for Role in the Offense: None.	<u>0</u>
55.	Adjustment for Obstruction of Justice: None.	<u>0</u>
56.	Adjusted Offense Level (Subtotal): Twenty-two.	<u>22</u>

Count 3: Interference with Commerce by Robbery of Ecomaxx Gas Station, Road #782 in Cidra, PR

57.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951 is USSG §2B3.1. The base offense level for a robbery is 20. USSG §2B3.1(a).	<u>20</u>
58.	Specific Offense Characteristics: If a firearm was otherwise used, increase by 6 levels; USSG 2B3.1(b)(2)(B).	<u>+6⁵</u>
59.	Victim Related Adjustment: None.	<u>0</u>
60.	Adjustment for Role in the Offense: None.	<u>0</u>
61.	Adjustment for Obstruction of Justice: None.	<u>0</u>
62.	Adjusted Offense Level (Subtotal): Twenty-six.	<u>26</u>

Count 4: Interference with Commerce by Robbery of Ecomaxx Gas Station, Road #171 in Cidra, PR

63.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951 is USSG §2B3.1. The base offense level for a robbery is 20. USSG §2B3.1(a).	<u>20</u>
64.	Specific Offense Characteristics: if a firearm was otherwise used, increase by 6 levels; USSG 2B3.1(b)(2)(B).	<u>+6⁶</u>
65.	Victim Related Adjustment: None.	<u>0</u>
66.	Adjustment for Role in the Offense: None.	<u>0</u>
67.	Adjustment for Obstruction of Justice: None.	<u>0</u>
68.	Adjusted Offense Level (Subtotal): Twenty-six.	<u>26</u>

Count 5: Interference with Commerce by Robbery of Puma Gas Station, Road #173 in Cidra, PR

69.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951 is USSG §2B3.1. The base offense level for a robbery is 20. USSG §2B3.1(a).	<u>20</u>
70.	Specific Offense Characteristics: if a firearm was otherwise used, increase by 6 levels; USSG 2B3.1(b)(2)(B).	<u>+6⁷</u>
71.	Victim Related Adjustment: None.	<u>0</u>
72.	Adjustment for Role in the Offense: None.	<u>0</u>
73.	Adjustment for Obstruction of Justice: None.	<u>0</u>
74.	Adjusted Offense Level (Subtotal): Twenty-six.	<u>26</u>

Step Three: additional levels?

Count 2: Carjacking of a white Toyota Corolla (bearing license plate IFB011)

51.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 2119 is USSG §2B3.1. The base offense level for a robbery is 20. USSG §2B3.1(a).	<u>20</u>
52.	Specific Offense Characteristics: Because the offense involved carjacking, increase by 2 levels. USSG §2B3.1(b)(5).	<u>+2⁴</u>
53.	Victim Related Adjustment: None.	<u>0</u>
54.	Adjustment for Role in the Offense: None.	<u>0</u>
55.	Adjustment for Obstruction of Justice: None.	<u>0</u>
56.	Adjusted Offense Level (Subtotal): Twenty-two.	<u>22</u>

Count 3: Interference with Commerce by Robbery of Ecomaxx Gas Station, Road #782 in Cidra, PR

57.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951 is USSG §2B3.1. The base offense level for a robbery is 20. USSG §2B3.1(a).	<u>20</u>
58.	Specific Offense Characteristics: If a firearm was otherwise used, increase by 6 levels; USSG 2B3.1(b)(2)(B).	<u>+6⁵</u>
59.	Victim Related Adjustment: None.	<u>0</u>
60.	Adjustment for Role in the Offense: None.	<u>0</u>
61.	Adjustment for Obstruction of Justice: None.	<u>0</u>
62.	Adjusted Offense Level (Subtotal): Twenty-six.	<u>26</u>

Count 4: Interference with Commerce by Robbery of Ecomaxx Gas Station, Road #171 in Cidra, PR

63.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951 is USSG §2B3.1. The base offense level for a robbery is 20. USSG §2B3.1(a).	<u>20</u>
64.	Specific Offense Characteristics: if a firearm was otherwise used, increase by 6 levels; USSG 2B3.1(b)(2)(B).	<u>+6⁶</u>
65.	Victim Related Adjustment: None.	<u>0</u>
66.	Adjustment for Role in the Offense: None.	<u>0</u>
67.	Adjustment for Obstruction of Justice: None.	<u>0</u>
68.	Adjusted Offense Level (Subtotal): Twenty-six.	<u>26</u>

Count 5: Interference with Commerce by Robbery of Puma Gas Station, Road #173 in Cidra, PR

69.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951 is USSG §2B3.1. The base offense level for a robbery is 20. USSG §2B3.1(a).	<u>20</u>
70.	Specific Offense Characteristics: if a firearm was otherwise used, increase by 6 levels; USSG 2B3.1(b)(2)(B).	<u>+6²</u>
71.	Victim Related Adjustment: None.	<u>0</u>
72.	Adjustment for Role in the Offense: None.	<u>0</u>
73.	Adjustment for Obstruction of Justice: None.	<u>0</u>
74.	Adjusted Offense Level (Subtotal): Twenty-six.	<u>26</u>

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.

New §3D1.1(b)(1)

Step Three: additional levels?

Count 2: Carjacking of a white Toyota Corolla (bearing license plate IFB011)

51. **Base Offense Level:** The guideline for a violation of 18 U.S.C. § 2119 is USSG §2B3.1. The base offense level for a robbery is 20. USSG §2B3.1(a). 20
52. **Specific Offense Characteristics:** Because the offense involved carjacking, increase by 2 levels. USSG §2B3.1(b)(5). +2⁴
53. **Victim Related Adjustment:** None. 0
54. **Adjustment for Role in the Offense:** None. 0
55. **Adjustment for Obstruction of Justice:** None. 0
56. **Adjusted Offense Level (Subtotal):** Twenty-two. 22

Count 3: Interference with Commerce by Robbery of Ecomaxx Gas Station, Road #782 in Cidra, PR

57. **Base Offense Level:** The guideline for a violation of 18 U.S.C. § 1951 is USSG §2B3.1. The base offense level for a robbery is 20. USSG §2B3.1(a). 20
58. **Specific Offense Characteristics:** If a firearm was otherwise used, increase by 6 levels; USSG 2B3.1(b)(2)(B). +6⁵
59. **Victim Related Adjustment:** None. 0
60. **Adjustment for Role in the Offense:** None. 0
61. **Adjustment for Obstruction of Justice:** None. 0
62. **Adjusted Offense Level (Subtotal):** Twenty-six. 26

Count 4: Interference with Commerce by Robbery of Ecomaxx Gas Station, Road #171 in Cidra, PR

63. **Base Offense Level:** The guideline for a violation of 18 U.S.C. § 1951 is USSG §2B3.1. The base offense level for a robbery is 20. USSG §2B3.1(a). 20
64. **Specific Offense Characteristics:** if a firearm was otherwise used, increase by 6 levels; USSG 2B3.1(b)(2)(B). +6⁶
65. **Victim Related Adjustment:** None. 0
66. **Adjustment for Role in the Offense:** None. 0
67. **Adjustment for Obstruction of Justice:** None. 0
68. **Adjusted Offense Level (Subtotal):** Twenty-six. 26

Count 5: Interference with Commerce by Robbery of Puma Gas Station, Road #173 in Cidra, PR

69. **Base Offense Level:** The guideline for a violation of 18 U.S.C. § 1951 is USSG §2B3.1. The base offense level for a robbery is 20. USSG §2B3.1(a). 20
70. **Specific Offense Characteristics:** if a firearm was otherwise used, increase by 6 levels; USSG 2B3.1(b)(2)(B). +6²
71. **Victim Related Adjustment:** None. 0
72. **Adjustment for Role in the Offense:** None. 0
73. **Adjustment for Obstruction of Justice:** None. 0
74. **Adjusted Offense Level (Subtotal):** Twenty-six. 26

NUMBER OF COUNTS COVERED BY GUIDELINE LISTED IN PARAGRAPH (1)	INCREASE IN OFFENSE LEVEL
(A) 2	add 2 levels
(B) 3	add 3 levels
(C) 4 or 5	add 4 levels
(D) 6 or more	add 5 levels.

New §3D1.1(b)(2)

Step Four: highest level controls

Count 2: Carjacking of a white Toyota Corolla (bearing license plate #782 in Cidra, PR)

51. **Base Offense Level:** The guideline for a violation of 18 U.S.C. §2B3.1. The base offense level for a robbery is 20. USSG §2B3.1(b)(1).
52. **Specific Offense Characteristics:** Because the offense is a robbery, the offense level is increased by 2 levels. USSG §2B3.1(b)(5).
53. **Victim Related Adjustment:** None.
54. **Adjustment for Role in the Offense:** None.
55. **Adjustment for Obstruction of Justice:** None.
56. **Adjusted Offense Level (Subtotal):** Twenty-two.

Count 3: Interference with Commerce by Robbery of Economic Goods (bearing license plate #782 in Cidra, PR)

57. **Base Offense Level:** The guideline for a violation of 18 U.S.C. §2B3.1. The base offense level for a robbery is 20. USSG §2B3.1(b)(1).
58. **Specific Offense Characteristics:** If a firearm was otherwise involved, the offense level is increased by 2 levels. USSG §2B3.1(b)(2)(B).
59. **Victim Related Adjustment:** None.
60. **Adjustment for Role in the Offense:** None.
61. **Adjustment for Obstruction of Justice:** None.
62. **Adjusted Offense Level (Subtotal):** Twenty-six.

Count 4: Interference with Commerce by Robbery of Economic Goods (bearing license plate #171 in Cidra, PR)

63. **Base Offense Level:** The guideline for a violation of 18 U.S.C. §2B3.1. The base offense level for a robbery is 20. USSG §2B3.1(b)(1).
64. **Specific Offense Characteristics:** if a firearm was otherwise involved, the offense level is increased by 2 levels. USSG §2B3.1(b)(2)(B).
65. **Victim Related Adjustment:** None.
66. **Adjustment for Role in the Offense:** None.
67. **Adjustment for Obstruction of Justice:** None.
68. **Adjusted Offense Level (Subtotal):** Twenty-six.

Count 5: Interference with Commerce by Robbery of Economic Goods (bearing license plate #171 in Cidra, PR)

69. **Base Offense Level:** The guideline for a violation of 18 U.S.C. §2B3.1. The base offense level for a robbery is 20. USSG §2B3.1(b)(1).
70. **Specific Offense Characteristics:** if a firearm was otherwise involved, the offense level is increased by 2 levels. USSG §2B3.1(b)(2)(B).
71. **Victim Related Adjustment:** None.
72. **Adjustment for Role in the Offense:** None.
73. **Adjustment for Obstruction of Justice:** None.
74. **Adjusted Offense Level (Subtotal):** Twenty-six.

75. **Multiple Count Adjustment:** Units are assigned pursuant to USSG §3D1.4(a), (b) and (c). One unit is assigned to the group with the highest offense level. One additional unit is assigned for each group that is equally serious or from 1 to 4 levels less serious. One-half unit is assigned to any group that is 5 to 8 levels less serious than the highest offense level. Any groups that are 9 or more levels less serious than the group with the highest offense level are disregarded.

<u>Group/Count</u>	<u>Adjusted Offense Level</u>
Count 1	20
Count 2	1.0
Count 3	1.0
Count 4	1.0
Count 5	1.0
Total Number of Units	4.0

76. **Greater of the Adjusted Offense Levels Above:** 26
77. **Increase in Offense Level:** The offense level is increased pursuant to the number of units assigned by the amount indicated in the table at USSG §3D1.4. +4
78. **Combined Adjusted Offense Level:** The Combined Adjusted Offense Level is determined by taking the offense level applicable to the Group with the highest offense level and increasing the offense level by the amount indicated in the table at USSG §3D1.4. 30

CASE IN
LEVEL
levels
levels
levels
levels.

Example #2



Count 1:

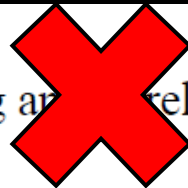
Conspiracy to interfere with interstate commerce by robbery
18 U.S.C. § 1951(a)

Count 2:

Robbery which interferes with interstate commerce
18 U.S.C. § 1951(a)

Count 3:

Using, carrying a firearm during and in relation to a crime of violence
18 U.S.C. § 924(c)



Count 7:

Attempted robbery which interferes with interstate commerce
18 U.S.C. § 1951(a)

Step One: Calculate in aggregate?

Count 1:

Conspiracy to interfere with interstate commerce by robbery
18 U.S.C. § 1951(a)

2B3.1

Attempted robbery which interferes with interstate commerce
18 U.S.C. § 1951(a)

Count 2:

Robbery which interferes with interstate commerce
18 U.S.C. § 1951(a)

§2A3.5;
§§2B1.1, 2B1.4, 2B2.1, 2B3.1, 2B4.1, 2B5.1, 2B5.2, 2B6.1;
§§2C1.1, 2C1.2, 2C2.1, 2C2.2, 2C2.3, 2C2.4, 2C2.5, 2C2.6, 2C2.7, 2C2.8, 2C2.9, 2C2.10, 2C2.11, 2C2.12, 2C2.13, 2C2.14, 2C2.15, 2C2.16, 2C2.17, 2C2.18, 2C2.19, 2C2.20, 2C2.21, 2C2.22, 2C2.23, 2C2.24, 2C2.25, 2C2.26, 2C2.27, 2C2.28, 2C2.29, 2C2.30, 2C2.31, 2C2.32, 2C2.33, 2C2.34, 2C2.35, 2C2.36, 2C2.37, 2C2.38, 2C2.39, 2C2.40, 2C2.41, 2C2.42, 2C2.43, 2C2.44, 2C2.45, 2C2.46, 2C2.47, 2C2.48, 2C2.49, 2C2.50, 2C2.51, 2C2.52, 2C2.53, 2C2.54, 2C2.55, 2C2.56, 2C2.57, 2C2.58, 2C2.59, 2C2.60, 2C2.61, 2C2.62, 2C2.63, 2C2.64, 2C2.65, 2C2.66, 2C2.67, 2C2.68, 2C2.69, 2C2.70, 2C2.71, 2C2.72, 2C2.73, 2C2.74, 2C2.75, 2C2.76, 2C2.77, 2C2.78, 2C2.79, 2C2.80, 2C2.81, 2C2.82, 2C2.83, 2C2.84, 2C2.85, 2C2.86, 2C2.87, 2C2.88, 2C2.89, 2C2.90, 2C2.91, 2C2.92, 2C2.93, 2C2.94, 2C2.95, 2C2.96, 2C2.97, 2C2.98, 2C2.99, 2C2.100;
§§2D1.1, 2D1.2, 2D1.3, 2D1.4, 2D1.5, 2D1.6, 2D1.7, 2D1.8, 2D1.9, 2D1.10, 2D1.11, 2D1.12, 2D1.13, 2D1.14, 2D1.15, 2D1.16, 2D1.17, 2D1.18, 2D1.19, 2D1.20, 2D1.21, 2D1.22, 2D1.23, 2D1.24, 2D1.25, 2D1.26, 2D1.27, 2D1.28, 2D1.29, 2D1.30, 2D1.31, 2D1.32, 2D1.33, 2D1.34, 2D1.35, 2D1.36, 2D1.37, 2D1.38, 2D1.39, 2D1.40, 2D1.41, 2D1.42, 2D1.43, 2D1.44, 2D1.45, 2D1.46, 2D1.47, 2D1.48, 2D1.49, 2D1.50, 2D1.51, 2D1.52, 2D1.53, 2D1.54, 2D1.55, 2D1.56, 2D1.57, 2D1.58, 2D1.59, 2D1.60, 2D1.61, 2D1.62, 2D1.63, 2D1.64, 2D1.65, 2D1.66, 2D1.67, 2D1.68, 2D1.69, 2D1.70, 2D1.71, 2D1.72, 2D1.73, 2D1.74, 2D1.75, 2D1.76, 2D1.77, 2D1.78, 2D1.79, 2D1.80, 2D1.81, 2D1.82, 2D1.83, 2D1.84, 2D1.85, 2D1.86, 2D1.87, 2D1.88, 2D1.89, 2D1.90, 2D1.91, 2D1.92, 2D1.93, 2D1.94, 2D1.95, 2D1.96, 2D1.97, 2D1.98, 2D1.99, 2D1.100;
§§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.

New §3D1.1(a)

+5 additional
pseudo-count
Hobbs Act
robberies!

Step Two: calculate each count

GROUP 1: Robbery of C&C Sports Center, Philadelphia, Pennsylvania (Counts 1 and 2)

43.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951 is USSG §2B3.1. The base offense level is 20. USSG §2B3.1(a).	<u>20</u>
44.	Specific Offense Characteristics: Pursuant to U.S.S.G. § 2B3.1(b)(2)(6), if a firearm was taken, a one level increase is warranted. In this case, eight firearms were taken.	<u>+1</u>
45.	Victim Related Adjustment: None.	<u>0</u>
46.	Adjustment for Role in the Offense: None.	<u>0</u>
47.	Adjustment for Obstruction of Justice: None.	<u>0</u>
48.	Adjusted Offense Level (Subtotal):	<u>21</u>

GROUP 2: Robbery of 7-11 Store, Philadelphia, Pennsylvania (Counts 1 and 7)

49.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951 is USSG §2B3.1. The base offense level is 20. USSG §2B3.1(a).	<u>20</u>
50.	Specific Offense Characteristics: A firearm was discharged during the course of the robbery. Therefore, the offense level is increased by seven levels pursuant to USSG §2B3.1(b)(2)(A). ¹	<u>+7</u>
51.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(C), six levels are added because the victim suffered a life-threatening injury during the course of the robbery.	<u>+6</u>
52.	Victim Related Adjustment: None.	<u>0</u>
53.	Adjustment for Role in the Offense: None.	<u>0</u>
54.	Adjustment for Obstruction of Justice: None.	<u>0</u>
55.	Adjusted Offense Level (Subtotal):	<u>31</u>

Step Two cont'd: pseudo-counts

GROUP 3-Relevant Conduct-Robbery of Pantry One Food Mart

56.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951a is USSG §2B3.1. The base offense level is 20. USSG §2B3.1(a).	<u>20</u>
57.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(B), six levels are added because a firearm was used during the commission of the offense.	<u>+6</u>
58.	Victim Related Adjustment: None.	<u>0</u>
59.	Adjustment for Role in the Offense: None.	<u>0</u>
60.	Adjustment for Obstruction of Justice: None.	<u>0</u>
61.	Adjusted Offense Level (Subtotal):	<u>26</u>

GROUP 4 - Robbery of Southside Pizza

62.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951a is USSG §2B3.1. The base offense level is 20. USSG §2B3.1(a).	<u>20</u>
63.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(B), six levels are added because a firearm was used during the commission of the offense.	<u>+6</u>
64.	Victim Related Adjustment: None.	<u>0</u>
65.	Adjustment for Role in the Offense: None.	<u>0</u>
66.	Adjustment for Obstruction of Justice: None.	<u>0</u>
67.	Adjusted Offense Level (Subtotal):	<u>26</u>

GROUP 5 -Robbery of New Hope Pizza

68.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951a is USSG §2B3.1. The base offense level is 20. USSG §2B3.1(a).	<u>20</u>
69.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(A), seven levels are added because a firearm was discharged during the commission of the offense.	<u>+7</u>
70.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(C), six levels are added because the victim life-threatening injury during the course of the robbery.	<u>+6</u>
71.	Victim Related Adjustment: None.	<u>0</u>
72.	Adjustment for Role in the Offense: None.	<u>0</u>
73.	Adjustment for Obstruction of Justice: None.	<u>0</u>
74.	Adjusted Offense Level (Subtotal):	<u>31³</u>

GROUP 6 - Robbery of Crazy Greek Pizza

75.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951a is USSG §2B3.1. The base offense level is 20. USSG §2B3.1(a).	<u>20</u>
76.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(B), six levels are added because a firearm was used during the commission of the offense.	<u>+6</u>
77.	Victim Related Adjustment: None.	<u>0</u>
78.	Adjustment for Role in the Offense: None.	<u>0</u>
79.	Adjustment for Obstruction of Justice: None.	<u>0</u>
80.	Adjusted Offense Level (Subtotal):	<u>26</u>

GROUP 7 - Robbery of Amici's Pizza

81.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951a is USSG §2B3.1. The base offense level is 20. USSG §2B3.1(a).	<u>20</u>
82.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(B), six levels are added because a firearm was used during the commission of the offense.	<u>+6</u>
83.	Victim Related Adjustment: None.	<u>0</u>
84.	Adjustment for Role in the Offense: None.	<u>0</u>
85.	Adjustment for Obstruction of Justice: None.	<u>0</u>
86.	Adjusted Offense Level (Subtotal):	<u>26</u>

Step Three: additional levels?

GROUP 1: Robbery of C&C Sports Center, Philadelphia, Pennsylvania (Counts 1 and 2)		
43.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951 is USSG §2B3.1. The base offense level is 20. USSG §2B3.1(a).	<u>20</u>
44.	Specific Offense Characteristics: Pursuant to U.S.S.G. § 2B3.1(b)(2)(6), if a firearm was taken, a one level increase is warranted. In this case, eight firearms were taken.	<u>+1</u>
45.	Victim Related Adjustment: None.	<u>0</u>
46.	Adjustment for Role in the Offense: None.	<u>0</u>
47.	Adjustment for Obstruction of Justice: None.	<u>0</u>
48.	Adjusted Offense Level (Subtotal):	<u>21</u>

GROUP 2: Robbery of 7-11 Store, Philadelphia, Pennsylvania (Counts 1 and 7)		
49.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951 is USSG §2B3.1. The base offense level is 20. USSG §2B3.1(a).	<u>20</u>
50.	Specific Offense Characteristics: A firearm was discharged during the course of the robbery. Therefore, the offense level is increased by seven levels pursuant to USSG §2B3.1(b)(2)(A). ¹	<u>+7</u>
51.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(C), six levels are added because the victim suffered a life-threatening injury during the course of the robbery.	<u>+6</u>
52.	Victim Related Adjustment: None.	<u>0</u>
53.	Adjustment for Role in the Offense: None.	<u>0</u>
54.	Adjustment for Obstruction of Justice: None.	<u>0</u>
55.	Adjusted Offense Level (Subtotal):	<u>31²</u>

GROUP 3-Relevant Conduct-Robbery of Pantry One Food Mart		
56.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951a is USSG §2B3.1. The base offense level is 20. USSG §2B3.1(a).	<u>20</u>
57.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(B), six levels are added because a firearm was used during the commission of the offense.	<u>+6</u>
58.	Victim Related Adjustment: None.	<u>0</u>
59.	Adjustment for Role in the Offense: None.	<u>0</u>
60.	Adjustment for Obstruction of Justice: None.	<u>0</u>
61.	Adjusted Offense Level (Subtotal):	<u>26</u>

GROUP 4 - Robbery of Southside Pizza		
62.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951a is USSG §2B3.1. The base offense level is 20. USSG §2B3.1(a).	<u>20</u>
63.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(B), six levels are added because a firearm was used during the commission of the offense.	<u>+6</u>
64.	Victim Related Adjustment: None.	<u>0</u>
65.	Adjustment for Role in the Offense: None.	<u>0</u>
66.	Adjustment for Obstruction of Justice: None.	<u>0</u>
67.	Adjusted Offense Level (Subtotal):	<u>26</u>

GROUP 5 -Robbery of New Hope Pizza		
68.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951a is USSG §2B3.1. The base offense level is 20. USSG §2B3.1(a).	<u>20</u>
69.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(A), seven levels are added because a firearm was discharged during the commission of the offense.	<u>+7</u>
70.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(C), six levels are added because the victim life-threatening injury during the course of the robbery.	<u>+6</u>
71.	Victim Related Adjustment: None.	<u>0</u>
72.	Adjustment for Role in the Offense: None.	<u>0</u>
73.	Adjustment for Obstruction of Justice: None.	<u>0</u>
74.	Adjusted Offense Level (Subtotal):	<u>31³</u>

GROUP 6 - Robbery of Crazy Greek Pizza		
75.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951a is USSG §2B3.1. The base offense level is 20. USSG §2B3.1(a).	<u>20</u>
76.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(B), six levels are added because a firearm was used during the commission of the offense.	<u>+6</u>
77.	Victim Related Adjustment: None.	<u>0</u>
78.	Adjustment for Role in the Offense: None.	<u>0</u>
79.	Adjustment for Obstruction of Justice: None.	<u>0</u>
80.	Adjusted Offense Level (Subtotal):	<u>26</u>

GROUP 7 - Robbery of Amici's Pizza		
81.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951a is USSG §2B3.1. The base offense level is 20. USSG §2B3.1(a).	<u>20</u>
82.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(B), six levels are added because a firearm was used during the commission of the offense.	<u>+6</u>
83.	Victim Related Adjustment: None.	<u>0</u>
84.	Adjustment for Role in the Offense: None.	<u>0</u>
85.	Adjustment for Obstruction of Justice: None.	<u>0</u>
86.	Adjusted Offense Level (Subtotal):	<u>26</u>

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.

New §3D1.1(b)(1)

Step Three: additional levels?

GROUP 1: Robbery of C&C Sports Center, Philadelphia, Pennsylvania (Counts 1 and 2)		
43.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951 is USSG §2B3.1. The base offense level is 20. USSG §2B3.1(a).	<u>20</u>
44.	Specific Offense Characteristics: Pursuant to U.S.S.G. § 2B3.1(b)(2)(6), if a firearm was taken, a one level increase is warranted. In this case, eight firearms were taken.	<u>+1</u>
45.	Victim Related Adjustment: None.	<u>0</u>
46.	Adjustment for Role in the Offense: None.	<u>0</u>
47.	Adjustment for Obstruction of Justice: None.	<u>0</u>
48.	Adjusted Offense Level (Subtotal):	<u>21</u>

GROUP 2: Robbery of 7-11 Store, Philadelphia, Pennsylvania (Counts 1 and 7)		
49.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951 is USSG §2B3.1. The base offense level is 20. USSG §2B3.1(a).	<u>20</u>
50.	Specific Offense Characteristics: A firearm was discharged during the course of the robbery. Therefore, the offense level is increased by seven levels pursuant to USSG §2B3.1(b)(2)(A). ¹	<u>+7</u>
51.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(C), six levels are added because the victim suffered a life-threatening injury during the course of the robbery.	<u>+6</u>
52.	Victim Related Adjustment: None.	<u>0</u>
53.	Adjustment for Role in the Offense: None.	<u>0</u>
54.	Adjustment for Obstruction of Justice: None.	<u>0</u>
55.	Adjusted Offense Level (Subtotal):	<u>31²</u>

GROUP 3: Relevant Conduct-Robbery of Pantry One Food Mart		
56.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951a is USSG §2B3.1. The base offense level is 20. USSG §2B3.1(a).	<u>20</u>
57.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(B), six levels are added because a firearm was used during the commission of the offense.	<u>+6</u>
58.	Victim Related Adjustment: None.	<u>0</u>
59.	Adjustment for Role in the Offense: None.	<u>0</u>
60.	Adjustment for Obstruction of Justice: None.	<u>0</u>
61.	Adjusted Offense Level (Subtotal):	<u>26</u>

GROUP 4 - Robbery of Southside Pizza		
62.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951a is USSG §2B3.1. The base offense level is 20. USSG §2B3.1(a).	<u>20</u>
63.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(B), six levels are added because a firearm was used during the commission of the offense.	<u>+6</u>
64.	Victim Related Adjustment: None.	<u>0</u>
65.	Adjustment for Role in the Offense: None.	<u>0</u>
66.	Adjustment for Obstruction of Justice: None.	<u>0</u>
67.	Adjusted Offense Level (Subtotal):	<u>26</u>

GROUP 5 - Robbery of New Hope Pizza		
68.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951a is USSG §2B3.1. The base offense level is 20. USSG §2B3.1(a).	<u>20</u>
69.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(A), seven levels are added because a firearm was discharged during the commission of the offense.	<u>+7</u>
70.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(C), six levels are added because the victim life-threatening injury during the course of the robbery.	<u>+6</u>
71.	Victim Related Adjustment: None.	<u>0</u>
72.	Adjustment for Role in the Offense: None.	<u>0</u>
73.	Adjustment for Obstruction of Justice: None.	<u>0</u>
74.	Adjusted Offense Level (Subtotal):	<u>31³</u>

GROUP 6 - Robbery of Crazy Greek Pizza		
75.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951a is USSG §2B3.1. The base offense level is 20. USSG §2B3.1(a).	<u>20</u>
76.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(B), six levels are added because a firearm was used during the commission of the offense.	<u>+6</u>
77.	Victim Related Adjustment: None.	<u>0</u>
78.	Adjustment for Role in the Offense: None.	<u>0</u>
79.	Adjustment for Obstruction of Justice: None.	<u>0</u>
80.	Adjusted Offense Level (Subtotal):	<u>26</u>

GROUP 7 - Robbery of Amici's Pizza		
81.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951a is USSG §2B3.1. The base offense level is 20. USSG §2B3.1(a).	<u>20</u>
82.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(B), six levels are added because a firearm was used during the commission of the offense.	<u>+6</u>
83.	Victim Related Adjustment: None.	<u>0</u>
84.	Adjustment for Role in the Offense: None.	<u>0</u>
85.	Adjustment for Obstruction of Justice: None.	<u>0</u>
86.	Adjusted Offense Level (Subtotal):	<u>26</u>

NUMBER OF COUNTS COVERED BY GUIDELINE LISTED IN PARAGRAPH (1)		INCREASE IN OFFENSE LEVEL
(A)	2	add 2 levels
(B)	3	add 3 levels
(C)	4 or 5	add 4 levels
(D)	6 or more	add 5 levels.

New §3D1.1(b)(2)

Step Four: highest level controls

GROUP 1: Robbery of C&C Sports Center, Philadelphia, Pennsylvania and 2)	
43.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 2B3.1. The base offense level is 20. USSG §2B3.1(a).
44.	Specific Offense Characteristics: Pursuant to U.S.S.G. § 2B3.1, a firearm was taken, a one level increase is warranted. In this case, no adjustment was taken.
45.	Victim Related Adjustment: None.
46.	Adjustment for Role in the Offense: None.
47.	Adjustment for Obstruction of Justice: None.
48.	Adjusted Offense Level (Subtotal):

GROUP 2: Robbery of 7-11 Store, Philadelphia, Pennsylvania (C	
49.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 2B3.1. The base offense level is 20. USSG §2B3.1(a).
50.	Specific Offense Characteristics: A firearm was discharged during the robbery. Therefore, the offense level is increased by seven levels pursuant to USSG §2B3.1(b)(2)(A). ¹
51.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(C), added because the victim suffered a life-threatening injury during the robbery.
52.	Victim Related Adjustment: None.
53.	Adjustment for Role in the Offense: None.
54.	Adjustment for Obstruction of Justice: None.
55.	Adjusted Offense Level (Subtotal):

GROUP 3: Relevant Conduct-Robbery of Pantry One	
56.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 2B3.1. The base offense level is 20. USSG §2B3.1(a).
57.	Specific Offense Characteristics: Pursuant to § 2B3.1, a firearm was used during the commission of the offense. Therefore, the offense level is increased by six levels pursuant to USSG §2B3.1(b)(2)(B).
58.	Victim Related Adjustment: None.
59.	Adjustment for Role in the Offense: None.
60.	Adjustment for Obstruction of Justice: None.
61.	Adjusted Offense Level (Subtotal):

GROUP 4: Robbery of Southside Pizza	
62.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 2B3.1. The base offense level is 20. USSG §2B3.1(a).
63.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(B), six levels are added because a firearm was used during the commission of the offense.
64.	Victim Related Adjustment: None.
65.	Adjustment for Role in the Offense: None.
66.	Adjustment for Obstruction of Justice: None.
67.	Adjusted Offense Level (Subtotal):

87. **Multiple Count Adjustment:** Units are assigned pursuant to USSG §3D1.4(a), (b) and (c). One unit is assigned to the group with the highest offense level. One additional unit is assigned for each group that is equally serious or more serious than the highest offense level. One-half unit is assigned to any group that is 5 to 8 levels less serious than the highest offense level. Any groups that are 9 or more levels less serious than the highest offense level are disregarded.

<u>Group/Count</u>	<u>Adjusted Offense Level</u>
Group 1	20
Group 2	20
Group 3	19.5
Group 4	19.5
Group 5	19
Group 6	19.5
Group 7	19.5
Total Number of Units:	4.0

88. **Greater of the Adjusted Offense Levels Above:** 31

89. **Increase in Offense Level:** The offense level is increased pursuant to the number of units assigned by the amount indicated in the table at USSG §3D1.4. +4

90. **Combined Adjusted Offense Level:** The Combined Adjusted Offense Level is determined by taking the offense level applicable to the Group with the highest offense level and increasing the offense level by the amount indicated in the table at USSG §3D1.4. 35

INCREASE IN
OFFENSE LEVEL

1 level
2 levels
3 levels
4 levels
5 levels.

GROUP 5: Robbery of Southside Pizza	
68.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 1951a is USSG §2B3.1. The base offense level is 20. USSG §2B3.1(a).
69.	Specific Offense Characteristics: Pursuant to § 2B3.1(b)(2)(B), six levels are added because a firearm was used during the commission of the offense.
70.	Victim Related Adjustment: None.
71.	Adjustment for Role in the Offense: None.
72.	Adjustment for Obstruction of Justice: None.
73.	Adjusted Offense Level (Subtotal):

Example #3

Counts 1 to 3: Introducing into Interstate Commerce Misbranded Animal Drugs. Title 21 U.S.C. §§331(a) and 333(a)(2). Class E felonies.

Penalties: Not more than three (3) years imprisonment. Maximum \$10,000 fine. A term of supervised release not more than one (1) year.



Step One: Calculate in the aggregate?

Counts 1 to 3: Introducing into Interstate Commerce Misbranded Animal Drugs. Title 21 U.S.C. §§331(a) and 333(a)(2). Class E felonies.

Penalties: Not more than three (3) years imprisonment. Maximum \$10,000 fine. A term of supervised release not more than one (1) year.

2N2.1

§2A3.5;
§§2B1.1, 2B1.4, 2B1.5, 2B1.6, 2B5.1, 2B5.3, 2B5.4;
§§2C1.1, 2C1.2, 2C1.8;
§§2D1.1, 2D1.2, 2D1.3, 2D1.4, 2D1.5, 2D1.6, 2D1.7, 2D1.8;
§§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.

New §3D1.1(a)

Step Two: calculate each count

Count 1 - Introducing into Interstate Commerce Misbranded Animal Drugs

23.	Base Offense Level: The guideline for a violation of Title 21 U.S.C. § 331(a) is USSG §2N2.1. The base offense level is six (6). USSG §2N2.1(a).	<u>6</u>
24.	Specific Offense Characteristics: None.	<u>0</u>
25.	Victim Related Adjustment: None.	<u>0</u>
26.	Adjustment for Role in the Offense: None.	<u>0</u>
27.	Adjustment for Obstruction of Justice: None.	<u>0</u>
28.	Adjusted Offense Level (Subtotal): Six.	<u>6</u>

Count 2 - Introducing into Interstate Commerce Misbranded Animal Drugs

29.	Base Offense Level: The guideline for a violation of Title 21 U.S.C. § 331(a) is USSG §2N2.1. The base offense level is six (6). USSG §2N2.1(a).	<u>6</u>
30.	Specific Offense Characteristics: None.	<u>0</u>
31.	Victim Related Adjustment: None.	<u>0</u>
32.	Adjustment for Role in the Offense: None.	<u>0</u>
33.	Adjustment for Obstruction of Justice: None.	<u>0</u>
34.	Adjusted Offense Level (Subtotal): Six.	<u>6</u>

Count 3 - Introducing into Interstate Commerce Misbranded Animal Drugs

35.	Base Offense Level: The guideline for a violation of Title 21 U.S.C. § 331(a) is USSG §2N2.1. The base offense level is six (6). USSG §2N2.1(a).	<u>6</u>
36.	Specific Offense Characteristics: None.	<u>0</u>
37.	Victim Related Adjustment: None.	<u>0</u>
38.	Adjustment for Role in the Offense: None.	<u>0</u>
39.	Adjustment for Obstruction of Justice: None.	<u>0</u>
40.	Adjusted Offense Level (Subtotal): Six	<u>6</u>

Step Three: additional levels?

Group 1: Count 1 - Introducing into Interstate Commerce Misbranded Animal Drugs		
23.	Base Offense Level: The guideline for a violation of Title 21 U.S.C. § 331(a) is USSG §2N2.1. The base offense level is six (6). USSG §2N2.1(a).	<u>6</u>
24.	Specific Offense Characteristics: None.	<u>0</u>
25.	Victim Related Adjustment: None.	<u>0</u>
26.	Adjustment for Role in the Offense: None.	<u>0</u>
27.	Adjustment for Obstruction of Justice: None.	<u>0</u>
28.	Adjusted Offense Level (Subtotal): Six.	<u>6</u>

Group 2: Count 2 - Introducing into Interstate Commerce Misbranded Animal Drugs		
29.	Base Offense Level: The guideline for a violation of Title 21 U.S.C. § 331(a) is USSG §2N2.1. The base offense level is six (6). USSG §2N2.1(a).	<u>6</u>
30.	Specific Offense Characteristics: None.	<u>0</u>
31.	Victim Related Adjustment: None.	<u>0</u>
32.	Adjustment for Role in the Offense: None.	<u>0</u>
33.	Adjustment for Obstruction of Justice: None.	<u>0</u>
34.	Adjusted Offense Level (Subtotal): Six.	<u>6</u>

Group 3: Count 3 - Introducing into Interstate Commerce Misbranded Animal Drugs		
35.	Base Offense Level: The guideline for a violation of Title 21 U.S.C. § 331(a) is USSG §2N2.1. The base offense level is six (6). USSG §2N2.1(a).	<u>6</u>
36.	Specific Offense Characteristics: None.	<u>0</u>
37.	Victim Related Adjustment: None.	<u>0</u>
38.	Adjustment for Role in the Offense: None.	<u>0</u>
39.	Adjustment for Obstruction of Justice: None.	<u>0</u>
40.	Adjusted Offense Level (Subtotal): Six.	<u>6</u>

all offenses in Chapter Two, Part A (except §2A3.5);
§§2B2.1, 2B3.1, 2B3.2, 2B3.3, 2B3.4, 2B3.5;
§2D2.3;
§§2E1.3, 2E1.4, 2E1.5, 2E1.6, 2E1.7, 2E1.8;
§§2G1.1, 2G1.3, 2G2.1, 2G2.2, 2G2.3, 2G2.4;
§§2H1.1, 2H4.1;
§2J1.2, 2J1.3;
§2K1.4;
§§2M3.9, 2M6.1;
§2N1.1;
§2Q1.4;
§2X6.1.

New §3D1.1(b)(1)

Step Four: highest level controls

	Count 1 - Introduction
23.	Base Offense Level: The group is assigned pursuant to USSG §2N2.1. The base offense level is 6.
24.	Specific Offense Characteristic: No adjustment.
25.	Victim Related Adjustment: No adjustment.
26.	Adjustment for Role in the Offense: No adjustment.
27.	Adjustment for Obstruction of Justice: No adjustment.
28.	Adjusted Offense Level (Step 3): 6

41. **Multiple Count Adjustment:** Units are assigned pursuant to USSG §3D1.4(a), (b) and (c). One unit is assigned to the group with the highest offense level. One additional unit is assigned for each group that is equally serious or from 4 to 8 levels less serious. One-half unit is assigned to any group that is 5 to 8 levels less serious than the highest offense level. Any groups that are 9 or more levels less serious than the highest offense level are disregarded.

Group/Count

Count 1

Count 2

Count 3

Total Number

3.0

42. **Greater of the Adjusted Offense Levels Above:** 6
43. **Increase in Offense Level:** The offense level is increased pursuant to the number of units assigned by the amount indicated in the table at USSG §3D1.4. +3
44. **Combined Adjusted Offense Level:** The Combined Adjusted Offense Level is determined by taking the offense level applicable to the Group with the highest offense level and increasing the offense level by the amount indicated in the table at USSG §3D1.4. Because all groups have the same offense level of 6, the combined adjusted offense level is 9. 9

per Misbranded Animal Drugs

Title 21 U.S.C. § 331(a) is §2N2.1(a).

6

0

0

0

0

6

Example #4

Count 2:

Title 18 U.S.C. §§ 2251(a) & (e): Production of Child Pornography

Count 5:

Title 18 U.S.C. § 2252A(a)(5)(B): Possession of Child Pornography

Count 7:

Title 18 U.S.C. §§ 2251(a) & (e): Production of Child Pornography

Step One: calculate in aggregate?

Count 2:

Title 18 U.S.C. § 2252A(a)(5)(B)

2G2.1

Count 5:

Title 18 U.S.C. § 2252A(a)(5)(B)

2G2.2

Count 5: Possession of Child Pornography

47.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 2252A(a)(5)(B) is USSG § 2G2.2. The base offense level is 18. USSG § 2G2.2(a)(1).	<u>18</u>
48.	Specific Offense Characteristics: Because the material involved a prepubescent minor or a minor who had not attained the age of twelve (12) years, a two-level increase is warranted under USSG § 2G2.2(b)(2) ⁷ .	<u>+2</u>
49.	Specific Offense Characteristics: Because the offense involved material that portrays sadistic or masochistic conduct or other depictions of violence, or sexual abuse of an infant or toddler, a five-level increase is warranted under USSG §§ 2G2.2(b)(4)(A) and (B) ⁸ .	<u>+4</u>
50.	Specific Offense Characteristics: Because the defendant engaged in a pattern of activity involving the sexual abuse or exploitation of a minor, a five-level increase is warranted under USSG § 2G2.2(b)(5) ⁹ .	<u>+5</u>
51.	Specific Offense Characteristics: Because the offense involved the use of a computer or an interactive computer service for the possession, transmission, receipt, or distribution of the material, or for accessing with intent to view the material, a two-level increase is warranted under USSG § 2G2.2(b)(6).	<u>+2</u>
52.	Specific Offense Characteristics: Because the offense involved 600 or more images, a five-level increase is warranted under USSG § 2G2.2(b)(7)(D) ¹⁰ .	<u>+5</u>
53.	Victim Related Adjustment: None.	<u>0</u>
54.	Adjustment for Role in the Offense: None.	<u>0</u>
55.	Adjustment for Obstruction of Justice: None.	<u>0</u>
56.	Adjusted Offense Level (Subtotal):	<u>36</u>

Child Pornography

New §3D1.1(a)

Step Two: calculate other counts

Count 2: Production of Child Pornography

40.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 2251(a) is USSG §2G2.1. The base offense level is 32. USSG § 2G2.1(a).	<u>32</u>
41.	Specific Offense Characteristics: The offense involved a minor who had attained the age of twelve (12) years but not attained the age of sixteen (16) years, a two-level increase is warranted under USSG § 2G2.1(b)(1)(B) ⁶ .	<u>+2</u>
42.	Specific Offense Characteristics: The offense involved the use of a computer or an interactive computer service to persuade, induce, entice, coerce a minor to engage in sexually explicit conduct, a two-level increase is warranted under USSG § 2G2.1(b)(6)(B)(i).	<u>+2</u>
43.	Victim Related Adjustment: None.	<u>0</u>
44.	Adjustment for Role in the Offense: None.	<u>0</u>
45.	Adjustment for Obstruction of Justice: None.	<u>0</u>
46.	Adjusted Offense Level (Subtotal):	<u>36</u>

Count 7: Production of Child Pornography

57.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 2251(a) is USSG §2G2.1. The base offense level is 32. USSG §2G2.1(a).	<u>32</u>
58.	Specific Offense Characteristics: The offense involved a minor who had attained the age of twelve (12) years but not attained the age of sixteen (16) years, a two-level increase is warranted under USSG § 2G2.1(b)(1)(B) ¹¹ .	<u>+2</u>
59.	Specific Offense Characteristics: The offense involved the use of a computer or an interactive computer service to persuade, induce, entice, coerce a minor to engage in sexually explicit conduct, a two-level increase is warranted under USSG § 2G2.1(b)(6)(B)(i).	<u>+2</u>
60.	Victim Related Adjustment: None.	<u>0</u>
61.	Adjustment for Role in the Offense: None.	<u>0</u>
62.	Adjustment for Obstruction of Justice: None.	<u>0</u>
63.	Adjusted Offense Level (Subtotal):	<u>36</u>

Step Three: additional levels?

Count 2: Production of Child Pornography

40.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 2251(a) is USSG §2G2.1. The base offense level is 32. USSG § 2G2.1(a).	<u>32</u>
41.	Specific Offense Characteristics: The offense involved a minor who had attained the age of twelve (12) years but not attained the age of sixteen (16) years, a two-level increase is warranted under USSG § 2G2.1(b)(1)(B) ⁶ .	<u>+2</u>
42.	Specific Offense Characteristics: The offense involved the use of a computer or an interactive computer service to persuade, induce, entice, coerce a minor to engage in sexually explicit conduct, a two-level increase is warranted under USSG § 2G2.1(b)(6)(B)(i).	<u>+2</u>
43.	Victim Related Adjustment: None.	<u>0</u>
44.	Adjustment for Role in the Offense: None.	<u>0</u>
45.	Adjustment for Obstruction of Justice: None.	<u>0</u>
46.	Adjusted Offense Level (Subtotal):	<u>36</u>

Count 7: Production of Child Pornography

57.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 2251(a) is USSG §2G2.1. The base offense level is 32. USSG §2G2.1(a).	<u>32</u>
58.	Specific Offense Characteristics: The offense involved a minor who had attained the age of twelve (12) years but not attained the age of sixteen (16) years, a two-level increase is warranted under USSG § 2G2.1(b)(1)(B) ¹¹ .	<u>+2</u>
59.	Specific Offense Characteristics: The offense involved the use of a computer or an interactive computer service to persuade, induce, entice, coerce a minor to engage in sexually explicit conduct, a two-level increase is warranted under USSG § 2G2.1(b)(6)(B)(i).	<u>+2</u>
60.	Victim Related Adjustment: None.	<u>0</u>
61.	Adjustment for Role in the Offense: None.	<u>0</u>
62.	Adjustment for Obstruction of Justice: None.	<u>0</u>
63.	Adjusted Offense Level (Subtotal):	<u>36</u>

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.

New §3D1.1(b)(1)

Step Three: additional levels?

Count 2: Production of Child Pornography		
40.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 2251(a) is USSG §2G2.1. The base offense level is 32. USSG § 2G2.1(a).	<u>32</u>
41.	Specific Offense Characteristics: The offense involved a minor who had attained the age of twelve (12) years but not attained the age of sixteen (16) years, a two-level increase is warranted under USSG § 2G2.1(b)(1)(B) ⁶ .	<u>+2</u>
42.	Specific Offense Characteristics: The offense involved the use of a computer or an interactive computer service to persuade, induce, entice, coerce a minor to engage in sexually explicit conduct, a two-level increase is warranted under USSG § 2G2.1(b)(6)(B)(i).	<u>+2</u>
43.	Victim Related Adjustment: None.	<u>0</u>
44.	Adjustment for Role in the Offense: None.	<u>0</u>
45.	Adjustment for Obstruction of Justice: None.	<u>0</u>
46.	Adjusted Offense Level (Subtotal):	<u>36</u>

Count 7: Production of Child Pornography		
57.	Base Offense Level: The guideline for a violation of 18 U.S.C. § 2251(a) is USSG §2G2.1. The base offense level is 32. USSG §2G2.1(a).	<u>32</u>
58.	Specific Offense Characteristics: The offense involved a minor who had attained the age of twelve (12) years but not attained the age of sixteen (16) years, a two-level increase is warranted under USSG § 2G2.1(b)(1)(B) ¹¹ .	<u>+2</u>
59.	Specific Offense Characteristics: The offense involved the use of a computer or an interactive computer service to persuade, induce, entice, coerce a minor to engage in sexually explicit conduct, a two-level increase is warranted under USSG § 2G2.1(b)(6)(B)(i).	<u>+2</u>
60.	Victim Related Adjustment: None.	<u>0</u>
61.	Adjustment for Role in the Offense: None.	<u>0</u>
62.	Adjustment for Obstruction of Justice: None.	<u>0</u>
63.	Adjusted Offense Level (Subtotal):	<u>36</u>

NUMBER OF COUNTS COVERED BY GUIDELINE LISTED IN PARAGRAPH (1)		INCREASE IN OFFENSE LEVEL
(A)	2	add 2 levels
(B)	3	add 3 levels
(C)	4 or 5	add 4 levels
(D)	6 or more	add 5 levels.

New §3D1.1(b)(2)

Step Four: highest level controls

	<u>Count 2: Production of Child Pornography</u>
40.	Base Offense Level: The guideline for §2G2.1. The base offense level is 32. Units assigned pursuant to USSG §3D1.4(a), (b) and (c) are added to the base offense level.
41.	Specific Offense Characteristics: The victim was under the age of twelve (12) years but not at least 10 years old. A level increase is warranted under USSG §2G2.1(b)(6)(B)(i).
42.	Specific Offense Characteristics: The defendant used an interactive computer service to permit the victim to engage in sexually explicit conduct, a level increase is warranted under USSG §2G2.1(b)(6)(B)(i).
43.	Victim Related Adjustment: None.
44.	Adjustment for Role in the Offense: None.
45.	Adjustment for Obstruction of Justice: None.
46.	Adjusted Offense Level (Subtotal):

	<u>Count 7: Production of Child Pornography</u>
57.	Base Offense Level: The guideline for §2G2.1. The base offense level is 32. Units assigned pursuant to USSG §3D1.4(a), (b) and (c) are added to the base offense level.
58.	Specific Offense Characteristics: The victim was under the age of twelve (12) years but not at least 10 years old. A level increase is warranted under USSG §2G2.1(b)(6)(B)(i).
59.	Specific Offense Characteristics: The defendant used an interactive computer service to permit the victim to engage in sexually explicit conduct, a level increase is warranted under USSG §2G2.1(b)(6)(B)(i).
60.	Victim Related Adjustment: None.
61.	Adjustment for Role in the Offense: None.
62.	Adjustment for Obstruction of Justice: None.
63.	Adjusted Offense Level (Subtotal):

64. Multiple Count Adjustment: Units are assigned pursuant to USSG §3D1.4(a), (b) and (c). One unit is assigned to the group with the highest offense level. One additional unit is assigned for each group that is equally serious or from 1 to 4 levels less serious. One-half unit is assigned to any group that is 5 to 8 levels less serious than the highest offense level. Any groups that are 9 or more levels less serious than the highest offense level are disregarded.

<u>Group/Count</u>	<u>Adjusted Offense Level</u>
Count 2	
Count 5	
Count 7	

1 LEVEL LOWER!

Total Number of Units Assigned	3.0
--------------------------------	-----

65. Greater of the Adjusted Offense Levels is Above: 36
66. Increase in Offense Level: The offense level is increased pursuant to the number of units assigned by the amount indicated in the table at USSG §3D1.4. +3
67. Combined Adjusted Offense Level: The Combined Adjusted Offense Level is determined by taking the offense level applicable to the Group with the highest offense level and increasing the offense level by the amount indicated in the table at USSG §3D1.4. 39

Example #5

Bank Robbery, in violation of Title 18, United States Code, Sections 2113(a) and (d), a Class B Felony

Possession of a Firearm in Connection to a Crime of Violence,
in violation of Title 18 U.S.C. § 924(c)(1)(B)(i), a Class A
Felony

Escape, in violation of Title 18, United States Code, Section 751, a Class D felony



Step One: calculate in aggregate?

Bank Robbery, in violation of Sections 2113(a) and (c), United States Code, Title 18, Section 2113, a Class B Felony

2B3.1

Escape, in violation of Title 18, Section 751, a Class D felony, States Code, Section 751

2P1.1

§2A3.5;
§§2B1.1, 2B1.4, 2B5.1, 2B5.2;
§§2C1.1, 2C1.2;
§§2D1.1, 2D1.2;
§§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, 2T1.7, 2T1.9, 2T2.1;

New §3D1.1(a)

Step Two: calculate each count

Count One - Bank Robbery

20. **Base Offense Level:** The United States Sentencing Commission Guideline for a violation of 18 U.S.C. §§2113(a) and (d) is found in USSG §2B3.1(a) and calls for a base offense level of 20. 20
21. **Specific Offense Characteristic:** Since the property of a financial institution was taken during the instant offense, the base offense level is increased by two levels, pursuant to USSG §2B3.1(b)(1). +2
22. **Victim-Related Adjustments:** None. 0
23. **Adjustments for Role in the Offense:** None. 0
24. **Adjustment for Obstruction of Justice:** None. 0
25. **Adjusted Offense Level (Subtotal)** 22

Count Five - Escape

27. **Base Offense Level:** The United States Sentencing Commission Guideline for violation of 18 U.S.C. § 751(a) is found in USSG §2P1.1(a)(1) and calls for a base offense level of 13, if the defendant was in custody or confinement by virtue of an arrest on a charge of a felony, or conviction of any offense. In this case, the defendant was being housed at the Greene County Detention Center while in the custody of the Attorney General on the charge of bank robbery. 13
28. **Specific Offense Characteristic:** Pursuant to USSG §2P1.1(b)(1), if the use or the threat of force against any person was involved, increase the offense level by five levels. In the present case, during the defendant's escape, he assaulted Deputy McCauley, causing serious bodily injury which required stitches. +5
29. **Victim-Related Adjustments:** Pursuant to USSG §3A1.2 (c)(2), if, in a manner creating a substantial risk of serious bodily injury, the defendant knowing or having reasonable cause to believe that a person was a prison official, assaulted such official while the defendant was in the custody or control of a prison or other correctional facility, increase by six levels. +6
30. **Adjustments for Role in the Offense:** None. 0
31. **Adjustment for Obstruction of Justice:** None. 0
32. **Adjusted Offense Level (Subtotal):** 24

Step Three: additional levels?

Count One - Bank Robbery

20. **Base Offense Level:** The United States Sentencing Commission Guideline for a violation of 18 U.S.C. §§2113(a) and (d) is found in USSG §2B3.1(a) and calls for a base offense level of 20. 20
21. **Specific Offense Characteristic:** Since the property of a financial institution was taken during the instant offense, the base offense level is increased by two levels, pursuant to USSG §2B3.1(b)(1). +2
22. **Victim-Related Adjustments:** None. 0
23. **Adjustments for Role in the Offense:** None. 0
24. **Adjustment for Obstruction of Justice:** None. 0
25. **Adjusted Offense Level (Subtotal)** 22

Count Five - Escape

27. **Base Offense Level:** The United States Sentencing Commission Guideline for violation of 18 U.S.C. § 751(a) is found in USSG §2P1.1(a)(1) and calls for a base offense level of 13, if the defendant was in custody or confinement by virtue of an arrest on a charge of a felony, or conviction of any offense. In this case, the defendant was being housed at the Greene County Detention Center while in the custody of the Attorney General on the charge of bank robbery. 13
28. **Specific Offense Characteristic:** Pursuant to USSG §2P1.1(b)(1), if the use or the threat of force against any person was involved, increase the offense level by five levels. In the present case, during the defendant's escape, he assaulted Deputy McCauley, causing serious bodily injury which required stitches. +5
29. **Victim-Related Adjustments:** Pursuant to USSG §3A1.2 (c)(2), if, in a manner creating a substantial risk of serious bodily injury, the defendant knowing or having reasonable cause to believe that a person was a prison official, assaulted such official while the defendant was in the custody or control of a prison or other correctional facility, increase by six levels. +6
30. **Adjustments for Role in the Offense:** None. 0
31. **Adjustment for Obstruction of Justice:** None. 0
32. **Adjusted Offense Level (Subtotal):** 24

all offenses in Chapter 2, Part A (except § 2B5.1);
§§2B2.1, 2B3.1, 2B3.5;
§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.

New §3D1.1(b)(1)

Step Four: highest level controls

Count One - Bank Robbery

20. **Base Offense Level:** The United States Sentencing Commission Guideline for violation of 18 U.S.C. §§2113(a) and (b) calls for a base offense level of 20.
21. **Specific Offense Characteristic:** Since the defendant was armed during the instant offense, the base offense level is increased by two levels, USSG §2B3.1(b)(1).
22. **Victim-Related Adjustments:** None.
23. **Adjustments for Role in the Offense:** None.
24. **Adjustment for Obstruction of Justice:** None.
25. **Adjusted Offense Level (Subtotal):** 22

Multiple-Count Adjustment (See § 3D1.4)

		<u>Units</u>
33.	Adjusted Offense Level for Count One	<u>1</u>
34.	Adjusted Offense Level for Count Two	<u>1</u>
35.	Total Number of Units	<u>2</u>
36.	Greater Adjusted Offense Level	<u>24</u>
37.	Increased Offense Level	<u>2</u>
38.	Combined Offense Level	<u>26</u>
39.	Adjustment for Obstruction of Responsibility: None.	<u>0</u>
40.	Adjusted Offense Level:	<u>26</u>

ing Commission Guideline for §2P1.1(a)(1) and calls for a base offense level of 20. In this case, the defendant was armed while in the custody of the

13

§2P1.1(b)(1), if the use or the threat of force increases the offense level by five levels. In this case, he assaulted Deputy Sheriff and stitches. +5

§3A1.2 (c)(2), if, in a manner that increases the offense level by two levels, the defendant knowing or having reason to believe that such official was a prison or other correctional officer, assaulted such official. +6

0

31. Adjustment for Obstruction of Justice: None.

32. Adjusted Offense Level (Subtotal):

24

How §3D1.1 structures multi-counts

1. (a): Calculate offense levels for counts coming under guidelines that aggregate multiple counts.
2. (b): Calculate offense levels separately for counts coming under guidelines that might trigger extra levels.
 - Determine whether any of those counts actually trigger extra levels, and apply them
3. (c): Calculate offense levels separately for all other counts
4. (d): Find which of these is the highest offense level, which becomes the offense level applicable to all counts.



Inflationary Adjustments

§2B1.1. Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligations of the United States

* * *

(b) Specific Offense Characteristics

(1) If the loss exceeded ~~\$6,500~~\$9,000, increase the offense level as follows:

[MULTIPLIER USED]	LOSS (APPLY THE GREATEST)	INCREASE IN LEVEL
[1.38]	(A) \$6,500 \$9,000 or less	no increase
[1.38]	(B) More than \$6,500 \$9,000	add 2
[1.33]	(C) More than \$15,000 \$20,000	add 4
[1.38]	(D) More than \$40,000 \$55,000	add 6
[1.58]	(E) More than \$95,000 \$150,000	add 8
[1.33]	(F) More than \$150,000 \$200,000	add 10
[1.40]	(G) More than \$250,000 \$350,000	add 12
[1.36]	(H) More than \$550,000 \$750,000	add 14
[1.33]	(I) More than \$1,500,000 \$2,000,000	add 16
[1.43]	(J) More than \$3,500,000 \$5,000,000	add 18
[1.58]	(K) More than \$9,500,000 \$15,000,000	add 20
[1.40]	(L) More than \$25,000,000 \$35,000,000	add 22
[1.38]	(M) More than \$65,000,000 \$90,000,000	add 24
[1.33]	(N) More than \$150,000,000 \$200,000,000	add 26
[1.40]	(O) More than \$250,000,000 \$350,000,000	add 28
[1.36]	(P) More than \$550,000,000 \$750,000,000	add 30.

§2B3.1. Robbery

* * *

(b) Specific Offense Characteristics

* * *

- (7) If the loss exceeded ~~\$20,000~~ \$25,000, increase the offense level as follows:

[MULTIPLIER USED]	LOSS (APPLY THE GREATEST)	INCREASE IN LEVEL
[1.25]	(A) \$20,000 \$25,000 or less	no increase
[1.25]	(B) More than \$20,000 \$25,000	add 1
[1.58]	(C) More than \$95,000 \$150,000	add 2
[1.40]	(D) More than \$500,000 \$700,000	add 3
[1.33]	(E) More than \$1,500,000 \$2,000,000	add 4
[1.33]	(F) More than \$3,000,000 \$4,000,000	add 5
[1.40]	(G) More than \$5,000,000 \$7,000,000	add 6
[1.58]	(H) More than \$9,500,000 \$15,000,000	add 7.

* * *

§5E1.2. Fines for Individual Defendants

* * *

- (c) (1) The minimum of the fine guideline range is the amount shown in column A of the table below.
- (2) Except as specified in paragraph (4) below, the maximum of the fine guideline range is the amount shown in column B of the table below.

(3) FINE TABLE

[MULTIPLIER USED]	OFFENSE LEVEL	A	B
		MINIMUM	MAXIMUM
[1.50, 1.58]	3 and below	\$200\$300	\$9,500\$15,000
[1.40, 1.58]	4–5	\$500\$700	\$9,500\$15,000
[1.50, 1.58]	6–7	\$1,000\$1,500	\$9,500\$15,000
[1.25, 1.25]	8–9	\$2,000\$2,500	\$20,000\$25,000
[1.38, 1.38]	10–11	\$4,000\$5,500	\$40,000\$55,000
[1.36, 1.36]	12–13	\$5,500\$7,500	\$55,000\$75,000
[1.33, 1.33]	14–15	\$7,500\$10,000	\$75,000\$100,000
[1.50, 1.58]	16–17	\$10,000\$15,000	\$95,000\$150,000
[1.50, 1.50]	18–19	\$10,000\$15,000	\$100,000\$150,000
[1.33, 1.33]	20–22	\$15,000\$20,000	\$150,000\$200,000
[1.25, 1.25]	23–25	\$20,000\$25,000	\$200,000\$250,000
[1.40, 1.40]	26–28	\$25,000\$35,000	\$250,000\$350,000
[1.33, 1.33]	29–31	\$30,000\$40,000	\$300,000\$400,000
[1.43, 1.43]	32–34	\$35,000\$50,000	\$350,000\$500,000
[1.38, 1.38]	35–37	\$40,000\$55,000	\$400,000\$550,000
[1.40, 1.40]	38 and above	\$50,000\$70,000	\$500,000\$700,000.



New Intro to Chapter 5

PART A — ~~SENTENCING TABLE~~ DETERMINATION OF SENTENCING RANGE AND SENTENCING OPTIONS

Introductory Commentary

By statute, sentencing courts must consider and balance a broad range of factors when determining the appropriate sentence to impose in each individual case. Among these factors, courts are required to consider “all available sentencing options.” 18 U.S.C. § 3553(a)(3). Each of the available sentencing options—imprisonment, probation, and fines—serves a punitive function, and the sentencing court must determine the option, or combination of options, that best achieve a sentence “sufficient, but not greater than necessary to comply with the purposes set forth in [18 U.S.C. § 3553(a)(2)].” 18 U.S.C. § 3553(a).

Congress charged the Commission with promulgating guidelines for sentencing courts to use in determining “whether to impose a sentence to probation, a fine, or a term of imprisonment” (*see* 28 U.S.C. § 994(a)(1)(A)). The provisions within Chapter Five, in combination, guide all aspects of determining the appropriate sentence under the guidelines, including the initial determination of sentence type. By clearly delineating the sentencing options available under the guidelines, the Commission intends for Part A of this chapter to assist courts in making this critical decision.

§5A1.1. Sentencing Table

The Sentencing Table is used to determine the applicable sentencing range and sentencing options based upon the guideline calculations made in Chapters Two through Four.

- (a) The Offense Level (1–43) forms the vertical axis of the Sentencing Table. The Criminal History Category (I–VI) forms the horizontal axis of the Table. The intersection of the Offense Level and Criminal History Category displays the Guideline Range in months of imprisonment. For example, the guideline range applicable to a defendant with an Offense Level of 15 and a Criminal History Category of III is 24–30 months of imprisonment. For purposes of the Sentencing Table, “*Life*” means life imprisonment.
- (b) The Sentencing Table is divided into Zones A, B, C, and D. Each zone provides for different sentencing options for the court’s consideration. Subject to any statutory limitations in an individual case (*see, e.g.*, §5B1.1(b) (statutory eligibility for probation), §§5G1.1, 5G1.2 (statutory minima and maxima)), the sentencing options in each zone are as follows:

(b) The Sentencing Table is divided into Zones A, B, C, and D. Each zone provides for different sentencing options for the court's consideration. Subject to any statutory limitations in an individual case (*see, e.g.*, §5B1.1(b) (statutory eligibility for probation), §§5G1.1, 5G1.2 (statutory minima and maxima)), the sentencing options in each zone are as follows:

SENTENCING OPTIONS	
Zone A	• probation; • probation with a period of intermittent confinement, community confinement, or home detention; • a “split sentence” (<i>i.e.</i>, part of the term satisfied by imprisonment and the remainder satisfied by a term of supervised release with a condition that substitutes community confinement or home detention for imprisonment, according to the schedule in §5C1.1(e)); or • imprisonment. <i>See</i> §5B1.1(a)(1); §5C1.1(a)–(b), (e); §5C1.1, comment. (n.2).
Zone B	• probation with the minimum term of imprisonment satisfied by a period of intermittent confinement, community confinement, or home detention, according to the schedule in §5C1.1(e); • a “split sentence” (with at least one month satisfied by imprisonment); or • imprisonment. <i>See</i> §5B1.1(a)(2); §5C1.1(c), (e); §5C1.1, comment. (n.3).
Zone C	• a “split sentence” (with at least one-half of the minimum term satisfied by imprisonment); or • imprisonment. <i>See</i> §5C1.1(d), (e); §5C1.1, comment. (n.4).
Zone D	• imprisonment. <i>See</i> §5C1.1(f).



Simplification:
Deleted SOC's

Deleted SOC

§2A5.1. Aircraft Piracy or Attempted Aircraft Piracy

(a) Base Offense Level: 38

~~(b) Specific Offense~~

~~(1) If de~~

§2B6.1. Altering or Removing Motor Vehicle Identification Numbers, or Trafficking in Motor Vehicles or Parts with Altered or Obliterated Identification Numbers

* * *



1- SRC Outline - 2026 USSG Amendme...

* * *

~~(3) If the offense involved an organized scheme to steal vehicles or vehicle parts, or to receive stolen vehicles or vehicle parts, and the offense level as determined above is less than level 14, increase to level 14.~~

2025 Amendment to Mitigating Role



The Drug Trafficking Hierarchy

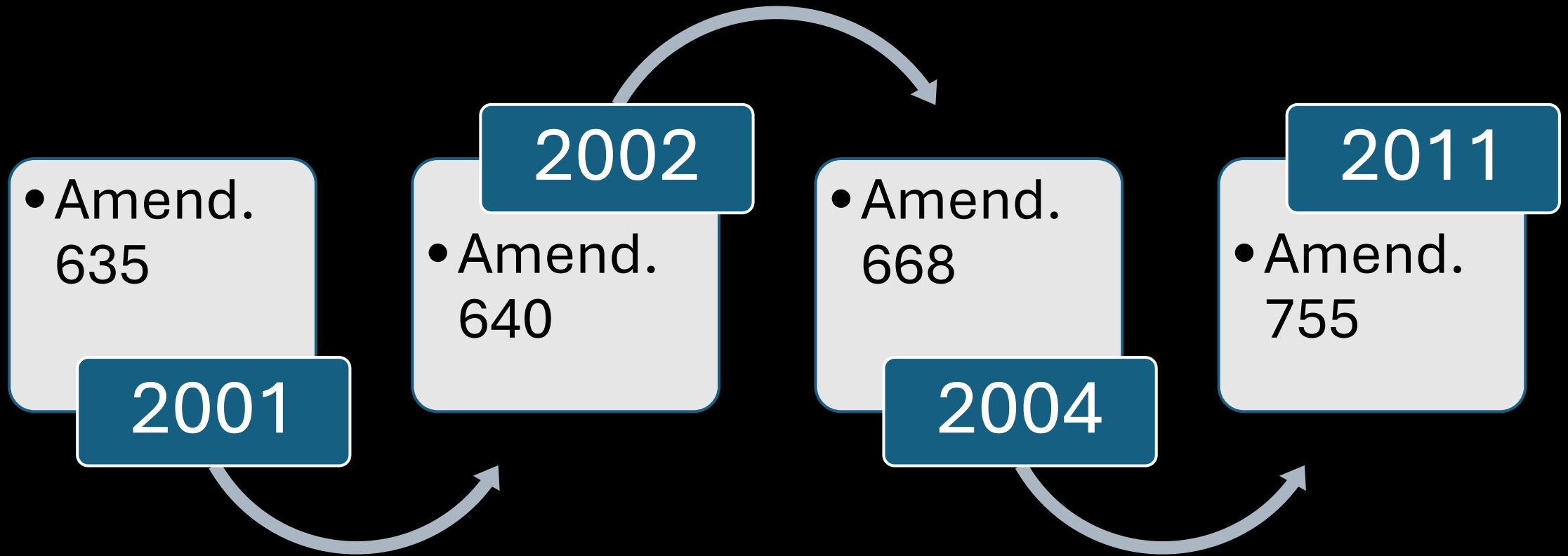


The Problem

Quantity $\neq$
Culpability



Two Decades of Attempted Fixes



§ 3B1.2 Mitigating Role

- -4 for “minimal” participants
- -2 for “minor” participants
- -3 for those falling in between



Nov. 1, 2025, Mitigating Role Amendment

New 'special instruction' at
§2D1.1(e)(2)

Overview of changes

- ✓ More generous **BOL cap**
- ✓ New “**special instruction**” for **drug** cases
- ✓ ***Paradigm shift***: Focus on function within the global market—Not just the individual case!
- ✓ A **new path** to minor role



§2D1.1(e)(2)

(2) Application of §3B1.2 (Mitigating Role) to §2D1.1 Cases

(A) Determine whether an adjustment under §3B1.2 (Mitigating Role) applies.

(B) In addition to the circumstances identified in §3B1.2, an adjustment under §3B1.2 is generally warranted if the defendant's primary function in the offense was performing a low-level trafficking function.

(i) An adjustment under §3B1.2(a) is generally warranted if the defendant's primary function in the offense was plainly among the lowest level of drug trafficking functions, such as serving as a courier, running errands, sending or receiving phone calls or messages, or acting as a lookout; or

(ii) an adjustment under §3B1.2(b) is generally warranted if the defendant's primary function in the offense was performing another low-level trafficking function, such as distributing controlled substances in user-level quantities for little or no monetary compensation or with a primary motivation other than profit (*e.g.*, the defendant was otherwise unlikely to commit such an offense and was motivated by an intimate or familial relationship, or by threats or fear to commit the offense).

Four-point reduction

- (i) An adjustment under §3B1.2(a) is generally warranted if the defendant's primary function in the offense was plainly among the lowest level of drug trafficking functions, such as serving as a courier, running errands, sending or receiving phone calls or messages, or acting as a lookout; or

Two-point reduction

SUPP♥RT

(ii) an adjustment under §3B1.2(b) is generally warranted if the defendant's primary function in the offense was performing another low-level trafficking function, such as distributing controlled substances in user-level quantities for little or no monetary compensation or with a primary motivation other than profit (*e.g.*, the defendant was otherwise unlikely to commit such an offense and was motivated by an intimate or familial relationship, or by threats or fear to commit the offense).



Focus on function

Everything is illustrative—not a closed set of options

(e) Special Instruction Instructions

“such as”

(B) In addition to the circumstances identified in §3B1.2, an adjustment under §3B1.2 is generally warranted if the defendant's primary function in the offense was performing a low-level trafficking function.

(i) An adjustment under §3B1.2(a) is generally warranted if the defendant's primary function in the offense was plainly among the lowest level of drug trafficking functions, such as serving as a courier, running errands, sending or receiving phone calls or messages, or acting as a lookout; or

(ii) an adjustment under §3B1.2(b) is generally warranted if the defendant's primary function in the offense was performing another low-level trafficking function, such as distributing controlled substances in user-level quantities for little or no monetary compensation or with a primary motivation other than profit (e.g., the defendant was otherwise unlikely to commit such an offense and was motivated by an intimate or familial relationship, or by threats or fear to commit the offense).

No categorical exclusions

- x Violence
- x Firearm possession
- x “Importance” to the conspiracy
- x Frequency of trips/sales
- x Drug quantity or weight*

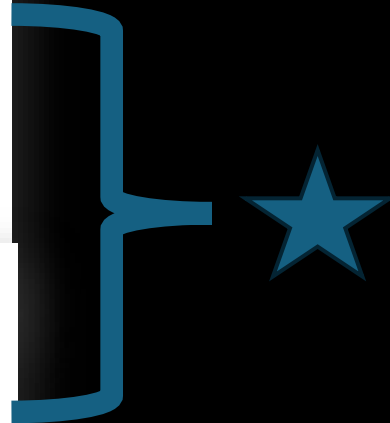


(2) Application of §3B1.2 (Mitigating Role) to §2D1.1 Cases

For purposes of subsection (e)(2)(B), the provisions of §3B1.2 apply in determining whether a mitigating role adjustment is warranted, except that the adjustment shall apply regardless of whether the offense involved other participants in addition to the defendant, and regardless of whether the defendant was

substantially less culpable than the average participant in the criminal activity. The extent of the adjustment shall be based on the totality of the circumstances and involves a determination that is heavily dependent upon the facts of the particular case.

“regardless of whether the offense involved other participants”



Two Independent Pathways

Pathway A: OLD

vs.

Pathway B: NEW

- Traditional §3B1.2:
Comparative

- New §2D1.1(e)(2):
Functional Analysis





Couriers

The Government's favorite arguments:

- “Courier” excludes large-quantity; international; and repeat transporters
- This courier is different
- They had cash, too!



Some Responses

Plain meaning +
USSC 2024 Meth
Report

§2D1.1(e)(2)(B)(ii)
references
quantity; **(B)(i)**
does not

Commission
removed quantity
limits in 2001

DOJ urged quantity
distinction—
Commission
rejected it

Amendment
targeted high-BOL
/ low-function
individuals

Number of
trips/quantity does
not change core
function

Key Win

U.S. v. Maciel,
789 F. Supp. 3d 934 (S.D. Cal. 2025)



Court rejected the government's attempt to
limit "courier" based on quantity.



Street Dealers

“User-level quantities” → size of each individual transaction, not total relevant conduct

Profit-driven work v. work done to survive, feed an addiction, or make ends meet.

Build the factual record more aggressively than in courier cases



Key Win

U.S. v. Amaya,
2026 WL 892862 (D.N.M. Mar. 31, 2026)



“Low-level brokering activity driven by addiction rather than profit **lies at the heart** of the cases which the Sentencing Commission intends § 3B1.2 to reach.”

Box > SRC-Litigation Resources >	
↑↓ Sort ≡ View ...	
Name	Date modified
SRC - ACCA Occasions Clause	3/7/2026 7:28 AM
SRC - BOP materials	3/2/2026 7:23 AM
SRC - Challenging priors	3/27/2026 11:29 AM
SRC - Crim cases in the SCOTUS now	11/4/2025 9:57 AM
SRC - Guidelines resources	3/25/2026 5:04 PM
SRC - Mitigation Resources	12/23/2025 8:48 AM
SRC - Other sentencing-related resources	3/2/2026 8:15 AM
SRC - Sentence Reduction	3/18/2026 11:29 AM
SRC - Sentencing Data for Defenders	12/5/2024 3:07 PM
SRC - Supervised Release	12/1/2025 11:59 AM

Box > SRC-Litigation Resources > SRC - ACCA Occasions Clause >	
↑↓ Sort ≡ View ...	
Name	Date modified
Appeals of ACCA trial losses	1/20/2026 7:30 AM
Erlinger error - harmlessness and plain error on appeal	3/7/2026 7:28 AM
Evidentiary and sufficiency issues	11/18/2025 4:52 PM
Objections to PSR where no jury finding	8/20/2024 9:23 AM
Post-Wooden pre-Erlinger litigation	8/25/2024 8:15 AM
Pretrial motions to dismiss	2/17/2026 2:34 PM
Trial wins	1/12/2026 3:37 PM
2023.10.31 - One Page on ACCA Appendi.pdf	11/2/2023 7:19 PM
Erlinger - SCOTUS opinion.pdf	6/28/2024 2:27 PM

- Bates - acquittal where two burglaries days apart and two assaults days apart
- Bradshaw - acquittal where drug deliveries separated by months and years
- Crews - acquittal where three drug deals over three months
- Hansel - won after blocking gov evidence
- Martin - won order granting acquittal evidence insufficient
- Pennington - acquittal for multiple controlled buys over months
- Sychowski - acquittal where 3 diff offenses occurring together in same place
- Williams - acquittal where crimes spanning decades
- Willis - acquittal where two robberies of same location

SRC Zoom office hours

B *I* U  

Unique Zoom links will go out 24-48 hours before each date

*** Note: Office Hours is a resource only for federal defenders and CJA-appointed attorneys

Last name *

Short answer text

First name *

Short answer text

Email address *

Short answer text

Choose date you will attend- all times are 2 Eastern/1 Central/12 Mountain/11 Pacific *

The dates below are still available. You are welcome to attend multiple dates, but you'll need to fill out a separate form for each date. ****Once a date fills up, it will be removed from this form.

☐ April 2, 2026

☐ April 16, 2026

☐ May 7, 2026

☐ May 21, 2026

☐ June 4, 2026

☐ June 18, 2026

☐ July 2, 2026

☐ July 16, 2026

☐ August 6, 2026

Is there a question or issue you hope to discuss?

Case-related questions must be for a CJA-eligible client. Note that most questions require follow-up questions, so please be prepared to chat about your case a bit. If that isn't possible for some reason (e.g. have a question related to cooperation against a codefendant), note that in your description below so we can not call on you by name.

Long answer text

HELP



SRC sentencing
resource
counsel

SRC@fd.org