

Worksheet A (Offense Level)

Defendant SENTENCING EXERCISE District/Office _____

Docket Number (Year-Sequence-Defendant No.) _____ - _____ - _____

Count Number(s) 1 U.S. Code Title & Section 18 : 2113 (a) and (d)
 _____ : _____

Guidelines Manual Edition Used: **2002** (NOTE: worksheets keyed to the Manual effective **November 1, 2002**)

Instructions:

For each count of conviction (or stipulated offense), complete a separate Worksheet A. Exception: Use only a single Worksheet A where the offense level for a group of closely related counts is based primarily on aggregate value or quantity (see §3D1.2(d)) or where a count of conspiracy, solicitation, or attempt is grouped with a substantive count that was the sole object of the conspiracy, solicitation, or attempt (see §3D1.2(a) and (b)).

1. Offense Level (See Chapter Two)

Enter the applicable base offense level and any specific offense characteristics from Chapter Two and explain the bases for these determinations. Enter the sum in the box provided.

<u>Guideline</u>	<u>Description</u>	<u>Level</u>
<u>§2B3.1(a)</u>	<u>Base Offense Level</u>	<u>20</u>
<u>§2B3.1(b)(1)</u>	<u>Property of Financial Institution</u>	<u>2</u>
<u>§2B3.1(b)(2)(C)</u>	<u>Firearms (brandished or possessed)</u>	<u>5</u>
<u>§2B3.1(b)(3)(A)</u>	<u>Bodily Injury</u>	<u>2</u>
<u>§2B3.1(b)(4)(B)</u>	<u>Physical Restraint</u>	<u>2</u>
<u>§2B3.1(b)(7)(B)</u>	<u>Loss (more than \$10,000)</u>	<u>1</u>

Sum: 32

2. Victim-Related Adjustments (See Chapter Three, Part A)

Enter the applicable section and adjustment. If more than one section is applicable, list each section and enter the combined adjustment. If no adjustment is applicable enter "0."

§ _____

0

3. Role in the Offense Adjustments (See Chapter Three, Part B)

Enter the applicable section and adjustment. If more than one section is applicable, list each section and enter the combined adjustment. If the adjustment reduces the offense level, enter a minus (-) sign in front of the adjustment. If no adjustment is applicable, enter "0."

§ _____

0

4. Obstruction Adjustments (See Chapter Three, Part C)

Enter the applicable section and adjustment. If more than one section is applicable, list each section and enter the combined adjustment. If no adjustment is applicable, enter "0." § _____

§ _____

0

5. Adjusted Offense Level

Enter the sum of Items 1-4. If this worksheet does not cover all counts of conviction or stipulated offenses, complete Worksheet B. Otherwise, enter this result on Worksheet D, Item 1.

32

X

Check if the defendant is convicted of a single count. In such case, Worksheet B need not be completed. If the defendant has no criminal history, enter criminal history "1" here and on Item 4, Worksheet D. In such case, Worksheet C need not be completed.

Worksheet B

(Multiple Counts or Stipulation to Additional Offenses)

Defendant: SENTENCING EXERCISE Docket Number _____

Instructions

Step 1: Determine if any of the counts group. (Note: All, some, or none of the counts may group. Some of the counts may have already been grouped in the application under Worksheet A, specifically, (1) counts grouped under §3D1.2(d), or (2) a count charging conspiracy, solicitation, or attempt that is grouped with the substantive count of conviction (see §3D1.2(a)). Explain the reasons for grouping:

Step 2: Using the box(es) provided below, for each group of closely related counts, enter the highest adjusted offense level from the various “A” Worksheets (Item 5) that comprise the group (see §3D1.3). (Note: A “group” may consist of a single count that has not grouped with any other count. In those instances, the offense level for the group will be the adjusted offense level for the single count.)

Step 3: Enter the number of units to be assigned to each group (see §3D1.4) as follows:

- One unit (1) for the group of closely related counts with the highest offense level
- An additional unit (1) for each group that is equally serious or 1 to 4 levels less serious
- An additional half unit (1/2) for each group that is 5 to 8 levels less serious
- No increase in units for groups that are 9 or more levels less serious

<p>1. Adjusted Offense Level for the First Group of Closely Related Counts Count number(s): _____</p>	<div style="border: 1px solid black; width: 40px; height: 40px; display: inline-block;"></div> _____ (unit)									
<p>2. Adjusted Offense Level for the Second Group of Closely Related Counts Count number(s): _____</p>	<div style="border: 1px solid black; width: 40px; height: 40px; display: inline-block;"></div> _____ (unit)									
<p>3. Adjusted Offense Level for the Third Group of Closely Related Counts Count number(s): _____</p>	<div style="border: 1px solid black; width: 40px; height: 40px; display: inline-block;"></div> _____ (unit)									
<p>4. Adjusted Offense Level for the Fourth Group of Closely Related Counts Count number(s): _____</p>	<div style="border: 1px solid black; width: 40px; height: 40px; display: inline-block;"></div> _____ (unit)									
<p>5. Adjusted Offense Level for the Fifth Group of Closely Related Counts Count number(s): _____</p>	<div style="border: 1px solid black; width: 40px; height: 40px; display: inline-block;"></div> _____ (unit)									
<p>6. Total Units</p>	<div style="border: 1px solid black; width: 40px; height: 40px; display: inline-block;"></div> (total units)									
<p>7. Increase in Offense Level Based on Total Units (See §3D1.4)</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">1 unit: no increase</td> <td style="width: 33%;">2 1/2 - 3 units: add 3 levels</td> <td style="width: 33%;"></td> </tr> <tr> <td>1 1/2 units: add 1 level</td> <td>3 1/2 - 5 units: add 4 levels</td> <td></td> </tr> <tr> <td>2 units: add 2 levels</td> <td>More than 5 units: add 5 levels</td> <td></td> </tr> </table>	1 unit: no increase	2 1/2 - 3 units: add 3 levels		1 1/2 units: add 1 level	3 1/2 - 5 units: add 4 levels		2 units: add 2 levels	More than 5 units: add 5 levels		<div style="border: 1px solid black; width: 40px; height: 40px; display: inline-block;"></div>
1 unit: no increase	2 1/2 - 3 units: add 3 levels									
1 1/2 units: add 1 level	3 1/2 - 5 units: add 4 levels									
2 units: add 2 levels	More than 5 units: add 5 levels									
<p>8. Highest of the Adjusted Offense Levels from Items 1-5 Above</p>	<div style="border: 1px solid black; width: 40px; height: 40px; display: inline-block;"></div>									
<p>9. Combined Adjusted Offense Level (See §3D1.4) Enter the sum of Items 7 and 8 here and on Worksheet D, Item 1.</p>	<div style="border: 1px solid black; width: 40px; height: 40px; display: inline-block;"></div>									

Worksheet C (Criminal History)

Defendant: SENTENCING EXERCISE Docket Number _____

Enter the Date Defendant Commenced Participation in Instant Offense (Earliest Date of Relevant Conduct) 12/01/2002.

1. 3 Points for each prior ADULT sentence of imprisonment EXCEEDING ONE YEAR AND ONE MONTH imposed within 15 YEARS of the defendant's commencement of the instant offense OR resulting in incarceration during any part of that 15-YEAR period. (See §§4A1.1(a) and 4A1.2.)

2. 2 Points for each prior sentence of imprisonment of AT LEAST 60 DAYS resulting from an offense committed ON OR AFTER the defendant's 18th birthday not counted under §4A1.1(a) imposed within 10 YEARS of the instant offense; and

2 Points for each prior sentence of imprisonment of AT LEAST 60 DAYS resulting from an offense committed BEFORE the defendant's 18th birthday not counted under §4A1.1(a) from which the defendant was released from confinement within 5 YEARS of the instant offense. (See §§4A1.1(b) and 4A1.2.)

3. 1 Point for each prior sentence resulting from an offense committed ON OR AFTER the defendant's 18th birthday not counted under §4A1.1(a) or §4A1.1(b) imposed within 10 YEARS of the instant offense; and

1 Point for each prior sentence resulting from an offense committed BEFORE the defendant's 18th birthday not counted under §4A1.1(a) or §4A1.1(b) imposed within 5 YEARS of the instant offense. (See §§4A1.1(c) and 4A1.2.)

NOTE: A maximum sum of 4 Points may be given for the prior sentences in Item 3.

Date of Imposition	Offense	Sentence	Release Date**	Guideline Section	Criminal History Points
<u>12-01-96</u>	<u>Auto Theft</u>	<u>2 Yrs. Probation</u>		<u>4A1.1 (c)</u>	<u>1</u>
<u>12-01-99</u>	<u>Grand Larceny</u>	<u>6 Mos. Imprison.</u>		<u>4A1.1 (b)</u>	<u>2</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

* Indicate with an asterisk those offenses where defendant was sentenced as a juvenile.

** A release date is required in only three instances:

- When a sentence covered under §4A1.1(a) was imposed more than 15 years prior to the commencement of the instant offense but release from incarceration occurred within such 15-year period;
- When a sentence counted under §4A1.1(b) was imposed for an offense committed prior to age 18 and more than 5 years prior to the commencement of the instant offense, but release from incarceration occurred within such 5-year period; and
- When §4A1.1(e) applies because the defendant was released from custody on a sentence counted under 4A1.1(a) or 4A1.1 (b) within 2 years of the instant offense or was still in custody on such a sentence at the time of the instant offense (see Item 6).

4. Sum of Criminal History Points for prior sentences under §§4A1.1(a), 4A1.1(b), and 4A1.1(c) (Items 1,2,3).

3

Worksheet C

Defendant: SENTENCING EXERCISE Docket Number _____

5. 2 Points if the defendant committed the instant offense while under any criminal justice sentence (e.g., probation, parole, supervised release, imprisonment, work release, escape status). (See §§4A1.1(d) and 4A1.2.) List the type of control and identify the sentence from which control resulted. Otherwise, enter 0 Points.

0

6. 2 Points if the defendant committed the instant offense LESS THAN 2 YEARS after release from imprisonment on a sentence counted under §4A1.1(a) or (b), or while in imprisonment or escape status on such a sentence. However, enter only 1 Point for this item if 2 points were added at Item 5 under §4A1.1(d). (See §§4A1.1(e) and 4A1.2.) List the date of release and identify the sentence from which release resulted. Otherwise, enter 0 Points.

2

Released on 6-1-00 from Sentence of 12-1-99

7. 1 Point for each prior sentence resulting from a conviction of a crime of violence that did not receive any points under §4A1.1(a), (b), or (c) because such sentence was considered related to another sentence resulting from a conviction of a crime of violence. *Provided*, that this item does not apply where the sentences are considered related because the offenses occurred on the same occasion. (See §§4A1.1(f) and 4A1.2.) Identify the crimes of violence and briefly explain why the cases are considered related. Otherwise, enter 0 Points.

0

Note: A maximum sum of 3 Points may be given for Item 7.

8. **Total Criminal History Points** (Sum of Items 4-7)

5

9.. **Criminal History Category** (Enter here and on Worksheet D, Item 4)

III

<u>Total Points</u>	<u>Criminal History Category</u>
0-1	I
2-3	II
4-6	III
7-9	IV
10-12	V
13 or more	VI

Worksheet D (Guideline Worksheet)

Defendant: SENTENCING EXERCISE District _____

Docket Number _____

1. **Adjusted Offense Level** (From Worksheet A or B)

If Worksheet B is required, enter the result from Worksheet B, Item 9.
Otherwise, enter the result from Worksheet A, Item 5.

32

2. **Acceptance of Responsibility** (See Chapter Three, Part E)

Enter the applicable reduction of 2 or 3 levels. If no adjustment is applicable, enter "0".

- 3

3. **Offense Level Total** (Item 1 less Item 2)

29

4. **Criminal History Category** (From Worksheet C)

Enter the result from Worksheet C, Item 9.

III

5. **Terrorism/Career Offender/Criminal Livelihood/Armed Career Criminal/Repeat and Dangerous Sex Offender**
(see Chapter Three, Part A, and Chapter Four, Part B)

a. Offense Level Total

If the provision for Career Offender (§4B1.1), Criminal Livelihood (§4B1.3), Armed Career Criminal (§4B1.4), or Repeat and Dangerous Sex Offender (§4B1.5) results in an offense level total higher than Item 3, enter the offense level total. Otherwise, enter "N/A."

N/A

b. Criminal History Category

If the provision for Terrorism (§3A1.4), Career Offender (§4B1.1), Armed Career Criminal (§4B1.4), or Repeat and Dangerous Sex Offender (§4B1.5) results in a criminal history category higher than Item 4, enter the applicable criminal history category. Otherwise, enter "N/A."

N/A

6. **Guideline Range from Sentencing Table**

Enter the applicable guideline range from Chapter Five, Part A.

108 - 135

Months

7. **Restricted Guideline Range** (See Chapter Five, Part G)

If the statutorily authorized maximum sentence or the statutorily required minimum sentence restricts the guideline range (Item 6) (see §§5G1.1 and 5G1.2), enter either the restricted guideline range or any statutory maximum or minimum penalty that would modify the guideline range. Otherwise, enter "N/A."

N/A

Months

Check this box if §5C1.2 (Limitation on Applicability of Statutory Minimum Penalties in Certain Cases) is applicable.

8. **Undischarged Term of Imprisonment** (See §5G1.3)

If the defendant is subject to an undischarged term of imprisonment, check this box and list the undischarged term(s) below.

Defendant: SENTENCING EXERCISE Docket Number _____

9. **Sentencing Options** (Check the applicable box that corresponds to the Guideline Range entered in Item 6.)
(See Chapter Five, Sentencing Table)

Zone A If checked, the following options are available (see §5B1.1):

- Fine (See §5E1.2(a))
- "Straight" Probation
- Imprisonment

Zone B If checked, the minimum term may be satisfied by:

- Imprisonment
- Imprisonment of at least one month plus supervised release with a condition that substitutes community confinement or home detention for imprisonment (see §5C1.1(c)(2))
- Probation with a condition that substitutes intermittent confinement, community confinement, or home detention for imprisonment (see §5B1.1(a)(2) and §5C1.1(c)(3))

Zone C If checked, the minimum term may be satisfied by:

- Imprisonment
- Imprisonment of at least one-half of the minimum term plus supervised release with a condition that substitutes community confinement or home detention for imprisonment (see §5C1.1(d)(2))

Zone D If checked, the minimum term shall be satisfied by a sentence of imprisonment (see §5C1.1(f))

10. **Length of Term of Probation** (See §5B1.2)

If probation is imposed, the guideline for the length of such term of probation is: (Check applicable box)

- At least one year, but not more than five years if the offense level total is 6 or more
- No more than three years if the offense level total is 5 or less

11. **Conditions of Probation** (See §5B1.3)

List any mandatory conditions ((a)(1)-(9)), standard conditions ((c)(1)-(14)), and any other special conditions that may be applicable:

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Docket Number _____

12. **Supervised Release** (See §§5D1.1 and 5D1.2)

a. A term of supervised release is: (Check applicable box)

Required because a term of imprisonment of more than one year is to be imposed or if required by statute

Authorized but not required because a term of imprisonment of one year or less is to be imposed

b. Length of Term (Guideline Range of Supervised Release) (Check applicable box)

Class A or B Felony: Three to Five Year Term

Class C or D Felony: Two to Three Year Term

Class E Felony or Class A Misdemeanor: One Year T

c. Restricted Guideline Range of Supervision Release

If a statutorily required term of supervised release impacts the guideline range, check this box and enter the required term. _____

13. **Conditions of Supervised Release** (See §5D1.3)

List any mandatory conditions ((a)(1)-(7)), standard conditions ((c)(1)-(15)), and any other special conditions that may be applicable:

14. **Restitution** (See §5E1.1)

a. If restitution is applicable, enter the amount. Otherwise enter "N/A" and the reason: \$10,000

b. Enter whether restitution is statutorily mandatory or discretionary: _____

c. Enter whether restitution is by an order of restitution or solely as a condition of supervision. Enter the authorizing statute: _____

5. **Fines** (Guideline Range of Fines for Individual Defendants) (See §5E1.2)

a. Special fine provisions

Check box if any of the counts of conviction is for a statute with a special fine provision. (This does not include the general fine provisions of 18 USC § 3571(b)(2), (d))

Minimum

Maximum

Enter the sum of statutory maximum fines for all such counts

\$ _____

b. Fine Table (§5E1.2(c)(3))

Enter the minimum and maximum fines

\$ 15,000

\$ 150,000

c. Guideline Range of Fines:

(determined by the minimum of the fine table (Item 15(b)) and the greater maximum above (Item 15(a) or 15(b))

\$ 15,000

\$ 150,000

d. Ability to Pay

Check this box if the defendant does not have an ability to pay.

