

Criminal History Exercises



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CRIMINAL HISTORY EXERCISES

Criminal History Exercises

Each of the following exercises is designed to focus on the application of a single or limited number of discrete “rules” found in the guidelines for Criminal History and/or Career Offender. Unless an exercise indicates otherwise, assume the prior offenses were committed when the defendant was age 18 or older, and that the criminal history “rules” that the exercise specifically raises are the only ones at issue in the exercise.

Exercise #1

Defendant is convicted of a conspiracy to distribute crack cocaine. The conspiracy began on December 1, 2015 and ended on April 1, 2016. Defendant’s scope of undertaking was from the beginning of the conspiracy until the April 1, 2016 date, when Defendant and others in the conspiracy were arrested for the instant case.

The conspiracy count of conviction expressly charges some of the drug distributions in which Defendant was involved. Included is a delivery of 20 grams of crack that Defendant made from New York to Philadelphia on December 17, 2015.

Defendant was arrested by Philadelphia police upon making the transaction. As a result, on January 10, 2016, Defendant was convicted in Pennsylvania state court for drug distribution and sentenced to one month in jail.

How many criminal history points are assigned as a result of the Pennsylvania state sentence?

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Exercise #2

Defendant's instant federal conviction is Theft of Mail, a violation of 18 U.S.C. § 1708; Applicable guideline §2B1.1. The offense involved Defendant, a mail carrier, stealing several bags of mail from his mail truck. When local police contacted Defendant regarding the mail theft, he fled from them in the middle of the interview. As a result, Defendant was charged with fleeing from police officers, for which he was convicted in state court, and sentenced to six months' jail.

Defendant has completed service of the state sentence, and is currently awaiting sentencing for the instant federal offense.

How many criminal history points are assigned as a result of the state court sentence?

Exercise #3

<u>Arrest Date</u>	<u>Charge/Docket #</u>	<u>Date/Sent. Imposed</u>
02/07/05 (Age 18)	Burglary, Montgomery County District Ct. Dayton, OH, Case#2005-CR-411	04/07/05: 4 to 15 yrs.' imprisonment consecutive to Case#2005-CR-805
02/07/05 (Age 18)	Burglary, Montgomery County District Ct. Dayton, OH, Case#2005-CR-805	04/07/05: 4 to 15 yrs.' imprisonment consecutive to Case# 2005-CR-411

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Defendant was paroled on these two sentences on 04/06/09.

Are these sentences counted separately or as a single sentence?

How many criminal history points result?

Exercise #4

<u>Arrest Date</u>	<u>Charge/Docket #</u>	<u>Date/Sent. Imposed</u>
05/06/09 (Age 20)	Aggravated Robbery (Case# 09-432); Rutherford County Criminal Court, Murfreesboro, TN	06/26/09: 1 year custody, consecutive to Case# 09-433
05/06/09 (Age 20)	Aggravated Robbery (Case # 09-433); Rutherford County Criminal Court, Murfreesboro, TN	06/26/09: 9 months' custody, consecutive to Case# 09-432

Defendant was released from this custody on 08/05/2010, upon completion of the sentences, based on good time earned.

Are these sentences counted separately or as a single sentence?

How many criminal history points result?

CRIMINAL HISTORY EXERCISES

Exercise #5

<u>Arrest Date</u>	<u>Charge/Docket #</u>	<u>Date/Sent. Imposed</u>
12/05/11 (Age 21)	Conspiracy to commit possession of CDS (Cocaine) Second Judicial District Court Albuquerque, New Mexico	11/07/11: Guilty 2 years' deferred adjudication; probation with drug treatment 09/06/12: probation revoked; guilty and resentenced to 180 days' custody

How many criminal history points result?

Exercise #6

<u>Arrest Date</u>	<u>Charge/Docket #</u>	<u>Date/Sent. Imposed</u>
03/05/06 (Age 22)	Burglary-1 st Degree Charles County Circuit Court, La Plata. Maryland	06/28/06: 2 years' probation 08/10/08: probation violation warrant issued 11/29/08: probation revoked; 12-month sentence imposed

How many criminal history points result?

