

BASIC CRIMINAL HISTORY EXERCISES

DISCLAIMER: Because of the interplay between Relevant Conduct and the criminal history rules, if you haven't already taken the Basic Relevant Conduct course, it is suggested that you take it before completing this course.

Exercises #1-5: "Determining the length of the prior sentence"

Sentence of 3 years' imprisonment, suspended to 6 months' imprisonment & 4 years' probation to follow.

What is the maximum sentence imposed?

Exercise #2

Sentence of "time served".

At the time of sentencing, the defendant had been in pretrial custody for 5 months.

What is the maximum sentence imposed?

Exercise #3

Sentence of 3 years' probation.

At the time of sentencing the defendant had been in pretrial custody for 5 months.

What is the maximum sentence imposed?

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Exercise #4

Sentence of 18 months' imprisonment.

This sentence was subsequently reduced by the judge to 90 days' imprisonment.

What is the maximum sentence imposed?

Exercise #5

Sentence of 3 to 5 years' imprisonment.

What is the maximum sentence imposed?

Exercise #1-5 "Applicable Time Frames"

Defendant's instant federal offense of conviction, theft from an interstate shipment, occurred on November 1, 2016.

Defendant's earliest date of relevant conduct is January 11, 2015.

Defendant's prior record includes the following:

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Exercise — Applicable Time Frame

<u>Arrest Date</u>	<u>Conviction & Court</u>	<u>Date/Sent. Imposed</u>
7/4/05 (Age 23)	Assault State Criminal Court	9/1/05: 90 days' jail

Does this prior fall within the applicable time frame?

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Exercise #2

Defendant's instant federal offense of conviction is a bank robbery that occurred on March 1, 2017, which is also established as the earliest date of relevant conduct.

Defendant's prior record includes the following:

Exercise — Applicable Time Frame		
<u>Arrest Date</u>	<u>Conviction & Court</u>	<u>Date/Sent. Imposed</u>
12/20/00 (Age 22)	Burglary State Criminal Court	2/20/01: 5 years' imprisonment 4/20/03: Paroled

Does this prior fall within the applicable time frame?

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Exercise #3

Defendant's instant federal conviction is for a drug sale on January 1, 2016.

It is established that defendant's earliest date of relevant conduct was a drug sale in the same course of conduct on January 1, 2010.

Defendant's prior record includes the following:

Exercise — Applicable Time Frame		
<u>Arrest Date</u>	<u>Conviction & Court</u>	<u>Date/Sent. Imposed</u>
7/13/93 (Age 23)	Aggravated Assault State District Court	1/25/94: 6 years' custody department of corrections 7/24/96: Paroled

Does this prior fall within the applicable time frame?

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Exercise #4

Defendant's instant federal offense of conviction, Interstate Transportation of a Stolen Motor Vehicle, occurred on December 1, 2015.

Defendant's earliest date of relevant conduct is June 1, 2015.

Defendant's prior record includes the following:

Exercise — Applicable Time Frame		
<u>Arrest Date</u>	<u>Conviction & Court</u>	<u>Date/Sent. Imposed</u>
4/4/16 (Age 32)	Misdemeanor Domestic Violence County Court	7/1/16: \$500 fine and domestic violence program

Does this prior fall within the applicable time frame?

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Exercise #5

Defendant's instant federal conviction is a fraud conspiracy from January 1, 2010 to December 31, 2015.

Defendant joined the conspiracy July 1, 2014, which is also established as the defendant's earliest date of relevant conduct.

Defendant's prior record includes the following:

Exercise — Applicable Time Frame		
<u>Arrest Date</u>	<u>Conviction & Court</u>	<u>Date/Sent. Imposed</u>
3/15/02 (Age 26)	Receipt of Stolen Interstate Shipment U.S. District Court	2/2/03: 3 years' probation 2/1/06: Probation expired

Does this prior fall within the applicable time frame?

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Exercises #1–3 “Is it Relevant Conduct or Criminal History?”

Defendant’s instant federal offense of conviction is a bank robbery that occurred on November 13, 2016, which is also established as the earliest date of relevant conduct.

In the immediate flight from the robbery, Defendant stole a car to make his getaway.

Defendant’s prior record includes the following:

Exercise — Relevant Conduct or Criminal History?

<u>Arrest Date</u>	<u>Conviction & Court</u>	<u>Date/Sent. Imposed</u>
11/13/16 (Age 23)	Auto Theft State Circuit Court	2/25/17: 2 years’ imprisonment

This offense was committed by the defendant during his immediate flight from the bank robbery that is the basis for the instant federal offense of conviction

Is the auto theft relevant conduct, criminal history, or both, or neither?

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Exercise #2

Defendant's instant federal offense of conviction is distribution of cocaine on November 13, 2016.

It is established that Defendant's relevant conduct includes a course of conduct including all his cocaine distributions dating back to August 1, 2016.

Defendant's prior record includes the following:

Exercise — Relevant Conduct or Criminal History?

<u>Arrest Date</u>	<u>Conviction & Court</u>	<u>Date/Sent. Imposed</u>
12/1/16 (Age 28)	Sale of Cocaine State Court	1/10/17: 3 years' imprisonment

This offense conduct has been determined to be an act by the defendant in the same course of conduct of the defendant's instant federal offense of conviction for sale of cocaine

Is the state cocaine sale relevant conduct, criminal history, or both, or neither?

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Exercise #3

Defendant's instant federal offense of conviction is felon in possession of a firearm.

In the application of §2K2.1 (Felon in Possession), Defendant is being given the increased base offense level (BOL 20 instead of BOL 14) based on the following prior felony conviction that Defendant sustained for a controlled substance offense:

Exercise — Relevant Conduct or Criminal History?		
<u>Arrest Date</u>	<u>Conviction & Court</u>	<u>Date/Sent. Imposed</u>
4/20/12 (Age 34)	Drug Distribution State District Court	11/15/12: 36 months' custody

Is the state drug distribution relevant conduct, criminal history, or both, or neither?

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Exercises #1-2 Excluded Misdemeanor and Petty Offenses

Exercise — Excluded Misdemeanor & Petty Offenses

<u>Arrest Date</u>	<u>Conviction & Court</u>	<u>Date/Sent. Imposed</u>
8/10/12 (Age 25)	Unlicensed Driver Municipal Court	12/22/12: \$250 fine



How many criminal history points?

BASIC CRIMINAL HISTORY EXERCISES

Exercise #2

Exercise — Excluded Misdemeanor & Petty Offenses

<u>Arrest Date</u>	<u>Conviction & Court</u>	<u>Date/Sent. Imposed</u>
11/21/13 (Age 21)	Driving While Intoxicated (misdemeanor) County Criminal Court	07/20/14: 3 days' jail and \$500 fine



How many criminal history points?

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Exercises #1-2 Points for "Status"

Defendant's instant federal offense of conviction is a bank robbery that occurred on November 13, 2016, which is also established as the earliest date of relevant conduct.

Defendant's prior record includes the following:

<u>Arrest Date</u>	<u>Conviction & Court</u>	<u>Date/Sent. Imposed</u>
10/18/13 (Age 27)	Possession with Intent to Distribute Heroin State Criminal Court	2/21/14: 5 years' imprisonment 2/20/16: Paroled
Defendant was on active supervision of this state parole when he committed the instant federal offense; State parole authorities are awaiting the disposition of the instant federal case before taking action		

Do criminal history points for "status" apply?

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Exercise #2

Defendant's instant federal offense of conviction is a drug sale that occurred on January 1, 2016.

It is established that defendant's earliest date of relevant conduct was a drug sale in the same course of conduct on January 1, 2010, and that the relevant conduct continued until January 1, 2016.

Defendant's prior record includes the following:

Exercise — "Status"		
<u>Arrest Date</u>	<u>Conviction & Court</u>	<u>Date/Sent. Imposed</u>
2/11/13 (Age 26)	DUI 2nd Offense State Court	5/25/13: \$1000 fine & 6 months' probation
		11/24/13: Probation expired

Do criminal history points for "status" apply?
