

## Multiple Prior Sentences / USSG §4A1.2(a)(2):

This handout is intended to be a quick reminder of some key aspects to consider when referencing the Multiple Prior Sentences guideline, located at §4A1.2(a)(2). It is important to understand when to treat multiple prior sentences as a "single sentence" and how to assess criminal history points. It is also important to understand the criteria necessary to invoke the Career Offender Override.

### *Multiple Prior Sentences Will Be Treated as a "Single Sentence" If –*

1. Prior sentences are for offense **NOT** separated by an intervening arrest

--- AND ---

2. The offenses **either**:
  - a. Were named in the same charging document, or
  - b. Resulted in sentences imposed on the same day

#### Example 1

1. Defendant was convicted of 3 bank robberies that had not been separated by intervening arrests
2. Defendant was sentenced on the same day to 5 years for each robbery to run concurrently
3. Single sentence: 3 points (§4A1.1(a))
4. 1 point added for each additional crime of violence that did not receive points: 2 additional points (§4A1.1(e))

#### Example 2

1. The defendant's prior record includes two robberies, the second committed after the defendant had been arrested for the first and was out on bail release. The two robbery offenses were subsequently charged in the same indictment and sentenced on the same day, resulting in concurrent sentences of five years each.
2. Intervening arrest
3. Separate sentences: 3 points each (total 6 points)

### **\*\* For Single Sentences – Rather Than Adding the Points for Each Prior Sentence \*\***

- *If concurrent* – use the longest sentence
- *If consecutive* – use the aggregate length of the sentences



# Multiple Prior Sentences / USSG §4A1.2(a)(2):

## Criminal History Points

### Prior Offense Committed...

#### ...at 18 or Older

#### ...Before 18

Pts*	Sentence	(Earliest Date of Relevant Conduct)	(Earliest Date of Relevant Conduct)	Sentence <i>Only If Convicted as an Adult and:</i>	Pts*
		Time Frame	Time Frame		
3	> 13 Months	Within 15 years of prior sentence imposition or release	Within 15 years of prior sentence imposition or release	> 13 Months	3
2	≥ 60 Days	Within 10 years of prior sentence imposition	Within 5 years of prior sentence imposition or release	≥ 60 Days	2
1 (Max of 4)	All Others**	Within 10 years of prior sentence imposition	Within 5 years of prior sentence imposition	All Others**	1 (Max of 4)

\* If Otherwise Countable  
\*\* Exceptions May Apply

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## Career Offender "Override"

### Criteria

### Override

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>Defendant must be at least 18 at the time of the offense</li> <li>Instant offense of conviction is a felony for a "crime of violence" or "controlled substance offense"</li> <li>Defendant must have at least two prior felony convictions for a "crime of violence" or "controlled substance offense" that are counted separately under §4A1.1(a), (b), or (c)</li> </ul> | <ul style="list-style-type: none"> <li>Criminal History Category VI</li> <li>Offense level determined by a table based on statutory maximum (unless the offense level from Chapters Two and Three is greater)</li> </ul> |
|---|--|

## Career Offender Table

<b>Statutory Maximum</b>	Life . . . . .	37
	25 years + . . . . .	34
	20 years + . . . . .	32
	15 years + . . . . .	29
	10 years + . . . . .	24
	5 years + . . . . .	17
More than 1 year . . . . .	12	

### Offense Level \*

\* Decrease by number of levels (0 or -2 or -3) at §3E1.1 (Acceptance of Responsibility)

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The United States Sentencing Commission, an independent agency in the judicial branch of the federal government, was organized in 1985 to develop a national sentencing policy for the federal courts. The resulting sentencing guidelines provide structure for the courts' sentencing discretion to help ensure that similar offenders who commit similar offenses receive similar sentences.