

Table of Contents

Part One	1
Introduction	2
Basic Procedure	4
Your Indictment and Statutory Sentence Ranges.....	5
Table of Statutory Penalties for Drug Crimes I	8
Table of Statutory Penalties for Drug Crimes II	10
Table of Statutory Penalties for Drug Crimes III	12
The Importance of an Allegation of Prior Felony Convictions	15
Calculating Your Sentence Guidelines	18
Offense Levels	18
Drug Cases.....	19
Drug Quantity Table Part I.....	20
Drug Quantity Table Part II.....	21
Drug Quantity Table Part III Ketamine and Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide)	22
Notes to the Drug Quantity Tables.....	22
Drug Conversion Table.....	24
Typical Weight per Unit (Dose, Pill, or Capsule) Table	25
Measurement Conversion Table.....	25
Chemical Quantity Table.....	26
Notes to the Chemical Quantity Table	27
List I Chemical Equivalency Table	27
Simple Possession	28
Immediate Drug Precursors, Listed Chemicals, and Uncompleted Drug Conspiracies or Attempts	28
Guns and Drugs	31
Aggravating and Mitigating Factors.....	34
Hate Crime Motivation or Vulnerable Victim (§3A1.1).....	34
Official Victim (§3A1.2)	35
Restraint of Victim (§3A1.3)	35
Terrorism (§3A1.4).....	36
Serious Human Rights Offense (§3A1.5).....	36
Aggravating and Mitigating Roles in the Crime (§§ 3B1.1 and 3B1.2)	36
Abuse of Trust or Use of Special Skill (§3B1.3).....	38
Using a Minor to Commit a Crime (§3B1.4).....	38
Use of Body Armor in Drug Trafficking Crimes and Crimes of Violence (§3B1.5).....	39
Obstruction of Justice (§3C1.1)	39
Reckless Endangerment during Flight (§3C1.2)	41
Crimes Committed While on Release (§3C1.3)	42

False Registration of Domain Name (§3C1.4).....	42
Other Enhancements	42
Acceptance of Responsibility	44
The Safety Valve	45
5K1.1 Letters	47
Debriefing and Section 1B1.8	50
Conspiracies and Relevant Conduct (§1B1.3)	51
Expanded Relevant Conduct and Harm Relevant Conduct.....	58
Criminal History.....	61
Criminal History Category and Definitions and Instructions for	
Computing Criminal History (§§ 4A1.1 and 4A1.2)	61
Departures Based on Inadequacy of Criminal History Category	
(§4A1.3).....	67
Career Offenders (§§ 4B1.1 and 4B1.2).....	69
Criminal Livelihood (§4B1.3)	72
Armed Career Criminals (§4B1.4)	73
Repeat and Dangerous Sex Offenders against Minors (§4B1.5)	74
Using the Sentencing Table.....	76
Sentencing Table	77
Probation and Probation Conditions	78
Sentencing Table and Sentencing Zones	82
Sentencing Computation Sheets	84
Plea Bargaining Strategies	93
Plea Agreements for Dummies.....	96
Negotiable Items	101
Interstate Agreement on Detainers	104
Are You Already Serving Another Prison Sentence?	106
About Appointed Lawyers	110
Hiring Your Own Lawyer	113
Appearing <i>Pro Se</i>	117
Bail Pending Trial.....	119
Self-surrender	124
Conditional Pleas	125
Judge's Right to Reject Plea Agreements	125
Rule 11	126
Pleading Guilty or Going to Trial? Practical Considerations.....	129
P.S.I. Reports.....	131
Your P.S.I. Report and Your Prison Visiting List.....	135
Protect Your P.S.I. ! ! !	136
The Sentencing Hearing.....	138
Sentence Reductions	141
Compassionate Release	143
Early release and the Coronavirus Pandemic	146
Good Conduct Time.....	149

Early Release for Completing Drug Treatment Programs.....	150
Women.....	152
Supervised Release	154
Restitution, Fines, Assessments, and Forfeitures	160
Costs of Prosecution	160
Downward Departures	161
Upward Departures	165
Early Dispositions (Fast-Track Program for Deportable Aliens)	167
<i>Booker/Fanfan</i> and the Advisory Nature of the Federal Sentencing Guidelines	170
History.....	170
The <i>Booker/Fanfan</i> Decision	173
Practical Advice.....	174
The "Parsimony Provision" and Other Factors.....	179
<i>Rita, Gall, Kimbrough, and Nelson</i>	180
The Sentencing Commission Acknowledges the Supreme Court.....	185
More Practical Advice	187
Deconstructing a Guideline; the Child Pornography Guidelines	198
The Adam Walsh Act and Sex Offenders.....	202
Appeals and Writs	204
Appeal Forms	207
2255 Forms.....	209

Part Two 217

Going to Prison and Your Legal Papers	218
Personal Property.....	219
What Prison Will You Go To?	220
Custody Classification Worksheet	221
Offense Severity Scale	224
Security Designation Table (Males).....	228
Security Designation Table (Females)	229
Public Safety Factors	230
Management Variables (MGTV)	231
Medical and Mental Health Care Levels.....	232
Federal Prisons and Prison Camps	234
Federal Bureau of Prisons Offices	234
Federal Bureau of Prisons Facilities	234
Community Corrections Management Offices	236
Administrative Security Facilities	238
Witness Protection Units.....	239
Mailing Addresses for Inmates in Federal Prisons and Prison Phone Numbers	240
Regional Maps of the B.O.P.	249

Western Region	249
North Central Region	250
South Central Region	251
Southeast Region.....	252
Mid-Atlantic Region	253
Northeast Region	254
General information about the Bureau of Prisons and Doing Time	255
Sending Money to an Inmate.....	258
Computers in the B.O.P.	260
Probation and Supervised Release Violations	262
Classification of Violations	262
Early Termination of Supervised Release.....	265
Collateral Consequences	266
Ineligibility for Federal Benefits.....	266
Student Aid	267
AFDC and Food Stamps	267
Expungement and a Certificate of Rehabilitation	267
Two Important Websites	268
Immigration and Deportation	269
Treaty Transfer Prisoners.....	272

Part Three..... 279

General Instructions for the Sentencing Guidelines Charts	280
Part A – Offenses Against the Person	282
Parts A1-A2 – Homicide, Assault	282
Part A3 – Criminal Sexual Abuse and Offenses Related to Registration as a Sex Offender	284
§§ 2A3.1 and 2A3.2	284
§§ 2A3.3, 2A3.4, 2A3.5, and 2A3.6	286
Parts A4-A6 – Other Offenses Against the Person.....	288
Part B – Basic Economic Offenses	292
Part B1 – Theft, Embezzlement, Receipt of Stolen Property, Destruction, and Offenses Involving Fraud or Deceit.....	292
§2B1.1	292
§2B1.4	298
§§ 2B1.5 and 2B1.6	300
Part B2 – Burglary and Trespass	301
Part B3 – Robbery, Extortion, and Blackmail.....	302
Parts B4-B6 – Bribery, Counterfeiting, and Motor Vehicle Id Offenses	304
Part C – Offenses Involving Public Officials and Violations of Federal Election Campaign Law.....	306

Parts D1-D3 – Special Enhancements Specific to Drug Offenses and Other Controlled Substance Offenses.....	308
Part E – Offenses Involving Criminal Enterprises and Racketeering	318
Part G – Offenses Involving Commercial Sex Acts, Sexual Exploitation of Minors, and Obscenity	322
Part G1 – Promoting a Commercial Sex Act or Prohibited Sexual Conduct	322
Part G2 – Sexual Exploitation of a Minor.....	324
Part G3 – Obscenity.....	327
Part H – Offenses Involving Individual Rights.....	329
Part J – Offenses Involving the Administration of Justice	332
Part K – Offenses Involving Public Safety	335
Part L – Offenses Involving Immigration, Naturalization, and Passports .	344
Part M – Offenses Involving National Defense and Weapons of Mass Destruction	350
Part N – Offenses Involving Food, Drugs, Agricultural Products, Consumer Products, and Odometer Laws	355
Part P – Offenses Involving Prisons and Correctional Facilities.....	357
Part Q – Offenses Involving the Environment.....	360
Part Q1 Environment	360
Part Q2 Conservation and Wildlife	362
Part R – Antitrust Offenses	363
Part S – Offenses Involving Money Laundering and Monetary Transaction Reporting	366
Part T – Offenses Involving Taxation	368
Part X – Other Offenses	372
Fines for Individual Defendants	376
Application Notes for the Drug Quantity Tables	378
Multiple Counts	386
Amendments to the Guidelines	390

Part Four 391

True Stories	392
Serving Time for Soy Sauce	393
The Disappearing Plea Agreement	395
Pointbreak	399
6 + 2 + 2 + 2 + 2 + 2 = 3.....	401
A Christmas Story	404
A Modern Trial by Fire.....	417

Appendices and Index 431

Appendix A – Statutory Index.....	432
Appendix B – Important Decisions and Documents Regarding <i>Booker</i>	443

The Gall Decision	443
The Kimbrough Decision	451
District Court Decision Applying the Ruling in Rita	462
Two Court Decisions on the Conditions of Supervised Release	466
Memorandum from the Office of Probation and Pretrial Services, Administrative Office of the United States Courts, to P.S.I. Writers Regarding Booker Variances	474
18 U.S. Code §924(c).....	477
Index	479