

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
The Importance of an Allegation of Prior Felony Convictions.....	12
The Holder Memorandums and Changes to Mandatory Minimums with Respect to Drug Offenders	14
Calculating Your Sentence Guidelines	19
Offense Levels.....	19
Drug Cases	20
Drug Quantity Table Part I.....	21
Drug Quantity Table Part II	22
Drug Quantity Table Part III Ketamine	23
Notes to the Drug Quantity Tables.....	23
Drug Equivalency Table.....	25
Typical Weight per Unit (Dose, Pill, or Capsule) Table.....	26
Measurement Conversion Table.....	26
Chemical Quantity Table	27
Notes to the Chemical Quantity Table	28
List I Chemical Equivalency Table	28
Simple Possession	29
Immediate Drug Precursors, Listed Chemicals, and Uncompleted Drug Conspiracies or Attempts.....	29
Guns and Drugs.....	32
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)	38
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	43
The Safety Valve	44
5K1.1 Letters.....	46
Debriefing and Section 1B1.8	49
Conspiracies and Relevant Conduct.....	51
Examples of Accountable Conduct.....	53
Criminal History	58
Criminal History Category and Definitions and Instructions for	
Computing Criminal History (§§ 4A1.1 and 4A1.2)	58
Adequacy of Your Criminal History (§4A1.3)	63
Career Offenders (§§ 4B1.1 and 4B1.2).....	64
Criminal Livelihood (§4B1.3)	67
Armed Career Criminals (§4B1.4)	68
Repeat and Dangerous Sex Offenders against Minors (§4B1.5)	69
Using the Sentencing Table.....	71
Sentencing Table.....	72
Probation and Probation Conditions	73
Sentencing Table and Sentencing Zones	77
Sentencing Computation Sheets	78
Plea Bargaining Strategies	87
Plea Agreements for Dummies	90
Negotiable Items.....	95
Interstate Agreement on Detainers	98
Are You Already Serving Another Prison Sentence?	100
About Appointed Lawyers	103
Defending from a Distance.....	106
Hiring Your Own Lawyer.....	108
Appearing <i>Pro Se</i>	112
Bail Pending Trial	114
Self-Surrender	119
Conditional Pleas.....	119
Judge's Right to Reject Plea Agreements	120
Rule 11.....	121
Pleading Guilty or Going to Trial? Practical Considerations	123
P.S.I. Reports	125
Your P.S.I. Report and Your Prison Visiting List	129
Protect Your P.S.I. !!!	130
The Sentencing Hearing	132
Sentence Reductions	135

Compassionate Release	136
Good Conduct Time.....	138
Early Release for Completing Drug Treatment Programs	139
Women	141
Supervised Release.....	143
Restitution, Fines, Assessments, and Forfeitures	148
Costs of Prosecution.....	149
Downward Departures.....	150
Upward Departures.....	153
Early Dispositions (Fast-Track Program for Deportable Aliens).....	156
Booker/Fanfan and the Advisory Nature of the Federal Sentencing Guidelines	158
History	158
The <i>Booker/Fanfan</i> Decision	161
Practical Advice	163
The "Parsimony Provision" and Other Factors	167
<i>Rita, Gall, Kimbrough, and Nelson</i>	168
The Sentencing Commission Acknowledges the Supreme Court	173
More Practical Advice.....	175
Deconstructing a Guideline; the Child Pornography Guidelines.....	185
The Adam Walsh Act and Sex Offenders.....	189
Appeals and Writs.....	190
Appeal Forms	193
2255 Forms	195

Part Two 203

Going to Prison and Your Legal Papers	204
Personal Property	205
What Prison Will You Go To?	206
Custody Classification Worksheet	207
Offense Severity Scale.....	210
Security Designation Table (Males)	214
Security Designation Table (Females)	215
Federal Prisons and Prison Camps	216
Federal Bureau of Prisons Offices	216
Federal Bureau of Prisons Facilities.....	216
Community Corrections Management Offices	218
Administrative Security Facilities	220
Witness Protection Units	221
Mailing Addresses for Inmates in Federal Prisons and Prison Phone Numbers	222
Regional Maps of the B.O.P.	229

Western Region.....	229
North Central Region.....	230
South Central Region	231
Southeast Region	232
Mid-Atlantic Region.....	233
Northeast Region.....	234
General information about the Bureau of Prisons and Doing Time.....	235
Sending Money to an Inmate	237
Computers in the B.O.P.....	238
Probation and Supervised Release Violations	240
Classification of Violations.....	240
Early Termination of Supervised Release.....	243
Collateral Consequences.....	244
Ineligibility for Federal Benefits	244
Student Aid.....	245
AFDC and Food Stamps	245
Expungement and a Certificate of Rehabilitation.....	245
Two Important Websites	246
Immigration and Deportation	247
Treaty Transfer Prisoners	250

Part Three..... 257

General Instructions for the Sentencing Guidelines Charts.....	258
Part A – Offenses Against the Person	260
Parts A1-A2 – Homicide, Assault	260
Part A3 – Criminal Sexual Abuse and Offenses Related to Registration as a Sex Offender.....	262
§§2A3.1 and 2A3.2	262
§§2A3.3, 2A3.4, 2A3.5, and 2A3.6	266
Parts A4-A6 – Other Offenses Against the Person	268
Part B – Basic Economic Offenses	271
Part B1 – Theft, Embezzlement, Receipt of Stolen Property, Destruction, and Offenses Involving Fraud or Deceit	271
§2B1.1	271
§2B1.4	277
§§ 2B1.5 and 2B1.6	278
Part B2 – Burglary and Trespass	279
Part B3 – Robbery, Extortion, and Blackmail.....	280
Parts B4-B6 – Bribery, Counterfeiting, and Motor Vehicle Id Offenses.....	282
Part C – Offenses Involving Public Officials and Violations of Federal Election Campaign Law	284

Parts D1-D3 – Special Enhancements Specific to Drug Offenses and Other Controlled Substance Offenses.....	286
Part E – Offenses Involving Criminal Enterprises and Racketeering	295
Part G – Offenses Involving Commercial Sex Acts, Sexual Exploitation of Minors, and Obscenity	298
Part G1 – Promoting a Commercial Sex Act or Prohibited Sexual Conduct.....	298
Part G2 – Sexual Exploitation of a Minor.....	300
Part G3 – Obscenity	303
Part H – Offenses Involving Individual Rights.....	305
Part J – Offenses Involving the Administration of Justice	308
Part K – Offenses Involving Public Safety	311
Part L – Offenses Involving Immigration, Naturalization, and Passports ..	320
Part M – Offenses Involving National Defense and Weapons of Mass Destruction.....	326
Part N – Offenses Involving Food, Drugs, Agricultural Products, Consumer Products, and Odometer Laws	331
Part P – Offenses Involving Prisons and Correctional Facilities	333
Part Q – Offenses Involving the Environment.....	336
Part Q1	336
Part Q2	338
Part R – Antitrust Offenses.....	339
Part S – Offenses Involving Money Laundering and Monetary Transaction Reporting	340
Part T – Offenses Involving Taxation	342
Part X – Other Offenses	346
Fines for Individual Defendants	350
Application Notes for the Drug Quantity Tables	352
Multiple Counts	359
Amendments to the Guidelines	363

Part Four 365

True Stories.....	366
Serving Time for Soy Sauce	367
The Disappearing Plea Agreement.....	369
Pointbreak.....	373
6 + 2 + 2 + 2 + 2 + 2 = 3	375
A Christmas Story.....	378
A Modern Trial by Fire	391

Afterword 405

Appendices and Index 415

Appendix A – Statutory Index	416
Appendix B – Important Documents and Decisions Regarding <i>Booker</i>	428
District Court Decision Applying the Ruling in <i>Rita</i>	428
The Gall Decision.....	432
The Kimbrough Decision	440
Memorandum from the Office of Probation and Pretrial Services, Administrative Office of the United States Courts, to PSI Writers Regarding Booker Variances.....	451
Two Court Decisions on the Conditions of Supervised Release.....	454
Index	462