



**UNITED STATES SENTENCING COMMISSION'S
NATIONAL SEMINAR ON SENTENCING GUIDELINES**

**June 15, 2012
PLEA BARGAINING**

PANEL

Douglas Berman

Tristram Coffin

Lucian E. Dervan

Jim Felman

Jennifer Horan

Sterling Johnson

**Powerpoint presentation prepared by Sharon Denham, CSA
for the Arkansas Federal Public Defender Organization**

LAFLEER v. COOPER, 566 U.S. (2012)

Decided March 21, 2012

CASE SUMMARY

FACTS: Cooper was charged under Michigan law with assault with intent to murder-- and three other offenses -- after firing shots that struck the victim in the buttock, hip, and abdomen. The prosecution offered to dismiss two of the charges and recommend a 51 to 85 month sentence in exchange for Cooper's guilty plea. After initially expressing his willingness to accept, Cooper -- on the advice of his attorney -- rejected the offer. His attorney had informed Cooper that the prosecution would be unable to establish his intent to murder because the victim had been shot below the waist. At trial, Cooper was convicted on all counts and received a mandatory minimum sentence of 185 to 360 months.

ISSUE: How does the *Strickland* prejudice test apply where ineffectiveness of counsel results in the rejection of a plea offer and the defendant is convicted at the ensuing trial?

RULE: To establish *Strickland* prejudice in the context of a plea, the defendant must show that there is a reasonable probability that, but for counsel's deficient performance, the result of the plea process would have been different. Specifically, where ineffective assistance leads to the rejection of a plea offer, a defendant must show that -- but for the ineffective assistance of counsel-- there is a reasonable probability: (1) that the plea offer would have been presented to the trial court (*i.e.*, that the defendant would have accepted the plea and the prosecution would not have withdrawn it due to intervening circumstances); (2) that the trial court would have accepted the terms of the plea agreement; and (3) that the conviction or sentence, or both, under the agreement's terms would have been less severe than the actual judgment and sentence which were imposed.

ANALYSIS: In this case the parties stipulated that the performance of Cooper's counsel was deficient. Thus the only inquiry was whether Cooper was prejudiced as a result of counsel's ineffective assistance. To show there was no prejudice, the State argued: (1) that errors before trial are not cognizable under the Sixth Amendment unless they affect the fairness of the trial itself; (2) that a defendant must show that the ineffective assistance of counsel led to his being denied a substantive or procedural right; and (3) that the purpose of the Sixth Amendment is to ensure the reliability of a conviction following trial.

The Supreme Court summarized the State's arguments as a general contention that: "A fair trial wipes clean any deficient performance by defense counsel during plea bargaining." The Court rejected the State's contention, asserting that such a stance "ignores the reality that the criminal justice system today is for the most part a system of pleas, not a system of trials." Thus, defendants are entitled by the Sixth Amendment to the effective assistance of counsel

MISSOURI v. FRYE, 566 U.S.__(2012)
Decided March 21, 2012

CASE SUMMARY

FACTS: Frye was charged with driving with a revoked license. He had been convicted of that same offense on three prior occasions. Therefore, the State of Missouri charged him with a class D felony, which carries a maximum term of four years imprisonment. Frye was arrested again less than a week before the preliminary hearing on his pending charge.

Approximately six weeks before the preliminary hearing, the prosecutor sent Frye's counsel a letter offering a choice of two plea bargains. One was an offer for Frye to plead guilty to a misdemeanor with a sentencing recommendation of ninety days' confinement. Frye's counsel did not inform him of either offer, and they expired. Ultimately, Frye pleaded guilty with no plea agreement, and the trial Judge sentenced him to three years in prison.

ISSUE: Whether the constitutional right to counsel extends to the negotiation and consideration of plea offers that lapse or are rejected. If so, what must a defendant demonstrate in order to show that prejudice resulted from counsel's deficient performance?

RULE: The Sixth Amendment guarantees a defendant the right to have counsel present at all critical stages of a criminal proceeding.

ANALYSIS: The Supreme Court made clear in *Hill v. Lockhart*, 474 U.S. 52 (1985), and *Padilla V. Kentucky*, 559 u.s. ____ (2010), that the negotiation of a plea bargain is a critical phase of litigation for purposes of the Sixth Amendment right to effective assistance of counsel. In so doing, the Court rejected the argument that a knowing and voluntary plea supersedes errors made by defense counsel in representing his client.

The State sought to distinguish Frye's case from *Hill* and *Padilla* by stressing the fact that-- in both *Hill* and *Padilla* -- defense counsel had provided incorrect advice regarding a plea agreement. In Frye's case, however, the guilty plea that was accepted, and the plea proceedings concerning it in court, were all based on accurate advice and information. The State also stressed that there is no constitutional right to a plea offer or plea bargain and that it would be unfair to subject the State to the consequences of defense counsel's inadequacies when the opportunity for a full and fair trial or a later guilty plea were preserved.

Although the Court found the State's argument to have some persuasive force, it also found the argument insufficient to overcome the simple reality that ninety-seven percent of federal convictions and ninety-four percent of state convictions are the result of guilty pleas. Given that plea bargaining is "not some adjunct to the criminal justice system" but in essence "is



Department of Justice Pretrial Diversion Program (PTD)



Summary of PTD Program and Requirements

Overview	Major Objectives	Eligibility	Procedures
<ul style="list-style-type: none"> • Pretrial Diversion (PTD) is an alternative to prosecution. • The program is administered by the United States Probation Service. • PTD seeks to divert certain offenders from traditional criminal justice processing into a program of supervision and service. • Most offenders are diverted at the pre-charge stage. • Participants who successfully complete the program will not be charged. • Participants who are charged will have their charges dismissed. • Unsuccessful participants are returned for prosecution. 	<ul style="list-style-type: none"> • To prevent future criminal activity. • To divert offenders from traditional processing into community supervision and services. • To save prosecution and judicial resources for concentration on major cases. • Where appropriate, to provide a vehicle for restitution to communities and crime victims. • The period of supervision is not to exceed eighteen months, but may be reduced. 	<ul style="list-style-type: none"> • The U.S. Attorney has discretion to divert any individual against whom a case exists and who is not: <ul style="list-style-type: none"> ▸ Accused of an offense which should be diverted to the State for prosecution; ▸ A person with two or more prior felony convictions; ▸ A public official or former public official accused of an offense arising out of an alleged violation of a public trust; or ▸ Accused of an offense related to national security or foreign affairs. 	<ul style="list-style-type: none"> • Divertees are initially selected by the U.S. Attorney at the pre-charge stage, or at any point (prior to trial) at which a PTD agreement is effected. • Participation in the program is voluntary: <ul style="list-style-type: none"> ▸ Divertees must sign a contract agreement waiving speedy trial and the statute of limitations; ▸ Divertees must have advice of counsel; ▸ If counsel cannot be afforded, one will be appointed; ▸ Appointment of counsel is made through the U.S. Magistrate Judge • All information obtained in making the decision to divert is confidential, except written statements may be used for impeachment purposes. • Upon determining eligibility, the U.S. Attorney refers the case and investigation reports to the Chief Pretrial Services Officer or the Chief Probation Officer for recommendation on the suitability of the offender for supervision. • Pretrial Services will arrange with the U.S. Marshal to have the diverttee fingerprinted & have fingerprints sent to the FBI as part of background investigation. • Pretrial Services should request notification of any prior record on the diverttee from the FBI Identification Division Records. • If PTD is appropriate, supervision is tailored to the offender's needs and may include: employment; counseling; education; job training; and psychiatric care. • Restitution or community service may be required as part of the pretrial program.



**Chart Prepared by Betty J. Farr,
Paralegal, Arkansas Federal
Public Defender Office**

**SELECTED FIREARMS OFFENSES
SUMMARY CHART
Updated April 2012**

Title 18	Description	Statutory Max
§ 922 (a)(1)	Willful engagement in firearms business without a license (cf. 26 U.S.C. § 5861(a))	5 years: 924(a)(1)(D)
§ 922 (a)(2)	Willful shipment or transport of firearm to unlicensed recipient	5 years: 924(a)(1)(D)
§ 922 (a)(3)	Willful receipt of firearms from out of state by unlicensed person	5 years: 924(a)(1)(D)
§ 922 (a)(4)	Knowing interstate transport of certain weapons by unlicensed person	5 years: 924(a)(1)(B)
§ 922 (a)(5)	Willful transfer, etc. of weapon by unlicensed person to unlicensed, out-of-state person	5 years: 924(a)(1)(D)
§ 922 (a)(6)	Knowing false statement to purchase firearm (cf. § 924(a)(1)(A), 26 U.S.C. § 5861(f))	10 years: 924(a)(2)
§ 922 (a)(7)	Willful manufacture or importation of armor-piercing ammunition	5 years: 924(a)(1)(D)
§ 922 (a)(8)	Willful sale or delivery of armor-piercing ammunition	5 years: 924(a)(1)(D)
§ 922 (b)(1)	Willful sale by licensee to juvenile (cf. § 922(x)(1))	5 years: 924(a)(1)(D)
§ 922 (b)(2)	Willful sale by licensee to person in violation of state law	5 years: 924(a)(1)(D)
§ 922 (b)(3)	Willful sale by licensee to out-of-state recipient	5 years: 924(a)(1)(D)
§ 922 (b)(4)	Willful sale by licensee of certain prohibited weapons	5 years: 924(a)(1)(D)
§ 922 (b)(5)	Willful sale by licensee without proper record-keeping	5 years: 924(a)(1)(D)
§ 922 (d)	Knowing sale to prohibited person	10 years: 924(a)(2)
§ 922 (e)	Willful delivery of firearm to common carrier without written notice	5 years: 924(a)(1)(D)
§ 922 (g)	Knowing possession of firearm by prohibited person	10 years: 924(a)(2)
§ 922 (i)	Knowing shipment or transport of stolen firearm	10 years: 924(a)(2)
§ 922 (j)	Knowing possession, etc., of stolen firearm (cf. § 922(u), § 924(f), (m))	10 years: 924(a)(2)
§ 922 (k)	Knowing possession, receipt, etc. of firearm with altered/obliterated serial #	5 years: 924(a)(1)(B)
§ 922 (l)	Knowing importation or receipt of firearms (cf. 26 U.S.C. §5861(k))	5 years: 924(a)(1)(C)
§ 922 (m)	Knowing falsification of records by licensee (cf. 26 U.S.C. § 5861(f))	1 year: 924(a)(3)
§ 922 (n)	Knowing shipment, transport, receipt of firearms by person under felony indict.	5 years: 924(a)(1)(D)
§ 922 (o)	Knowing possession of machine gun	10 years: 924(a)(2)
§ 922 (p)	Knowing manufacture, sale, possession, etc. of firearm designed to avoid detection	5 years: 924(f)
§ 922(q)(2)(3)	Knowing manufacture, sale, possession, etc. of firearm designed to avoid detection	5 yrs <i>consec</i> : 924(a)(4)
§ 922 (r)	Knowing assembly of shotgun or semiautomatic rifle from imported parts	5 years: 924(a)(1)(B)
§ 922 (s)	Knowing sale or transfer of handgun without background check	1 year: 924(a)(5)
§ 922 (t)	Knowing transfer of firearms without background check	1 year: 924(a)(5)
§ 922 (u)	Knowing theft of firearms from licensee (cf. § 922(j), § 924(f), (m))	10 years: 924(i)
§ 922 (v)	Knowing possession, transfer, or manufacture of semiautomatic assault weapon	5 years: 924(a)(1)(B)



MANDATORY MINIMUMS AND AMOUNT TRIGGERS UNDER 21 U.S.C. § 841 AND 844

Drug + Amount Needed To Trigger the Minimum Under § 841(b)(1)(A)	Mandatory Minimum	Mandatory Minimum With Death/Injury Or One Prior Drug Conviction.*	Mandatory Minimum With One Prior Drug Conv. + Death/Injury Or Two Prior Convictions.*
Heroin 1 kilo	10 yrs. to life	20 yrs. to life	Mandatory life
Cocaine 5 kilos			
Crack 280 grams			
PCP 100 grams			
LSD 10 grams			
Opiates 400 grams			
Opiate Analogs 100 grams			
Meth 50 grams			
Meth Mixture 500 grams			
Marijuana 1000 kilos			

Drug + Amount Needed To Trigger Mandatory Minimum Under § 841(b)(1)(B)	Mandatory Minimum	Mandatory Minimum With One Prior Conviction*	Mandatory Minimum With Death/Injury	Mandatory Minimum With One Prior Conviction + Death/Injury*
Heroin 100 grams	5 yrs. to 40 yrs	10 yrs. to life	20 yrs. to life	Mandatory life
Cocaine 500 grams				
Crack 28 grams				
PCP 10 grams				
LSD 1 gram				
Opiates 40 grams				
Opiate Analogs 10 grams				
Meth 5 grams				
Meth Mixture 50 grams				
Marijuana 100 kilos				

* 21 U.S.C. § 851(a) requires notice of the specific prior convictions by information filed with the court prior to trial or plea. There is a limited right to challenge the validity of these prior convictions. See 18 U.S.C. § 851(e). *United States v. Ortega*, 150 F.3d 937, 947 (8th Cir. 1998). The statute does not mention notice regarding death or injury.



SENTENCE ENHANCERS



LAW	<p align="center">CAREER OFFENDER 28 U.S.C. § 994(h); USSG § 4B1.1</p>	<p align="center">ARMED CAREER CRIMINAL 18 U.S.C. § 924(e); USSG § 4B1.4</p>	<p align="center">THREE STRIKES 18 U.S.C. § 3559(c)</p>
REQUIREMENTS	<ul style="list-style-type: none"> I. The defendant is at least 18 years old. II. The instant offense of conviction is a felony that is a crime of violence or controlled substance offense. III. The defendant has two or more prior felonies, for a crime of violence or controlled substance offense. 	<ul style="list-style-type: none"> I. The defendant violated 18 U.S.C. § 922(g) (felon in possession of a firearm). II. The defendant has three previous convictions for a violent felony or serious drug offense, or both, committed on different occasions. 	<ul style="list-style-type: none"> I. The instant offense the defendant is convicted of is a serious violent felony. II. The defendant has previously been convicted of two or more serious violent felonies OR one or more serious violent felony & one or more serious drug offense. III. Each such offense, other than the first, was committed after the defendant's conviction of the preceding violent felony or serious drug offense.
DEFINITIONS	<p>Crime of Violence: any offense under federal or state law punishable by more than one year in prison that has as an element the use, attempted use, or threatened use of physical force against another person OR is burglary of a dwelling, arson, or extortion; involves the use of explosives; or otherwise involves conduct that presents a serious potential risk of physical injury to another.</p> <p>Controlled Substance Offense: an offense under federal or state law punishable by more than one year in prison, that prohibits the manufacture, import, export, distribution, or dispensing of a controlled substance or counterfeit substance, or the possession of a controlled substance or counterfeit substance with intent to manufacture, import, export, distribute, or dispense.</p>	<p>Violent Felony: Any felony or any act of juvenile delinquency involving the use or carrying of a firearm, knife or destructive device that would be a felony if committed by an adult, that has as an element the use, attempted use, or threatened use of physical force against another person OR is burglary, arson, or extortion; involves the use of explosives; or otherwise involves conduct that presents a serious potential risk of physical injury.</p> <p>Serious Drug Offense: an offense under 21 U.S.C. § 801 et seq., 21 U.S.C. § 951 et seq., or 46 U.S.C. § 705 for which the maximum term of imprisonment of 10 years or more is prescribed by law OR an offense under state law, involving manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance as defined in 21 U.S.C. § 802.</p>	<p>Serious Violent Felony: a federal or state offense, by whatever designation & wherever committed, consisting of murder; manslaughter; assault with intent to commit murder or rape; aggravated sexual abuse & sexual abuse; abusive sexual contact; kidnaping; aircraft piracy; robbery; carjacking; extortion; arson; firearms use; firearms possession; or attempt, conspiracy, or solicitation to commit any of the above offenses.</p> <p>Serious Drug Offense: any offense punishable under 21 U.S.C. § 841(b)(1)(A) or § 848 or 21 U.S.C. § 960(b)(1)(A) OR an offense under state law that, had the offense been prosecuted in a court of the United States, would have been punishable under any of the above provisions.</p>
RESULTS	<ul style="list-style-type: none"> • The offense level is determined by the offense statutory maximum & ranges from 12 to 37. • Under sentencing guidelines, criminal history, in every case, becomes VI. 	<ul style="list-style-type: none"> • Under 18 U.S.C. § 924(e), 15 year mandatory minimum. • Criminal history becomes IV, at minimum, and offense level is increased to 33 or 34. 	<ul style="list-style-type: none"> • Mandatory sentence of life imprisonment.
NOTES	<ul style="list-style-type: none"> • Prior convictions must be within 15 years of the instant offense determined from date of guilty plea, trial, or plea of <i>nolo contendere</i>. • Prior convictions must be counted separately under USSG § 4A1.1(a),(b), or (c). • Enhancement is automatic & does not require notice. 	<ul style="list-style-type: none"> • No time limit on prior convictions. • Enhancement is automatic & does not require notice. • Only motions under USSG § 5K1.1 or Federal Rule of Criminal Procedure 35, with 18 U.S.C. § 3553(e) can reduce sentence to less than 15 years. 	<ul style="list-style-type: none"> • No time limit on prior convictions. • Under 21 U.S.C. § 851(a), the US Attorney must file an information with the court & serve a copy of such information on the defendant identifying the prior conviction to be relied upon.



SENTENCE REDUCERS



PROVISION	LAW	REQUIREMENTS	RESULTS
SAFETY VALVE	<p>18 U.S.C. § 3553(f)</p> <p>USSG § 5C1.2</p>	<ol style="list-style-type: none"> 1. Applies to convictions under 21 U.S.C. §§ 841, 844, 846, 960, or 963. 2. Defendant does not have more than one criminal history point as determined by the sentencing guidelines. 3. In connection with the instant offense, the defendant did not use violence or credible threats of violence or possess a firearm or other dangerous weapon (or induce another participant to do so). 4. The instant offense did not result in death or serious bodily injury to any person. 5. Defendant was not an organizer, leader, manager, or supervisor of others in the offense under the sentencing guidelines & was not engaged in a continuing criminal enterprise under the Controlled Substances Act. 6. Defendant, no later than the time of sentencing, has truthfully provided to the government all information and evidence he has concerning the offense(s) that were part of the same course of conduct or of a common scheme or plan. 	<ul style="list-style-type: none"> • A defendant who meets the criteria is exempt from any statutory minimum sentence of imprisonment & statutory minimum term of supervised release. • Sentence is at discretion of sentencing court.
SUBSTANTIAL ASSISTANCE	<p>USSG § 5K1.1</p> <p>18 U.S.C. § 3553(e)</p>	<ol style="list-style-type: none"> 1. Motion made by the government stating that the defendant has provided "substantial assistance" in the investigation or prosecution of another person who has committed an offense. 2. Motion is also based on 18 U.S.C. § 3553(e). <ul style="list-style-type: none"> ★ Substantial weight should be given to the government's evaluation of the extent of the defendant's assistance. ★ Sentencing judge must state the reasons for the reduction. 	<ul style="list-style-type: none"> • The court, at its discretion, may reduce the sentence to a level below the sentencing guidelines. • No limit on downward departure.
DRUG REHABILITATION	<p>18 U.S.C. § 3621(e)</p>	<ol style="list-style-type: none"> 1. Defendant must be an "eligible prisoner" <ul style="list-style-type: none"> ▶ determined by BOP to have a substance abuse problem ▶ willing to participate in a residential substance abuse treatment program 2. Defendant was convicted of a nonviolent offense. 3. There are no detainers or INS holds on the defendant. 	<ul style="list-style-type: none"> • Following successful completion of a treatment program, the period of custody may be reduced by the BOP by up to one year. • Reduction of sentence is at the discretion of the Director of the BOP.



CALCULATING CRIMINAL HISTORY: AN OUTLINE

1. U.S.S.G. CHAPTER 4, PART A:

- THE GUIDELINE SENTENCING TABLE IS COMPRISED OF TWO COMPONENTS: OFFENSE LEVEL AND CRIMINAL HISTORY CATEGORY.
- DETERMINING THE AXIS OF THESE TWO COMPONENTS OF THE TABLE, AS TO YOUR CLIENT, REVEALS THE SENTENCING GUIDELINE RANGE FOR YOUR CLIENT.
- ACCURATELY DETERMINING A DEFENDANT'S CRIMINAL HISTORY IS CRUCIAL TO PROPERLY ADVISING HIM/HER OF THE PROBABLE SENTENCE.

2. CRIMINAL HISTORY CATEGORIES (§ 4A1.1):

- ADD 3 POINTS FOR EACH PRIOR SENTENCE EXCEEDING 1 YEAR AND 1 MONTH.
- ADD 2 POINTS FOR EACH PRIOR SENTENCE OF AT LEAST 60 DAYS.
- ADD 1 POINT FOR EACH PRIOR SENTENCE OF LESS THAN 60 DAYS – INCLUDING FINES ONLY, PROBATION, SUSPENDED SENTENCES, OR DEFERRED SENTENCES.
(4 POINTS MAXIMUM IN THIS CATEGORY)
- ADD 2 POINTS IF DEFENDANT COMMITTED THE INSTANT OFFENSE WHILE ON: PROBATION, PAROLE, SUPERVISED RELEASE, IMPRISONMENT, WORK RELEASE, OR ESCAPE STATUS.
- ADD 1 POINT FOR EACH PRIOR SENTENCE FOR A CRIME OF VIOLENCE NOT RECEIVING POINTS BECAUSE IT WAS RELATED TO ANOTHER SENTENCE FOR A CRIME OF VIOLENCE (UP TO 3 POINTS). NOT APPLICABLE WHERE SENTENCES ARE RELATED BECAUSE THE OFFENSE OCCURRED ON THE SAME OCCASION.

3. DEFINITIONS (§ 4A1.2):

(a) "PRIOR SENTENCE" DEFINED (§ 4A1.2(a)):

- ANY SENTENCE PREVIOUSLY IMPOSED UPON A DETERMINATION OF GUILT VIA GUILTY PLEA, TRIAL, OR PLEA OF *NOLO CONTENDERE* FOR CONDUCT NOT RELATED TO THE INSTANT OFFENSE.
- **IMPORTANT NOTE:** WHERE DEFENDANT IS CONVICTED VIA TRIAL OR PLEA AFTER ARREST BUT PRIOR TO PLEA OR SENTENCING ON THE INSTANT OFFENSE -- THAT CONVICTION IS COUNTABLE FOR CRIMINAL HISTORY DETERMINATION.

(b) "SENTENCE OF IMPRISONMENT" DEFINED (§ 4A1.2(b)):

- MAXIMUM SENTENCE IMPOSED RATHER THAN AMOUNT OF TIME SERVED.

4. SENTENCES COUNTED (§ 4A1.2(c)):

- (a) ALL FELONIES
- (b) MISDEMEANORS



§ 3553(a) SENTENCING FACTORS



<p>In imposing a sentence, the court shall consider:</p>	<ul style="list-style-type: none">▶ the nature and circumstances of the offense▶ the history and characteristics of the defendant
<p>The court shall also impose a sentence that is sufficient, but not greater than necessary to:</p>	<ul style="list-style-type: none">▶ reflect the seriousness of the offense▶ promote respect for the law▶ provide just punishment for the offense▶ afford adequate deterrence to criminal conduct▶ protect the public from further crimes of the defendant▶ provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner▶ avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct
<p>The court should also consider:</p>	<ul style="list-style-type: none">▶ the kinds of sentences available▶ any pertinent policy statement issued by the Sentencing Commission

<p>In the case of a violation of probation or supervised release, in imposing a sentence, the court shall consider:</p>	<ul style="list-style-type: none">▶ all of the above factors▶ the applicable guidelines or policy statements issued by the Sentencing Commission▶ any amendments made to such guidelines or policy statements by act of Congress
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Chart prepared by AFPD Molly Sullivan, Arkansas Federal Public Defender Organization
Updated April, 2012, by Betty J. Farr, Paralegal



GOOD TIME TABLE

This table has been prepared by the Federal Defender Program of Chicago in September of 2001 merely as a predictive tool. Hopefully it is accurate to within a day or so. It is not an official Bureau of Prisons document and should not be relied on as such. Please note that good time credits do not apply to sentences of one year or less.

Created By Dan Hesler with assistance from Rollins Warden and Estella Pegeuro

Sentence in Months	Sentence in Years Months		Good Time in Days	Actual Time to Serve Years Months Days			Sentence in Months	Sentence in Years Months		Good Time in Days	Actual Time to Serve Years Months Days		
	Years	Months		Years	Months	Days		Years	Months		Years	Months	Days
12	1	0	47	0	10	14	52	4	4	204	3	9	10
13	1	1	51	0	11	10	53	4	5	208	3	10	6
14	1	2	55	1	0	6	54	4	6	212	3	11	2
15	1	3	59	1	1	2	55	4	7	216	3	11	28
16	1	4	63	1	1	28	56	4	8	220	4	0	24
17	1	5	67	1	2	25	57	4	9	224	4	1	21
18	1	6	71	1	3	21	58	4	10	227	4	2	17
19	1	7	74	1	4	17	59	4	11	231	4	3	13
20	1	8	78	1	5	13	60	5	0	235	4	4	9
21	1	9	82	1	6	9	61	5	1	239	4	5	5
22	1	10	86	1	7	5	62	5	2	243	4	6	1
23	1	11	90	1	8	1	63	5	3	247	4	6	28
24	2	0	94	1	8	28	64	5	4	251	4	7	24
25	2	1	98	1	9	24	65	5	5	255	4	8	20
26	2	2	102	1	10	20	66	5	6	259	4	9	16
27	2	3	106	1	11	16	67	5	7	263	4	10	12
28	2	4	110	2	0	12	68	5	8	267	4	11	8
29	2	5	114	2	1	8	69	5	9	271	5	0	4
30	2	6	118	2	2	4	70	5	10	275	5	1	0
31	2	7	121	2	3	0	71	5	11	278	5	1	27
32	2	8	125	2	3	27	72	6	0	282	5	2	23
33	2	9	129	2	4	23	73	6	1	286	5	3	19
34	2	10	133	2	5	19	74	6	2	290	5	4	15
35	2	11	137	2	6	15	75	6	3	294	5	5	11
36	3	0	141	2	7	11	76	6	4	298	5	6	7
37	3	1	145	2	8	7	77	6	5	302	5	7	3
38	3	2	149	2	9	4	78	6	6	306	5	7	30
39	3	3	153	2	9	30	79	6	7	310	5	8	26
40	3	4	157	2	10	26	80	6	8	314	5	9	22
41	3	5	161	2	11	22	81	6	9	318	5	10	18
42	3	6	165	3	0	18	82	6	10	322	5	11	14
43	3	7	169	3	1	14	83	6	11	325	6	0	10
44	3	8	173	3	2	10	84	7	0	329	6	1	6
45	3	9	176	3	3	6	85	7	1	333	6	2	3
46	3	10	180	3	4	3	86	7	2	337	6	2	29
47	3	11	184	3	4	29	87	7	3	341	6	3	25
48	4	0	188	3	5	25	88	7	4	345	6	4	21
49	4	1	192	3	6	21	89	7	5	349	6	5	17
50	4	2	196	3	7	18	90	7	6	353	6	6	13
51	4	3	200	3	8	14	91	7	7	357	6	7	10



Table of Federal Misdemeanors



Title 18: Crimes and Criminal Procedure

Aircraft and Motor Vehicles/Animals, Birds, Fish, and Plants

18:§35(a)	Importing or conveying false information
18:§41	Hunting, fishing, trapping; disturbance or injury on wildlife refuges
18:§42(5)(b)	Importation or shipment of injurious mammals, birds, fish, amphibia, and reptiles
18:§43(a)	Force, violence, and threats involving animal enterprises
18:§46	Transportation of water hyacinths
18:§47	Use of aircraft/motor vehicles to hunt certain wild horses/burros; pollution of watering holes

Assault

18:§111	Assaulting, resisting, or impeding certain officers or employees (simple)
18:§112(b)	Protection of foreign officials, official guests, and internationally protected persons
18:§113(a)(4-5)	Assaults within maritime and territorial jurisdiction
18:§115	Influencing, impeding, retaliating against federal official by threats to family member (simple)

Bankruptcy

18:§154	Adverse interest and conduct of officers
18:§155	Fee agreements in cases under Title 11 and receiverships
18:§156	Knowing disregard of bankruptcy law or rule

Bribery, Graft, and Conflicts of Interest

18:§201(c)	Bribery of public officials and witnesses
18:§203-209	These apply where the defendant "engages" rather than "willfully engages" in prohibited conduct
18:§210	Offer to procure appointive public office
18:§211	Acceptance or solicitation to obtain appointive public office
18:§212	Offer of loan or gratuity to financial institution examiner
18:§213	Acceptance of loan or gratuity by financial institution examiner
18:§214	Offer for procurement of Federal Reserve bank loan and discount of commercial paper
18:§215	Receipt of commissions or gifts for procuring loans
18:§217	Acceptance of consideration for adjustment of farm indebtedness
18:§219(a)	Officers and employees acting as agents of foreign principals

Child Support/Civil Rights/Matters Affecting Government

18:§228	Failure to pay legal child support obligations
18:§242-248	Civil rights misdemeanors, dependent on type of activity and the gravity of the injury