

**Robbery Scenario  
Guideline Application Exercise**

**United States Sentencing Commission  
Office of Education & Sentencing Practice**

Disclaimer: Information provided by the Commission's Education Staff is to assist in understanding federal sentencing, including the application of the sentencing guidelines. The information does not necessarily represent the official position of the Commission, should not be considered definitive, and is not binding upon the Commission, the court, or the parties in any case.

## ROBBERY SCENARIO

Application of the guidelines for Defendant A

Conviction:	Count 1
Offense:	Armed Bank Robbery; violation of 18 U.S.C. § 2113(a) and (d)
Maximum Statutory Penalties:	25 years and \$250,000; Class B Felony (18 U.S.C. § 3559(a)): up to 5 years supervised release following imprisonment (18 U.S.C. § 3583(b)); up to 3 years imprisonment upon subsequent revocation (18 U.S.C. § 3583(e)(3))

### Facts

1. On February 1, 2012, Defendant A and a co-participant robbed a federally insured bank.
2. The robbery was planned by Defendant A, who directed the co-participant.
3. In the robbery, Defendant A carried the pistol while the co-participant carried a folding knife.
4. Although not part of the plan, during the robbery Defendant A pushed a teller, causing her to fall and resulting in a cut on her forehead, bruises, and contusions.
5. While neither part of the plan, nor directed by Defendant A, during the robbery the co-participant restrained a customer by binding him with tape and forcing him into a closet.
6. \$15,000 in bank loot was taken and ultimately divided, \$9,000 for Defendant A and \$6,000 for the co-participant; \$5,000 of the loot was recovered from Defendant A upon arrest six days after robbery, while nothing was recovered from the co-participant.

7. Within a few days of apprehension Defendant A provided full information to the government and announced intentions to plead guilty. The government stated that they will make a motion for Defendant A to receive full Acceptance of Responsibility.

### Prior Record

Defendant A has prior criminal record resulting from conduct committed after he was 18 years old and disposed of in state court, as follows:

- 6 years prior to instant robbery    auto theft                    2 years probation
- 3 years prior to instant robbery    grand larceny                    6 months jail and 3 years probation to follow

Defendant A was on this probation at the time of the instant robbery

## Guideline Application

### Offense Level Calculations

Chapter Two Offense Guideline	§2B3.1 (Robbery)
• §2B3.1(a)	20 (base offense level)
• §2B3.1(b)(1)	+2 (robbery of bank)
• §2B3.1(b)(2)(C)	+5 (firearm possessed by Defendant A) (knife possessed by co-participant is +3, but only the greater offense level is used)
• §2B3.1(b)(3)(A)	+2 (“bodily injury” resulting from Defendant A pushing a teller)
• §2B3.1(b)(4)(B)	+2 (restraint of customer by co-participant)
• §2B3.1(b)(7)(B)	+1 (“loss” of \$15,000 loot taken by Defendant A and co-participant)
(Chapter Two Offense Level:	32)

### Chapter Three Adjustments

- §3A1.3 (Restraint guideline directs that it not be applied because the robbery guideline has an SOC for this factor)
- §3B1.1(c) +2 (Aggravating Role based on Defendant A’s leadership over the co-participant)
- §3E1.1(a)&(b) -3 (Acceptance of Responsibility)

**Offense Level Total 31**

## Criminal History Calculations

### Chapter Four, Part A

- 2 year probation sentence for auto theft: 1 criminal history point (§4A1.1(c))
- 6 month jail sentence followed by 3 years probation for grand larceny: 2 criminal history points (§4A1.1(b))
- “Status” due to the instant offense being committed while on the probation of the prior grand larceny sentence: 2 criminal history points (§4A1.1(d))

**Criminal History Category III** (based on a total of 5 criminal history points)

## “Overrides” of Offense Level and/or Criminal History Category

§3A1.4 and Chapter Four, Part B

**No “overrides” are applicable**

## Applicable Guideline Range

Chapter Five, Part A - Sentencing Table

**135-168 months** (11 years, 3 months to 14 years) (Based on Offense Level 31 and Criminal History Category III)

**Zone D** - no imprisonment substitutions provided for under the guidelines, pursuant to §5C1.1(f), because the guideline range of 135-168 months is in Zone D on the Sentencing Table

## Supervised Release

**Two to five years of supervised release** to follow imprisonment, pursuant to §5D1.2(a)(1), based on the statutory classification of the offense as a Class B felony

### Restitution

\$10,000 restitution to the bank for the unrecovered bank loot; payment to the injured teller in the amount of the medical expenses and the lost income resulting from the offense; and, payment to victims for lost income, child care, transportation and other expenses incurred during participation in the investigation, prosecution, and proceedings relating to the offense, pursuant to 18 U.S.C. § 3663A (Mandatory restitution) and §5E1.1

### Fine

**\$15,000 to \$150,000, assuming an ability to pay**, pursuant to §5E1.2(c)(3)(A)&(B), based on offense level 31