

# Federal Sentencing Guide

Cumulative Index to Newsletters

**Issues, April 7, 2014  
Through May 18, 2015**

Roger W. Haines, Jr.  
Jennifer C. Woll  
J. Douglas Wilson

## How To Use This Index

Summaries of opinions are listed under the appropriate index heading followed by the issue date and page number of the newsletter in which the summary of the opinion was published. For the complete summary, turn to the newsletter cited.

© 2008 James Publishing

### **§110 Guidelines Sentencing, Generally**

9th Circuit finds court adequately considered guidelines before imposing sentence. Iss. 6/16/14 Pg. 1

### **§115 Rule 35(a) or (c) Motion to Correct Sentence (for Rule 35(b) see §711)**

8th Circuit holds that Rule 35(a) did not cover ineffective assistance of counsel claim. Iss. 5/4/15 Pg. 1

9th Circuit says court lost jurisdiction over Rule 35(a) motion by failing to rule within 14 days. Iss. 8/25/14 Pg. 1

### **§120 Constitutional Issues, Generally (Including Apprendi)**

10th Circuit allows court to find greater drug quantity than was found by jury. Iss. 2/23/15 Pg. 1

9th Circuit finds multiple count grouping increase was not improper double counting. Iss. 1/26/15 Pg. 1

3rd Circuit says *Alleyne* did not apply to prior ACCA convictions. Iss. 12/15/14 Pg. 1

5th Circuit holds *Alleyne* did not preclude judicial fact-finding about "safety valve." Iss. 12/15/14 Pg. 1

4th Circuit says post-sentence *Alleyne* change in law did not invalidate appeal waiver. Iss. 12/1/14 Pg. 1

1st Circuit finds no *Alleyne* error where defendant stipulated to drug quantity. Iss. 11/17/14 Pg. 1

4th Circuit rules *Alleyne* does not apply to supervised release revocation proceedings. Iss. 11/17/14 Pg. 1

1st Circuit reverses for *Alleyne* error in finding 3,000 kilos of marijuana. Iss. 11/3/14 Pg. 1

8th Circuit says *Alleyne* permits career offender finding based on prior convictions. Iss. 11/3/14 Pg. 2

9th Circuit says *Alleyne's* ruling about facts triggering a mandatory minimum is not retroactive. Iss. 11/3/14 Pg. 2

3rd Circuit holds *Alleyne* error is subject to harmless or plain error analysis. Iss. 10/20/14 Pg. 1

3rd Circuit finds *Alleyne* error harmless. Iss. 10/20/14 Pg. 1

6th Circuit says statute gave adequate notice that felon's possession of ammunition is illegal. Iss. 10/20/14 Pg. 2

7th Circuit attributes to defendant all drugs sold by conspiracy. Iss. 10/6/14 Pg. 1

8th Circuit affirms enhancements based on facts not found by jury. Iss. 10/6/14 Pg. 1

3rd Circuit rules drug quantity findings did not violate *Alleyne*. Iss. 9/22/14 Pg. 1

6th Circuit says predicate ACCA convictions need not be submitted to jury. Iss. 8/25/14 Pg. 1

9th Circuit upholds child porn guideline against separation of powers challenge. Iss. 7/28/14 Pg. 1

9th Circuit allows judicial finding that safety valve applies. Iss. 7/14/14 Pg. 1

9th Circuit says failure to plead to date of removal limits sentence to two years. Iss. 6/2/14 Pg. 1

### **§125 Double Counting/Double Jeopardy**

9th Circuit finds no double counting in applying enhancement for minors engaging in sex. Iss. 5/4/15 Pg. 2

11th Circuit holds that firearms trafficking and exportation enhancements did not constitute improper double counting. Iss. 4/20/15 Pg. 1

8th Circuit says increases for sexual contact and sadistic or masochistic material were not double counting. Iss. 4/6/15 Pg. 1

9th Circuit finds no double counting in broker-dealer and special skills enhancements. Iss. 4/6/15 Pg. 1

9th Circuit finds no double counting even though same phone call resulted in obstruction and false statement conviction. Iss. 4/6/15 Pg. 1

6th Circuit says increases for trafficking firearms and using guns in "another felony" were not double counting. Iss. 1/26/15 Pg. 1

6th Circuit upholds multiple child porn enhancements as not double counting. Iss. 1/26/15 Pg. 1

9th Circuit finds multiple count grouping increase was not improper double counting. Iss. 1/26/15 Pg. 1

5th Circuit finds obstruction increase was not double counting where witness tampering count was grouped with conspiracy and fraud. Iss. 1/12/15 Pg. 1

4th Circuit says child porn increases for pattern of conduct are not double counting. Iss. 11/17/14 Pg. 2

4th Circuit rejects vulnerable victim increase where age of child porn victim was already accounted for. Iss. 11/17/14 Pg. 2

4th Circuit affirms increase for number of firearms despite double counting argument. Iss. 11/17/14 Pg. 2

5th Circuit holds ransom demand not element of hostage taking. Iss. 9/22/14 Pg. 1

7th Circuit reverses increase for fraudulent use of foreign passport as double counting. Iss. 9/22/14 Pg. 1

7th Circuit says increase for sadistic or masochistic conduct was not double counting. Iss. 9/22/14 Pg. 2

9th Circuit says child porn enhancement for computer use was not double counting. Iss. 7/28/14 Pg. 1

9th Circuit rejects double counting claim for child porn enhancements. Iss. 7/28/14 Pg. 2

11th Circuit holds that distribution enhancement was not improper double counting. Iss. 7/14/14 Pg. 1

D.C. Circuit rejects double jeopardy claim in separate sentences for healthcare fraud and false statements. Iss. 6/16/14 Pg. 2

---

### **§135 Due Process (Including Sentencing Entrapment)**

---

8th Circuit says increase based on agent's cover identity was not sentencing manipulation. Iss. 5/18/15 Pg. 1

10th Circuit says ACCA's use of state law to define predicate offense does not violate equal protection. Iss. 11/17/14 Pg. 2

1st Circuit finds defendant had notice of information court relied on to find criminal predisposition. Iss. 7/28/14 Pg. 2

1st Circuit rejects sentencing factor manipulation claim based on defendant's predisposition. Iss. 7/28/14 Pg. 2

1st Circuit rejects sentencing manipulation claim where defendant offered crack in first conversation. Iss. 4/26/10 Pg. 1

---

### **§140 Cruel and Unusual Punishment**

---

3rd Circuit finds no Eighth Amendment violation in 288-month sentence for violent robbery. Iss. 12/15/14 Pg. 2

4th Circuit says 960-month sentence for child porn offenses was not cruel and unusual. Iss. 11/17/14 Pg. 3

8th Circuit upholds 210-month sentence for receiving child porn as not cruel and unusual. Iss. 11/3/14 Pg. 2

6th Circuit upholds 15-year ACCA sentence for possessing shells as not cruel or unusual. Iss. 10/20/14 Pg. 2

4th Circuit upholds 120-year sentence for sexual abuse of four-year-old. Iss. 5/5/14 Pg. 1

---

### **§150 Application Principles Generally (U.S.S.G. Chapter 1)**

---

7th Circuit reverses supervised release term where court failed to determine guideline range. Iss. 5/18/15 Pg. 1

10th Circuit reverses where court set offense level before determining drug quantity. Iss. 12/29/14 Pg. 1

---

### **§160 Definitions (More Than Minimal Planning, Etc.) (§1B1.1)**

---

8th Circuit considers acquitted murder to support permanent bodily injury enhancement. Iss. 3/9/15 Pg. 1

---

### **§170 Relevant Conduct, Generally (§1B1.3) (for Drug Relevant Conduct, see §260)**

---

Commission emphasizes that conspirator is accountable only for scope of criminal activity he agreed to undertake. Iss. 5/4/15 Pg. 2

7th Circuit includes prior forgery conviction in criminal history, not relevant conduct. Iss. 2/9/15 Pg. 1

11th Circuit holds defendant accountable for jointly undertaken fraud activity. Iss. 1/12/15 Pg. 1

4th Circuit finds first sale of drugs and firearm was relevant conduct for later transactions. Iss. 11/17/14 Pg. 3

7th Circuit finds bombing and armed robberies were relevant conduct for racketeer. Iss. 4/21/14 Pg. 1

9th Circuit finds possession of uncharged guns is not relevant conduct. Iss. 4/7/14 Pg. 1

---

### **§175 Acquitted, Dismissed, Uncharged Conduct (in Departures see §718)**

---

1st Circuit relies on relevant conduct to enhance sentence for pattern of sexual conduct. Iss. 12/1/14 Pg. 1

7th Circuit upholds reliance on acquitted conduct. Iss. 10/6/14 Pg. 2

---

### **§185 Information Obtained During Cooperation Agreement (§1B1.8)**

---

5th Circuit holds government breached plea agreement by using protected information. Iss. 4/6/15 Pg. 2

---

### **§190 Application to Indians, Assimilated Crimes, Juveniles, Misdemeanors (§1B1.9)**

---

Commission implements statutory changes for as-sault, sexual abuse, stalking, domestic violence, and human trafficking. Iss. 11/3/14 Pg. 2

Commission implements statutory changes for assault, sexual abuse, stalking, domestic violence, harassment and human trafficking. Iss. 4/21/14 Pg. 2

---

### **§192 Retroactivity of Amended Guideline Range (§1B1.10)**

---

7th Circuit allows 28 U.S.C. §2255 relief where crack defendant should have been sentenced under FSA. Iss. 2/23/15 Pg. 1

7th Circuit says meritless motion for sentence reduction should be denied, not dismissed. Iss. 3/9/15 Pg. 1

6th Circuit reverses application of pre-FSA minimum term of supervised release. Iss. 2/9/15 Pg. 2

9th Circuit declines to reduce crack sentence based on binding plea agreement. Iss. 2/9/15 Pg. 1

7th Circuit upholds refusal to vary based on future guideline amendment. Iss. 1/26/15 Pg. 2

8th Circuit says career offender not eligible for crack sentence reduction under Amendment 782. Iss. 1/26/15 Pg. 2

11th Circuit permits successive retroactivity motion but denies it based on law-of-the-case. Iss. 12/1/14 Pg. 2

4th Circuit applies supervised release statute in effect at time underlying offenses were committed. Iss. 11/17/14 Pg. 3

9th Circuit says retroactive crack amendments' use of current guidelines is not ex post facto violation. Iss. 11/17/14 Pg. 3

9th Circuit reaffirms that career offenders are not entitled to retroactive crack reduction. Iss. 11/17/14 Pg. 3

10th Circuit bars constitutional challenges in proceedings to apply retroactive amendment. Iss. 11/17/14 Pg. 4

5th Circuit holds that sentence was "based on" the guidelines range for current sentence, not the range used at original sentencing. Iss. 11/3/14 Pg. 3

Commission allows reduction under crack amendment where original sentence was departure below mandatory minimum. Iss. 11/3/14 Pg. 3

7th Circuit applies amended § 1B1.10 in crack case despite ex post facto claim. Iss. 10/20/14 Pg. 2

10th Circuit says court lacked jurisdiction to reduce sentence under crack amendments. Iss. 10/20/14 Pg. 3

11th Circuit permits resentencing court to "clarify" previous drug quantity finding. Iss. 10/20/14 Pg. 3

2nd Circuit allows hearing under § 3582(c)(2) to determine crack quantity. Iss. 10/6/14 Pg. 2

2nd Circuit affirms drug quantity finding at § 3582(c) hearing. Iss. 10/6/14 Pg. 2

2nd Circuit does not decide if hearing outside defendant's presence violated due process. Iss. 10/6/14 Pg. 3

6th Circuit reverses crack reduction where defendant was sentenced to mandatory minimum. Iss. 9/8/14 Pg. 1

7th Circuit reverses for failure to decide whether drug sales were part of joint undertaking. Iss. 9/8/14 Pg. 1

6th Circuit rules guideline range for sentence reduction purposes was range agreed to in plea agreement. Iss. 8/25/14 Pg. 1

10th Circuit bars using retroactive amendment procedure to decide issue left unresolved on direct appeal. Iss. 8/25/14 Pg. 2

8th Circuit rejects reduction where cocaine sentence was under Rule 11(c)(1)(C). Iss. 8/11/14 Pg. 1

8th Circuit says any error in failing to apply FSA was not plain. Iss. 7/14/14 Pg. 2

6th Circuit bars court from reducing sentence below minimum of amended guideline range. Iss. 6/2/14 Pg. 1

7th Circuit says crack defendant resentenced as career offender not entitled to second resentencing. Iss. 5/19/14 Pg. 1

6th Circuit says crack amendments did not lower defendant's "applicable guideline range." Iss. 5/5/14 Pg. 1

11th Circuit bars crack reduction for career offender. Iss. 5/5/14 Pg. 1

Commission allows reduction under crack amendment where original sentence was departure below mandatory minimum. Iss. 4/21/14 Pg. 2

3rd Circuit requires reduction for defendant who should have received crack mandatory minimum but did not. Iss. 4/7/14 Pg. 1

7th Circuit bars crack reduction despite downward departure from mandatory minimum. Iss. 4/7/14 Pg. 2

7th Circuit holds sentence reduction did not reset limitations period or allow successive § 2255 motion. Iss. 4/7/14 Pg. 2

7th Circuit says renewed motion for sentence reduction was impermissible second bite at apple. Iss. 4/7/14 Pg. 2

---

### **§194 Use of Guidelines in Effect on Date of Sentencing, Including "One Book" Rule (§1B1.11)**

---

7th Circuit permits newer guidelines to be used where change occurred during conspiracy. Iss. 6/2/14 Pg. 2

7th Circuit says grouping and "one book" rules gave sufficient notice to avoid ex post facto problems. Iss. 4/7/14 Pg. 2

---

### **§195 Ex Post Facto Issues**

---

8th Circuit reverses drug house increase for plain error. Iss. 4/6/15 Pg. 2

7th Circuit reverses where ex post facto clause barred use of revised guideline. Iss. 2/23/15 Pg. 2

5th Circuit considers sentencing claim raised in untimely reply brief. Iss. 11/17/14 Pg. 4

5th Circuit reverses where court used later guidelines to increase tax sentence. Iss. 11/17/14 Pg. 4

9th Circuit says retroactive crack amendments' use of current guidelines is not ex post facto violation. Iss. 11/17/14 Pg. 3

7th Circuit applies amended § 1B1.10 in crack case despite ex post facto claim. Iss. 10/20/14 Pg. 2

7th Circuit says sentence under harsher guidelines in effect at sentencing was ex post facto violation. Iss. 10/6/14 Pg. 3

7th Circuit rejects ex post facto challenge where grouped counts spanned guideline change. Iss. 9/22/14 Pg. 2

7th Circuit finds ex post facto error was harmless. Iss. 6/30/14 Pg. 1

8th Circuit allows consideration of current guideline range despite ex post facto claim. Iss. 4/21/14 Pg. 2

9th Circuit says crack cocaine reductions do not apply to career offenders. Iss. 4/21/14 Pg. 3

---

### **§197 Resentencing On Remand After Appeal**

---

11th Circuit bars raising new issues in appeal after resentencing unrelated to claims at resentencing. Iss. 10/6/14 Pg. 3

1st Circuit allows government to introduce newly relevant evidence at resentencing. Iss. 9/22/14 Pg. 2

3rd Circuit says court exceeded scope of mandate when it addressed restitution at resentencing. Iss. 6/2/14 Pg. 2

11th Circuit upholds defendant's original sentences as interdependent "package." Iss. 5/19/14 Pg. 1

### **§210 Homicide (§2A1-2)**

---

8th Circuit upholds cross-reference from drug guideline to first-degree murder. Iss. 5/4/15 Pg. 2

10th Circuit finds court properly considered mitigating argument before varying upward. Iss. 8/25/14 Pg. 2

10th Circuit says district court permissibly considered that drunk-driving crash caused multiple deaths. Iss. 8/25/14 Pg. 2

10th Circuit agrees that extreme recklessness supported upward variance in drunk driving case. Iss. 8/25/14 Pg. 3

7th Circuit agrees that conspiracy to commit murder was underlying RICO activity. Iss. 7/28/14 Pg. 2

8th Circuit upholds use of cross-reference to murder guideline in RICO case. Iss. 7/28/14 Pg. 3

8th Circuit allows judicial fact-finding in support of § 2A1.1 cross-reference. Iss. 7/14/14 Pg. 2

### **§215 Sexual Abuse, Kidnapping, Air Piracy, Threatening Communications (§2A3-6)**

---

5th Circuit affirms increase for conduct evidencing intent to carry out Columbine-type threat. Iss. 5/4/15 Pg. 2

5th Circuit approves upward variance for extreme threats during online video game. Iss. 5/4/15 Pg. 3

2nd Circuit reverses to reconsider deliberation in telephone call threatening President. Iss. 4/6/15 Pg. 2

9th Circuit vacates enhancement for reckless endangerment for use of laser pointer. Iss. 5/4/15 Pg. 3

10th Circuit uses categorical approach to determine defendant's sex offender tier. Iss. 4/20/15 Pg. 1

9th Circuit finds multiple count grouping increase was not improper double counting. Iss. 1/26/15 Pg. 1

9th Circuit upholds increase for filing a single lien against multiple victims. Iss. 1/26/15 Pg. 2

5th Circuit applies ransom increase where defendant demands money to release victim, even for previous debt. Iss. 11/3/14 Pg. 3

Commission implements statutory changes for as-sault, sexual abuse, stalking, domestic violence, and human trafficking. Iss. 11/3/14 Pg. 2

5th Circuit holds ransom demand not element of hostage taking. Iss. 9/22/14 Pg. 1

5th Circuit upholds enhancement for kidnapping a minor. Iss. 9/22/14 Pg. 3

11th Circuit approves departures for drugging and filming victims having sex, and distributing videos. Iss. 6/30/14 Pg. 2

11th Circuit applies sexual abuse cross-reference even though defendant did not commit actual abuse. Iss. 6/30/14 Pg. 1

2nd Circuit says commission of sex offense, not conviction, triggers registration requirement. Iss. 5/19/14 Pg. 2

Commission implements statutory changes for assault, sexual abuse, stalking, domestic violence, harassment and human trafficking. Iss. 4/21/14 Pg. 2

### **§218 Fraud (§2B1)**

---

7th Circuit agrees that bank fraud involved sophisticated means. Iss. 5/18/15 Pg. 2

11th Circuit approves enhancement for number of victims in tax fraud case. Iss. 5/18/15 Pg. 2

Commission amends guidelines for financial harm, intended loss, and sophisticated means. Iss. 5/4/15 Pg. 3

Commission adjusts loss and fine tables for inflation. Iss. 5/4/15 Pg. 3

9th Circuit says commentary's definition of "victim" is consistent with guidelines. Iss. 4/20/15 Pg. 2

8th Circuit agrees that scheme to obtain unclaimed property from state involved sophisticated means. Iss. 4/20/15 Pg. 2

9th Circuit finds no double counting in broker-dealer and special skills enhancements. Iss. 4/6/15 Pg. 1

8th Circuit says fraud victims included persons whose identities were unlawfully used. Iss. 3/23/15 Pg. 1

11th Circuit upholds mass-marketing increase in Medicare fraud scheme. Iss. 3/23/15 Pg. 1

11th Circuit holds individual defendants accountable for sophisticated means of Medicare fraud scheme. Iss. 3/23/15 Pg. 2

11th Circuit finds Medicare fraud involved reckless risk of death or serious injury to beneficiaries. Iss. 3/23/15 Pg. 2

11th Circuit applies increase for substantial amount of fraud occurring outside the U.S. Iss. 3/23/15 Pg. 2

2nd Circuit finds individual tenants of condo association were "victims" of fraud. Iss. 2/23/15 Pg. 2

11th Circuit rules healthcare fraud scheme involved sophisticated means. Iss. 2/23/15 Pg. 2

2nd Circuit affirms finding of perjury despite court's reliance on defendant's testimony for increases. Iss. 2/9/15 Pg. 2

2nd Circuit upholds increase for number of victims based on defendant's trial testimony. Iss. 2/9/15 Pg. 2

3rd Circuit agrees that securities fraud scheme involved more than 250 victims. Iss. 2/9/15 Pg. 3

7th Circuit allows victim impact statements from an individual or group that is not a named victim. Iss. 2/9/15 Pg. 3

7th Circuit holds that check-kiting scheme used sophisticated means. Iss. 1/26/15 Pg. 2

5th Circuit approves mass marketing enhancement. Iss. 1/12/15 Pg. 1

5th Circuit agrees that fraud scheme involved sophisticated means. Iss. 1/12/15 Pg. 2

8th Circuit says involvement in bank fraud was sufficient for sophisticated means enhancement. Iss. 1/12/15 Pg. 2

8th Circuit holds that duplicating means of identification onto another medium supported enhancement. Iss. 1/12/15 Pg. 2

11th Circuit affirms sentencing under fraud guideline for fraudulent tax refund scheme. Iss. 1/12/15 Pg. 3

11th Circuit holds defendant accountable for jointly undertaken fraud activity. Iss. 1/12/15 Pg. 1

11th Circuit agrees that conspiracy involved more than 250 victims. Iss. 1/12/15 Pg. 3

5th Circuit affirms counting banks once as victim, and again as trustee for another entity. Iss. 12/29/14 Pg. 1

5th Circuit holds that "pass-through" real estate fraud scheme involved sophisticated means. Iss. 12/29/14 Pg. 2

1st Circuit holds that money laundering was distinct from concealment of assets. Iss. 11/17/14 Pg. 4

5th Circuit reverses where court used later guidelines to increase tax sentence. Iss. 11/17/14 Pg. 4

9th Circuit overturns finding that more than 100 victims had financial security threatened. Iss. 11/17/14 Pg. 5

9th Circuit reverses leadership enhancement in fraud scheme. Iss. 11/17/14 Pg. 5

9th Circuit finds fraud counts were properly grouped. Iss. 11/17/14 Pg. 5

9th Circuit affirms within-guidelines sentence of 188 months for Ponzi scheme. Iss. 11/17/14 Pg. 5

7th Circuit defendant's "produced" counterfeit cards where their names were embossed on them. Iss. 11/3/14 Pg. 3

6th Circuit finds fraudulent driver's license supported increase for use of authentication feature. Iss. 10/20/14 Pg. 3

2nd Circuit affirms increase for creating counterfeit driver's license in another person's name. Iss. 10/6/14 Pg. 3

2nd Circuit says shipment of stolen cars to Africa involved sophisticated means. Iss. 10/6/14 Pg. 3

2nd Circuit upholds "in the business enhancement" for stolen car scheme. Iss. 10/6/14 Pg. 4

7th Circuit approves enhancement for violating prior injunction. Iss. 10/6/14 Pg. 4

7th Circuit affirms sophisticated means increase in home remodeling fraud scheme. Iss. 10/6/14 Pg. 4

7th Circuit upholds mass-marketing increase for phone sales, mailing flyers, and canvassing neighborhoods. Iss. 10/6/14 Pg. 4

7th Circuit reverses increase for fraudulent use of foreign passport as double counting. Iss. 9/22/14 Pg. 1

6th Circuit reverses one-day fraud sentence as unreasonable. Iss. 9/8/14 Pg. 2

11th Circuit rejects two-level increase for trafficking in unauthorized access devices. Iss. 8/11/14 Pg. 1

4th Circuit reverses for improperly shifting burden to defendant to prove that fraud was not sophisticated. Iss. 7/28/14 Pg. 3

D.C. Circuit upholds reliance on summary exhibit to find more than 250 victims. Iss. 7/28/14 Pg. 3

7th Circuit holds that defendant waived challenge to sophisticated means enhancement. Iss. 6/30/14 Pg. 2

7th Circuit finds ex post facto error was harmless. Iss. 6/30/14 Pg. 1

8th Circuit upholds variance despite government's breach of plea agreement. Iss. 6/30/14 Pg. 3

8th Circuit allows large variance for under-represented criminal history. Iss. 6/30/14 Pg. 2

9th Circuit says notary seal is an "authentication feature." Iss. 6/30/14 Pg. 3

11th Circuit reverses for failure to tie investment loss to scope of defendant's participation in fraud scheme. Iss. 6/16/14 Pg. 1

D.C. Circuit rejects double jeopardy claim in separate sentences for healthcare fraud and false statements. Iss. 6/16/14 Pg. 2

3rd Circuit holds that reimbursed party may be victim if there is additional pecuniary harm. Iss. 6/2/14 Pg. 2

1st Circuit agrees that all withdrawals were intended to evade reporting requirements. Iss. 5/5/14 Pg. 2

---

### **§ 219 Calculation of Loss in Fraud Cases (§2B1)**

---

6th Circuit approves loss based on difference between loan and amount recovered from selling collateral. Iss. 5/18/15 Pg. 2

10th Circuit holds factual challenges to loss calculation did not rise to level of plain error. Iss. 5/18/15 Pg. 3

11th Circuit upholds loss calculation in tax fraud case. Iss. 5/18/15 Pg. 3

8th Circuit agrees that loss from similar fraud was properly included in calculation. Iss. 4/20/15 Pg. 2

9th Circuit requires clear and convincing evidence for loss increase of 8 levels for relevant conduct. Iss. 4/6/15 Pg. 3

8th Circuit includes loss to check verification company in bank fraud loss. Iss. 3/23/15 Pg. 2

8th Circuit includes loss caused by conspiracy during defendant's incarceration. Iss. 3/23/15 Pg. 3

8th Circuit includes loss incurred after bank account closed. Iss. 3/23/15 Pg. 3

11th Circuit upholds intended loss from Medicare fraud based on amount of health center received. Iss. 3/23/15 Pg. 3

7th Circuit rejects argument that some bank deposits were related to legitimate activities. Iss. 2/23/15 Pg. 3

7th Circuit affirms loss enhancement where any error was harmless. Iss. 2/23/15 Pg. 2

2nd Circuit relies on defendant's testimony to support loss calculation. Iss. 2/9/15 Pg. 3

3rd Circuit does not require consideration of market forces in loss calculation. Iss. 2/9/15 Pg. 3

7th Circuit says defendant could have reasonably foreseen all losses from check-kiting scheme. Iss. 1/26/15 Pg. 3

8th Circuit directs court to use actual loss of zero because government misinterpreted prior opinion. Iss. 1/26/15 Pg. 3

5th Circuit includes unsuccessful insurance claims in loss. Iss. 1/12/15 Pg. 3

7th Circuit upholds court's calculation of loss from Ponzi scheme. Iss. 1/12/15 Pg. 3

11th Circuit holds defendant responsible for losses incurred during his incarceration. Iss. 1/12/15 Pg. 4

11th Circuit holds defendant accountable for entire loss from fraudulent tax refund scheme. Iss. 1/12/15 Pg. 4

7th Circuit upholds computation of loss from fraudulently-obtained government contract. Iss. 12/29/14 Pg. 2

1st Circuit finds loss enhancement does not require showing of personal gain. Iss. 11/17/14 Pg. 5

1st Circuit upholds use of intended loss in "black money" fraud scheme. Iss. 11/17/14 Pg. 5

1st Circuit bars credit for kickbacks unknowingly paid to government in sting operation. Iss. 11/17/14 Pg. 6

1st Circuit remands for findings as to value of stock government acquired during sting operation. Iss. 11/17/14 Pg. 6

4th Circuit remands to determine reduction in workers' compensation benefits. Iss. 11/3/14 Pg. 4

7th Circuit upholds loss calculation in contraband cigarette trafficking case. Iss. 11/3/14 Pg. 4

6th Circuit says loss should have been reduced by payments returned to investors in Ponzi scheme. Iss. 10/20/14 Pg. 3

7th Circuit finds defendants failed to show that recession compounded effects of their fraud. Iss. 10/20/14 Pg. 4

11th Circuit bars sham organization from deducting operating expenses from loss. Iss. 10/20/14 Pg. 4

7th Circuit upholds estimated loss from fraudulent remodeling scheme. Iss. 10/6/14 Pg. 5

7th Circuit remands for further explanation of foreseeability of fraud loss. Iss. 10/6/14 Pg. 5

8th Circuit affirms refusal to credit defendant with money returned to victim. Iss. 9/22/14 Pg. 3

8th Circuit finds no double counting in adding loss from original fraud to loss from fictitious money order. Iss. 10/6/14 Pg. 5

8th Circuit bases loss on improper disability benefits defendant would have received until retirement. Iss. 9/8/14 Pg. 2

D.C. Circuit holds that court made a reasonable estimate of loss. Iss. 7/28/14 Pg. 3

4th Circuit says court properly included in loss both illegal gain and income tax due on illegal gain. Iss. 7/14/14 Pg. 3

7th Circuit holds that error in calculating fraud loss was harmless. Iss. 7/14/14 Pg. 3

D.C. Circuit says defendant waived challenge to loss enhancement. Iss. 7/14/14 Pg. 2

D.C. Circuit affirms calculation of intended loss from bank fraud. Iss. 7/14/14 Pg. 3

7th Circuit finds losses caused by co-conspirator's actions were reasonably foreseeable to defendant. Iss. 6/30/14 Pg. 3

7th Circuit finds sufficient evidence that defendant was responsible for additional fraudulent tax returns. Iss. 6/2/14 Pg. 3

11th Circuit holds that defendant was not entitled to credit against intended loss. Iss. 6/2/14 Pg. 3

7th Circuit holds loss was the discount HUD gave on property intended for low-income housing. Iss. 5/19/14 Pg. 2

7th Circuit agrees that lender loss was amount of loan less foreclosure proceeds. Iss. 5/19/14 Pg. 2

6th Circuit uses all investments in loss calculation where company's primary purpose was to raise money for defendants. Iss. 5/5/14 Pg. 2

---

**§220 Theft, Embezzlement, Burglary (§ 2B1-2)**

---

11th Circuit agrees that stolen goods offense was part of organized scheme. Iss. 4/20/15 Pg. 3

3rd Circuit says robber "takes" an object when he exercises dominion and control, even temporarily. Iss. 8/25/14 Pg. 3

8th Circuit upholds enhancement but rejects restitution based on pre-offense relevant conduct. Iss. 8/25/14 Pg. 3

---

**§224 Robbery, Extortion (§2B3)**

---

8th Circuit considers acquitted murder to support permanent bodily injury enhancement. Iss. 3/9/15 Pg. 1

7th Circuit affirms carjacking increase for taking victim's keys and then taking the nearby car. Iss. 2/23/15 Pg. 3

3rd Circuit finds no Eighth Amendment violation in 288-month sentence for violent robbery. Iss. 12/15/14 Pg. 2

6th Circuit counts uncharged robbery offenses as object offenses of conspiracy. Iss. 9/22/14 Pg. 3

9th Circuit upholds 125-month, within-guidelines sentence for bank robbery. Iss. 9/8/14 Pg. 2

3rd Circuit approves abduction increase for carjacking bank manager at gunpoint and forcing her to return to bank. Iss. 8/25/14 Pg. 3

9th Circuit upholds upward variance in bank robbery prosecution. Iss. 8/11/14 Pg. 2

6th Circuit reverses 45-year sentence as unreasonable absent significant explanation for variance. Iss. 7/14/14 Pg. 3

7th Circuit upholds increase for giving co-conspirator a pellet gun to use in bank robbery. Iss. 5/5/14 Pg. 3

**§226 Commercial Bribery,  
Counterfeiting, Forgery, VIN Nos.  
(§2B4-6)**

---

8th Circuit says consecutive sentences for counterfeiting and fraud charges were reasonable. Iss. 4/20/15 Pg. 3

1st Circuit upholds use of intended loss in "black money" fraud scheme. Iss. 11/17/14 Pg. 5

1st Circuit applies enhancement for altering postal money orders. Iss. 8/25/14 Pg. 4

5th Circuit upholds decision to credit testimony linking defendant to counterfeiting activity. Iss. 6/30/14 Pg. 3

6th Circuit upholds estimate that half of defendant's salary was loss to government. Iss. 5/19/14 Pg. 3

1st Circuit approves loss based on \$10,000 in counterfeit bills. Iss. 4/21/14 Pg. 3

1st Circuit upholds enhancement for manufacture or production of counterfeit notes. Iss. 4/21/14 Pg. 3

**§230 Public Officials, Offenses  
(§2C)**

---

5th Circuit applies § 2C1.1 in bribery case where indictment alleged corrupt purpose. Iss. 1/26/15 Pg. 3

5th Circuit rules court properly included bribe paid to co-conspirator. Iss. 1/26/15 Pg. 3

5th Circuit upholds elected public official increase even though defendant later ruled ineligible for office. Iss. 1/26/15 Pg. 4

4th Circuit holds that private correctional officer occupied a sensitive position. Iss. 11/17/14 Pg. 6

3rd Circuit applies cross-reference to "another criminal offense" in reverse sting operation. Iss. 10/20/14 Pg. 4

9th Circuit upholds offense level for misusing official position. Iss. 10/20/14 Pg. 4

7th Circuit upholds application of bribery guideline, rather than gratuity guideline. Iss. 8/25/14 Pg. 4

7th Circuit approves enhancement based on payments defendant received to obtain legislator's support. Iss. 8/25/14 Pg. 4

11th Circuit reverses for failure to tie investment loss to scope of defendant's participation in fraud scheme. Iss. 6/16/14 Pg. 1

**§240 Drug Offenses, Generally  
(§2D)**

---

8th Circuit upholds cross-reference from drug guideline to first-degree murder. Iss. 5/4/15 Pg. 2

8th Circuit reverses drug house increase for plain error. Iss. 4/6/15 Pg. 2

1st Circuit applies stash house enhancement despite conflicting evidence. Iss. 3/23/15 Pg. 3

7th Circuit upholds refusal to vary based on future guideline amendment. Iss. 1/26/15 Pg. 2

8th Circuit upholds increase for maintaining stash house. Iss. 1/12/15 Pg. 4

Commission reduces all drug penalties by two levels, retroactive on November 1, 2015. Iss. 11/3/14 Pg. 4

6th Circuit finds that defendant maintained his full-time residence as a drug house. Iss. 10/20/14 Pg. 4

7th Circuit reverses heroin sentence at top of guideline range. Iss. 8/11/14 Pg. 2

7th Circuit reverses where court did make clear finding of drug quantity. Iss. 8/11/14 Pg. 2

9th Circuit says drug courier not always entitled to minor role adjustment. Iss. 8/11/14 Pg. 3

8th Circuit upholds enhancement for maintaining stash house. Iss. 7/28/14 Pg. 4

Commission makes drug sentence reductions retroactive. Iss. 7/28/14 Pg. 4

1st Circuit says judicial fact-finding that did not result in mandatory minimum did not violate *Alleyne*. Iss. 6/2/14 Pg. 3

Commission reduces all drug penalties by two levels. Iss. 4/21/14 Pg. 3

**§245 Mandatory Minimum  
Sentences**

---

7th Circuit holds that government proved defendant was convicted of prior drug felony for § 841(b)(1)(B) purposes. Iss. 4/20/15 Pg. 3

7th Circuit says mandatory life sentence made judicial drug quantity finding unnecessary. Iss. 4/6/15 Pg. 3

7th Circuit affirms despite errors in § 851 notices of drug priors. Iss. 4/6/15 Pg. 3

2nd Circuit reverses miscalculation of minimum sentence as plain error. Iss. 12/15/14 Pg. 2

1st Circuit reverses for *Alleyne* error in finding 3,000 kilos of marijuana. Iss. 11/3/14 Pg. 1

4th Circuit says extent of § 3553(e) departure must be based solely on defendant's substantial assistance. Iss. 11/3/14 Pg. 4

9th Circuit says *Alleyne's* ruling about facts triggering a mandatory minimum is not retroactive. Iss. 11/3/14 Pg. 2

5th Circuit says relevant conduct need not be proven beyond a reasonable doubt, despite *Alleyne*. Iss. 6/16/14 Pg. 2

8th Circuit holds that PSR's failure to list mandatory life sentence did not result in plain error. Iss. 4/21/14 Pg. 4

**§246 "Safety Valve" (§5C1.2)**

---

7th Circuit denies safety valve relief based on co-conspirators' gun possession. Iss. 5/4/15 Pg. 4

10th Circuit requires court to consider safety valve information provided for first time on remand. Iss. 4/6/15 Pg. 3

7th Circuit denies safety valve relief where defendant did not tell all and threatened informant. Iss. 2/9/15 Pg. 4

5th Circuit holds *Alleyne* did not preclude judicial fact-finding about "safety valve." Iss. 12/15/14 Pg. 1

8th Circuit says 2008 pseudoephedrine offense was not relevant conduct for current meth conspiracy. Iss. 10/6/14 Pg. 5



3rd Circuit finds unrelated proffer did not satisfy information requirement for safety valve. Iss. 9/22/14 Pg. 3

9th Circuit allows judicial finding that safety valve applies. Iss. 7/14/14 Pg. 1

9th Circuit reverses insufficient explanation for denying safety valve. Iss. 6/2/14 Pg. 3

8th Circuit rejects safety valve for leaders or organizers of drug conspiracy. Iss. 5/19/14 Pg. 3

7th Circuit says defendant who supervised one other person was disqualified from safety valve. Iss. 5/5/14 Pg. 3

### **§250 Crack and Powder Cocaine**

1st Circuit upholds drug quantity estimate based on 90 percent crack figure. Iss. 2/23/15 Pg. 3

7th Circuit allows 28 U.S.C. §2255 relief where crack defendant should have been sentenced under FSA. Iss. 2/23/15 Pg. 1

6th Circuit reverses application of pre-FSA minimum term of supervised release. Iss. 2/9/15 Pg. 2

7th Circuit reverses where unclear whether court considered defendant's mitigating arguments. Iss. 2/9/15 Pg. 4

9th Circuit declines to reduce crack sentence based on binding plea agreement. Iss. 2/9/15 Pg. 1

8th Circuit says career offender not eligible for crack sentence reduction under Amendment 782. Iss. 1/26/15 Pg. 2

11th Circuit permits successive retroactivity motion but denies it based on law-of-the-case. Iss. 12/1/14 Pg. 2

1st Circuit finds no *Alleyne* error where defendant stipulated to drug quantity. Iss. 11/17/14 Pg. 1

5th Circuit reverses drug mandatory minimum for failure to make "foreseeability" findings. Iss. 11/17/14 Pg. 6

5th Circuit holds that sentence was "based on" the guidelines range for current sentence, not the range used at original sentencing. Iss. 11/3/14 Pg. 3

Commission allows reduction under crack amendment where original sentence was departure below mandatory minimum. Iss. 11/3/14 Pg. 3

7th Circuit applies amended § 1B1.10 in crack case despite ex post facto claim. Iss. 10/20/14 Pg. 2

10th Circuit says court lacked jurisdiction to reduce sentence under crack amendments. Iss. 10/20/14 Pg. 3

2nd Circuit allows hearing under § 3582(c)(2) to determine crack quantity. Iss. 10/6/14 Pg. 2

2nd Circuit affirms drug quantity finding at § 3582(c) hearing. Iss. 10/6/14 Pg. 2

6th Circuit reverses crack reduction where defendant was sentenced to mandatory minimum. Iss. 9/8/14 Pg. 1

7th Circuit reverses for failure to decide whether drug sales were part of joint undertaking. Iss. 9/8/14 Pg. 1

6th Circuit rules guideline range for sentence reduction purposes was range agreed to in plea agreement. Iss. 8/25/14 Pg. 1

8th Circuit rejects reduction where cocaine sentence was under Rule 11(c)(1)(C). Iss. 8/11/14 Pg. 1

9th Circuit says 46-month sentence for smuggling cocaine is not unreasonable. Iss. 8/11/14 Pg. 3

8th Circuit says any error in failing to apply FSA was not plain. Iss. 7/14/14 Pg. 2

6th Circuit bars court from reducing sentence below minimum of amended guideline range. Iss. 6/2/14 Pg. 1

10th Circuit upholds reliance on uncharged conduct to determine crack quantity. Iss. 5/19/14 Pg. 3

7th Circuit says crack defendant resentenced as career offender not entitled to second resentencing. Iss. 5/19/14 Pg. 1

6th Circuit says crack amendments did not lower defendant's "applicable guideline range." Iss. 5/5/14 Pg. 1

11th Circuit bars crack reduction for career offender. Iss. 5/5/14 Pg. 1

9th Circuit says crack cocaine reductions do not apply to career offenders. Iss. 4/21/14 Pg. 3

Commission allows reduction under crack amendment where original sentence was departure below mandatory minimum. Iss. 4/21/14 Pg. 2

3rd Circuit requires reduction for defendant who should have received crack mandatory minimum but did not. Iss. 4/7/14 Pg. 1

7th Circuit bars crack reduction despite downward departure from mandatory minimum. Iss. 4/7/14 Pg. 2

7th Circuit says renewed motion for sentence reduction was impermissible second bite at apple. Iss. 4/7/14 Pg. 2

### **§251 Methamphetamine**

7th Circuit affirms reliance on guidelines' pseudoephedrine to meth yield ratio. Iss. 11/3/14 Pg. 4

### **§252 LSD, Ecstasy, PCP, Pills, etc.**

Commission sets hydrocodone's marijuana equivalency at 6,700 to 1. Iss. 5/4/15 Pg. 4

11th Circuit finds defendant responsible for passing 16,000 Oxycodone pills to co-conspirator. Iss. 9/22/14 Pg. 4

11th Circuit holds defendant accountable for pills distributed with fraudulent prescriptions. Iss. 9/22/14 Pg. 4

11th Circuit affirms drug quantity despite varying estimates. Iss. 9/22/14 Pg. 4

9th Circuit finds 120-month sentence reasonable for GHB possession. Iss. 8/11/14 Pg. 3

6th Circuit holds operator of pain clinic responsible for drugs prescribed to addicts and phantom patients. Iss. 5/19/14 Pg. 3

6th Circuit says court misunderstood its authority to reject guideline ratio, but error was harmless. Iss. 5/5/14 Pg. 3

### **§253 Marijuana and Hashish**

Commission adds increase for marijuana cultivation involving trespassing on public or private lands. Iss. 11/3/14 Pg. 7

Commission adds increase for marijuana cultivation involving trespassing on public or private lands. Iss. 4/21/14 Pg. 3

### **§254 Estimating Drug Quantity**

7th Circuit upholds drug quantity estimate based on drug supplier's testimony and drug paraphernalia. Iss. 4/6/15 Pg. 4

3rd Circuit upholds reliance on courier's testimony to estimate drug quantity. Iss. 9/22/14 Pg. 4

9th Circuit includes drug sales to conspirator in drug quantity. Iss. 8/25/14 Pg. 4

1st Circuit holds supplier and owner of drug point responsible for drugs sold by tenants. Iss. 6/2/14 Pg. 4

1st Circuit approves reliance on defendant's post-arrest statements to determine drug quantity. Iss. 4/21/14 Pg. 4

### **§260 Drug Relevant Conduct, Generally**

Commission emphasizes that conspirator is accountable only for scope of criminal activity he agreed to undertake. Iss. 5/4/15 Pg. 2

10th Circuit allows court to find greater drug quantity than was found by jury. Iss. 2/23/15 Pg. 1

4th Circuit finds first sale of drugs and firearm was relevant conduct for later transactions. Iss. 11/17/14 Pg. 3

7th Circuit reverses use of 2008 drug offense as relevant conduct for 2010 conspiracy. Iss. 7/14/14 Pg. 4

5th Circuit says relevant conduct need not be proven beyond a reasonable despite *Alleyne*. Iss. 6/16/14 Pg. 2

### **§270 Acquitted, Dismissed, Uncharged Conduct**

7th Circuit finds uncharged heroin trafficking was relevant conduct. Iss. 3/9/15 Pg. 2

1st Circuit upholds finding that uncharged conduct was part of same course of conduct. Iss. 11/3/14 Pg. 5

8th Circuit allows sentence for heroin conviction to be based on uncharged crack. Iss. 9/8/14 Pg. 2

2nd Circuit holds defendant responsible for all MDMA pills found in his car. Iss. 6/16/14 Pg. 3

5th Circuit holds defendant responsible for drugs involved in offense prior to his 18th birthday. Iss. 6/16/14 Pg. 3

### **§275 Conspiracy, "Foreseeability"**

7th Circuit upholds conservative drug quantity estimate. Iss. 4/20/15 Pg. 3

7th Circuit says mandatory life sentence made judicial drug quantity finding unnecessary. Iss. 4/6/15 Pg. 3

1st Circuit affirms despite court's failure to make individualized drug quantity findings. Iss. 3/23/15 Pg. 4

4th Circuit remands for failure to address scope of jointly undertaken activity. Iss. 3/23/15 Pg. 4

8th Circuit says court's misstatement of drug quantity was not plain error. Iss. 2/9/15 Pg. 4

8th Circuit relies on admission of pattern of dealing to estimate drug quantity. Iss. 2/9/15 Pg. 4

8th Circuit finds defendant could foresee that conspiracy involved 100 or more kilograms of marijuana. Iss. 1/26/15 Pg. 4

1st Circuit says two-person conspiracy conviction satisfied individualized drug-weight determination. Iss. 1/12/15 Pg. 4

1st Circuit holds defendant responsible for all cocaine when he lived at "headquarters." Iss. 12/15/14 Pg. 2

5th Circuit reverses drug mandatory minimum for failure to make "foreseeability" findings. Iss. 11/17/14 Pg. 6

7th Circuit allows reliance on co-conspirator's drug quantity stipulations. Iss. 10/20/14 Pg. 5

7th Circuit attributes to defendant all drugs sold by conspiracy. Iss. 10/6/14 Pg. 1

7th Circuit reverses for failure to decide whether drug sales were part of joint undertaking. Iss. 9/8/14 Pg. 1

8th Circuit finds any error in drug quantity harmless where sentence was based on smaller quantity. Iss. 6/2/14 Pg. 4

1st Circuit holds supplier and owner of drug point responsible for drugs sold by tenants. Iss. 6/2/14 Pg. 4

D.C. Circuit upholds sentence for conspiracy despite acquittal. Iss. 4/7/14 Pg. 3

### **§280 Possession of Weapon During Drug Offense, Generally (§2D1.1(b))**

3rd Circuit reverses where court denied firearm increase based on wrong standard. Iss. 9/8/14 Pg. 3

### **§284 Cases Upholding Enhancement**

7th Circuit affirms increase for using firearm in connection with another felony. Iss. 5/18/15 Pg. 3

7th Circuit attributes co-conspirators' gun possession to defendant with "substantial and important role" in drug conspiracy. Iss. 5/4/15 Pg. 4

1st Circuit finds defendant could reasonably foresee use of weapons during drug conspiracy. Iss. 3/23/15 Pg. 4

6th Circuit applies firearm increase for guns in defendant's house in another state. Iss. 1/26/15 Pg. 4

1st Circuit upholds firearm enhancement where defendant traded gun for drugs. Iss. 12/15/14 Pg. 3

5th Circuit finds sufficient connection between gun found in bedroom and drug conspiracy. Iss. 12/15/14 Pg. 3

8th Circuit affirms pistol hidden in kitchen was related to drug trafficking. Iss. 12/15/14 Pg. 3

1st Circuit upholds increase based on gun found in suitcase defendant was carrying. Iss. 12/1/14 Pg. 2

8th Circuit says defendant had constructive possession of loaded firearm in stash house. Iss. 7/28/14 Pg. 4

4th Circuit agrees that weapons found in residence were connected to drug conspiracy. Iss. 5/19/14 Pg. 3

10th Circuit approves gun increase where defendant did not show "clear improbability" of connection to offense. Iss. 5/19/14 Pg. 4

5th Circuit says acquittal on gun charges did not preclude §2D1.1(b)(1) firearm increase. Iss. 4/7/14 Pg. 3

### **§286 Cases Rejecting Enhancement**

10th Circuit reverses gun increase where defendant sold gun after drug sale. Iss. 5/19/14 Pg. 4

### **§290 RICO, Loan Sharking, Gambling (§2E)**

7th Circuit agrees that conspiracy to commit murder was underlying RICO activity. Iss. 7/28/14 Pg. 2

7th Circuit upholds consecutive maximum sentences to reach 60-year sentence. Iss. 7/28/14 Pg. 4

8th Circuit upholds use of cross-reference to murder guideline in RICO case. Iss. 7/28/14 Pg. 3

7th Circuit finds bombing and armed robberies were relevant conduct for racketeer. Iss. 4/21/14 Pg. 1

### **§310 Sexual Exploitation of Minors (§2G)**

1st Circuit upholds finding that domestic violence conviction was crime of violence. Iss. 5/18/15 Pg. 4

1st Circuit applies obliterated serial number increase despite a second visible number. Iss. 5/18/15 Pg. 4

1st Circuit affirms despite error in finding that felon-in-possession offense was a crime of violence. Iss. 5/18/15 Pg. 4

5th Circuit upholds child porn increase based on peer-to-peer file sharing software. Iss. 5/18/15 Pg. 3

5th Circuit affirms pattern of activity enhancement in child porn case. Iss. 5/18/15 Pg. 3

1st Circuit finds mid-range sentence for child porn defendant not unreasonable. Iss. 5/4/15 Pg. 4

7th Circuit holds that photo of young girl inserting screwdriver in vagina was objectively sadistic. Iss. 5/4/15 Pg. 4

7th Circuit says finding that defendant was a pedophile was plain error, but did not affect substantial rights. Iss. 5/4/15 Pg. 5

9th Circuit upholds enhancement for influencing minors to engage in sex. Iss. 5/4/15 Pg. 5

9th Circuit finds no double counting in applying enhancement for minors engaging in sex. Iss. 5/4/15 Pg. 2

11th Circuit holds that child porn distribution enhancement does not require scienter. Iss. 5/4/15 Pg. 5

11th Circuit holds application note was plainly inconsistent with language of computer enhancement. Iss. 5/4/15 Pg. 5

10th Circuit uses categorical approach to determine defendant's sex offender tier. Iss. 4/20/15 Pg. 1

10th Circuit says conduct underlying conviction may provide "pattern of activity" enhancement. Iss. 4/20/15 Pg. 4

8th Circuit says increases for sexual contact and sadistic or masochistic material were not double counting. Iss. 4/6/15 Pg. 1

6th Circuit remands to new judge after original judge re-imposed one day sentence in child porn case. Iss. 3/23/15 Pg. 4

1st Circuit upholds 480-month sentence for sexual exploitation of children as reasonable. Iss. 3/9/15 Pg. 2

2nd Circuit says defendant used computer to establish relationship, even though he enticed minor through other means. Iss. 3/9/15 Pg. 2

2nd Circuit strikes application note as plainly inconsistent with language of use of computer enhancement. Iss. 3/9/15 Pg. 3

7th Circuit reverses where ex post facto clause barred use of revised guideline. Iss. 2/23/15 Pg. 2

7th Circuit applies undue influence increase for false promises made to minor. Iss. 2/23/15 Pg. 4

7th Circuit rejects application note that conflicted with guideline increase for use of computer. Iss. 2/23/15 Pg. 3

5th Circuit upholds 600-month sentence for multiple counts of sexual exploitation to produce child porn. Iss. 2/9/15 Pg. 4

8th Circuit approves upward departure for "horrendous record of offending against children." Iss. 2/9/15 Pg. 5

6th Circuit upholds multiple child porn enhancements as not double counting. Iss. 1/26/15 Pg. 1

8th Circuit approves 110-year sentence for 76-year-old child porn defendant. Iss. 12/29/14 Pg. 2

11th Circuit approves statutory maximum for defendant interested in kidnapping and cannibalizing children. Iss. 12/15/14 Pg. 3

1st Circuit relies on relevant conduct to enhance sentence for pattern of sexual conduct. Iss. 12/1/14 Pg. 1

1st Circuit rejects claim that guideline sentence was unreasonable. Iss. 12/1/14 Pg. 2

8th Circuit upholds different mandatory minimums for receiving and possessing child pornography. Iss. 12/1/14 Pg. 3

10th Circuit upholds court's use of child pornography guidelines. Iss. 12/1/14 Pg. 3

4th Circuit says child porn increases for pattern of conduct are not double counting. Iss. 11/17/14 Pg. 2

4th Circuit rejects vulnerable victim increase where age of child porn victim was already accounted for. Iss. 11/17/14 Pg. 2

7th Circuit affirms 90-year guideline sentence for 20-year-old child molester. Iss. 11/3/14 Pg. 5

8th Circuit upholds 210-month sentence for receiving child porn as not cruel and unusual. Iss. 11/3/14 Pg. 2

8th Circuit rejects reduction for defendant whose conduct was not limited to receipt of child porn. Iss. 11/3/14 Pg. 5

6th Circuit affirms increase for trading child pornography. Iss. 10/20/14 Pg. 5

11th Circuit applies increase for use of computer based on use of smartphone to call and text minors. Iss. 10/20/14 Pg. 5

11th Circuit rules Florida lewd and lascivious assault on a child was sexual abuse of a minor. Iss. 10/20/14 Pg. 5

5th Circuit finds Note 4 to sex trafficking guideline inconsistent with computer use increase. Iss. 10/6/14 Pg. 6

5th Circuit approves undue influence enhancement. Iss. 10/6/14 Pg. 6

7th Circuit says increase for sadistic or masochistic conduct was not double counting. Iss. 9/22/14 Pg. 2

7th Circuit says court did not rely on speculation in setting child porn sentence. Iss. 9/22/14 Pg. 5

8th Circuit upholds increase for pattern of activity involving sexual abuse or exploitation. Iss. 10/6/14 Pg. 6

1st Circuit applies age enhancement where "grooming" began when victim was 15. Iss. 9/8/14 Pg. 3

1st Circuit applies enhancement for sexual acts that were part of "grooming" conduct. Iss. 9/8/14 Pg. 3

1st Circuit upholds caretaker increase even though defendant was not present when minor took sexually explicit photos of himself. Iss. 9/8/14 Pg. 3

8th Circuit applies cross-reference based on sexual act with minor in Mexico. Iss. 8/25/14 Pg. 4

8th Circuit finds sufficient evidence that defendant knew he was distributing child porn files. Iss. 8/11/14 Pg. 3

7th Circuit upholds below-guidelines child porn sentence as reasonable. Iss. 7/28/14 Pg. 4

9th Circuit upholds child porn guideline against separation of powers challenge. Iss. 7/28/14 Pg. 1

9th Circuit says child porn enhancement for computer use was not double counting. Iss. 7/28/14 Pg. 1

9th Circuit rejects double counting claim for child porn enhancements. Iss. 7/28/14 Pg. 2

5th Circuit upholds increase for use of a computer. Iss. 7/14/14 Pg. 4

11th Circuit finds defendant's conduct was not limited to receipt or solicitation of child porn. Iss. 7/14/14 Pg. 4

11th Circuit says Sentencing Commission's 2013 report did not make child porn guidelines invalid. Iss. 7/14/14 Pg. 4

11th Circuit upholds guideline sentence for child porn defendant. Iss. 7/14/14 Pg. 4

11th Circuit holds that distribution enhancement was not improper double counting. Iss. 7/14/14 Pg. 1

6th Circuit says prior attempted pandering of obscenity did not trigger mandatory minimums. Iss. 6/30/14 Pg. 3

6th Circuit upholds pattern of activity enhancement based on confession to multiple occasions of abuse. Iss. 6/30/14 Pg. 4

6th Circuit finds no time limit for prior sex offense that triggered repeat offender enhancement. Iss. 6/30/14 Pg. 4

6th Circuit says failure to explicitly explain reason for life term of supervised release was not plain error. Iss. 6/30/14 Pg. 4

9th Circuit finds production of child porn images involved sadistic conduct. Iss. 6/30/14 Pg. 4

9th Circuit upholds 50-year sentence for child porn production as reasonable. Iss. 6/30/14 Pg. 4

11th Circuit approves life sentence for coercing vulnerable girls to work as prostitutes. Iss. 6/30/14 Pg. 5

11th Circuit applies sexual abuse cross-reference even though defendant did not commit actual abuse. Iss. 6/30/14 Pg. 1

11th Circuit says grouping error did not affect defendant's sentence. Iss. 6/30/14 Pg. 5

6th Circuit says defendant in late 40s unduly influenced young teen to have sex. Iss. 6/16/14 Pg. 3

2nd Circuit holds that prior sexual abuse of adult triggered mandatory minimum. Iss. 6/2/14 Pg. 4

9th Circuit says two California offenses constitute sexual abuse of a minor. Iss. 6/2/14 Pg. 4

10th Circuit applies increase for pattern of activity regardless of when underlying activity occurred. Iss. 6/2/14 Pg. 4

10th Circuit upholds refusal to vary despite remoteness of previous sexual misconduct. Iss. 6/2/14 Pg. 5

4th Circuit finds distribution of child porn was closely connected to possession offense. Iss. 5/19/14 Pg. 4

Supreme Court explains extent of restitution for child pornography victims. Iss. 5/5/14 Pg. 3

4th Circuit upholds 120-year sentence for sexual abuse of four-year-old. Iss. 5/5/14 Pg. 1

10th Circuit upholds 260-year child pornography sentence. Iss. 5/5/14 Pg. 4

8th Circuit approves upward variance to statutory maximum for sexual predator. Iss. 4/21/14 Pg. 4

11th Circuit rules that "distribution" for enhancement purposes is broader than for conviction. Iss. 4/21/14 Pg. 4

7th Circuit agrees that defendant engaged in pattern of activity involving sexual exploitation of minor. Iss. 4/7/14 Pg. 3

---

### **§315 Civil Rights, Political Offenses (§2H)**

---

8th Circuit reverses 20-month sentence for officer who beat citizen and filed false report. Iss. 9/22/14 Pg. 5

---

### **§320 Contempt, Obstruction, Perjury, Impersonation, Bail Jumping (§2J)**

---

5th Circuit finds obstruction increase was not double counting where witness tampering count was grouped with conspiracy and fraud. Iss. 1/12/15 Pg. 1

3rd Circuit reverses use of obstruction guideline where defendant was convicted of attempt to kill. Iss. 10/20/14 Pg. 5

8th Circuit upholds cross-reference for obstructing criminal prosecution. Iss. 8/11/14 Pg. 3

3rd Circuit says destroying hard drive interfered with administration of justice. Iss. 7/14/14 Pg. 5

8th Circuit approves cross reference for obstructing criminal prosecution. Iss. 6/16/14 Pg. 3

7th Circuit approves upward variance in failure to appear case. Iss. 4/7/14 Pg. 4

D.C. Circuit applies § 2J1.2(c)(1) enhancement to attempt to obstruct justice. Iss. 4/7/14 Pg. 4

### **§330 Firearms, Explosives, Arson (§2K)**

---

8th Circuit says increase based on agent's cover identity was not sentencing manipulation. Iss. 5/18/15 Pg. 1

8th Circuit agrees that defendant possessed firearms that confederate sold to undercover agents. Iss. 5/18/15 Pg. 5

8th Circuit approves stolen firearm increase despite defendant's claim that he intended to return gun. Iss. 5/18/15 Pg. 4

11th Circuit upholds firearm trafficking increase. Iss. 4/20/15 Pg. 4

11th Circuit upholds firearm exportation enhancement based on recorded phone call between conspirators. Iss. 4/20/15 Pg. 4

11th Circuit says firearm sentence at bottom of guideline range was substantively reasonable. Iss. 4/20/15 Pg. 4

11th Circuit holds that firearms trafficking and exportation enhancements did not constitute improper double counting. Iss. 4/20/15 Pg. 1

8th Circuit upholds resentencing defendant for use of a firearm. Iss. 3/23/15 Pg. 5

1st Circuit affirms upward variance in firearms case. Iss. 2/23/15 Pg. 4

10th Circuit rules Colorado "sexual assault-10 years age difference" was not a crime of violence. Iss. 2/23/15 Pg. 4

Supreme Court orders re-argument on validity of ACCA residual clause. Iss. 2/9/15 Pg. 5

6th Circuit upholds "another felony" increase where defendants stole guns and sold them for drugs. Iss. 2/9/15 Pg. 5

6th Circuit says increases for trafficking firearms and using guns in "another felony" were not double counting. Iss. 1/26/15 Pg. 1

1st Circuit finds no plain error where defendant was aware of mandatory minimum and consecutive sentence requirement. Iss. 1/26/15 Pg. 4

8th Circuit upholds enhancement for using gun in prior shooting. Iss. 1/12/15 Pg. 4

2nd Circuit holds that New York statutory rape is not categorically crime of violence. Iss. 12/29/14 Pg. 3

8th Circuit holds Iowa assault while displaying a dangerous weapon was crime of violence. Iss. 12/15/14 Pg. 3

8th Circuit finds guideline firearm sentence was reasonable. Iss. 12/15/14 Pg. 4

4th Circuit agrees that vacant duplex was "dwelling" for arson enhancement purposes. Iss. 12/1/14 Pg. 3

9th Circuit says attempted robbery under California law is a violent felony. Iss. 12/1/14 Pg. 3

4th Circuit affirms increase for number of firearms despite double counting argument. Iss. 11/17/14 Pg. 2

4th Circuit upholds gun trafficking increase, even though defendant only sold one gun at a time. Iss. 11/17/14 Pg. 6

8th Circuit holds Iowa offense of using gun in shooting qualified as "another felony offense." Iss. 11/17/14 Pg. 7

9th Circuit says flight from officer is a violent felony under ACCA. Iss. 11/17/14 Pg. 7

7th Circuit upholds increase for another felony where defendant purchased firearm with cash and drugs. Iss. 11/3/14 Pg. 5

Commission clarifies guidelines for firearms possessed on same or different occasions. Iss. 11/3/14 Pg. 5

3rd Circuit finds *Alleyne* error harmless. Iss. 10/20/14 Pg. 1

6th Circuit says finding New York burglaries were crime of violence was not plain error given confusion among courts. Iss. 10/20/14 Pg. 6

7th Circuit agrees that defendant possessed gun in connection with drug distribution. Iss. 10/20/14 Pg. 6

1st Circuit says defendant's admission that he struck girlfriend did not establish intent. Iss. 9/22/14 Pg. 5

6th Circuit says court cannot vary below § 924(c) mandatory minimums. Iss. 9/22/14 Pg. 5

7th Circuit agrees defendant possessed a firearm in connection to another felony. Iss. 10/6/14 Pg. 6

7th Circuit finds court considered defendant's limited role in gun sale. Iss. 10/6/14 Pg. 7

6th Circuit reverses brandishing sentence that violated *Alleyne*. Iss. 9/8/14 Pg. 4

9th Circuit finds prior juvenile conviction was a felony. Iss. 9/8/14 Pg. 4

8th Circuit finds mitigating factors were outweighed by gravity of conduct, criminal history, and drug use. Iss. 8/25/14 Pg. 5

7th Circuit affirms cross-reference to criminal sexual abuse guideline. Iss. 8/11/14 Pg. 3

9th Circuit says error in imposing mandatory minimum without jury finding was harmless. Iss. 8/11/14 Pg. 4

7th Circuit holds that jury found defendant discharged a firearm for mandatory minimum purposes. Iss. 7/28/14 Pg. 5

10th Circuit says court may reduce robbery sentence despite mandatory consecutive firearm sentence. Iss. 7/28/14 Pg. 5

5th Circuit rules that leaving halfway house was not crime of violence. Iss. 7/14/14 Pg. 5

8th Circuit allows judicial fact-finding in support of § 2A1.1 cross-reference. Iss. 7/14/14 Pg. 2

11th Circuit finds *Alleyne* error harmless given extensive evidence that firearm was brandished. Iss. 7/14/14 Pg. 5

11th Circuit says *Alleyne* rule does not apply to prior convictions. Iss. 7/14/14 Pg. 5

4th Circuit finds Maryland breaking and entering is not a crime of violence because it can be committed by negligence. Iss. 6/30/14 Pg. 5

8th Circuit holds that defendant's failure to object to PSR's finding was "dispositive." Iss. 6/30/14 Pg. 5

1st Circuit finds defendant who used straw buyer to obtain gun possessed gun in connection with drug trafficking. Iss. 6/2/14 Pg. 5

3rd Circuit says defendant who brandished gun in bar committed simple assault on bar patrons. Iss. 6/2/14 Pg. 6

10th Circuit says court properly counted convictions for which civil rights had been restored. Iss. 6/2/14 Pg. 5

10th Circuit approves enhancement based on witness testimony. Iss. 6/2/14 Pg. 5

6th Circuit holds theft of firearms did not support increase for possessing firearm in connection with another felony. Iss. 5/5/14 Pg. 4

11th Circuit holds that Florida conviction for vehicular flight was "crime of violence." Iss. 4/21/14 Pg. 4

Commission clarifies guidelines for firearms possessed on same or different occasions. Iss. 4/21/14 Pg. 5

8th Circuit says objections to PSR were not sufficiently specific or clear. Iss. 4/7/14 Pg. 4

8th Circuit upholds enhancement for trafficking in firearms. Iss. 4/7/14 Pg. 4

8th Circuit upholds increase for using firearm in connection with a user amount of methamphetamine. Iss. 4/7/14 Pg. 4

9th Circuit reverses for error in base offense level despite downward variance. Iss. 4/7/14 Pg. 5

9th Circuit finds possession of uncharged guns is not relevant conduct. Iss. 4/7/14 Pg. 1

### **§340 Immigration Offenses (§2L)**

7th Circuit remands where court failed to comment on potentially meritorious argument. Iss. 5/18/15 Pg. 5

4th Circuit holds that North Carolina kidnapping fit within generic definition of kidnapping. Iss. 5/4/15 Pg. 5

5th Circuit holds that possession with intent to distribute for no remuneration was "drug trafficking" offense. Iss. 4/20/15 Pg. 5

5th Circuit holds that sentence discharged by correctional administrator was not suspended. Iss. 4/20/15 Pg. 5

5th Circuit says court properly relied on prior conviction obtained under alias. Iss. 4/20/15 Pg. 5

5th Circuit holds that government met burden of establishing that prior drug conviction was for heroin. Iss. 4/20/15 Pg. 5

5th Circuit says court properly looked to PSR to see if prior money laundering offense involved more than \$10,000. Iss. 4/20/15 Pg. 4

9th Circuit says Arizona aggravated assault conviction was not "crime of violence." Iss. 4/20/15 Pg. 6

6th Circuit approves upward variance for defendant who repeatedly illegally entered country. Iss. 4/6/15 Pg. 4

9th Circuit reverses use of modified categorical approach to hold assault was intentional. Iss. 4/6/15 Pg. 4

5th Circuit holds that Texas aggravated assault was violent felony. Iss. 3/23/15 Pg. 5

5th Circuit says Florida manslaughter was not crime of violence. Iss. 3/23/15 Pg. 5

5th Circuit finds Florida methamphetamine trafficking was not categorically a drug trafficking offense. Iss. 3/23/15 Pg. 5

9th Circuit finds prior New Jersey criminal sexual contact offense was a "crime of violence." Iss. 3/9/15 Pg. 3

10th Circuit affirms sentence at bottom of range for illegal reentry offense. Iss. 3/9/15 Pg. 3

11th Circuit remands where charging document did not show mental state for prior conviction. Iss. 3/9/15 Pg. 3

5th Circuit upholds increase for brandishing pellet gun at stash house. Iss. 2/23/15 Pg. 4

9th Circuit says delivery of heroin in Washington is a drug-trafficking crime. Iss. 2/9/15 Pg. 5

9th Circuit holds that 46-months for illegal reentry is not unreasonable. Iss. 2/9/15 Pg. 6

9th Circuit says comment about prior sentencing was not reliance on facts not in record. Iss. 2/9/15 Pg. 5

5th Circuit finds Texas stalking was not crime of violence, but error was harmless. Iss. 1/26/15 Pg. 5

9th Circuit holds that California assault with a deadly weapon is crime of violence. Iss. 1/26/15 Pg. 5

5th Circuit approves upward departure where defendant had previously been permitted to plead to lesser charge. Iss. 1/12/15 Pg. 5

5th Circuit says charging documents showed Florida aggravated battery conviction was crime of violence. Iss. 1/12/15 Pg. 5

5th Circuit finds Louisiana conviction for sexual battery was crime of violence. Iss. 12/29/14 Pg. 3

5th Circuit rules Georgia drug conviction that did not necessarily require remuneration was not "drug trafficking offense." Iss. 12/29/14 Pg. 3

9th Circuit finds second-degree burglary in Washington was aggravated felony. Iss. 12/29/14 Pg. 3

- 5th Circuit uses state court records to find California conviction qualified as drug trafficking offense. Iss. 12/15/14 Pg. 4
- 9th Circuit upholds enhancement for harboring minor aliens. Iss. 12/1/14 Pg. 3
- 9th Circuit upholds enhancement for detaining alien through coercion or payment demand. Iss. 12/1/14 Pg. 3
- 4th Circuit holds California first-degree burglary was a crime of violence. Iss. 11/17/14 Pg. 7
- 5th Circuit rules Maryland conspiracy to commit robbery with a deadly weapon was crime of violence. Iss. 11/17/14 Pg. 8
- 5th Circuit finds Indiana conviction for sexual misconduct with minor was crime of violence. Iss. 11/17/14 Pg. Iss. 11/17/14 Pg. 8
- 5th Circuit relies on sentencing sheet to find South Carolina conviction was drug trafficking offense. Iss. 11/17/14 Pg. 8
- 5th Circuit holds that New York attempted second-degree burglary was crime of violence. Iss. 11/17/14 Pg. 7
- 9th Circuit says California conviction for possessing or transporting drugs is divisible. Iss. 11/17/14 Pg. 8
- 9th Circuit finds California possession for sale of cocaine to be a drug-trafficking crime. Iss. 11/17/14 Pg. 8
- 5th Circuit finds Texas conviction for theft without effective consent was aggravated felony. Iss. 11/3/14 Pg. 6
- 9th Circuit says felon in possession in California is not an aggravated felony. Iss. 11/3/14 Pg. 6
- Commission clarifies dangerous methods of smuggling aliens. Iss. 11/3/14 Pg. 6
- Commission clarifies guidelines where defendant is subject to another term of imprisonment. Iss. 11/3/14 Pg. 6
- 1st Circuit says defendant failed to prove that arranging sham marriage was not committed for profit. Iss. 10/20/14 Pg. 6
- 1st Circuit denies reduction for failing to complete offense. Iss. 10/20/14 Pg. 6
- 5th Circuit finds no "realistic probability" that Texas would apply drug statute overbroadly. Iss. 10/20/14 Pg. 7
- 8th Circuit rules enumerated offense was crime of violence regardless of whether it had force element. Iss. 10/6/14 Pg. 7
- 1st Circuit holds that simple assault was not crime of violence. Iss. 9/22/14 Pg. 5
- 7th Circuit reverses increase for fraudulent use of foreign passport as double counting. Iss. 9/22/14 Pg. 1
- 4th Circuit rules North Carolina offense was a felony despite binding plea agreement with range of 10-12 months. Iss. 9/8/14 Pg. 4
- 5th Circuit finds New York aggravated criminal contempt conviction was aggravated felony. Iss. 9/8/14 Pg. 4
- 9th Circuit says possession for sale of marijuana is an aggravated felony. Iss. 9/8/14 Pg. 4
- 9th Circuit says California second-degree burglary is not an aggravated felony. Iss. 8/25/14 Pg. 5
- 11th Circuit finds throwing projectile at occupied vehicle in Florida was not a crime of violence. Iss. 8/25/14 Pg. 5
- 4th Circuit holds that Maryland first-degree burglary was not crime of violence. Iss. 8/11/14 Pg. 4
- 10th Circuit reverses enhancement that was based on prior misdemeanor. Iss. 8/11/14 Pg. 4
- 5th Circuit applies increase for illegal alien's death where defendant's conduct was "but-for" cause. Iss. 7/28/14 Pg. 5
- 5th Circuit says Florida attempted aggravated battery on officer with officer's gun was crime of violence. Iss. 7/28/14 Pg. 5
- 8th Circuit reverses increase for prior "firearms" offense, where court improperly relied on superseded information. Iss. 8/11/14 Pg. 4
- 7th Circuit affirms despite failure to address fast-track disparity argument at sentencing. Iss. 7/28/14 Pg. 6
- 7th Circuit upholds bottom of guideline sentence as reasonable. Iss. 7/28/14 Pg. 6
- 11th Circuit upholds finding that Georgia conviction for enticing a child for indecent purposes was crime of violence. Iss. 7/28/14 Pg. 6
- 11th Circuit relies on prior sexual abuse conviction despite *Alford* plea. Iss. 7/28/14 Pg. 6
- 5th Circuit says prior Texas indecency with a minor by contact was sexual abuse of a minor. Iss. 6/30/14 Pg. 5
- 5th Circuit uses modified categorical approach to find Texas burglary was crime of violence. Iss. 6/30/14 Pg. 6
- 5th Circuit holds that Louisiana aggravated battery, narrowed to exclude poisoning, was crime of violence. Iss. 6/16/14 Pg. 3
- 9th Circuit finds court adequately considered guidelines before imposing sentence. Iss. 6/16/14 Pg. 1
- 9th Circuit says Arizona attempted sexual abuse satisfied modified categorical approach. Iss. 6/16/14 Pg. 4
- 5th Circuit counts prior voluntary departure as deportation for enhancement purposes. Iss. 6/2/14 Pg. 6
- 5th Circuit finds alien smuggler could reasonably foresee co-conspirators' sexual assaults on female aliens. Iss. 6/2/14 Pg. 6
- 9th Circuit holds battery with injury on police officer is a crime of violence. Iss. 6/2/14 Pg. 6
- 9th Circuit says failure to plead to date of removal limits sentence to two years. Iss. 6/2/14 Pg. 1
- 9th Circuit says Arizona aggravated assault is "crime of violence." Iss. 5/19/14 Pg. 4
- 9th Circuit finds Arizona sexual conduct with a minor is not crime of violence. Iss. 5/5/14 Pg. 4
- 9th Circuit rejects use of affirmative defense to determine if prior is aggravated felony. Iss. 4/21/14 Pg. 5

9th Circuit says assault on a federal officer is not categorically a crime of violence. Iss. 4/21/14 Pg. 5

Commission clarifies dangerous methods of smuggling aliens. Iss. 4/21/14 Pg. 5

Commission clarifies guidelines where defendant is subject to another term of imprisonment. Iss. 4/21/14 Pg. 6

### **§350 Escape, Prison Offenses (§2P)**

8th Circuit holds that prison camp was not "non-secure" facility. Iss. 8/25/14 Pg. 5

### **§360 Money Laundering (§2S)**

1st Circuit affirms calculation of amount of money laundered. Iss. 1/12/15 Pg. 5

1st Circuit holds that money laundering was distinct from concealment of assets. Iss. 11/17/14 Pg. 4

8th Circuit says any error in court's selection of proper guideline was invited. Iss. 10/6/14 Pg. 7

1st Circuit upholds enhancement for knowledge or belief that laundered funds were drug proceeds. Iss. 9/22/14 Pg. 6

1st Circuit rejects distinction between funds laundered for concealment vs. promotion. Iss. 5/19/14 Pg. 5

1st Circuit says court properly evaluated whether laundered funds were proceeds of prior drug deals. Iss. 5/19/14 Pg. 5

1st Circuit remands for failure to make findings on listed factors for "in the business" increase. Iss. 5/19/14 Pg. 5

1st Circuit agrees that structured funds were proceeds of unlawful activity. Iss. 5/5/14 Pg. 4

11th Circuit rejects use of aggravated role in drug conspiracy to increase money laundering sentence. Iss. 4/7/14 Pg. 5

### **§370 Tax, Customs Offenses (§2T)**

Commission adjusts loss and fine tables for inflation. Iss. 5/4/15 Pg. 3

11th Circuit upholds loss calculation in tax fraud case. Iss. 5/18/15 Pg. 3

8th Circuit rules "repetitive and coordinated scheme" to hide assets from IRS was "sophisticated means." Iss. 3/23/15 Pg. 6

11th Circuit holds defendant accountable for entire loss from fraudulent tax refund scheme. Iss. 1/12/15 Pg. 4

11th Circuit affirms sentencing under fraud guideline for fraudulent tax refund scheme. Iss. 1/12/15 Pg. 3

5th Circuit refuses to reduce tax loss by business expenses not claimed on fraudulent tax return. Iss. 4/21/14 Pg. 6

### **§380 Conspiracy/Aiding/Attempt (§2X)**

1st Circuit denies reduction for failing to complete offense. Iss. 10/20/14 Pg. 6

7th Circuit agrees that defendant possessed gun in connection with drug distribution. Iss. 10/20/14 Pg. 6

8th Circuit approves cross reference for obstructing criminal prosecution. Iss. 6/16/14 Pg. 3

### **§410 Victim-Related Adjustments (§3A)**

7th Circuit holds that bank manager abused trust of elderly client. Iss. 5/18/15 Pg. 5

6th Circuit finds sufficient evidence that bombing of bridge was intended to affect government conduct. Iss. 5/4/15 Pg. 6

11th Circuit says elderly patients with dementia were vulnerable victims of Medicare fraud scheme. Iss. 3/23/15 Pg. 6

5th Circuit reverses for uncertainties in findings supporting terrorism enhancement. Iss. 3/9/15 Pg. 3

2nd Circuit says ER patients were vulnerable victims of defendant's attack on hospital. Iss. 2/23/15 Pg. 4

4th Circuit rejects vulnerable victim increase where age of child porn victim was already accounted for. Iss. 11/17/14 Pg. 2

5th Circuit affirms vulnerable victim increase based on victims obtained from nursing home roster. Iss. 11/17/14 Pg. 9

D.C. Circuit upholds terrorism increase for releasing hostages on condition that government take action. Iss. 11/17/14 Pg. 9

7th Circuit approves vulnerable victim increase for targeting "elderly, ignorant homeowners." Iss. 10/6/14 Pg. 7

5th Circuit upholds vulnerable victim increase based on illegal status of undocumented aliens. Iss. 9/22/14 Pg. 6

8th Circuit finds defendant was aware of disabled cousin's unusual vulnerability. Iss. 9/22/14 Pg. 6

8th Circuit upholds terrorism enhancement. Iss. 8/11/14 Pg. 5

8th Circuit says defendant's assault after he was transported to station did not occur during offense. Iss. 7/14/14 Pg. 6

1st Circuit holds that defendant should have known elderly victim was vulnerable. Iss. 5/5/14 Pg. 4

6th Circuit upholds terrorism enhancement for member of Occupy movement who attempted to bomb bridge. Iss. 5/5/14 Pg. 5

### **§420 Role in Offense, Generally (§3B)**

4th Circuit approves increase for use of minor. Iss. 5/19/14 Pg. 5

### **§431 Cases Finding Aggravating Role**

11th Circuit agrees that defendant held supervisory role in sex trafficking scheme. Iss. 5/4/15 Pg. 6

1st Circuit agrees that defendant held leadership role in drug conspiracy. Iss. 4/20/15 Pg. 6

11th Circuit agrees that CEO of health care center was leader of Medicare fraud conspiracy. Iss. 3/23/15 Pg. 6

11th Circuit finds defendant was manager of scheme involving five or more participants. Iss. 3/23/15 Pg. 6

5th Circuit upholds managerial enhancement. Iss. 2/23/15 Pg. 5



7th Circuit affirms leadership increase in mortgage fraud scheme. Iss. 2/23/15 Pg. 5

11th Circuit agrees that defendant held managerial role in "otherwise extensive" health care fraud. Iss. 2/23/15 Pg. 5

2nd Circuit agrees that fraudulent investment scheme involved five participants. Iss. 2/9/15 Pg. 6

6th Circuit agrees that defendant held leadership role in drug conspiracy. Iss. 1/26/15 Pg. 5

8th Circuit agrees that defendant supervised co-conspirators in meth conspiracy. Iss. 1/12/15 Pg. 5

11th Circuit finds defendant was manager of fraudulent tax return scheme. Iss. 1/12/15 Pg. 6

1st Circuit holds that getaway driver was participant in robbery. Iss. 12/29/14 Pg. 4

5th Circuit holds that defendant was leader of real estate fraud scheme. Iss. 12/29/14 Pg. 4

1st Circuit agrees that defendant held managerial role in securities fraud sting. Iss. 11/17/14 Pg. 9

9th Circuit reverses leadership enhancement in fraud scheme. Iss. 11/17/14 Pg. 5

6th Circuit affirms leadership role for "driving force" behind fraud scheme. Iss. 10/20/14 Pg. 7

7th Circuit reviews, but rejects, forfeited claim that defendant was not leader of drug conspiracy. Iss. 10/20/14 Pg. 7

8th Circuit finds chapter president of motorcycle gang held leadership role in racketeering. Iss. 10/20/14 Pg. 7

7th Circuit agrees that defendant held leadership position in otherwise extensive fraud scheme. Iss. 10/6/14 Pg. 7

7th Circuit finds defendant was organizer or leader of cocaine distribution ring. Iss. 10/6/14 Pg. 8

8th Circuit says death of participant did not invalidate leadership enhancement. Iss. 10/6/14 Pg. 8

7th Circuit finds drug middleman qualified as manager or supervisor. Iss. 9/22/14 Pg. 6

6th Circuit agrees that defendant was leader of street gang. Iss. 9/8/14 Pg. 5

9th Circuit upholds finding of managerial role for drug supplier. Iss. 8/25/14 Pg. 5

8th Circuit upholds leadership increase based on unobjected-to facts in PSR. Iss. 8/11/14 Pg. 5

7th Circuit holds that defendant was leader of drug conspiracy despite his incarceration. Iss. 7/14/14 Pg. 6

D.C. Circuit agrees that defendant was high-level participant in bank fraud scheme. Iss. 7/14/14 Pg. 6

D.C. Circuit upholds reliance on FBI agent's testimony to support § 3B1.1 increase. Iss. 7/14/14 Pg. 6

7th Circuit says managerial role enhancement was not plain error. Iss. 6/30/14 Pg. 6

11th Circuit holds that defendant held leadership role in bribery scheme. Iss. 6/16/14 Pg. 4

3rd Circuit reverses supervisor increase for lack of findings on employee's criminal responsibility. Iss. 5/19/14 Pg. 5

6th Circuit agrees that operator of pain clinic held leadership role in drug conspiracy. Iss. 5/19/14 Pg. 6

8th Circuit rejects safety valve for leaders or organizers of drug conspiracy. Iss. 5/19/14 Pg. 3

6th Circuit holds that defendant held leadership role in bombing conspiracy. Iss. 5/5/14 Pg. 5

7th Circuit says defendant's large role in coordinating co-conspirator's activities supported enhancement. Iss. 5/5/14 Pg. 5

7th Circuit rules defendant who hired man to burn down her house held leadership role. Iss. 4/21/14 Pg. 6

7th Circuit holds that drug supplier exercised control sufficient to support § 3B1.1 enhancement. Iss. 4/21/14 Pg. 6

7th Circuit agrees that defendant held leadership role in real estate fraud conspiracy. Iss. 4/21/14 Pg. 7

7th Circuit says court did not rely solely on defendant's nicknames in applying leadership increase. Iss. 4/21/14 Pg. 7

D.C. Circuit approves role enhancement for "mastermind" of offense. Iss. 4/21/14 Pg. 6

5th Circuit approves role increase based on phone calls showing control over co-conspirator. Iss. 4/7/14 Pg. 5

---

### **§432 Cases Rejecting Aggravating Role**

---

5th Circuit reverses managerial or supervisory role increase in drug conspiracy. Iss. 7/28/14 Pg. 7

6th Circuit reverses role enhancement for defendant's management of scheme. Iss. 5/5/14 Pg. 5

11th Circuit rejects use of aggravated role in drug conspiracy to increase money laundering sentence. Iss. 4/7/14 Pg. 5

---

### **§443 Cases Finding Mitigating Role**

---

9th Circuit finds that false testimony should have led to obstruction enhancement. Iss. 6/2/14 Pg. 7

---

### **§440 Mitigating Role: Minimal or Minor Participant (§3B1.2)**

---

Commission encourages more frequent and consistent use of mitigating role adjustment. Iss. 5/4/15 Pg. 6

---

### **§445 Cases Rejecting Mitigating Role**

---

1st Circuit holds that defendant waived claim that he played minor role in other side of conspiracy. Iss. 5/4/15 Pg. 6

1st Circuit rejects minor role for defendant who was present for planning of smuggling scheme and was "deeply involved" in its execution. Iss. 4/20/15 Pg. 6

8th Circuit rejects minimal role for defendant who was "deeply involved" in criminal activity. Iss. 4/6/15 Pg. 4

8th Circuit says rejecting minor participant reduction was not upward departure. Iss. 3/23/15 Pg. 7

11th Circuit says defendants did not hold minor role in health care fraud. Iss. 3/23/15 Pg. 7

1st Circuit denies minor role reduction to "classic middleman." Iss. 12/15/14 Pg. 4

5th Circuit denies role reduction where defendant directly participated in kidnapping. Iss. 11/3/14 Pg. 7

9th Circuit says drug courier not always entitled to minor role adjustment. Iss. 8/11/14 Pg. 3

10th Circuit rejects minor role reduction for courier. Iss. 8/11/14 Pg. 5

2nd Circuit holds drug "mule" failed to establish that he was minor participant. Iss. 6/16/14 Pg. 4

10th Circuit rules "lookout" was not entitled to minor participant reduction. Iss. 6/2/14 Pg. 7

7th Circuit rejects minor role for defendant who recruited others but waited in car during robbery. Iss. 5/5/14 Pg. 6

### **§450 Abuse of Trust/Special Skill (§3B1.3)**

---

2nd Circuit says licensed pharmacist used special skill in placing liquid mercury at medical center to disrupt services. Iss. 2/23/15 Pg. 5

3rd Circuit says bar on abuse of trust increase for § 2C1.1 offenses extends to cross-references. Iss. 10/20/14 Pg. 8

4th Circuit upholds abuse of trust increase for claiming to be a CPA. Iss. 7/14/14 Pg. 7

D.C. Circuit upholds abuse of trust enhancement for owner of medical clinic that defrauded Medicaid. Iss. 6/16/14 Pg. 4

5th Circuit holds that co-owner of medical equipment distributor abused position of trust with Medicare. Iss. 6/2/14 Pg. 7

3rd Circuit holds that cardiologist abused position of trust. Iss. 5/19/14 Pg. 6

3rd Circuit holds that cardiologist used special skill. Iss. 5/19/14 Pg. 6

6th Circuit approves special skill increase for defendant who taught himself to modify video game consoles. Iss. 4/21/14 Pg. 7

### **§461 Cases Finding Obstruction**

---

9th Circuit finds no double counting even though same phone call resulted in obstruction and false statement conviction. Iss. 4/6/15 Pg. 1

11th Circuit upholds obstruction increase based on trial perjury. Iss. 3/23/15 Pg. 7

11th Circuit finds obstruction based on trial perjury. Iss. 3/23/15 Pg. 7

7th Circuit upholds obstruction increase for exaggerating mental deficits at competency hearing. Iss. 3/9/15 Pg. 4

2nd Circuit affirms finding of perjury despite court's reliance on defendant's testimony for increases. Iss. 2/9/15 Pg. 2

2nd Circuit approves obstruction increase based on defendant's trial perjury. Iss. 2/9/15 Pg. 6

6th Circuit approves obstruction increase for perjury at trial. Iss. 1/26/15 Pg. 5

5th Circuit finds obstruction increase was not double counting where witness tampering count was grouped with conspiracy and fraud. Iss. 1/12/15 Pg. 1

1st Circuit upholds obstruction enhancement based on threatening letter sent to third party. Iss. 12/15/14 Pg. 4

1st Circuit upholds obstruction increase based on lies during suppression hearing. Iss. 12/1/14 Pg. 4

8th Circuit applies obstruction increase to defendant who left treatment facility while on pretrial release. Iss. 12/1/14 Pg. 4

1st Circuit approves obstruction increase for altering email produced in response to subpoena. Iss. 11/17/14 Pg. 9

8th Circuit upholds obstruction increase based on trial perjury. Iss. 11/3/14 Pg. 7

8th Circuit approves obstruction increase based on refusal to comply with court orders. Iss. 10/6/14 Pg. 8

3rd Circuit reverses denial of obstruction increase for inadequate findings. Iss. 9/8/14 Pg. 5

7th Circuit affirms despite court's failure to identify which grand jury statements were perjurious. Iss. 8/11/14 Pg. 5

11th Circuit applies enhancement for firing gun and pointing pistol at pursuing officers. Iss. 7/28/14 Pg. 7

11th Circuit upholds obstruction increase for attempt to flee county jail. Iss. 7/28/14 Pg. 7

8th Circuit upholds obstruction increase for attempting to destroy written confession. Iss. 7/14/14 Pg. 7

5th Circuit says obstructive conduct not "contemporaneous with arrest" need not materially affect investigation. Iss. 6/16/14 Pg. 4

6th Circuit upholds obstruction increase and denial of acceptance reduction for telling other inmates that co-conspirator was a "snitch." Iss. 5/5/14 Pg. 6

7th Circuit upholds obstruction increase and denial of acceptance reduction for encouraging witness to ignore trial subpoena. Iss. 5/5/14 Pg. 6

1st Circuit upholds obstruction increase based on perjury at suppression hearing. Iss. 4/21/14 Pg. 7

1st Circuit upholds obstruction increase based on instructions to wife to throw away evidence. Iss. 4/21/14 Pg. 8

7th Circuit upholds obstruction increase for lying about withdrawing from arson conspiracy. Iss. 4/21/14 Pg. 8

7th Circuit upholds obstruction increase for using alias during court proceedings. Iss. 4/21/14 Pg. 8

9th Circuit finds false testimony at bond hearing can be obstruction. Iss. 4/21/14 Pg. 8

### **§462 Cases Rejecting Obstruction**

---

8th Circuit says uninvited entry into private home supported increase for reckless endangerment during flight. Iss. 5/4/15 Pg. 7

9th Circuit reverses obstruction enhancement. Iss. 11/3/14 Pg. 7

11th Circuit reverses because "immediate flight" does not include assault eight days after bank robbery. Iss. 7/28/14 Pg. 7

2nd Circuit reverses court's finding of willfully false statements in request for attorney. Iss. 6/2/14 Pg. 7

2nd Circuit says defendant could have interpreted officer's statement to be threat of physical force. Iss. 6/2/14 Pg. 7

2nd Circuit reverses obstruction increase that was based on defendant's claim of improper questioning. Iss. 6/2/14 Pg. 8

6th Circuit reverses obstruction increase for failure to make necessary factual findings. Iss. 5/5/14 Pg. 6

### **§470 Multiple Counts (§3D)**

---

9th Circuit finds fraud counts were properly grouped. Iss. 11/17/14 Pg. 5

7th Circuit affirms court's refusal to "group" drug-trafficking and felon-in-possession counts. Iss. 11/3/14 Pg. 7

5th Circuit says immigration offenses should have been grouped together. Iss. 7/28/14 Pg. 7

5th Circuit reverses grouping of unlawful reentry offense and firearm offense. Iss. 6/30/14 Pg. 6

11th Circuit says grouping error did not affect defendant's sentence. Iss. 6/30/14 Pg. 5

### **§480 Acceptance of Responsibility, Generally (§3E)**

---

1st Circuit says court should have resolved claim that government improperly refused to move for acceptance reduction. Iss. 4/20/15 Pg. 6

7th Circuit says court did not rely solely on defendant's nolo contendere plea to reject acceptance reduction. Iss. 4/20/15 Pg. 7

9th Circuit finds error in withholding third acceptance point in return for appeal waiver. Iss. 4/20/15 Pg. 6

5th Circuit finds defendant preserved challenge to denial of additional acceptance reduction. Iss. 2/23/15 Pg. 6

### **§482 As to "Related" Conduct**

---

7th Circuit denies acceptance reduction where defendant denied relevant conduct. Iss. 5/18/15 Pg. 5

4th Circuit rejects acceptance reduction where defendant denied mental state for uncharged offense. Iss. 3/23/15 Pg. 7

### **§484 Constitutional Issues**

---

9th Circuit rejects claim that trial only occurred to preserve constitutional challenge. Iss. 6/16/14 Pg. 5

### **§486 Probation Interview/Cooperation**

---

5th Circuit reverses government's withholding of acceptance reduction for refusal to waive right to appeal. Iss. 6/2/14 Pg. 8

### **§488 Timeliness, Sincerity, Minimizing Role**

---

5th Circuit says motion for additional acceptance reduction cannot be denied based on good faith sentencing dispute. Iss. 3/23/15 Pg. 8

1st Circuit rejects acceptance reduction for defendant who denied being part of drug conspiracy. Iss. 1/12/15 Pg. 6

5th Circuit says defendant's statement demonstrated lack of acceptance of responsibility. Iss. 10/20/14 Pg. 8

7th Circuit reverses for failure to adequately explain denial of acceptance reduction. Iss. 7/28/14 Pg. 7

8th Circuit finds government did not breach plea agreement by failing to move for acceptance credit. Iss. 6/30/14 Pg. 6

5th Circuit finds no plain error in refusal to move for acceptance reduction based on failure to waive right to appeal. Iss. 5/5/14 Pg. 7

1st Circuit denies acceptance credit despite factors raised by defendant. Iss. 4/21/14 Pg. 8

### **§490 Effect of Guilty Plea**

---

1st Circuit says court should have resolved claim that government improperly refused to move for acceptance reduction. Iss. 4/20/15 Pg. 6

9th Circuit finds error in withholding third acceptance point in return for appeal waiver. Iss. 4/20/15 Pg. 6

8th Circuit denies acceptance reduction to defendant who attempted to withdraw plea. Iss. 4/6/15 Pg. 4

8th Circuit denies acceptance reduction despite claim that defendant went to trial for limited purpose. Iss. 3/23/15 Pg. 8

5th Circuit denies acceptance reduction where defendant continued to assert innocence. Iss. 1/26/15 Pg. 5

7th Circuit denies acceptance reduction where defendant did not admit offense until sentencing. Iss. 11/3/14 Pg. 8

10th Circuit upholds government's decision to withhold motion for acceptance reduction. Iss. 8/11/14 Pg. 6

5th Circuit finds any breach of plea agreement harmless because acceptance reduction was unlikely. Iss. 6/16/14 Pg. 5

3rd Circuit says nolo contendere plea did not automatically preclude acceptance reduction. Iss. 6/2/14 Pg. 8

### **§492 Effect of Perjury/Obstruction**

---

7th Circuit upholds obstruction increase and denial of acceptance reduction for encouraging witness to ignore trial subpoena. Iss. 5/5/14 Pg. 6

1st Circuit denies acceptance credit despite factors raised by defendant. Iss. 4/21/14 Pg. 8

7th Circuit rejects acceptance credit where defendant used alias throughout court proceedings. Iss. 4/21/14 Pg. 9

### **§500 Criminal History, Generally (§4A1.1)**

---

1st Circuit says defendant admitted participating in charged conspiracy during term of supervised release. Iss. 3/23/15 Pg. 8

1st Circuit relies on relevant conduct to enhance sentence for pattern of sexual conduct. Iss. 12/1/14 Pg. 1

6th Circuit approves criminal history points for committing current offense while on probation. Iss. 5/19/14 Pg. 6

### **§504 Prior Convictions (§4A1.2)**

---

Commission clarifies "single sentence" rule for determining predicate offenses. Iss. 5/4/15 Pg. 7

5th Circuit holds that sentence discharged by correctional administrator was not suspended. Iss. 4/20/15 Pg. 5

8th Circuit says offenses were separated by intervening arrest where defendant was served with bench warrant while in custody. Iss. 4/20/15 Pg. 7

9th Circuit reverses use of modified categorical approach to hold assault was intentional. Iss. 4/6/15 Pg. 4

9th Circuit rules Hawaii escape was not a crime of violence under modified categorical approach. Iss. 4/6/15 Pg. 5

9th Circuit finds prior New Jersey criminal sexual contact offense was a "crime of violence." Iss. 3/9/15 Pg. 3

1st Circuit holds Maine gross sexual assault of child under 14 was categorically a crime of violence. Iss. 2/23/15 Pg. 6

2nd Circuit rules that sentence after *Alford* plea qualified as "prior sentence." Iss. 2/9/15 Pg. 6

7th Circuit includes prior forgery conviction in criminal history, not relevant conduct. Iss. 2/9/15 Pg. 1

9th Circuit says delivery of heroin in Washington is a drug-trafficking crime. Iss. 2/9/15 Pg. 5

9th Circuit holds that California assault with a deadly weapon is crime of violence. Iss. 1/26/15 Pg. 5

9th Circuit finds second-degree burglary in Washington was aggravated felony. Iss. 12/29/14 Pg. 3

7th Circuit reverses criminal history based on conviction under unconstitutional statute. Iss. 12/15/14 Pg. 5

8th Circuit finds no violation of right to counsel in prior state convictions. Iss. 12/15/14 Pg. 5

9th Circuit finds California possession for sale of cocaine to be a drug-trafficking crime. Iss. 11/17/14 Pg. 8

9th Circuit says felon in possession in California is not an aggravated felony. Iss. 11/3/14 Pg. 6

4th Circuit reverses error in calculating criminal history as plain error. Iss. 10/6/14 Pg. 9

8th Circuit says 2008 pseudoephedrine offense was not relevant conduct for current meth conspiracy. Iss. 10/6/14 Pg. 5

8th Circuit affirms use of stipulated date in plea agreement for start of offense. Iss. 10/6/14 Pg. 8

9th Circuit finds prior juvenile conviction was a felony. Iss. 9/8/14 Pg. 4

9th Circuit says possession for sale of marijuana is an aggravated felony. Iss. 9/8/14 Pg. 4

9th Circuit says California second-degree burglary is not an aggravated felony. Iss. 8/25/14 Pg. 5

7th Circuit finds defendant joined gang before date listed in federal indictment. Iss. 7/28/14 Pg. 8

9th Circuit reverses order terminating probation *nunc pro tunc* to date before offense. Iss. 7/14/14 Pg. 7

9th Circuit says decision whether prior offenses separated by arrest may rest on computer printouts. Iss. 7/14/14 Pg. 7

9th Circuit finds harmless use of three-year probationary sentenced later shortened to less than a year. Iss. 7/14/14 Pg. 8

10th Circuit clarifies how to decide whether a prior offense is a felony. Iss. 6/30/14 Pg. 7

6th Circuit finds defendant's imprisonment for prior offenses continued into 15-year window. Iss. 6/16/14 Pg. 5

9th Circuit says Arizona attempted sexual abuse satisfied modified categorical approach. Iss. 6/16/14 Pg. 4

9th Circuit says two California offenses constitute sexual abuse of a minor. Iss. 6/2/14 Pg. 4

9th Circuit holds battery with injury on police officer is a crime of violence. Iss. 6/2/14 Pg. 6

10th Circuit says court properly counted convictions for which civil rights had been restored. Iss. 6/2/14 Pg. 5

1st Circuit holds that two prior drug sales were separate for criminal history purposes. Iss. 5/19/14 Pg. 8

9th Circuit says Arizona aggravated assault is "crime of violence." Iss. 5/19/14 Pg. 4

10th Circuit reverses where court relied on unproven convictions. Iss. 5/19/14 Pg. 7

9th Circuit finds Arizona sexual conduct with a minor is not crime of violence. Iss. 5/5/14 Pg. 4

9th Circuit rejects use of affirmative defense to determine if prior is aggravated felony. Iss. 4/21/14 Pg. 5

9th Circuit says assault on a federal officer is not categorically a crime of violence. Iss. 4/21/14 Pg. 5

5th Circuit says offenses separated by intervening arrest were properly treated as separate. Iss. 4/7/14 Pg. 5

7th Circuit finds state drug/firearms offense was not part of current offense. Iss. 4/7/14 Pg. 6

### **§510 Cases Upholding Departures for Criminal History (§4A1.3)**

---

8th Circuit approves criminal history departure based on prior similar criminal conduct. Iss. 4/20/15 Pg. 7

10th Circuit approves uncounted alcohol-related prior convictions as grounds for upward variance. Iss. 8/25/14 Pg. 6

8th Circuit allows large variance for under-represented criminal history. Iss. 6/30/14 Pg. 2

**§514 Cases Rejecting Departures for Criminal History (§4A1.3)**

---

1st Circuit upholds refusal to grant criminal history departure. Iss. 4/21/14 Pg. 9

**§520 Career Offenders (§4B1.1)**

---

4th Circuit holds that North Carolina kidnapping fit within generic definition of kidnapping. Iss. 5/4/15 Pg. 5

4th Circuit says later-nullified career offender finding is not cognizable on collateral review. Iss. 5/4/15 Pg. 7

8th Circuit rules possession of pseudoephedrine was "controlled substance offense" for career offender purposes. Iss. 5/4/15 Pg. 7

Commission clarifies "single sentence" rule for determining predicate offenses. Iss. 5/4/15 Pg. 7

1st Circuit holds that flight from police while driving wrong way on highway was crime of violence. Iss. 4/20/15 Pg. 7

8th Circuit says offenses were separated by intervening arrest where defendant was served with bench warrant while in custody. Iss. 4/20/15 Pg. 7

9th Circuit says Arizona aggravated assault conviction was not "crime of violence." Iss. 4/20/15 Pg. 6

5th Circuit upholds career offender status despite claim that prior guilty plea was involuntary. Iss. 4/6/15 Pg. 5

8th Circuit finds Missouri burglaries of commercial buildings were crimes of violence. Iss. 4/6/15 Pg. 5

8th Circuit approves alternate ground for career offender sentence. Iss. 4/6/15 Pg. 5

9th Circuit rules Hawaii escape was not a crime of violence under modified categorical approach. Iss. 4/6/15 Pg. 5

11th Circuit remands where charging document did not show mental state for prior conviction. Iss. 3/9/15 Pg. 3

1st Circuit holds Maine gross sexual assault of child under 14 was categorically a crime of violence. Iss. 2/23/15 Pg. 6

6th Circuit holds that defendant waived challenge to career offender status. Iss. 2/23/15 Pg. 6

6th Circuit finds court knew it could depart or vary based on age of predicate convictions. Iss. 2/23/15 Pg. 6

10th Circuit rules Colorado "sexual assault-10 years age difference" was not a crime of violence. Iss. 2/23/15 Pg. 4

1st Circuit says prior conviction not too remote where suspended sentence was later revoked. Iss. 2/9/15 Pg. 6

1st Circuit says government did not show that use of "intimidation" against public officials was crime of violence. Iss. 2/9/15 Pg. 7

3rd Circuit finds prior was "serious drug offense" and "controlled substance offense" despite lack of *mens rea* as to drug's illicit nature. Iss. 1/26/15 Pg. 6

5th Circuit finds Texas stalking was not crime of violence, but error was harmless. Iss. 1/26/15 Pg. 5

8th Circuit says career offender not eligible for crack sentence reduction under Amendment 782. Iss. 1/26/15 Pg. 2

2nd Circuit holds that New York statutory rape is not categorically crime of violence. Iss. 12/29/14 Pg. 3

5th Circuit finds Louisiana conviction for sexual battery was crime of violence. Iss. 12/29/14 Pg. 3

4th Circuit reverses upward departure to life sentence as substantively unreasonable. Iss. 12/15/14 Pg. 5

11th Circuit, *en banc*, says misapplying career offender guideline was not "mis-carriage of justice." Iss. 12/1/14 Pg. 4

4th Circuit holds California first-degree burglary was a crime of violence. Iss. 11/17/14 Pg. 7

5th Circuit rules Maryland conspiracy to commit robbery with a deadly weapon was crime of violence. Iss. 11/17/14 Pg. 8

5th Circuit finds Indiana conviction for sexual misconduct with minor was crime of violence. Iss. 11/17/14 Pg. 8

5th Circuit relies on sentencing sheet to find South Carolina conviction was drug trafficking offense. Iss. 11/17/14 Pg. 8

5th Circuit holds that New York attempted second-degree burglary was crime of violence. Iss. 11/17/14 Pg. 7

9th Circuit says California conviction for possessing or transporting drugs is divisible. Iss. 11/17/14 Pg. 8

9th Circuit reaffirms that career offenders are not entitled to retroactive crack reduction. Iss. 11/17/14 Pg. 3

5th Circuit holds that sentence was "based on" the guidelines range for current sentence, not the range used at original sentencing. Iss. 11/3/14 Pg. 3

5th Circuit finds Texas conviction for theft without effective consent was aggravated felony. Iss. 11/3/14 Pg. 6

8th Circuit says *Alleyne* permits career offender finding based on prior convictions. Iss. 11/3/14 Pg. 2

5th Circuit finds no "realistic probability" that Texas would apply drug statute overbroadly. Iss. 10/20/14 Pg. 7

5th Circuit counts offenses for which defendant had not been sentenced as predicate career offender offenses. Iss. 10/20/14 Pg. 8

6th Circuit says finding New York burglaries were crime of violence was not plain error given confusion among courts. Iss. 10/20/14 Pg. 6

3rd Circuit holds that Pennsylvania terroristic threats convictions were not "crimes of violence." Iss. 10/20/14 Pg. 8

8th Circuit rules enumerated offense was crime of violence regardless of whether it had force element. Iss. 10/6/14 Pg. 7

1st Circuit allows government to introduce newly relevant evidence at resentencing. Iss. 9/22/14 Pg. 2

1st Circuit holds that simple assault was not crime of violence. Iss. 9/22/14 Pg. 5

8th Circuit rejects career offender status where predicate was aggregated with non-qualifying sentence. Iss. 9/22/14 Pg. 7

4th Circuit rules North Carolina offense was a felony despite binding plea agreement with range of 10-12 months. Iss. 9/8/14 Pg. 4

6th Circuit reverses crack reduction where defendant was sentenced to mandatory minimum. Iss. 9/8/14 Pg. 1

4th Circuit holds that Maryland first-degree burglary was not crime of violence. Iss. 8/11/14 Pg. 4

9th Circuit upholds Commission's basing career offender guidelines on prior state felonies. Iss. 8/11/14 Pg. 6

5th Circuit says Florida attempted aggravated battery on officer with officer's gun was crime of violence. Iss. 7/28/14 Pg. 5

8th Circuit reverses increase for prior "firearms" offense, where court improperly relied on superseded information. Iss. 8/11/14 Pg. 4

5th Circuit relies on judicial confession to find that Texas burglary was crime of violence. Iss. 7/28/14 Pg. 8

11th Circuit upholds finding that Georgia conviction for enticing a child for indecent purposes was crime of violence. Iss. 7/28/14 Pg. 6

5th Circuit rules that leaving halfway house was not crime of violence. Iss. 7/14/14 Pg. 5

4th Circuit finds Maryland breaking and entering is not a crime of violence because it can be committed by negligence. Iss. 6/30/14 Pg. 5

5th Circuit says prior Texas indecency with a minor by contact was sexual abuse of a minor. Iss. 6/30/14 Pg. 5

5th Circuit uses modified categorical approach to find Texas burglary was crime of violence. Iss. 6/30/14 Pg. 6

6th Circuit says prior offense was separate even though part of criminal episode. Iss. 6/30/14 Pg. 7

10th Circuit clarifies how to decide whether a prior offense is a felony. Iss. 6/30/14 Pg. 7

1st Circuit holds that two prior drug sales were separate for criminal history purposes. Iss. 5/19/14 Pg. 6

7th Circuit says crack defendant resentenced as career offender not entitled to second resentencing. Iss. 5/19/14 Pg. 1

8th Circuit rules Michigan third-degree conviction for fleeing and eluding police was crime of violence. Iss. 5/19/14 Pg. 7

4th Circuit permits collateral review of incorrect application of career offender increase. Iss. 5/5/14 Pg. 7

11th Circuit holds that Florida conviction for vehicular flight was "crime of violence." Iss. 4/21/14 Pg. 4

5th Circuit says offenses separated by intervening arrest were properly treated as separate. Iss. 4/7/14 Pg. 5

#### **§540 Armed Career Criminal Act (§4B1.4)**

---

2nd Circuit says New York drug conviction replaced by youthful offender adjudication did not qualify as ACCA conviction. Iss. 5/18/15 Pg. 6

Commission clarifies "single sentence" rule for determining predicate offenses. Iss. 5/4/15 Pg. 7

7th Circuit upholds drug quantity estimate based on drug supplier's testimony and drug paraphernalia. Iss. 4/6/15 Pg. 4

7th Circuit rules that defendant possessed firearm "in connection with" drug offense. Iss. 4/6/15 Pg. 6

11th Circuit remands where plea agreement failed to state ACCA sentence. Iss. 4/6/15 Pg. 6

1st Circuit says Maine burglaries were violent felonies even though they did not involve a dwelling. Iss. 3/23/15 Pg. 8

6th Circuit holds Tennessee conviction for attempted aggravated arson was violent felony. Iss. 2/23/15 Pg. 7

Supreme Court orders re-argument on validity of ACCA residual clause. Iss. 2/9/15 Pg. 5

6th Circuit holds that Ohio arson was violent felony. Iss. 2/9/15 Pg. 7

6th Circuit holds that Ohio domestic-violence convictions qualified as violent felonies. Iss. 2/9/15 Pg. 7

3rd Circuit finds prior was "serious drug offense" and "controlled substance offense" despite lack of *mens rea* as to drug's illicit nature. Iss. 1/26/15 Pg. 6

8th Circuit says below-guideline ACCA sentence was not unreasonably high. Iss. 1/26/15 Pg. 6

9th Circuit rejects second or second petition challenging ACCA sentence. Iss. 1/26/15 Pg. 6

10th Circuit holds that pointing firearm at another constituted violent felony under ACCA. Iss. 1/12/15 Pg. 6

1st Circuit says Florida vehicular flight conviction was violent felony. Iss. 12/29/14 Pg. 4

3rd Circuit says *Alleyne* did not apply to prior ACCA convictions. Iss. 12/15/14 Pg. 1

2nd Circuit limits court to *Shepard* documents in deciding whether crimes are separate under ACCA. Iss. 12/1/14 Pg. 4

2nd Circuit reverses where court improperly relied on PSR in finding crimes were separate under ACCA. Iss. 12/1/14 Pg. 5

4th Circuit says documents adequately supported finding of prior robbery conviction. Iss. 12/1/14 Pg. 5

6th Circuit rules Kentucky conviction for fleeing in a motor vehicle from police was violent felony. Iss. 12/1/14 Pg. 5

9th Circuit says attempted robbery under California law is a violent felony. Iss. 12/1/14 Pg. 3

9th Circuit says flight from officer is a violent felony under ACCA. Iss. 11/17/14 Pg. 7

10th Circuit says ACCA's use of state law to define predicate offense does not violate equal protection. Iss. 11/17/14 Pg. 2

7th Circuit says court lacked authority to sentence below mandatory 15-year ACCA minimum. Iss. 11/3/14 Pg. 8

8th Circuit holds that Missouri attempted burglary was not a violent felony. Iss. 11/3/14 Pg. 8

6th Circuit says statute gave adequate notice that felon's possession of ammunition is illegal. Iss. 10/20/14 Pg. 2

6th Circuit upholds 15-year ACCA sentence for possessing shells as not cruel or unusual. Iss. 10/20/14 Pg. 2

6th Circuit rules New York burglary convictions were not categorically violent felonies under the ACCA. Iss. 10/20/14 Pg. 9

10th Circuit holds Oklahoma conspiracy was a serious drug offense under ACCA. Iss. 10/20/14 Pg. 9

11th Circuit says Florida burglaries were violent felonies. Iss. 10/20/14 Pg. 9

11th Circuit relies on charging documents to find burglaries were committed on different occasions. Iss. 10/20/14 Pg. 9

6th Circuit says predicate ACCA convictions need not be submitted to jury. Iss. 8/25/14 Pg. 1

9th Circuit finds using vehicle to elude police under Oregon law is a violent felony. Iss. 8/25/14 Pg. 6

9th Circuit reaffirms that first-degree burglary in Oregon is a violent felony. Iss. 8/25/14 Pg. 6

4th Circuit rules North Carolina breaking and entering convictions were violent felonies. Iss. 7/14/14 Pg. 8

8th Circuit holds Arkansas first-degree carnal abuse was violent felony. Iss. 7/14/14 Pg. 8

8th Circuit holds Minnesota conviction for fleeing a police officer in a motor vehicle was violent felony. Iss. 7/14/14 Pg. 8

4th Circuit upholds use of general court martial convictions to sentence defendant under ACCA. Iss. 6/30/14 Pg. 7

6th Circuit finds Kentucky facilitation to commit robbery, first degree, was violent felony. Iss. 6/16/14 Pg. 5

Supreme Court to decide if possession of short-barreled shotgun is a violent felony. Iss. 5/5/14 Pg. 7

6th Circuit says government failed to show that first robbery ended before second robbery began. Iss. 5/5/14 Pg. 7

1st Circuit rules Massachusetts assault and battery on court officer was violent felony. Iss. 4/7/14 Pg. 6

**§580 Supervised Release (§5D)  
(for Revocation, see §800)**

---

7th Circuit rejects several "standard" conditions of supervised release as vague and overbroad. Iss. 5/18/15 Pg. 6

7th Circuit rejects as vague and overbroad condition of release barring use of "mood-altering substance." Iss. 5/18/15 Pg. 6

8th Circuit upholds lifetime term of supervised release. Iss. 5/18/15 Pg. 6

8th Circuit rejects ban on all internet access where defendant only possessed adult porn. Iss. 5/18/15 Pg. 6

7th Circuit outlines four sentencing principles for imposing conditions of supervised release. Iss. 5/4/15 Pg. 8

7th Circuit says request for ten-year term of supervised release was not "principal" argument requiring discussion by judge. Iss. 5/4/15 Pg. 8

7th Circuit finds standard conditions imposed without explanation were overbroad and ambiguous. Iss. 5/4/15 Pg. 8

7th Circuit vacates ban on "mood-altering substance" imposed without findings. Iss. 5/4/15 Pg. 8

7th Circuit reverses bans on viewing or receiving legal pornography and viewing Internet. Iss. 5/4/15 Pg. 9

7th Circuit says issue of plethysmograph testing was not ripe, but upholds computer monitoring condition. Iss. 5/4/15 Pg. 9

7th Circuit reverses prohibition on contact with all minors for lack of evidence defendant was bisexual. Iss. 5/4/15 Pg. 9

7th Circuit rules judge adequately explained reasons for no-contact with minors, but condition was overbroad. Iss. 5/4/15 Pg. 9

7th Circuit says search condition of supervised release was not plain error. Iss. 5/4/15 Pg. 9

1st Circuit declines to enforce waiver of appeal of special conditions that interfered with defendant's relationship with son. Iss. 4/20/15 Pg. 8

4th Circuit says lifetime term of supervised release for child porn offense was substantively reasonable. Iss. 4/20/15 Pg. 8

8th Circuit rejects alcohol prohibition for defendant who only used marijuana every other month. Iss. 4/20/15 Pg. 8

8th Circuit upholds prohibition against contact with minors. Iss. 4/20/15 Pg. 8

4th Circuit says lifetime term of supervised release for child porn offense was procedurally reasonable. Iss. 4/20/15 Pg. 8

1st Circuit reverses where 20-year supervised release term was based on belief that SORNA was a "sex offense." Iss. 4/6/15 Pg. 6

1st Circuit rejects condition of supervised release barring possession of pornographic materials. Iss. 4/6/15 Pg. 6

1st Circuit says challenge to supervised release condition requiring penile plethysmograph testing was ripe. Iss. 4/6/15 Pg. 7

1st Circuit reverses supervised release condition requiring submission to penile plethysmograph testing. Iss. 4/6/15 Pg. 7

6th Circuit approves supervised release for deportable alien despite failure to discuss § 5D1.1(c). Iss. 4/6/15 Pg. 7

7th Circuit remands for failure to explain reasons for conditions of supervised release. Iss. 4/6/15 Pg. 7

1st Circuit says supervised release treatment condition was not improper delegation of authority. Iss. 3/9/15 Pg. 4

1st Circuit upholds supervised release condition limiting contact with children. Iss. 3/9/15 Pg. 5

1st Circuit holds that sex-offender treatment for SORNA defendant was reasonable. Iss. 3/9/15 Pg. 4

- 4th Circuit holds that SORNA offense was not "sex offense" for supervised release purposes. Iss. 3/9/15 Pg. 5
- 5th Circuit upholds restriction barring defendant from places where minors were known to frequent. Iss. 3/9/15 Pg. 5
- 10th Circuit reverses occupational restriction on supervised release without required findings. Iss. 3/9/15 Pg. 5
- 2nd Circuit bars delegating decision between inpatient and outpatient drug treatment to probation officer. Iss. 2/23/15 Pg. 7
- 2nd Circuit bars delegating decision between inpatient and outpatient drug treatment to probation officer. Iss. 2/23/15 Pg. 7
- 5th Circuit reverses requiring monitoring software where no criminal history involving use of computer. Iss. 2/9/15 Pg. 7
- 6th Circuit reverses application of pre-FSA minimum term of supervised release. Iss. 2/9/15 Pg. 2
- 7th Circuit rejects lifetime term of supervised release without articulated justification. Iss. 2/9/15 Pg. 8
- 7th Circuit rejects bar on contact with persons under 18. Iss. 2/9/15 Pg. 8
- 7th Circuit rejects multiple conditions of supervised release as inappropriate or vague. Iss. 2/9/15 Pg. 8
- 7th Circuit rejects supervised release conditions "riddled with ambiguities." Iss. 2/9/15 Pg. 8
- 7th Circuit rejects overbroad conditions of supervised release. Iss. 2/9/15 Pg. 9
- 7th Circuit reverses where court's handling of supervised release was "seriously flawed." Iss. 2/9/15 Pg. 9
- 7th Circuit removes ban on "mood-altering substances" that was not in orally-announced conditions. Iss. 2/9/15 Pg. 9
- 7th Circuit approves re-imposition of requirement that defendant attend sex offender treatment. Iss. 2/9/15 Pg. 9
- 7th Circuit approves re-imposition of requirement that defendant attend sex offender treatment. Iss. 2/9/15 Pg. 10
- 7th Circuit upholds requirement that defendant pay for alcohol and mental health services. Iss. 2/9/15 Pg. 10
- 9th Circuit upholds supervised release for defendant facing deportation. Iss. 1/26/15 Pg. 6
- 10th Circuit reverses restriction on defendant's contact with daughter. Iss. 1/26/15 Pg. 6
- 9th Circuit rejects supervised release condition barring access to simulated adult sex. Iss. 1/12/15 Pg. 6
- 4th Circuit remands for reconsideration of supervised release for SORNA offense. Iss. 12/29/14 Pg. 4
- 10th Circuit finds defendant waived challenge to special condition of release. Iss. 12/1/14 Pg. 5
- 10th Circuit upholds ban of use of a camera as special condition of supervised release. Iss. 12/1/14 Pg. 5
- 10th Circuit finds old sex offenses reasonably related to special sex offender convictions of release. Iss. 11/17/14 Pg. 10
- 10th Circuit reverses condition of supervised release limiting defendant's contact with his children. Iss. 11/17/14 Pg. 10
- 10th Circuit upholds supervised release condition requiring sex offender mental health assessment. Iss. 11/17/14 Pg. 10
- 7th Circuit rejects payment condition imposed on indigent defendant without ability to pay contingency. Iss. 11/3/14 Pg. 8
- 7th Circuit reverses broad condition of supervised release requiring defendant submit to searches and seizures. Iss. 11/3/14 Pg. 8
- 9th Circuit vacates alcohol and drug treatment conditions for insufficient support. Iss. 11/3/14 Pg. 9
- Commission resolves conflicts in supervised release minimums and for sex offenders. Iss. 11/3/14 Pg. 9
- 1st Circuit says waiver of appeal did not apply to supervised release condition not announced orally. Iss. 10/20/14 Pg. 10
- 7th Circuit reverses conditions of supervised release not orally announced at sentencing. Iss. 10/6/14 Pg. 9
- 1st Circuit reverses ban on computer and internet as unreasonable. Iss. 9/22/14 Pg. 7
- 1st Circuit reverses unexplained ban on possessing "any pornographic material." Iss. 9/22/14 Pg. 7
- 7th Circuit rejects sex-offender program as condition of supervised release for drug and firearm defendant. Iss. 7/28/14 Pg. 8
- 7th Circuit vacates two supervised release conditions that did not bear relationship to defendant's crimes. Iss. 7/28/14 Pg. 8
- 7th Circuit remands where court did not explain why life term of supervised release was appropriate. Iss. 7/28/14 Pg. 8
- 7th Circuit directs court to specify what constitutes excessive use of alcohol for defendant. Iss. 7/28/14 Pg. 8
- 7th Circuit rejects supervised release condition requiring computer monitoring. Iss. 7/28/14 Pg. 9
- 7th Circuit reverses condition of supervised release barring defendant from unsupervised contact with children, including his own. Iss. 7/28/14 Pg. 9
- 7th Circuit upholds requirement that defendant undergo sex offender treatment. Iss. 7/28/14 Pg. 10
- 7th Circuit grants limited remand so court can narrowly tailor child porn defendant's conditions of supervised release. Iss. 7/28/14 Pg. 10
- 6th Circuit says failure to explicitly explain reason for life term of supervised release was not plain error. Iss. 6/30/14 Pg. 4
- 9th Circuit upholds supervised release term for alien who would be deported. Iss. 5/19/14 Pg. 7
- 5th Circuit says failure to register is not a sex offense, but error was not clear. Iss. 4/21/14 Pg. 9
- 9th Circuit reverses insufficient reasons for denying supervised release termination. Iss. 4/21/14 Pg. 9



Commission resolves conflicts in supervised release minimums and for sex offenders. Iss. 4/21/14 Pg. 9

**§610 Restitution (§5E1.1)**

9th Circuit rejects restitution to Canada in fraud prosecution. Iss. 5/18/15 Pg. 7

10th Circuit reverses improperly calculated restitution in mortgage fraud case. Iss. 5/18/15 Pg. 7

10th Circuit rejects use of retail price for restitution where no evidence that victim lost sales. Iss. 3/23/15 Pg. 9

10th Circuit rejects restitution for unverified estimate of victim's expenses. Iss. 3/23/15 Pg. 9

11th Circuit declines to reduce restitution for legitimate medical services allegedly provided. Iss. 3/23/15 Pg. 9

10th Circuit vacates restitution order in child porn case based on *Paroline*. Iss. 3/9/15 Pg. 5

11th Circuit upholds restitution based on reasonable estimate of loss. Iss. 1/12/15 Pg. 7

5th Circuit says loss to victims who purchased mortgage on secondary market cannot be based on original loan amount. Iss. 12/29/14 Pg. 5

7th Circuit holds that defendant's merchant bank was victim of his fraud scheme. Iss. 9/22/14 Pg. 7

9th Circuit upholds restitution for money laundering arising from fraudulent loans. Iss. 9/8/14 Pg. 5

9th Circuit says restitution to loan purchaser should be based on amount paid for the loan. Iss. 9/8/14 Pg. 5

7th Circuit holds defendant jointly liable under MVRA for all losses from fraud conspiracy. Iss. 8/25/14 Pg. 6

8th Circuit affirms restitution specified in plea agreement, but remands to consider ability to pay. Iss. 8/25/14 Pg. 7

8th Circuit upholds enhancement but rejects restitution based on pre-offense relevant conduct. Iss. 8/25/14 Pg. 3

4th Circuit affirms despite failure to comply with MVRA's procedural requirements. Iss. 8/11/14 Pg. 6

11th Circuit holds judgment deferring restitution was final for appeal purposes. Iss. 8/11/14 Pg. 6

7th Circuit holds that currency exchanges were victims of fraud despite part-owner's complicity in scheme. Iss. 7/28/14 Pg. 10

2nd Circuit reverses using company's plea agreements to determine restitution owed by its employees. Iss. 6/30/14 Pg. 7

Supreme Court defines extent of restitution when victim is fraudulently induced to make loan. Iss. 5/19/14 Pg. 7

6th Circuit holds defendant liable for Coast Guard's full costs for false report of boat in distress. Iss. 5/19/14 Pg. 8

6th Circuit upholds restitution to Canadian Armed Forces. Iss. 5/19/14 Pg. 8

7th Circuit says refinancing banks were not victims because they did not rely on fraudulent information. Iss. 5/19/14 Pg. 8

Supreme Court explains extent of restitution for child pornography victims. Iss. 5/5/14 Pg. 3

7th Circuit upholds restitution in mortgage fraud scheme. Iss. 4/21/14 Pg. 10

D.C. Circuit says restitution for acquitted counts was not plain error. Iss. 4/21/14 Pg. 10

10th Circuit reverses belated reduction in restitution. Iss. 4/7/14 Pg. 6

**§630 Fines and Assessments (§5E4.2)**

Commission adjusts loss and fine tables for inflation. Iss. 5/4/15 Pg. 3

5th Circuit holds that court did not encroach on BOP's authority by setting monthly payment schedules for fines. Iss. 4/20/15 Pg. 9

5th Circuit approves fine based on potential prison earnings and earning potential after release. Iss. 4/20/15 Pg. 9

8th Circuit approves \$25,000 fine where court found defendant would be able to pay it in the future. Iss. 9/22/14 Pg. 8

9th Circuit upholds fine for antitrust conviction. Iss. 7/14/14 Pg. 8

9th Circuit upholds fine for firearms possession. Iss. 4/7/14 Pg. 6

**§650 Consecutive Sentences (§5G)**

7th Circuit affirms consecutive sentences for federal robbery and state attempted murder. Iss. 5/18/15 Pg. 7

7th Circuit upholds making felon-in-possession sentence consecutive to unrelated state sentence. Iss. 5/18/15 Pg. 7

8th Circuit says consecutive sentences for counterfeiting and fraud charges were reasonable. Iss. 4/20/15 Pg. 3

7th Circuit upholds consecutive bribery sentence. Iss. 4/6/15 Pg. 8

7th Circuit upholds consecutive sentence under § 5G1.3(c) where robbery and escape were unrelated. Iss. 2/23/15 Pg. 7

7th Circuit approves consecutive sentence for escape conviction. Iss. 2/23/15 Pg. 8

8th Circuit rejects claim the court made sentence consecutive to undischarged civil commitment. Iss. 12/15/14 Pg. 6

Commission clarifies guidelines where defendant is subject to another term of imprisonment. Iss. 11/3/14 Pg. 6

5th Circuit says consecutive sentence to not-yet-imposed sentence was error, but not plain. Iss. 9/22/14 Pg. 8

7th Circuit upholds consecutive sentence for witness retaliation. Iss. 10/6/14 Pg. 9

7th Circuit rejects ex post facto challenge where grouped counts spanned guideline change. Iss. 9/22/14 Pg. 2

8th Circuit affirms use of stipulated date in plea agreement for start of offense. 10/6/14 Pg. 8

8th Circuit affirms making 240-month child porn sentence consecutive to state-court sentence. Iss. 10/6/14 Pg. 9

7th Circuit upholds consecutive maximum sentences to reach 60-year sentence. Iss. 7/28/14 Pg. 4

2nd Circuit says court need not decide if federal sentence is concurrent or consecutive to state sentence. Iss. 6/30/14 Pg. 8

9th Circuit finds no error in ordering sentence to run consecutively to state sentence. Iss. 6/30/14 Pg. 8

8th Circuit upholds reasonableness of four consecutive sentences totaling 840 months. Iss. 6/2/14 Pg. 8

1st Circuit approves running sentence consecutively to revocation sentence. Iss. 5/19/14 Pg. 8

Commission clarifies guidelines where defendant is subject to another term of imprisonment. Iss. 4/21/14 Pg. 6

2nd Circuit reverses sentence ordered to run concurrently to discharged state sentence. Iss. 4/7/14 Pg. 6

7th Circuit says grouping and "one book" rules gave sufficient notice to avoid ex post facto problems. Iss. 4/7/14 Pg. 2

### **§710 Substantial Assistance Departures (§5K1)**

---

7th Circuit finds no error in judge's failure to mention defendant's proffer to law enforcement. Iss. 5/4/15 Pg. 10

9th Circuit upholds rejection of substantial assistance motion. Iss. 11/17/14 Pg. 10

6th Circuit finds no breach despite government's failure to move for substantial assistance departure. Iss. 9/22/14 Pg. 8

8th Circuit approves departure from top, rather than bottom, of defendant's guideline range. Iss. 9/22/14 Pg. 9

### **§711 Rule 35(b) Substantial Assistance Motions**

---

4th Circuit says extent of § 3553(e) departure must be based solely on defendant's substantial assistance. Iss. 11/3/14 Pg. 4

10th Circuit says court lacked jurisdiction to reduce sentence where information was

useful before one-year deadline. Iss. 11/3/14 Pg. 9

### **§712 Necessity for Government Motion**

---

D.C. Circuit finds government did not breach plea agreement. Iss. 8/25/14 Pg. 7

### **§715 Specific Grounds for Departure (§5K2)**

---

8th Circuit approves upward departure for "horrendous record of offending against children." Iss. 2/9/15 Pg. 5

5th Circuit approves upward departure where defendant had previously been permitted to plead to lesser charge. Iss. 1/12/15 Pg. 5

1st Circuit approves upward variance for defendant who harassed ex for four years. Iss. 6/2/14 Pg. 9

### **§716 Disparity Between Co-Defendants**

---

1st Circuit upholds sentence at bottom of advisory guideline range. Iss. 5/4/15 Pg. 10

1st Circuit finds no error in attributing pure meth to defendant while attributing impure meth to co-conspirator. Iss. 4/20/15 Pg. 9

1st Circuit finds no sentencing disparity where defendants were not similarly situated. Iss. 4/20/15 Pg. 9

8th Circuit says court properly considered sentencing disparity with co-defendant. Iss. 4/6/15 Pg. 8

1st Circuit holds sentencing disparity was justified by difference in culpability. Iss. 3/23/15 Pg. 9

8th Circuit finds no unwarranted sentence disparities. Iss. 3/23/15 Pg. 10

6th Circuit affirms despite defendant's claim that below-guidelines sentence was disproportionate. Iss. 1/26/15 Pg. 7

11th Circuit holds that sentencing disparity was not unwarranted. Iss. 1/12/15 Pg. 7

8th Circuit says confederates not prosecuted in federal court were not similarly situated to defendant. Iss. 1/12/15 Pg. 7

1st Circuit says below-guideline sentence was not unreasonably high. Iss. 12/15/14 Pg. 6

D.C. Circuit finds no requirement to consider disparity between federal and D.C. guidelines. Iss. 12/15/14 Pg. 6

1st Circuit says court adequately considered mitigating factors raised by defendant. Iss. 11/17/14 Pg. 11

7th Circuit says judge understood that she could consider cases in other districts. Iss. 10/20/14 Pg. 10

7th Circuit affirms below guidelines sentence as not too high. Iss. 10/6/14 Pg. 9

8th Circuit upholds 40-year fraud sentence where guidelines recommended life sentence. Iss. 8/25/14 Pg. 7

10th Circuit upholds 192-month sentence for drunk driving crash that killed three. Iss. 8/25/14 Pg. 7

11th Circuit approves 1062-month sentence for multiple § 924(c) offenses. Iss. 7/14/14 Pg. 9

11th Circuit approves life sentence for coercing vulnerable girls to work as prostitutes. Iss. 6/30/14 Pg. 5

9th Circuit holds that 46-month sentence for stalking was not disparate. Iss. 6/16/14 Pg. 6

7th Circuit approves sentence at bottom of guidelines range. Iss. 6/2/14 Pg. 9

1st Circuit upholds life sentence despite shorter sentences for those who pled guilty. Iss. 5/19/14 Pg. 8

10th Circuit says court is not required to consider sentences received by state court defendants. Iss. 5/19/14 Pg. 9

### **§719 "Aberrant" Behavior, Rehabilitation**

---

5th Circuit finds no *Tapia* violation where rehabilitation was not primary reason for upward variance. Iss. 5/4/15 Pg. 10

4th Circuit finds not error in discussing rehabilitation at revocation hearing. Iss. 2/23/15 Pg. 8

10th Circuit reverses 24-month revocation sentence imposed for rehabilitative purposes. Iss. 2/23/15 Pg. 8

6th Circuit says *Tapia* allows considering rehabilitation in supervised release conditions. Iss. 1/12/15 Pg. 7

1st Circuit rejects claim that court based sentence on rehabilitative concerns. Iss. 9/8/14 Pg. 5

**§725 Property Damage or Loss, Weapons, Disruption of Gov't. Function, Extreme Conduct, Facilitating Other Offense (§5K2.5-.9)**

11th Circuit approves departures for drugging and filming victims having sex, and distributing videos. Iss. 6/30/14 Pg. 2

**§730 Self-Defense, Necessity, Duress, Diminished Capacity (§5K2.10-.13)**

1st Circuit upholds denial of departure for coercion or duress. Iss. 5/4/15 Pg. 10

**§740 Booker "Variances" and 18 U.S.C. §3553(a) Factors, Generally**

4th Circuit reverses for failure to explain identical sentences for three co-defendants. Iss. 4/6/15 Pg. 8

7th Circuit reverses where unclear whether court considered defendant's mitigating arguments. Iss. 2/9/15 Pg. 4

9th Circuit rejects ineffective assistance as basis for downward variance. Iss. 1/26/15 Pg. 7

6th Circuit says *Tapia* allows considering rehabilitation in supervised release conditions. Iss. 1/12/15 Pg. 7

1st Circuit says court adequately explained sentence at bottom of guideline range. Iss. 9/22/14 Pg. 9

8th Circuit says no notice is required before variance. Iss. 9/8/14 Pg. 6

3rd Circuit, en banc, reverses for lack of meaningful consideration of defendant's cooperation argument. Iss. 8/25/14 Pg. 8

7th Circuit reverses heroin sentence at top of guideline range. Iss. 8/11/14 Pg. 2

8th Circuit finds error in rejecting variance based on finding that defendant had sold drugs for 10 years. Iss. 5/19/14 Pg. 9

**§741 Cases Allowing Variance from Guidelines**

5th Circuit approves upward variance for extreme threats during online video game. Iss. 5/4/15 Pg. 3

5th Circuit finds no *Tapia* violation where rehabilitation was not primary reason for upward variance. Iss. 5/4/15 Pg. 10

1st Circuit approves upward departure for woman who denied involvement in Rwandan genocide. Iss. 4/6/15 Pg. 8

6th Circuit approves upward variance for defendant who repeatedly illegally entered country. Iss. 4/6/15 Pg. 4

8th Circuit approves alternate ground for career offender sentence. Iss. 4/6/15 Pg. 5

1st Circuit approves upward variance based on lack of sincerity and criminal history. Iss. 3/23/15 Pg. 10

11th Circuit approves upward variance based on understated criminal history and kickbacks. Iss. 3/23/15 Pg. 10

1st Circuit affirms upward variance in firearms case. Iss. 2/23/15 Pg. 4

8th Circuit affirms upward variance for mother who posed risk to child and had uncounted criminal history. Iss. 2/23/15 Pg. 9

1st Circuit approves firearm sentence 24 months above mandatory minimum. Iss. 2/9/15 Pg. 10

5th Circuit upholds 600-month sentence for multiple counts of sexual exploitation to produce child porn. Iss. 2/9/15 Pg. 4

8th Circuit approves upward departure for "horrendous record of offending against children." Iss. 2/9/15 Pg. 5

9th Circuit holds that 46-months for illegal reentry is not unreasonable. Iss. 2/9/15 Pg. 6

1st Circuit approves upward variance in drug case. Iss. 1/26/15 Pg. 7

5th Circuit holds that § 3553(a) factors supported alternate justification for sentence. Iss. 1/26/15 Pg. 7

7th Circuit affirms above-guideline sentence based on defendant's violation of supervised release. Iss. 1/26/15 Pg. 8

11th Circuit approves statutory maximum for defendant interested in kidnapping and cannibalizing children. Iss. 12/15/14 Pg. 3

6th Circuit affirms sentence for almost being a career offender. Iss. 11/3/14 Pg. 9

8th Circuit upholds sentence of probation for fraud as not unreasonable. Iss. 10/6/14 Pg. 10

1st Circuit finds court adequately explained reasons for modest upward variance. Iss. 9/8/14 Pg. 6

10th Circuit finds court properly considered mitigating argument before varying upward. Iss. 8/25/14 Pg. 2

10th Circuit approves basing upward variance on post-conviction misbehavior. Iss. 8/25/14 Pg. 8

10th Circuit upholds 192-month sentence for drunk driving crash that killed three. Iss. 8/25/14 Pg. 7

10th Circuit approves uncounted alcohol-related prior convictions as grounds for upward variance. Iss. 8/25/14 Pg. 6

10th Circuit says district court permissibly considered that drunk-driving crash caused multiple deaths. Iss. 8/25/14 Pg. 2

10th Circuit agrees that extreme recklessness supported upward variance in drunk driving case. Iss. 8/25/14 Pg. 3

9th Circuit upholds upward variance in bank robbery prosecution. Iss. 8/11/14 Pg. 2

D.C. Circuit approves upward variance based on previous similar fraud and lack of remorse. Iss. 8/11/14 Pg. 7

11th Circuit approves significant upward variance based on eight-day, multi-state, violent crime spree. Iss. 7/28/14 Pg. 10

1st Circuit says sentence was variance, not upward departure. Iss. 7/14/14 Pg. 9

1st Circuit approves upward variance despite lack of notice to defendant. Iss. 7/14/14 Pg. 9

8th Circuit allows large variance for under-represented criminal history. Iss. 6/30/14 Pg. 2

8th Circuit upholds variance despite government's breach of plea agreement. Iss. 6/30/14 Pg. 3

8th Circuit upholds reasonableness of four consecutive sentences totaling 840 months. Iss. 6/2/14 Pg. 8

5th Circuit approves upward variance for sex offender who failed to register. Iss. 4/21/14 Pg. 10

7th Circuit approves above-guidelines sentence for defendant who hired man to burn down her house. Iss. 4/21/14 Pg. 11

8th Circuit approves upward variance to statutory maximum for sexual predator. Iss. 4/21/14 Pg. 4

7th Circuit says 195-month sentence for 55-year old defendant was not unreasonable. Iss. 4/7/14 Pg. 7

#### **§742 Cases Rejecting Variance from Guidelines**

---

1st Circuit affirms despite error in finding that felon-in-possession offense was a crime of violence. Iss. 5/18/15 Pg. 4

1st Circuit affirms below-guidelines drug sentence as not too high. Iss. 5/18/15 Pg. 8

1st Circuit finds mid-range sentence for child porn defendant not unreasonable. Iss. 5/4/15 Pg. 4

1st Circuit upholds sentence at bottom of advisory guideline range. Iss. 5/4/15 Pg. 10

7th Circuit says court adequately addressed defendant's arguments in mitigation. Iss. 5/4/15 Pg. 11

8th Circuit upholds court's refusal to vary further down from guidelines. Iss. 5/4/15 Pg. 11

11th Circuit says firearm sentence at bottom of guideline range was substantively reasonable. Iss. 4/20/15 Pg. 4

8th Circuit does not require court to consider proposed amendment. Iss. 4/6/15 Pg. 8

8th Circuit rules that court was not required to apply pending amendment. Iss. 4/6/15 Pg. 8

8th Circuit upholds court's refusal to prospectively apply proposed amendment. Iss. 4/6/15 Pg. 9

8th Circuit approves within-guideline sentence. Iss. 4/6/15 Pg. 9

6th Circuit remands to new judge after original judge re-imposed one day sentence in child porn case. Iss. 3/23/15 Pg. 4

8th Circuit finds no unwarranted sentence disparities. Iss. 3/23/15 Pg. 10

11th Circuit upholds refusal to depart or grant downward variance in fraud case. Iss. 3/23/15 Pg. 10

1st Circuit upholds 480-month sentence for sexual exploitation of children as reasonable. Iss. 3/9/15 Pg. 2

7th Circuit says below-guideline sentence was not unreasonably high. Iss. 3/9/15 Pg. 6

10th Circuit affirms sentence at bottom of range for illegal reentry offense. Iss. 3/9/15 Pg. 3

2nd Circuit affirms where court considered § 3553(a) factors and explained top of guideline sentence. Iss. 2/23/15 Pg. 9

6th Circuit finds court knew it could depart or vary based on age of predicate convictions. Iss. 2/23/15 Pg. 6

11th Circuit says sentence at bottom of guideline range was reasonable. Iss. 2/23/15 Pg. 9

1st Circuit holds that court adequately considered mitigating factors. Iss. 2/9/15 Pg. 10

6th Circuit reverses for failure to provide opportunity to respond to information used to vary upward. Iss. 2/9/15 Pg. 11

8th Circuit affirms guideline sentence where seriousness of offense outweighed defendant's difficult circumstances. Iss. 2/9/15 Pg. 11

D.C. Circuit holds that 10-year sentence for murder-for-hire scheme was reasonable. Iss. 2/9/15 Pg. 10

6th Circuit affirms despite defendant's claim that below-guidelines sentence was disproportionate. Iss. 1/26/15 Pg. 7

7th Circuit upholds refusal to vary based on future guideline amendment. Iss. 1/26/15 Pg. 2

7th Circuit refuses to order below-guidelines sentence based on family circumstances. Iss. 1/26/15 Pg. 8

7th Circuit affirms rejection of family circumstances as grounds for below-guidelines sentence. Iss. 1/26/15 Pg. 8

8th Circuit says below-guideline ACCA sentence was not unreasonably high. ~6

8th Circuit says confederates not prosecuted in federal court were not similarly situated to defendant. Iss. 1/12/15 Pg. 7

11th Circuit affirms 84-month sentence for identity theft scheme as not unreasonable. Iss. 1/12/15 Pg. 8

4th Circuit upholds 30-month guideline sentence for failing to register as sex offender as substantively reasonable. Iss. 12/29/14 Pg. 5

1st Circuit says below-guideline sentence was not unreasonably high. Iss. 12/15/14 Pg. 6

1st Circuit rules below-guidelines sentence was not unreasonable. Iss. 12/15/14 Pg. 6

4th Circuit reverses upward departure to life sentence as substantively unreasonable. Iss. 12/15/14 Pg. 5

8th Circuit finds guideline firearm sentence was reasonable. Iss. 12/15/14 Pg. 4

8th Circuit says court adequately considered defendant's mental health and explained sentence. Iss. 12/15/14 Pg. 7

D.C. Circuit finds no requirement to consider disparity between federal and D.C. guidelines. Iss. 12/15/14 Pg. 6

- 1st Circuit rejects claim that guideline sentence was unreasonable. Iss. 12/1/14 Pg. 2
- 8th Circuit says defendant did not rebut presumption that guideline sentence was reasonable. Iss. 12/1/14 Pg. 6
- 8th Circuit holds that court adequately considered defendant's history and characteristics. Iss. 12/1/14 Pg. 6
- 1st Circuit says court adequately considered mitigating factors raised by defendant. Iss. 11/17/14 Pg. 11
- 4th Circuit upholds 960-month sentence for child porn defendant as not unreasonable. Iss. 11/17/14 Pg. 11
- 9th Circuit affirms within-guidelines sentence of 188 months for Ponzi scheme. Iss. 11/17/14 Pg. 5
- 1st Circuit finds court adequately explained mid-range sentence. Iss. 11/3/14 Pg. 10
- 7th Circuit affirms 90-year guideline sentence for 20-year-old child molester. Iss. 11/3/14 Pg. 5
- 2nd Circuit finds court properly considered defendant's medical issues. Iss. 10/20/14 Pg. 10
- 7th Circuit says judge understood that she could consider cases in other districts. Iss. 10/20/14 Pg. 10
- 7th Circuit finds court considered defendant's limited role in gun sale. Iss. 10/6/14 Pg. 7
- 7th Circuit affirms below guidelines sentence as not too high. Iss. 10/6/14 Pg. 9
- 7th Circuit upholds statutory maximum for witness retaliation. Iss. 10/6/14 Pg. 10
- 7th Circuit says court adequately considered defendant's mental health. Iss. 10/6/14 Pg. 10
- 10th Circuit holds reliance on abrogated case was harmless error. Iss. 10/6/14 Pg. 10
- 10th Circuit holds that 295-month drug sentence was substantively reasonable. Iss. 10/6/14 Pg. 11
- 1st Circuit upholds 188-month sentence for child porn despite mitigating factors. Iss. 9/22/14 Pg. 9
- 6th Circuit says court cannot vary below § 924(c) mandatory minimums. Iss. 9/22/14 Pg. 5
- 6th Circuit affirms 444-month sentence despite defendant's cooperation. Iss. 9/22/14 Pg. 9
- 7th Circuit says court did not rely on speculation in setting child porn sentence. Iss. 9/22/14 Pg. 5
- 8th Circuit reverses 20-month sentence for officer who beat citizen and filed false report. Iss. 9/22/14 Pg. 5
- 8th Circuit approves departure from top, rather than bottom, of defendant's guideline range. Iss. 9/22/14 Pg. 9
- 8th Circuit approves 71-month guideline sentence for defendant who defrauded disabled cousin. Iss. 9/22/14 Pg. 9
- 11th Circuit reverses probation for multi-year bribery scheme as unreasonable. Iss. 9/22/14 Pg. 10
- 1st Circuit affirms explanation for sentence for fraud scheme. Iss. 9/8/14 Pg. 6
- 6th Circuit reverses one-day fraud sentence as unreasonable. Iss. 9/8/14 Pg. 2
- 9th Circuit upholds 125-month, within-guidelines sentence for bank robbery. Iss. 9/8/14 Pg. 2
- 2nd Circuit reverses downward variance based on government shut-down. Iss. 8/25/14 Pg. 8
- 6th Circuit holds court considered § 3553(a) factors before imposing guideline sentence. Iss. 8/25/14 Pg. 8
- 8th Circuit finds mitigating factors were outweighed by gravity of conduct, criminal history, and drug use. Iss. 8/25/14 Pg. 5
- 8th Circuit says court considered § 3553(a) factors in imposing guideline sentence for crack offense. Iss. 8/25/14 Pg. 8
- 8th Circuit upholds 40-year fraud sentence where guidelines recommended life sentence. Iss. 8/25/14 Pg. 7
- 8th Circuit approves sentence at low end of range for police officer who participated in drug trafficking. Iss. 8/11/14 Pg. 7
- 9th Circuit says 46-month sentence for smuggling cocaine is not unreasonable. Iss. 8/11/14 Pg. 3
- 9th Circuit finds 120-month sentence reasonable for GHB possession. Iss. 8/11/14 Pg. 3
- 1st Circuit affirms below-guidelines sentence as substantively reasonable. Iss. 7/28/14 Pg. 11
- 4th Circuit holds that below-guidelines sentence was not substantively unreasonable. Iss. 7/28/14 Pg. 11
- 7th Circuit upholds explanation for rejecting downward variance. Iss. 7/28/14 Pg. 11
- 7th Circuit holds that court gave adequate explanation for 40-year child porn sentence. Iss. 7/28/14 Pg. 11
- 7th Circuit upholds below-guidelines child porn sentence as reasonable. Iss. 7/28/14 Pg. 4
- 7th Circuit upholds bottom of guideline sentence as reasonable. Iss. 7/28/14 Pg. 6
- 8th Circuit affirms below-guideline sentence for career offender as not unreasonably high. Iss. 7/28/14 Pg. 12
- 11th Circuit relies on prior sexual abuse conviction despite *Alford* plea. Iss. 7/28/14 Pg. 6
- 11th Circuit upholds guideline sentence for child porn defendant. Iss. 7/14/14 Pg. 4
- 11th Circuit says Sentencing Commission's 2013 report did not make child porn guidelines invalid. Iss. 7/14/14 Pg. 4
- 11th Circuit approves 1062-month sentence for multiple § 924(c) offenses. Iss. 7/14/14 Pg. 9
- 9th Circuit upholds 50-year sentence for child porn production as reasonable. Iss. 6/30/14 Pg. 4
- 11th Circuit approves life sentence for coercing vulnerable girls to work as prostitutes. Iss. 6/30/14 Pg. 5

1st Circuit approves upward variance for defendant who harassed ex for four years. Iss. 6/2/14 Pg. 9

7th Circuit approves sentence at bottom of guidelines range. Iss. 6/2/14 Pg. 9

10th Circuit upholds refusal to vary despite remoteness of previous sexual misconduct. Iss. 6/2/14 Pg. 5

1st Circuit upholds life sentence despite shorter sentences for those who pled guilty. Iss. 5/19/14 Pg. 8

6th Circuit approves guideline sentence for operator of pain management clinic. Iss. 5/19/14 Pg. 9

8th Circuit holds that court gave adequate weight to defendant's mental illness. Iss. 5/19/14 Pg. 9

10th Circuit says court is not required to consider sentences received by state court defendants. Iss. 5/19/14 Pg. 9

1st Circuit reverses where court imposed sentence without identifying guideline range. Iss. 5/5/14 Pg. 8

4th Circuit upholds 120-year sentence for sexual abuse of four-year-old. Iss. 5/5/14 Pg. 1

6th Circuit upholds below guideline sentences for investment fraud. Iss. 5/5/14 Pg. 8

6th Circuit says court misunderstood its authority to reject guideline ratio, but error was harmless. Iss. 5/5/14 Pg. 3

7th Circuit rejects minor role for defendant who recruited others but waited in car during robbery. Iss. 5/5/14 Pg. 6

7th Circuit rules defendant's bipolar disorder was not "principal argument in mitigation." Iss. 5/5/14 Pg. 8

1st Circuit upholds refusal to grant criminal history departure. Iss. 4/21/14 Pg. 9

1st Circuit says court adequately explained refusal to vary downward. Iss. 4/21/14 Pg. 11

7th Circuit approves upward variance in failure to appear case. Iss. 4/7/14 Pg. 4

7th Circuit says court adequately considered § 3553(a) factors in refusing downward variance. Iss. 4/21/14 Pg. 11

7th Circuit says de facto life sentence was not unreasonable. Iss. 4/21/14 Pg. 11

7th Circuit holds that 720-month sentence was substantively reasonable. Iss. 4/21/14 Pg. 11

7th Circuit approves upward variance in failure to appear case. Iss. 4/7/14 Pg. 4

---

**§750 Sentencing Hearing,  
Generally** (for Waiver by Failure to Object, see §855)

---

7th Circuit remands where court failed to comment on potentially meritorious argument. Iss. 5/18/15 Pg. 5

1st Circuit finds court gave defendant adequate opportunity to present mitigating arguments. Iss. 5/4/15 Pg. 11

1st Circuit holds that waiver of appeal in plea agreement barred defendant's appeal. Iss. 5/4/15 Pg. 12

7th Circuit says finding that defendant was a pedophile was plain error, but did not affect substantial rights. Iss. 5/4/15 Pg. 5

8th Circuit affirms despite court's failure to verify that defendant read his PSR. Iss. 5/4/15 Pg. 11

8th Circuit holds that court did not violate right to counsel by relieving defense counsel after imposing sentence. Iss. 5/4/15 Pg. 11

8th Circuit rules that court was not required to apply pending amendment. Iss. 4/6/15 Pg. 8

5th Circuit finds no violation of right of allocation despite refusal to allow defense counsel to respond to government. Iss. 3/9/15 Pg. 6

1st Circuit finds any error in denying continuance to permit defendant to review updated PSR was harmless. Iss. 2/9/15 Pg. 11

D.C. Circuit upholds limiting defendant's allocution to matters related to sentencing. Iss. 2/9/15 Pg. 11

7th Circuit upholds finding that defendant in custody was voluntarily absent from sentencing. Iss. 12/1/14 Pg. 6

3rd Circuit reverses for denying right of allocution at revocation hearing. Iss. 11/3/14 Pg. 10

4th Circuit says court did not err in failing to sua sponte appoint various experts to help with defense. Iss. 7/14/14 Pg. 9

---

**§755 Burden of Proof**

---

9th Circuit requires clear and convincing evidence for loss increase of 8 levels for relevant conduct. Iss. 4/6/15 Pg. 3

4th Circuit reverses error in calculating criminal history as plain error. Iss. 10/6/14 Pg. 9

1st Circuit says judicial fact-finding that did not result in mandatory minimum did not violate *Alleyne*. Iss. 6/2/14 Pg. 3

---

**§760 Rule 32, Presentence Report  
(§6A1.2)**

---

8th Circuit affirms despite court's failure to verify that defendant read his PSR. Iss. 5/4/15 Pg. 11

11th Circuit upholds refusal to redact from PSR threats defendant made to prosecutor and magistrate. Iss. 4/20/15 Pg. 9

7th Circuit rejects attempt to revise PSR 15 years after sentences were affirmed. Iss. 2/23/15 Pg. 9

1st Circuit finds any error in denying continuance to permit defendant to review updated PSR was harmless. Iss. 2/9/15 Pg. 11

9th Circuit reverses for failure to allow allocution at supervised release violation sentencing. Iss. 7/28/14 Pg. 12

1st Circuit holds defendant did not waive challenge to criminal history score. Iss. 5/19/14 Pg. 10

8th Circuit holds that PSR's failure to list mandatory life sentence did not result in plain error. Iss. 4/21/14 Pg. 4

**§761 Notice/Disclosure of Information**

---

7th Circuit outlines four sentencing principles for imposing conditions of supervised release. Iss. 5/4/15 Pg. 8

1st Circuit says no advance notice required where court varied upward rather than departing. Iss. 4/20/15 Pg. 10

8th Circuit says rejecting minor participant reduction was not upward departure. Iss. 3/23/15 Pg. 7

1st Circuit finds no plain error where defendant was aware of mandatory minimum and consecutive sentence requirement. Iss. 1/26/15 Pg. 4

1st Circuit does not require notice under Rule 32(h) of court's choice of guidelines. Iss. 1/12/15 Pg. 8

8th Circuit says no notice is required before variance. Iss. 9/8/14 Pg. 6

1st Circuit finds defendant had notice of information court relied on to find criminal predisposition. Iss. 7/28/14 Pg. 2

1st Circuit approves upward variance despite lack of notice to defendant. Iss. 7/14/14 Pg. 9

**§765 Resolution of disputes (§6A1.3)**

---

5th Circuit says court properly relied on prior conviction obtained under alias. Iss. 4/20/15 Pg. 5

4th Circuit remands for failure to address scope of jointly undertaken activity. Iss. 3/23/15 Pg. 4

3rd Circuit reverses where conclusory statements did not support drug quantity finding. Iss. 9/22/14 Pg. 10

8th Circuit upholds revocation sentence despite judge's warning at first hearing. Iss. 8/11/14 Pg. 7

8th Circuit holds that defendant's failure to object to PSR's finding was "dispositive." Iss. 6/30/14 Pg. 5

8th Circuit says objections to PSR were not sufficiently specific or clear. Iss. 4/7/14 Pg. 4

**§770 Information Relied On/Hearsay (for Acquitted, Uncharged, Dismissed Conduct, see 175, 270, 718)**

---

7th Circuit affirms increase for using firearm in connection with another felony. Iss. 5/18/15 Pg. 3

1st Circuit finds court gave defendant adequate opportunity to present mitigating arguments. Iss. 5/4/15 Pg. 11

5th Circuit says court properly looked to PSR to see if prior money laundering offense involved more than \$10,000. Iss. 4/20/15 Pg. 4

11th Circuit upholds refusal to redact from PSR threats defendant made to prosecutor and magistrate. Iss. 4/20/15 Pg. 9

7th Circuit reverses for failure to conduct balancing test for hearsay at revocation hearing. Iss. 3/23/15 Pg. 11

2nd Circuit says court did not violate § 3153(c) by relying on positive drug tests to enhance sentence. Iss. 3/9/15 Pg. 6

6th Circuit reverses for failure to provide opportunity to respond to information used to vary upward. Iss. 2/9/15 Pg. 11

7th Circuit allows victim impact statements from an individual or group that is not a named victim. Iss. 2/9/15 Pg. 3

8th Circuit relies on admission of pattern of dealing to estimate drug quantity. Iss. 2/9/15 Pg. 4

9th Circuit says comment about prior sentencing was not reliance on facts not in record. Iss. 2/9/15 Pg. 5

5th Circuit approves upward departure where defendant had previously been permitted to plead to lesser charge. Iss. 1/12/15 Pg. 5

7th Circuit upholds court's calculation of loss from Ponzi scheme. Iss. 1/12/15 Pg. 3

3rd Circuit upholds reliance on courier's testimony to estimate drug quantity. Iss. 9/22/14 Pg. 4

4th Circuit holds that admission of lab report violated defendant's confrontation rights. Iss. 6/16/14 Pg. 6

10th Circuit upholds reliance on uncharged conduct to determine crack quantity. Iss. 5/19/14 Pg. 3

1st Circuit reverses where court relied on victim impact information first proffered at sentencing. Iss. 5/5/14 Pg. 8

1st Circuit approves reliance on defendant's post-arrest statements to determine drug quantity. Iss. 4/21/14 Pg. 4

9th Circuit rejects claim that court's comments during sentencing showed bias. Iss. 4/21/14 Pg. 12

D.C. Circuit upholds sentence for conspiracy despite acquittal. Iss. 4/7/14 Pg. 3

**§775 Statement of Reasons For Sentence Within Range (18 U.S.C. §3553)**

---

1st Circuit finds court adequately explained mid-range sentence. Iss. 11/3/14 Pg. 10

**§780 Plea Agreements, Generally (§6B)**

---

1st Circuit finds plea waiver unenforceable where sentence was not in accord with agreement. Iss. 12/1/14 Pg. 6

9th Circuit says waiver of sentence appeal did not extend to conviction. Iss. 6/16/14 Pg. 6

9th Circuit upholds plea agreement waiver of appeal. Iss. 4/21/14 Pg. 12

**§790 Advice/Breach/Withdrawal §6B)**

---

8th Circuit finds defendant failed to show that he would have gone to trial if he had received proper sentencing advice. Iss. 5/4/15 Pg. 12

5th Circuit holds government breached plea agreement by using protected information. Iss. 4/6/15 Pg. 2

11th Circuit remands where plea agreement failed to state ACCA sentence. Iss. 4/6/15 Pg. 6

1st Circuit says defendant not entitled to withdraw plea after court rejects recommended sentence. Iss. 3/23/15 Pg. 11

1st Circuit holds that government did not breach plea agreement by mentioning larger drug quantity. Iss. 3/9/15 Pg. 7

3rd Circuit says removal of joint recommendation from plea agreement did not bar government from making argument at sentencing. Iss. 2/9/15 Pg. 12

1st Circuit holds that government did not breach plea agreement by providing information requested by judge. Iss. 12/1/14 Pg. 7

1st Circuit finds defendant was adequately advised that plea agreement was non-binding. Iss. 11/3/14 Pg. 10

9th Circuit rules government breached plea agreement by noting criminal history in sentencing memo. Iss. 10/20/14 Pg. 10

9th Circuit says breach of plea agreement cannot be cured by district court. Iss. 10/20/14 Pg. 11

3rd Circuit finds defendant breached plea agreement by appealing below-guideline sentence. Iss. 10/6/14 Pg. 11

6th Circuit finds no breach despite government's failure to move for substantial assistance departure. Iss. 9/22/14 Pg. 8

7th Circuit denies withdrawal of plea where defendant received all benefits promised in plea agreement. Iss. 9/8/14 Pg. 6

8th Circuit says stipulation to drug quantity did not bar government from seeking role increase. Iss. 9/8/14 Pg. 6

D.C. Circuit finds government did not breach plea agreement. Iss. 8/25/14 Pg. 7

8th Circuit upholds variance despite government's breach of plea agreement. Iss. 6/30/14 Pg. 3

8th Circuit finds government did not breach plea agreement by failing to move for acceptance credit. Iss. 6/30/14 Pg. 6

5th Circuit finds any breach of plea agreement harmless because acceptance reduction was unlikely. Iss. 6/16/14 Pg. 5

5th Circuit says plea agreement did not bar government from advocating for relevant conduct. Iss. 6/16/14 Pg. 6

7th Circuit says defendants' breach of plea agreement did not eliminate their appeal waivers. Iss. 4/7/14 Pg. 7

---

### **\$800 Violations of Probation and Supervised Release (Chapter 7)**

---

5th Circuit affirms despite error in basing sentence on seriousness of offense and need for punishment. Iss. 5/18/15 Pg. 8

7th Circuit reverses supervised release term where court failed to determine guideline range. Iss. 5/18/15 Pg. 1

8th Circuit upholds lifetime term of supervised release. Iss. 5/18/15 Pg. 6

8th Circuit rejects ban on all internet access where defendant only possessed adult porn. Iss. 5/18/15 Pg. 6

1st Circuit finds mid-range sentence for child porn defendant not unreasonable. Iss. 5/4/15 Pg. 4

8th Circuit upholds treating defendant's marijuana offense as Grade A supervised release violation. Iss. 5/4/15 Pg. 12

6th Circuit says Rule 11 did not apply to accepting admission of supervised release violations. Iss. 4/20/15 Pg. 10

6th Circuit approves guideline revocation sentence for defendant convicted of drug trafficking while on supervised release. Iss. 4/20/15 Pg. 10

9th Circuit says government must be given opportunity to comment on supervised release violation. Iss. 4/20/15 Pg. 10

2nd Circuit says statutory maximum for revocation is based on law at the time of underlying offense. Iss. 3/23/15 Pg. 11

7th Circuit reverses for failure to conduct balancing test for hearsay at revocation hearing. Iss. 3/23/15 Pg. 11

8th Circuit upholds maximum revocation sentence as not unreasonable. Iss. 3/23/15 Pg. 11

10th Circuit bars collateral attack on prior state conviction at supervised release revocation hearing. Iss. 3/23/15 Pg. 12

11th Circuit approves above-guideline revocation sentence for long and violent criminal history. Iss. 3/23/15 Pg. 12

4th Circuit finds not error in discussing rehabilitation at revocation hearing. Iss. 2/23/15 Pg. 8

10th Circuit reverses 24-month revocation sentence imposed for rehabilitative purposes. Iss. 2/23/15 Pg. 8

8th Circuit upholds statutory maximum revocation sentence as reasonable. Iss. 12/1/14 Pg. 7

9th Circuit finds no speedy trial right in supervised release revocation. Iss. 12/1/14 Pg. 7

4th Circuit rules *Alleyne* does not apply to supervised release revocation proceedings. Iss. 11/17/14 Pg. 1

4th Circuit applies supervised release statute in effect at time underlying offenses were committed. Iss. 11/17/14 Pg. 3

3rd Circuit reverses for denying right of allocution at revocation hearing. Iss. 11/3/14 Pg.

8th Circuit upholds 18-month sentence for fourth revocation of supervised release. 1

8th Circuit affirms court's reliance on additional supervised release violations. Iss. 11/3/14 Pg. 10

8th Circuit approves statutory maximum revocation sentence for repeated violations of supervised release. Iss. 10/20/14 Pg. 11

7th Circuit bars judge from "promising" to revoke probation in the event of a violation. Iss. 9/22/14 Pg. 10

8th Circuit finds no improper reliance on disputed facts in imposing revocation sentence. Iss. 8/25/14 Pg. 9

3rd Circuit requires consideration of statutory factors in setting mandatory revocation sentence. Iss. 8/11/14 Pg. 7

3rd Circuit says court articulated sufficient reasons for supervised release sentences. Iss. 8/11/14 Pg. 8



9th Circuit says delay in conducting supervised release revocation was reasonable. Iss. 8/11/14 Pg. 8

8th Circuit upholds revocation sentence despite judge's warning at first hearing. Iss. 8/11/14 Pg. 7

8th Circuit holds that within-guideline 18-month revocation sentence was substantively reasonable. Iss. 7/28/14 Pg. 12

9th Circuit reverses for failure to allow allocution at supervised release violation sentencing. Iss. 7/28/14 Pg. 12

11th Circuit upholds consideration of § 3553(a)(2)(A) factors at revocation hearing, noting circuit split. Iss. 7/28/14 Pg. 12

11th Circuit says court may not consider rehabilitation in crafting revocation sentence. Iss. 7/28/14 Pg. 13

7th Circuit allows consideration of § 3553(a)(2) in revoking supervised release. Iss. 6/30/14 Pg. 8

4th Circuit holds that admission of lab report violated defendant's confrontation rights. Iss. 6/16/14 Pg. 6

8th Circuit approves variant revocation sentence where previous revocation showed pattern of behavior. Iss. 6/2/14 Pg. 9

9th Circuit says illegal term of probation may still be violated. Iss. 5/19/14 Pg. 10

9th Circuit finds that taking alien across street was not sufficient to revoke supervised release. Iss. 5/5/14 Pg. 9

8th Circuit upholds revocation sentence as reasonable. Iss. 4/7/14 Pg. 7

---

### **§840 Sentencing of Organizations (Chapter 8)**

---

Commission adjusts loss and fine tables for inflation. Iss. 5/4/15 Pg. 3

---

### **§850 Appeal of Sentence (18 U.S.C. §3742)**

---

1st Circuit holds that waiver of appeal in plea agreement barred defendant's appeal. Iss. 5/4/15 Pg. 12

1st Circuit declines to enforce waiver of appeal of special conditions that interfered with defendant's relationship with son. Iss. 4/20/15 Pg. 8

6th Circuit finds release did not moot appeal because court retained discretion to reduce supervised release. Iss. 4/6/15 Pg. 10

D.C. Circuit enforces appeal waiver despite "miscarriage of justice" claim. Iss. 4/6/15 Pg. 9

5th Circuit finds Texas stalking was not crime of violence, but error was harmless. Iss. 1/26/15 Pg. 5

1st Circuit finds plea waiver unenforceable where sentence was not in accord with agreement. Iss. 12/1/14 Pg. 6

4th Circuit says post-sentence *Alleyne* change in law did not invalidate appeal waiver. Iss. 12/1/14 Pg. 1

5th Circuit considers sentencing claim raised in untimely reply brief. Iss. 11/17/14 Pg. 4

1st Circuit says waiver of appeal did not apply to supervised release condition not announced orally. Iss. 10/20/14 Pg. 10

3rd Circuit finds defendant breached plea agreement by appealing below-guideline sentence. Iss. 10/6/14 Pg. 11

7th Circuit says motion for reconsideration did not toll 14-day time to file notice of appeal. Iss. 9/22/14 Pg. 10

11th Circuit bars raising new issues in appeal after resentencing unrelated to claims at resentencing. Iss. 10/6/14 Pg. 3

7th Circuit enforces waiver of appeal despite claim of attorney's ineffectiveness. Iss. 8/25/14 Pg. 9

8th Circuit says waiver of appeal applied to departure on grounds specified in plea agreement. Iss. 8/25/14 Pg. 9

9th Circuit says error in imposing mandatory minimum without jury finding was harmless. Iss. 8/11/14 Pg. 4

11th Circuit holds judgment deferring restitution was final for appeal purposes. Iss. 8/11/14 Pg. 6

9th Circuit says waiver of sentence appeal did not extend to conviction. Iss. 6/16/14 Pg. 6

1st Circuit holds defendant did not waive challenge to criminal history score. Iss. 5/19/14 Pg. 10

4th Circuit permits collateral review of incorrect application of career offender increase. Iss. 5/5/14 Pg. 7

5th Circuit finds no plain error in refusal to move for acceptance reduction based on failure to waive right to appeal. ~7

9th Circuit upholds plea agreement waiver of appeal. Iss. 4/21/14 Pg. 12

7th Circuit says defendants' breach of plea agreement did not eliminate their appeal waivers. Iss. 4/7/14 Pg. 7

7th Circuit allows appeal despite waiver where defendants did not waive one count in group. Iss. 4/7/14 Pg. 8

9th Circuit reverses for error in base offense level despite downward variance. Iss. 4/7/14 Pg. 5

---

### **§855 Waiver by Failure to Object**

---

1st Circuit holds that defendant waived claim that he played minor role in other side of conspiracy. Iss. 5/4/15 Pg. 6

7th Circuit says court adequately addressed defendant's arguments in mitigation. Iss. 5/4/15 Pg. 11

8th Circuit includes loss caused by conspiracy during defendant's incarceration. Iss. 3/23/15 Pg. 3

1st Circuit says supervised release treatment condition was not improper delegation of authority. Iss. 3/9/15 Pg. 4

2nd Circuit bars delegating decision between inpatient and outpatient drug treatment to probation officer. Iss. 2/23/15 Pg. 7

5th Circuit finds defendant preserved challenge to denial of additional acceptance reduction. Iss. 2/23/15 Pg. 6

6th Circuit holds that defendant waived challenge to career offender status. Iss. 2/23/15 Pg. 6

7th Circuit rejects attempt to revise PSR 15 years after sentences were affirmed. Iss. 2/23/15 Pg. 9

7th Circuit reverses criminal history based on conviction under unconstitutional statute. Iss. 12/15/14 Pg. 5

10th Circuit finds defendant waived challenge to special condition of release. Iss. 12/1/14 Pg. 5

8th Circuit affirms court's reliance on additional supervised release violations. Iss. 11/3/14 Pg. 10

3rd Circuit holds *Alleyne* error is subject to harmless or plain error analysis. Iss. 10/20/14 Pg. 1

6th Circuit affirms increase for trading child pornography. Iss. 10/20/14 Pg. 5

7th Circuit reviews, but rejects, forfeited claim that defendant was not leader of drug conspiracy. Iss. 10/20/14 Pg. 7

7th Circuit allows reliance on co-conspirator's drug quantity stipulations. Iss. 10/20/14 Pg. 5

8th Circuit says any error in court's selection of proper guideline was invited. Iss. 10/6/14 Pg. 7

8th Circuit affirms use of stipulated date in plea agreement for start of offense. Iss. 10/6/14 Pg. 8

3rd Circuit, *en banc*, requires defendant to preserve objection to court's failure to consider sentencing argument. Iss. 8/25/14 Pg. 9

10th Circuit reverses enhancement that was based on prior misdemeanor. Iss. 8/11/14 Pg. 4

D.C. Circuit says defendant waived challenge to loss enhancement. Iss. 7/14/14 Pg. 2

D.C. Circuit affirms calculation of intended loss from bank fraud. Iss. 7/14/14 Pg. 3

7th Circuit holds that defendant waived challenge to sophisticated means enhancement. Iss. 6/30/14 Pg. 2

5th Circuit approves upward variance for sex offender who failed to register. Iss. 4/21/14 Pg. 10

8th Circuit approves 110-year sentence for 76-year-old child porn defendant. Iss. 12/29/14 Pg. 2

**§860 Refusal to Depart Not Appealable**

11th Circuit upholds refusal to depart or grant downward variance in fraud case. Iss. 3/23/15 Pg. 10

8th Circuit approves 110-year sentence for 76-year-old child porn defendant. Iss. 12/29/14 Pg. 2

**§865 Overlapping Ranges, Appealability of**

8th Circuit holds that alleged errors that increased offense level from 43 to 47 were harmless. Iss. 8/25/14 Pg. 10

**§880 Habeas Corpus (18 U.S.C. §3742)**

4th Circuit says later-nullified career offender finding is not cognizable on collateral review. Iss. 5/4/15 Pg. 7

7th Circuit allows 28 U.S.C. §2255 relief where crack defendant should have been sentenced under FSA. Iss. 2/23/15 Pg. 1

9th Circuit rejects second or second petition challenging ACCA sentence. Iss. 1/26/15 Pg. 6

4th Circuit, *en banc*, says previous case was not new "fact" that extended time for filing § 2255 petition. Iss. 1/12/15 Pg. 8

4th Circuit, *en banc*, says unfavorable precedent is not grounds to equitably toll statute of limitations. Iss. 1/12/15 Pg. 8

11th Circuit, *en banc*, says misapplying career offender guideline was not "mis-carriage of justice." Iss. 12/1/14 Pg. 4

9th Circuit says *Alleyne's* ruling about facts triggering a mandatory minimum is not retroactive. Iss. 11/3/14 Pg. 2

4th Circuit permits collateral review of incorrect application of career offender increase. Iss. 5/5/14 Pg. 7

9th Circuit grants mandamus to defendant denied passport after sentence served. Iss. 4/21/14 Pg. 12

7th Circuit holds sentence reduction did not reset limitations period or allow successive § 2255 motion. Iss. 4/7/14 Pg. 2

**Updated Citations for Volume 7**

Afridi v. Gonzales, 442 F.3d 1212 (9th Cir. 2006), overruled by Estrada-Espinoza v. Mukasey, 546 F.3d 1147 (9th Cir. 2008).

Carrington v. U.S., 470 F.3d 920 (9th Cir. 2006), superseded, Carrington v. U.S., 503 F.3d 888 (9th Cir. 2007).

Ferreira v. Ashcroft, 390 F.3d 1091 (9th Cir. 2004), overruling recognized by Alanis-Alvarado v. Holder, 558 F.3d 833 (9th Cir. 2009).

Irons v. Carey, 479 F.3d 658 (9th Cir. 2007), superseded, 505 F.3d 846 (9th Cir. 2007).

Penuliar v. Ashcroft, 395 F.3d 1037 (9th Cir. 2005), amended, Penuliar v. Gonzales, 435 F.3d 961 (9th Cir. 2006), cert. granted, vacated by Gonzales v. Penuliar, 549 U.S. 1178, 127 S.Ct. 1146 (2007).

Rosas v. Nielsen, 428 F.3d 1229 (9th Cir. 2005), overruled, Hayward v. Marshall, 603 F.3d 546 (9th Cir. 2010).

Sass v. California Bd. of Prison Terms, 461 F.3d 1123 (9th Cir. 2006), overruled, Hayward v. Marshall, 603 F.3d 546 (9th Cir. 2010).

Simpson v. U.S., 376 F.3d 679 (7th Cir. 2004), abrogation recognized by U.S. v. Vaughn, 433 F.3d 917 (7th Cir. 2006).

U.S. v. Alvarado-Rivera, 386 F.3d 861 (8th Cir. 2004) vacated, U.S. v. Alvarado-Rivera, 412 F.3d 942 (8th Cir. 2005).

U.S. v. Anati, 457 F.3d 233 (2d Cir. 2006), abrogated by Irizarry v. U.S., 553 U.S. 708, 128 S.Ct. 2198 (2008).

U.S. v. Beal, 463 F.3d 834 (8th Cir. 2006), cert. granted, vacated Beal v. U.S., 552 U.S. 1088, 128 S.Ct. 857 (2008).

U.S. v. Bell, 351 F.3d 672 (5th Cir. 2003) superseded, U.S. v. Bell, 371 F.3d 239 (5th Cir. 2004).

U.S. v. Bennett, 368 F.3d 1343 (11th Cir. 2004), cert. granted, vacated Bennett v. U.S., 543 U.S. 1110, 125 S.Ct. 1044 (2005).

U.S. v. Blount, 364 F.3d 173 (4th Cir. 2004), cert. granted, vacated Blount v. U.S., 543 U.S. 1005, 125 S.Ct. 990 (2005).

- U.S. v. Bohannon, 473 F.3d 1123 (11th Cir. 2006), rehrg. granted, vacated U.S. v. Bohannon, 476 F.3d 1246 (11th Cir. 2007).
- U.S. v. Britt, 388 F.3d 1369 (11th Cir. 2004), cert. granted, vacated Britt v. U.S., 546 U.S. 930, 126 S.Ct. 411 (2005).
- U.S. v. Brown, 470 F.3d 1091 (5th Cir. 2006), superseded by statute as stated in U.S. v. Alexander, 602 F.3d 639 (5th Cir. 2010).
- U.S. v. Bruce, 396 F.3d 697 (6th Cir. 2005), vacated, U.S. v. Bruce, 405 F.3d 1034 (6th Cir. 2005).
- U.S. v. Burns, 500 F.3d 756 (8th Cir. 2007), cert. granted, judgment vacated by Burns v. U.S., 552 U.S. 1137, 128 S.Ct. 1091 (2008), and on reconsideration U.S. v. Burns, 577 F.3d 887 (8th Cir. 2009).
- U.S. v. Cage, 451 F.3d 585 (10th Cir. 2006), abrogation recognized by U.S. v. Hickins, 529 F.3d 1312 (10th Cir. 2008).
- U.S. v. Castillo, 460 F.3d 337 (2d Cir. 2006), abrogated by Kimbrough v. U.S., 552 U.S. 85, 128 S.Ct. 558 (2007).
- U.S. v. Cawthorn, 429 F.3d 793 (8th Cir. 2005), cert. granted, vacated, Cawthorn v. U.S., 552 U.S. 1136, 128 S.Ct. 1060 (2008).
- U.S. v. Chambers, 473 F.3d 724 (7th Cir. 2005), cert. granted Chambers v. U.S., 553 U.S. 1003, 128 S.Ct. 2046 (2008), reversed and remanded, Chambers v. U.S., 555 U.S. 122, 129 S.Ct. 687 (2009).
- U.S. v. Clawson, 392 F.3d 324 (8th Cir. 2004), superseded, U.S. v. Clawson, 408 F.3d 556 (8th Cir. 2005).
- U.S. v. Collins, 401 F.3d 212 (4th Cir. 2005), superseded, U.S. v. Collins, 415 F.3d 304 (4th Cir. 2005).
- U.S. v. Cooper, 437 F.3d 324 (3d Cir. 2006), abrogated, Rita v. U.S., 551 U.S. 338, 127 S.Ct. 2456 (2007).
- U.S. v. Cotto, 456 F.3d 25 (1st Cir. 2006), cert. granted, vacated, Cotto v. U.S., 552 U.S. 1092, 128 S.Ct. 857 (2008).
- U.S. v. Cortez-Arias, 403 F.3d 1111 (9th Cir. 2005), amended, 415 F.3d 977 (9th Cir. 2005), amended, 425 F.3d 547 (9th Cir. 2005).
- U.S. v. Crosby, 397 F.3d 103 (2d Cir. 2005), abrogation recognized by U.S. v. Lake, 419 F.3d 111 (3d Cir. 2005).
- U.S. v. Cousins, 469 F.3d 572 (6th Cir. 2006), overruling recognized by U.S. v. Grams, 566 F.3d 683 (6th Cir. 2009).
- U.S. v. Chambers, 473 F.3d 724 (7th Cir. 2007), reversed and remanded, Chambers v. U.S., 129 S.Ct. 687 (2009).
- U.S. v. Dalton, 404 F.3d 1029 (8th Cir. 2005), overruling recognized by U.S. v. Austad, 519 F.3d 431 (8th Cir. 2008).
- U.S. v. Davenport, 445 F.3d 366 (4th Cir. 2006), abrogated by Irizarry v. U.S., 553 U.S. 708, 128 S.Ct. 2198 (2008).
- U.S. v. Davis, 458 F.3d 491 (6th Cir. 2006), cert. granted, vacated, Davis v. U.S., 552 U.S. 1088, 128 S.Ct. 856 (2008).
- U.S. v. Demaree, 459 F.3d 791 (7th Cir. 2006), abrogated by Peugh v. U.S., 133 S.Ct. 2072 (2013).
- U.S. v. Diaz-Argueta, 447 F.3d 1167 (9th Cir. 2006) amended, 564 F.3d 1047 (9th Cir. 2009). The summaries on pages 83 and 398, should be deleted. The summary on page 525 was not changed.
- U.S. v. Duhon, 440 F.3d 711 (5th Cir. 2006), cert. granted, judgment vacated by Duhon v. U.S., 552 U.S. 1088, 128 S.Ct. 853 (2008).
- U.S. v. Dupas, 417 F.3d 1064 (9th Cir. 2005), amended, U.S. v. Dupas, 419 F.3d 916 (9th Cir. 2005).
- U.S. v. Eura, 440 F.3d 625 (4th Cir. 2006), cert. granted, vacated Eura v. U.S., 552 U.S. 1090, 128 S.Ct. 853 (2008).
- U.S. v. Evans-Martinez, 448 F.3d 1163 (9th Cir. 2006), withdrawn and superseded, U.S. v. Evans-Martinez, 530 F.3d 1164 (9th Cir. 2008).
- U.S. v. Feemster, 483 F.3d 583 (8th Cir. 2007), cert. granted, judgment vacated by Feemster v. U.S., 552 U.S. 1089, 128 S.Ct. 880 (2008).
- U.S. v. Ferguson, 456 F.3d 660 (6th Cir. 2006), abrogation recognized by U.S. v. Camacho-Arellano, 614 F.3d 244 (6th Cir. 2010).
- U.S. v. Fernandez, 388 F.3d 1199 (9th Cir. 2004), amended, U.S. v. Fernandez, 425 F.3d 1248 (9th Cir. 2005).
- U.S. v. Foreman, 436 F.3d 638 (6th Cir. 2006), abrogated by U.S. v. Young, 580 F.3d 373 (6th Cir. 2009).
- U.S. v. Fox, 396 F.3d 1018 (8th Cir. 2005), overruling recognized by U.S. v. Morton, 412 F.3d 901 (8th Cir. 2005).
- U.S. v. Frazier, 394 F.3d 612 (8th Cir. 2005), superseded, U.S. v. Frazier, 408 F.3d 1102 (8th Cir. 2005).
- U.S. v. Galicia-Cardenas, 443 F.3d 553 (7th Cir. 2006), abrogated by U.S. v. Reyes-Hernandez, 624 F.3d 405 (7th Cir. 2010).
- U.S. v. Gall, 446 F.3d 884 (8th Cir. 2006), cert. granted, vacated Gall v. U.S., 552 U.S. 38, 128 S.Ct. 586 (2007).
- U.S. v. Gentile, 473 F.3d 888 (8th Cir. 2007), cert. granted, vacated Gentile v. U.S., 552 U.S. 1089, 128 S.Ct. 866 (2008).
- U.S. v. Golden, 466 F.3d 612 (7th Cir. 2006), cert. granted, vacated Golden v. U.S., 555 U.S. 1131, 129 S.Ct. 988 (2009).
- U.S. v. Goody, 442 F.3d 1132 (8th Cir. 2006), cert. granted, vacated Goody v. U.S., 552 U.S. 1088 (128 S.Ct. 853 (2008)).
- U.S. v. Grinbergs, 470 F.3d 758 (8th Cir. 2006), cert. granted, vacated Grinbergs v. U.S., 552 U.S. 1088, 128 S.Ct. 859 (2008).
- U.S. v. Hammoud, 381 F.3d 316 (4th Cir. 2004), cert. granted, judgment vacated by Hammoud v. U.S., 543 U.S. 1097, 125 S.Ct. 1051 (2005), reinstated in part U.S. v. Hammoud, 405 F.3d 1034 (4th Cir. 2005).
- U.S. v. Hankton, 463 F.3d 626 (7th Cir. 2006), cert. granted, vacated Davis v. U.S., 552 U.S. 1090, 128 S.Ct. 857 (2008).
- U.S. v. Hawk Wing, 433 F.3d 622 (8th Cir. 2006), abrogated by Tapia v. U.S., 131 S.Ct. 2382 (2011).
- U.S. v. Hicks, 472 F.3d 1167 (9th Cir. 2007), abrogated by Dillon v. U.S., 560 U.S. 817, 130 S.Ct. 2683 (2010).
- U.S. v. Ingham, 476 F.3d 706 (9th Cir. 2007), superseded, U.S. v. Ingham, 486 F.3d 1068 (9th Cir. 2007).
- U.S. v. Ivory, 475 F.3d 1232 (11th Cir. 2007), abrogated by U.S. v. Owens, 672 F.3d 966 (11th Cir. 2012).
- U.S. v. Jenners, 473 F.3d 894 (8th Cir. 2007), abrogated by Pepper v. U.S., 131 S.Ct. 1229 (2011).
- U.S. v. Jimenez-Beltre, 440 F.3d 514 (1st Cir. 2006), abrogated by Rita v. U.S., 551 U.S. 338, 127 S.Ct. 2456 (2007).
- U.S. v. Johnson, 417 F.3d 990 (8th Cir. 2005), overruling recognized by U.S. v. Lee, 553 F.3d 598 (8th Cir. 2009).
- U.S. v. Johnson, 474 F.3d 515 (8th Cir. 2007), abrogation recognized by U.S. v. Williams, 537 F.3d 969 (8th Cir. 2008).
- U.S. v. Jointer, 457 F.3d 682 (7th Cir. 2006), cert. granted, judgment vacated by Jointer v. U.S., 552 U.S. 1090, 128 S.Ct. 855 (2008).
- U.S. v. Kane, 470 F.3d 1277 (8th Cir. 2006), cert. granted, vacated Kane v.

- U.S., 552 U.S. 1088 , 128 S.Ct. 861 (2008).
- U.S. v. Kendall, 446 F.3d 782 (8th Cir. 2006), overruling recognized by U.S. v. Austad, 519 F.3d 431 (8th Cir. 2008).
- U.S. v. Lang, 364 F.3d 1210 (10th Cir. 2004), cert. granted, judgment vacated by Lang. v. U.S., 543 U.S. 1108, 125 S.Ct. 986 (2005).
- U.S. v. Lindquist, 421 F.3d 751 (8th Cir. 2005), abrogation recognized by U.S. v. Steward, 598 F.3d 960 (8th Cir. 2010).
- U.S. v. Lloyd, 469 F.3d 319 (3d Cir. 2006), abrogation recognized by U.S. v. Diaz, 639 F.3d 616 (3d Cir. 2011).
- U.S. v. Lopez-Montanez, 421 F.3d 926 (9th Cir. 2005), superseded by rule as stated in Espinoza-Morales, 621 F.3d 1141 (9th Cir. 2010).
- U.S. v. Lopez-Torres, 443 F.3d 1182 (9th Cir. 2006), abrogation recognized by U.S. v. Narvaez-Gomez, 489 F.3d 970 (9th Cir. 2007).
- U.S. v. Lorenzo, 471 F.3d 1219 (11th Cir. 2006), abrogated by Pepper v. U.S., 131 S.Ct. 1229 (2011).
- U.S. v. Lussier, 397 F.3d 1125 (8th Cir. 2005), superseded, U.S. v. Lussier, 423 F.3d 838 (8th Cir. 2005).
- U.S. v. Martinez-Macias, 472 F.3d 1216 (10th Cir. 2007), overruled, U.S. v. Lopez-Macias, 661 F.3d 485 (10th Cir. 2011).
- U.S. v. Martinez-Martinez, 442 F.3d 539 (7th Cir. 2006), abrogation recognized by U.S. v. Ramirez, 675 F.3d 634 (7th Cir. 2011).
- U.S. v. McCall, 439 F.3d 967 (8th Cir. 2006), overruling recognized by U.S. v. Begay, 470 F.3d 964 (10th Cir. 2006).
- U.S. v. McDonald, 461 F.3d 948 (8th Cir. 2006), cert. granted, vacated McDonald v. U.S., 552 U.S. 1088, 128 S.Ct. 856 (2008).
- U.S. v. Melendez-Santana, 353 F.3d 93 (1st Cir. 2003), overruled, U.S. v. Padilla, 514 F.3d 211 (1st Cir. 2005).
- U.S. v. Melendez-Torres, 420 F.3d 45 (1st Cir. 2005), abrogation recognized by U.S. v. Anonymous Defendant, 629 F.3d 68 (1st Cir. 2010).
- U.S. v. Menyweather, 447 F.3d 625 (9th Cir. 2006), implied overruling recognized by U.S. v. Munoz-Camarena, 621 F.3d 967 (9th Cir. 2010).
- U.S. v. Meraz-Enriquez, 442 F.3d 331 (5th Cir. 2006), abrogation recognized by U.S. v. Yanez-Rodriguez, 555 F.3d 931 (10th Cir. 2009).
- U.S. v. Meyer, 452 F.3d 998 (8th Cir. 2006), abrogation recognized by U.S. v. Jensen, 586 F.3d 620 (8th Cir. 2009).
- U.S. v. Miller, 450 F.3d 270 (7th Cir. 2006), abrogated by Kimbrough v. U.S., 552 U.S. 85, 128 S.Ct. 558 (2007).
- U.S. v. Moore, 420 F.3d 1218 (10th Cir. 2005), overruled, U.S. v. Tiger, 538 F.3d 1297 (10th Cir. 2008).
- U.S. v. Moreland, 604 F.3d 1058 (9th Cir. 2010), superseded, U.S. v. Moreland, 622 F.3d 1147 (9th Cir. 2010).
- U.S. v. Moreland, 437 F.3d 424 (4th Cir. 2006), overruling recognized by U.S. v. Diosdado-Star, 630 F.3d 359 (4th Cir. 2011).
- U.S. v. Park, 461 F.3d 245 (2d Cir. 2006), abrogation recognized by U.S. v. Jones, 531 F.3d 163 (2d Cir. 2008).
- U.S. v. Perrin, 478 F.3d 672 (5th Cir. 2007), abrogation recognized by U.S. v. Williams, 517 F.3d 801 (5th Cir. 2008).
- U.S. v. Pho, 433 F.3d 53 (1st Cir. 2006), abrogated by Kimbrough v. U.S., 552 U.S. 85, 128 S.Ct. 558 (2007).
- U.S. v. Pierce, 400 F.3d 176 (4th Cir. 2005), vacated, U.S. v. Pierce, 409 F.3d 228 (4th Cir. 2005).
- U.S. v. Plancarte-Alvarez, 366 F.3d 1058 (9th Cir. 2004), amended, U.S. v. Plancarte-Alvarez, 449 F.3d 1059 (9th Cir. 2006).
- U.S. v. Rattoballi, 452 F.3d 127 (2d Cir. 2006), abrogation recognized by U.S. v. Cavera, 550 F.3d 180 (2d Cir. 2008).
- U.S. v. Reina-Rodriguez, 468 F.3d 1147 (9th Cir. 2006), overruled, U.S. v. Grisel, 488 F.3d 844 (9th Cir. 2007).
- U.S. v. Rivera, 357 F.3d 290 (3d Cir. 2004), abrogation recognized by U.S. v. Dahmen, 675 F.3d 244 (3d Cir. 2012).
- U.S. v. Rodriguez-Jaimes, 481 F.3d 283 (5th Cir. 2007), abrogation recognized by U.S. v. Marquez, 626 F.3d 214 (5th Cir. 2010).
- U.S. v. Rodriguez-Lara, 421 F.3d 932 (9th Cir. 2005), overruled, U.S. v. Hernandez-Estrada, 749 F.3d 1154 (9th Cir. 2014).
- U.S. v. Rodriguez-Rodriguez, 393 F.3d 849 (9th Cir. 2005), implied overruling recognized by U.S. v. Aguila-Montes De Oca, 665 F.3d 915 (9th Cir. 2011).
- U.S. v. Rouillard, 474 F.3d 551 (8th Cir. 2007), abrogation recognized by U.S. v. Barrett, 552 U.S. 724 (8th Cir. 2009).
- U.S. v. Saenz, 428 F.3d 1159 (8th Cir. 2005), abrogation recognized by U.S. v. Jensen, 586 F.3d 620 (8th Cir. 2009).
- U.S. v. Sanchez-Villalobos, 412 F.3d 572 (5th Cir. 2005), abrogation recognized by Carachuri-Rosendo v. Holder, 570 F.3d 263 (5th Cir. 2009).
- U.S. v. Scott, 413 F.3d 839 (8th Cir. 2005), overruling recognized by U.S. v. Williams, 546 F.3d 961 (8th Cir. 2008).
- U.S. v. Sebastian, 436 F.3d 913 (8th Cir. 2006), abrogated by U.S. v. Jimenez-Perez, 659 F.3d 704 (8th Cir. 2011).
- U.S. v. Smith, 390 F.3d 661 (9th Cir. 2004), amended, U.S. v. Smith, 405 F.3d 726 (9th Cir. 2005).
- U.S. v. Smith, 474 F.3d 888 (6th Cir. 2007), abrogation recognized by U.S. v. Johnson, 640 F.3d 195 (6th Cir. 2011).
- U.S. v. Thigpen, 456 F.3d 766 (7th Cir. 2006), overruled, U.S. v. Sawyer, 521 F.3d 792 (7th Cir. 2008).
- U.S. v. Thomas, 389 F.3d 424 (3d Cir. 2004), cert. granted, vacated Thomas v. U.S., 545 U.S. 1125, 125 S.Ct. 2953 (2005).
- U.S. v. Thurston, 456 F.3d 211 (1st Cir. 2006), cert. granted, vacated Thurston v. U.S., 552 U.S. 1092, 128 S.Ct. 854 (2008).
- U.S. v. Tsosie, 376 F.3d 1210 (10th Cir. 2004), abrogation recognized by Mendiola, 696 F.3d 1033 (10th Cir. 2012).
- U.S. v. Trupin, 475 F.3d 71 (3d Cir. 2007), cert. granted, judgment vacated by Trupin v. U.S., 552 U.S. 1089, 128 S.Ct. 862 (2008).
- U.S. v. Williams, 425 F.3d 987 (11th Cir. 2005), abrogation recognized by U.S. v. Lewis, 519 F.3d 822 (8th Cir. 2008).
- U.S. v. Williams, 456 F.3d 1353 (11th Cir. 2006), abrogated by Kimbrough v. U.S., 552 U.S. 85, 128 S.Ct. 558 (2007).
- U.S. v. Winn, 364 F.3d 7 (1st Cir. 2004), abrogated by Chambers v. U.S., 555 U.S. 122, 129 S.Ct. 687 (2009).
- U.S. v. Woods, 359 F.3d 1061 (8th Cir. 2004) vacated in part by U.S. v. Woods, 364 F.3d 1000 (8th Cir. 2004).
- U.S. v. Zavala, 443 F.3d 1165 (9th Cir. 2006), vacated, U.S. v. Carty, 520 F.3d 984 (9th Cir. 2008).

**Updated Citations  
for Volume 8**

- Barber v. Thomas, 560 U.S. 474, 130 S.Ct. 2499 (2010).
- Begay v. U.S., 553 U.S. 137, 128 S.Ct. 1581 (2008).
- Burgess v. U.S., 553 U.S. 124, 128 S.Ct. 1572(2008).
- Carachuri-Rosendo v. Holder, 560 U.S. 563 (130 S.Ct. 2577 (2010)).
- Carrington v. U.S., 503 F.3d 888 (9th Cir. 2007), amended, 530 F.3d 1183 (9th Cir. 2008).
- Chambers v. U.S., 555 U.S. 122, 129 S.Ct. 687 (2009).
- Dean v. U.S., 556 U.S. 568, 129 S.Ct. 1849 (2009).
- Dillon v. U.S., 560 U.S. 605, 130 S.Ct. 2533 (2010).
- Dolan v. U.S., 560 U.S. 605 (130 S.Ct. 2533 (2010)).
- Estrada-Espinoza v. Mukasey, 546 F.3d 1147, (9th Cir. 2008), overruled on other grounds by U.S. v. Aguila-Montes de Oca, 655 F.3d 915, 928 (9th Cir.2011) (en banc).
- Greenlaw v. U.S., 554 U.S. 237 , 128 S.Ct. 2559 (2008).
- Hunter v U.S., 559 F.3d 1188 (11th Cir. 2009), vacated, Hunter v. U.S., 130 S.Ct. 1135 (2010).
- Irizarry v. U.S., 553 U.S. 708, 128 S.Ct. 2198 (2008).
- Kennedy v. Louisiana, 554 U.S. 407, 128 S.Ct. 2641 (2008).
- Oregon v. Ice, 555 U.S. 160, 129 S.Ct. 711 (2009).
- Spears v. U.S., 555 U.S. 261, 129 S.Ct. 840 (2009).
- U.S. v. Aguila-Montes, 553 F.3d 1229, (9th Cir. 2009) vacated by rehearing en banc, U.S. v. Aguila-Montes de Oca, 655 F.3d 915 (9th Cir. 2011), abrogated on other grounds, Young v. Holder, 697 F.3d 976 (9th Cir. 2012).
- U.S. v. Armstrong, 550 F.3d 382 (5th Cir. 2008), overruling recognized by U.S. v. Ruiz-Cruz, 2010 WL 3680478 (5th Cir. 2010) (unpublished) No. 09-51066).
- U.S. v. Bertling, the correct cite is 510 F.3d 804 (8th Cir. 2007).
- U.S. v. Blum, 534 F.3d 608 (7th Cir. 2008) abrogated on other grounds by U.S. v. Vizcarra, 668 F.3d 516 (7th Cir. 2012).
- U.S. v. Bolanos-Hernandez, the correct cite is 492 F.3d 1140 (9th Cir. 2007).
- U.S. v. Bond, 581 F.3d 128, (3rd Cir. (2009), reversed, Bond v. U.S., 131 S.Ct. 2355, 180 L.Ed.2d 269 (2011).
- U.S. v. Bradford, 499 F.3d 910 (8th Cir. 2007), abrogated by U.S. v. Villareal-Amarillas, 562 F.3d 892 (8th Cir. 2009).
- U.S. v. Bullock, 526 F.3d 312 (6th Cir. 2008), abrogation recognized by U.S. v. Taylor, 648 F.3d 417 (6th Cir. 2011).
- U.S. v. Clanton, 538 F.3d 652 (7th Cir. 2008), overruled by U.S. v. Corner, 598 F.3d 411 (7th Cir. 2010).
- U.S. v. Contreras, 581 F.3d 1163 (9th Cir. 2009), opinion adopted on this point by U.S. v. Contreras, 593 F.3d 1135 (9th Cir. 2010).
- U.S. v. Darden, 539 F.3d 116 (2nd Cir. 2008), abrogated by McNeill v. U.S., 131 S.Ct. 2218, 180 L.Ed.2d 35 (2011).
- U.S. v. D'Amico, 496 F.3d 95 (1st Cir. 2007), vacated by D'Amico v. U.S., 552 U.S. 1173, 128 S.Ct. 1239 (2008).
- U.S. v. Fancher, 513 F.3d 424 (4th Cir. 2008), overruled by Irizarry v. U.S., 128 S.Ct. 2198, 2202, 171 L.Ed.2d 28 (2008).
- U.S. v. Forman, 553 F.3d 585 (7th Cir. 2009), holding modified by U.S. v. Williams, 694 F.3d 917 (7th Cir. 2012)
- U.S. v. Garcia, 507 F.3d 1213 (9th Cir. 2007), superseded on rehearing, U.S. v. Garcia, 522 F.3d 855 (9th Cir. 2008).
- U.S. v. Garcia-Medina, 497 F.3d 875 (8th Cir. 2007).
- U.S. v. Gillmore, 497 F.3d 853 (8th Cir. 2007), abrogation recognized by U.S. v. Clay, 579 F.3d 919 (8th Cir. 2009).
- U.S. v. Gomez-Gomez, 547 F.3d 242 (5th Cir. 2008), superseded by regulation as stated in U.S. v. Diaz-Corado, 648 F.3d 290 (5th Cir. 2011).
- U.S. v. Gonzalez-Alvarado, 477 F.3d 648 (8th Cir. 2007), abrogated on other grounds by Gall v. U.S., 552 U.S. 38, 128 S.Ct. 586, 169 L.Ed.2d 445 (2007).
- U.S. v. Gordon, 513 F.3d 659 (7th Cir. 2008), abrogation recognized by U.S. v. Bartlett, 567 F.3d 901 (7th Cir. 2009).
- U.S. v. Gutierrez-Sanchez, 559 F.3d 1088 (9th Cir. 2009), amended without changing the summaries, 587 F.3d 904 (9th Cir. 2009).
- U.S. v. Harris, 536 F.3d 798 (7th Cir. 2008), overruled by U.S. v. Corner, 598 F.3d 411 (7th Cir. 2010).
- U.S. v. Harrison, 558 F.3d 1280 (11th Cir. 2009) abrogated by Sykes v. U.S., 131 S.Ct. 2267 (2011).
- U.S. v. Haynes, 582 F.3d 686 (7th Cir. 2009), abrogated as to double counting by U.S. v. Vizcarra, 668 F.3d 516 (7th Cir. 2012).
- U.S. v. Hendry, the correct cite is 522 F.3d 239 (2d Cir. 2008).
- U.S. v. Hollis, 490 F.3d 1149, (9th Cir. 2007), abrogated as to cocaine base by DePierre v. U.S., 131 S.Ct. 2225, 180 L.Ed.2d 114 (2011), as recognized in U.S. v. Sykes, 658 F.3d 1140 (9th Cir. 2011).
- U.S. v. Howe, 538 F.3d 842 (8th Cir. 2008), abrogated by U.S. v. Villareal-Amarillas, 562 F.3d 892 (8th Cir. 2009).
- U.S. v. Jarrillo-Luna, 478 F.3d 1226 (10th Cir. 2007), overruled as to fast-track by Kimbrough v. U.S., 552 U.S. 85, 128 S.Ct. 558 (2007), as recognized by U.S. v. Lopez-Macias, 661 F.3d 485 (10th Cir. 2011).
- U.S. v. Kane, 552 F.3d 748 (8th Cir. 2009), vacated by Kane v. U.S., 131 S.Ct. 1597 (2011), and adhered to in part on remand by U.S. v. Kane, 639 F.3d 1121 (8th Cir. 2011).
- U.S. v. McMannus, 496 F.3d 846 (8th Cir. 2007), abrogated as to post-sentencing rehabilitation by Pepper v. U.S., 131 S.Ct. 1229 (2011)
- U.S. v. Moreland, 509 F.3d 1201 (9th Cir. 2007), vacated, Moreland v. U.S. 555 U.S. 1134, 129 S.Ct. 997 (2009).
- U.S. v. Munoz-Ortenza, 563 F.3d 112 (5th Cir. 2009), abrogated by U.S. v. Rodriguez, 711 F.3d 541 (5th Cir. 2013).
- U.S. v. Norwood, 555 F.3d 1061 (9th Cir. 2009, vacated, Norwood v. U.S., 130 S.Ct. 491 (2009).
- U.S. v. Noster, 573 F.3d 664 (9th Cir. 2009), superseded, 590 F.3d 624 (9th Cir. 2009).
- U.S. v. O'Brien, 130 S.Ct. 49 (2009) (granting certiorari).
- U.S. v. Omole, 523 F.3d 691 (7th Cir. 2008), abrogated by U.S. v. Statham, 581 F.3d 548 (7th Cir. 2009).
- U.S. v. Pacheco-Diaz, 506 F.3d 545 (7th Cir. 2007) abrogated by Carachuri-Rosendo v. Holder, 560 U.S. \_\_\_, 130 S.Ct. 2577 (2010), as recognized by Garbutt v. Holder, 395 Fed.Appx. 289 (7th Cir. 2010) (unpublished).
- U.S. v. Pearson, 553 F.3d 1183 (8th Cir. 2009), overruled by U.S. v. Tucker, 740 F.3d 1177 (8th Cir. 2014).
- U.S. v. Pepper, 570 F.3d 958 (8th Cir. 2009), affirmed in part, vacated in part, Pepper v. U.S., 131 S.Ct. 1229 (2011).

- U.S. v. Rodebaugh, 561 F.3d 864 (8th Cir. 2009), judgment vacated by Johnson v. U.S., 130 S.Ct. 1136 (2010).
- U.S. v. Ressay, 553 U.S. 272, 128 S.Ct. 1858 (2008), on remand, U.S. v. Ressay, 679 F.3d 1069 (9th Cir. 2012).
- U.S. v. Richardson, 510 F.3d 622 (6th Cir. 2007), abrogation recognized by U.S. v. Taylor, 648 F.3d 417 (6th Cir. 2011).
- U.S. v. Rodriguez, 553 U.S. 377, 128 S.Ct. 1783 (2008).
- U.S. v. Rodriguez-Jaimes, 481 F.3d 283 (5th Cir. 2007), abrogation recognized by U.S. v. Marquez, 626 F.3d 214 (5th Cir. 2010).
- U.S. v. Rosas-Pulido, 526 F.3d 829 (5th Cir. 2008), superseded by regulation as stated in U.S. v. Diaz-Corado, 648 F.3d 290 (5th Cir. 2011).
- U.S. v. Roseboro, 551 F.3d 226 (4th Cir. 2009), abrogation recognized by U.S. v. Rivers, 595 F.3d 558 (4th Cir. 2010).
- U.S. v. Sanchez, 562 F.3d 275 (3d Cir. 2009), overruling recognized by U.S. v. Weatherspoon, 696 F.3d 416 (3d Cir. 2012).
- U.S. v. Sipai, 582 F.3d 994 (9th Cir. 2009), superseded, 623 F.3d 908 (2010).
- U.S. v. Skilling, 554 F.3d 529 (5th Cir. 2009), affirmed in part, vacated in part, Skilling v. U.S., 130 S.Ct. 2896 (2010).
- U.S. v. Snellenberger, 548 F.3d 699 (9th Cir. 2008) (en banc), abrogated by Young v. Holder, 697 F.3d 976 (9th Cir. 2008) (en banc).
- U.S. v. Todd, 584 F.3d 788 (9th Cir. 2009), superseded, U.S. v. Todd, 627 F.3d 329 (9th Cir. 2010).
- U.S. v. Upton, 512 F.3d 394 (7th Cir. 2008), overruling recognized by U.S. v. Brock, 724 F.3d 817 (7th Cir. 2013).
- U.S. v. Van Alstyne, 584 F.3d 803 (9th Cir. 2009).
- U.S. v. Vance, 494 F.3d 985 (11th Cir. 2007), superseded by statute as stated in U.S. v. Jerchow, 631 F.3d 1181 (11th Cir. 2011).
- U.S. v. Vazquez, 558 F.3d 1224 (11th Cir. 2009), vacated, Vazquez v. U.S., 130 S.Ct. 1135 (2010).
- U.S. v. Vidal, 504 F.3d 1072 (9th Cir. 2007), abrogation recognized as to abstracts of judgment by Cardozo-Arias v. Holder, \_\_\_ Fed. Appx. \_\_\_, 2012 WL 5350911, No. 08-74870 (9th Cir. 2012) (unpublished).
- U.S. v. Wachowiak, 496 F.3d 744 (7th Cir. 2007), abrogation recognized by U.S. v. Bartlett, 567 F.3d 901 (7th Cir. 2009).
- U.S. v. Wesson, 583 F.3d 728 (9th Cir. 2009).
- U.S. v. West, 550 F.3d 952 (10th Cir. 2008), overruling recognized by U.S. v. Shipp, 589 F.3d 1084 (10th Cir. 2009).
- U.S. v. Whitley, 529 F.3d 150 (2nd Cir. 2008), abrogated as to consecutive sentencing by Abbott v. U.S., 131 S.Ct. 18 (2010) as recognized by U.S. v. Tejada, 631 F.3d 614 (2nd Cir. 2011).
- U.S. v. Williams, 558 F.3d 166 (2d Cir. 2009), vacated, U.S. v. Williams, 131 S.Ct. 632 (2010).
- U.S. v. Williams, 563 F.3d 1239 (11th Cir. 2009), vacated, Williams v. U.S., 130 S.Ct. 1734 (2010).
- U.S. v. Woods, 556 F.3d 616 (7th Cir. 2009), abrogated by U.S. v. Statham, 581 F.3d 548 (7th Cir. 2009).
- U.S. v. DeLeon, 678 F.3d 317 (4th Cir. 2012), vacated, DeLeon v. U.S., 133 S.Ct. 2850 (2013).
- U.S. v. Dreyer, 693 F.3d 803 (9th Cir. 2012), superseded on denial of rehearing en banc, U.S. v. Dreyer, 705 F.3d 951 (9th Cir. 2013).
- U.S. v. Fife, 624 F.3d 441 (7th Cir. 2010), abrogation recognized by U.S. v. Miller, 721 F.3d 435 (7th Cir. 2013).
- U.S. v. Gonzalez-Lara, 702 F.3d 928 (7th Cir. 2012).
- U.S. v. Irvin, 656 F.3d 1151 (10th Cir. 2011), superseded, U.S. v. Irvin, 682 F.3d 1254 (10th Cir. 2012).
- U.S. v. Holloway, 630 F.3d 252 (1st Cir. 2011), overruling recognized by U.S. v. Hsu, 669 F.3d 112 (2d Cir. 2012).
- U.S. v. Keyser, 704 F.3d 631 (9th Cir. 2012).
- U.S. v. Lee, 704 F.3d 785 (9th Cir. 2012).
- U.S. v. Lewis, 625 F.3d 1224 (10th Cir. 2010), overruling recognized by U.S. v. Lucero, 713 F.3d 1024 (10th Cir. 2013).
- U.S. v. Lindsey, 634 F.3d 541 (9th Cir. 2011), overruling recognized by U.S. v. Williams, 731 F.3d 1222 (11th Cir. 2013).
- U.S. v. Manning, 704 F.3d 584 (9th Cir. 2012).
- U.S. v. Marrero, 677 F.3d 155 (3d Cir. 2012), vacated, Marrero v. U.S., 133 S.Ct. 2732 (2013).
- U.S. v. Parks, 620 F.3d 911 (8th Cir. 2010), overruled by U.S. v. Tucker, 740 F.3d 1177 (8th Cir. 2014).
- U.S. v. Phillips, 704 F.3d 754 (9th Cir. 2012).
- U.S. v. Ramos-Medina, 682 F.3d 852 (9th Cir. 2012), opinion amended and superseded on denial of rehearing en banc by U.S. v. Ramos-Medina, 706 F.3d 932 (9th Cir. 2013).
- U.S. v. Ray, 699 F.3d 1172 (10th Cir. 2012), superseded, U.S. v. Ray, 704 F.3d 1307 (10th Cir. 2013).
- U.S. v. Rodriguez, 698 F.3d 220 (5th Cir. 2012), rehearing en banc ordered by U.S. v. Rodriguez, 701 F.3d 1080 (5th Cir. 2012), and on rehearing en banc, U.S. v. Rodriguez, 711 F.3d 541 (5th Cir. 2013).
- U.S. v. Smith, 654 F.3d 1263 (11th Cir. 2011) vacated, U.S. v. Smith, 684 F.3d 1364 (11th Cir. 2012).
- U.S. v. Tobin, 676 F.3d 1264 (11th Cir. 2012), abrogation recognized by U.S. v. Castro, 736 F.3d 1308 (11th Cir. 2013).
- U.S. v. Vallone, 698 F.3d 416 (7th Cir. 2012), vacated, Dunn v. U.S., 133 S.Ct. 2825 (2013).

---

**Updated Citations  
for Volume 9**

---

- In re Amy, 698 F.3d 1151 (9th Cir. 2012), vacated, Amy and Vicky, Child Pornography Victims v. U.S. Dist. Court for Western Dist. of Washington, 134 S.Ct. 1959 (2014).
- In re Amy Unknown, 701 F.3d 749 (5th Cir. 2012),
- Reynolds v. Thomas, 603 F.3d 1144 (9th Cir. 2010), abrogation in part recognized by U.S. v. Montes-Ruiz, (9th Cir. Mar. 21, 2014), No. 12-50398.
- U.S. v. Aguila-Montes de Oca, 655 F.3d 915 (9th Cir. 2011), abrogated by Young v. Holder, 697 F.3d 976 (9th Cir. 2012) and Descamps v. U.S. 133 S.Ct. 2276 (2013).
- U.S. v. Alston, 626 F.3d 397 (8th Cir. 2010).
- U.S. v. Arias-Espinosa 704 F.3d 616 (9th Cir. 2012).
- U.S. v. Baker, 658 F.3d 1050 (9th Cir. 2011), overruled by U.S. v. King, 687 F.3d 1189 (9th Cir. 2012) on other grounds.
- U.S. v. Beasley, the correct citation is 688 F.3d 523 (8th Cir. 2012).
- U.S. v. Cruz-Rea, 626 F.3d 929 (7th Cir. 2010), overruling recognized by U.S. v. Leonard-Allen, 739 F.3d 948 (7th Cir. 2013).

U.S. v. Valdavinos-Torres, 704 F.3d 679 (9th Cir. 2012).  
U.S. v. Webb, the correct citation is 665 F.3d 1380 (11th Cir. 2012).  
U.S. v. Williams, 558 F.3d 166 (2d Cir. 2009), vacated, U.S. v. Williams, 131 S.Ct. 632 (2010).  
U.S. v. Williams, 664 F.3d 719 (8th Cir. 2011), overruled, U.S. v. Tucker, 740 F.3d 1177 (8th Cir. 2014).  
U.S. v. Yeung, 672 F.3d 594 (9th Cir. 2012), abrogated by *Robers v. U.S.*, 134 S.Ct. 1854 (2014).  
U.S. v. Yepez, 704 F.3d 1087 (9th Cir. 2012).

---

**Updated Citations  
for Volume 10**

---

*Bell v. Uribe*, 729 F.3d 1052 (9th Cir. 2013), superseded, *Bell v. Uribe*, 748 F.3d 857 (9th Cir. 2014).  
U.S. v. Adams, 746 F.3d 734 (7th Cir. 2014).  
U.S. v. Bainbridge, 746 F.3d 943 (9th Cir. 2014).  
U.S. v. Blewett, 746 F.3d 647 (6th Cir. 2013) (en banc).  
U.S. v. Chhun, 744 F.3d 1110 (9th Cir. 2014).  
U.S. v. Foulks, 747 F.3d 914 (5th Cir. 2014).  
U.S. v. Gonzalez-Monterroso, 745 F.3d 1237 (9th Cir. 2014).  
U.S. v. Hernandez-Arias, 745 F.3d 1275 (9th Cir. 2014), superseded, 757 F.3d 874 (9th Cir. 2013).  
U.S. v. Lundquist, 731 F.3d 124 (2d Cir. 2013), vacated, *Lundquist v. U.S.*, 134 S.Ct. 1940 (2014).  
U.S. v. McDowell, 745 F.3d 115 (4th Cir. 2014).  
U.S. v. Montes-Ruiz, 745 F.3d 1286 (9th Cir. 2014).  
U.S. v. Morales-Isabarras, 745 F.3d 398 (9th Cir. 2014).  
U.S. v. Morris, 744 F.3d 1373 (9th Cir. 2014).  
U.S. v. Poulin, 745 F.3d 796 (7th Cir. 2014).  
U.S. v. Robinson, 744 F.3d 293 (4th Cir. 2014).  
U.S. v. Ruacho, 746 F.3d 850 (8th Cir. 2014).  
U.S. v. Santiago-Rivera, 744 F.3d 229 (1st Cir. 2014).

---

**Updated Citations for  
Newsletters**

---

*Abbott v. Federal Bureau of Prisons*, 771 F.3d 512 (9th Cir. 2014).  
*C.B. v. City of Sonora*, 769 F.3d 1005 (9th Cir. 2014).  
*Carroll v. Carman*, 135 S.Ct. 348 (2014).  
*Chappell v. Ayala*, 135 S.Ct. 401 (2014) (granting certiorari).  
*City of Los Angeles v. Patel*, 135 S.Ct. 400 (2014) (granting certiorari).  
*Clark v. Arnold*, 769 F.3d 711 (9th Cir. 2014).  
*Coleman-Bey v. Tollefson*, 135 S.Ct. 43 (2014) (granting certiorari).  
*Doe v. Harris*, 772 F.3d 563 (9th Cir. 2014).  
*Glebe v. Frost*, 135 S.Ct. 429 (2014).  
*Henderson v. U.S.*, 135 S.Ct. 402 (2014) (granting certiorari).  
*Hughes v. U.S.*, 770 F.3d 814 (9th Cir. 2014).  
*Johnson v. U.S.*, 134 S.Ct. 1871 (2014) (granting certiorari).  
*Litmon v. Harris*, 768 F.3d 1237 (9th Cir. 2014).  
*Lopez v. Smith*, 135 S.Ct. 1 (2014).  
*Ohio v. Clark*, 135 S.Ct. 43 (2014) (granting certiorari).  
*Paroline v. U.S.*, 134 S.Ct. 1710 (2014).  
*Peruta v. County of San Diego*, 771 F.3d 570 (9th Cir. 2014).  
*Rendon v. Holder*, 764 F.3d 1077 (9th Cir. 2014).  
*Robers v. U.S.*, 134 S.Ct. 1854 (2014).  
*Rodriguez v. U.S.*, 135 S.Ct. 43 (2014) (granting certiorari).  
*Roman-Suaste v. Holder*, 766 F.3d 1035 (9th Cir. 2014).  
*Spencer v. U.S.*, 773 F.3d 1132 (11th Cir. 2014).  
*Trillo v. Biter*, 754 F.3d 1085 (9th Cir. 2014), amended without changing the summaries, 769 F.3d 995 (9th Cir. 2014).  
U.S. v. Adams, 751 F.3d 1175 (10th Cir. 2014).  
U.S. v. Adams, 768 F.3d 219 (2d Cir. 2014).  
U.S. v. Adams, 780 F.3d 1182 (D.C. Cir. 2015).  
U.S. v. Adepoju, 756 F.3d 250 (4th Cir. 2014).  
U.S. v. Adorno-Molina, 774 F.3d 116 (1st Cir. 2014).  
U.S. *Akins*, 746 F.3d 590 (5th Cir. 2014).  
U.S. v. Albino-Loe, 747 F.3d 1206 (9th Cir. 2014).  
U.S. v. Albornoz-Albornoz, 770 F.3d 1139 (5th Cir. 2014).

U.S. v. Almeida, 710 F.3d 437 (1st Cir. 2014).  
U.S. v. Almonte-Nunez, 771 F.3d 84 (1st Cir. 2014).  
U.S. v. Alvarado-Pineda, 774 F.3d 1198 (9th Cir. 2014).  
U.S. v. Anderson, 745 F.3d 593 (1st Cir. 2014).  
U.S. v. Anderson, 755 F.3d 782 (5th Cir. 2014).  
U.S. v. Anderson, 772 F.3d 662 (11th Cir. 2014).  
U.S. v. Aponte-Vellon, 754 F.3d 89 (1st Cir. 2014).  
U.S. v. Archambault, 777 F.3d 982 (8th Cir. 2015).  
U.S. v. Archie, 771 F.3d 217 (4th Cir. 2014).  
U.S. v. Armstrong, 782 F.3d 1028 (8th Cir. 2015).  
U.S. v. Arojojoye, 753 F.3d 729 (7th Cir. 2014).  
U.S. v. Arroyo-Blas, 783 F.3d 361 (1st Cir. 2015).  
U.S. v. Asante, 782 F.3d 639 (11th Cir. 2015).  
U.S. v. Atterberry, 775 F.3d 1085 (8th Cir. 2015).  
U.S. v. Avila, 770 F.3d 1100 (4th Cir. 2014).  
U.S. v. Ayala-Vazquez, 751 F.3d 1 (1st Cir. 2014).  
U.S. v. Babcock, 753 F.3d 587 (6th Cir. 2014).  
U.S. v. Bailey, 777 F.3d 904 (7th Cir. 2015).  
U.S. v. Baines, 777 F.3d 959 (7th Cir. 2015).  
U.S. v. Baker, 755 F.3d 515 (7th Cir. 2014).  
U.S. v. Baker, 769 F.3d 1196 (10th Cir. 2014).  
U.S. v. Baldwin, 774 F.3d 711 (11th Cir. 2014).  
U.S. v. Ball, 771 F.3d 964 (6th Cir. 2014).  
U.S. v. Banks, 764 F.3d 686 (7th Cir. 2014).  
U.S. v. Banks, 770 F.3d 346 (5th Cir. 2014).  
U.S. v. Banks, 776 F.3d 87 (2d Cir. 2015).  
U.S. v. Barbour, 750 F.3d 535 (6th Cir. 2014).  
U.S. v. Barnes, 769 F.3d 94 (1st Cir. 2014).  
U.S. v. Barsoum, 763 F.3d 1321 (11th Cir. 2014).  
U.S. v. Batemon, 782 F.3d 1104 (8th Cir. 2015).  
U.S. v. Battle, 774 F.3d 504 (8th Cir. 2014).

*Federal Sentencing Guide Cumulative Index March 23, 2015*

---

- U.S. v. Batts, 758 F.3d 915 (8th Cir. 2014).
- U.S. v. Beacham, 774 F.3d 267 (5th Cir. 2014).
- U.S. v. Bear, 769 F.3d 1221 (10th Cir. 2014).
- U.S. v. Beard, 745 F.3d 288 (7th Cir. 2014).
- U.S. v. Bearden, 780 F.3d 887 (8th Cir. 2015).
- U.S. v. Bell, 766 F.3d 634 (6th Cir. 2014).
- U.S. v. Bell, 770 F.3d 1253 (9th Cir. 2014).
- U.S. v. Benhoff, 755 F.3d 504 (7th Cir. 2014).
- U.S. v. Bennett, 765 F.3d 887 (8th Cir. 2014).
- U.S. v. Beran, 751 F.3d 872 (8th Cir. 2014).
- U.S. v. Bey, 748 F.3d 774 (7th Cir. 2014).
- U.S. v. Bolt, 782 F.3d 388 (8th Cir. 2015).
- U.S. v. Boney, 769 F.3d 153 (3d Cir. 2014).
- U.S. v. Brooks, 751 F.3d 1204 (10th Cir. 2014).
- U.S. v. Brown, 765 F.3d 185 (3d Cir. 2014).
- U.S. v. Brown, 771 F.3d 1149 (9th Cir. 2014).
- U.S. v. Brown, 772 F.3d 1141 (8th Cir. 2014).
- U.S. v. Brown, 772 F.3d 1262 (11th Cir. 2014).
- U.S. v. Bruyant, 769 F.3d 671 (9th Cir. 2014).
- U.S. v. Burgos-Figueroa, 778 F.3d 319 (1st Cir. 2015).
- U.S. v. Burgos-Ortega, 777 F.3d 1047 (9th Cir. 2015).
- U.S. v. Burns, 781 F.3d 688 (4th Cir. 2015).
- U.S. v. Burnett, 773 F.3d 122 (3d Cir. 2014).
- U.S. v. Butler, 777 F.3d 382 (7th Cir. 2015).
- U.S. v. Cabrera-Perez, 751 F.3d 1000 (9th Cir. 2014).
- U.S. v. Callaway, 762 F.3d 754 (8th Cir. 2014).
- U.S. v. Campbell, 764 F.3d 874 (8th Cir. 2014).
- U.S. v. Campbell, 765 F.3d 1291 (11th Cir. 2013).
- U.S. v. Carr, 761 F.3d 1068 (9th Cir. 2014).
- U.S. v. Cary, 775 F.3d 919 (7th Cir. 2015).
- U.S. v. Castellon-Aragon, 772 F.3d 1023 (5th Cir. 2014).
- U.S. v. Castillo, 779 F.3d 318 (5th Cir. 2015).
- U.S. v. Cassius, 777 F.3d 1093 (10th Cir. 2015).
- U.S. v. Castillo-Arellano, 777 F.3d 1100 (10th Cir. 2015).
- U.S. v. Castro-Alvarado, 755 F.3d 472 (7th Cir. 2014).
- U.S. v. Castro-Perez, 749 F.3d 1209 (10th Cir. 2014).
- U.S. v. Castro-Ponce, 770 F.3d 819 (9th Cir. 2014).
- U.S. v. Castro-Verdugo, 750 F.3d 1065 (9th Cir. 2014).
- U.S. v. Catone, 769 F.3d 866 (4th Cir. 2014).
- U.S. v. Causey, 748 F.3d 310 (7th Cir. 2014).
- U.S. v. Ceballos-Santa Cruz, 756 F.3d 635 (8th Cir. 2014).
- U.S. v. Cedillo-Narvaez, 761 F.3d 397 (5th Cir. 2014).
- U.S. v. Ceron, 775 F.3d 222 (5th Cir. 2014).
- U.S. v. Certified Environmental Services, Inc., 753 F.3d 72 (2d Cir. 2014).
- U.S. v. Charles, 749 F.3d 767 (9th Cir. 2014).
- U.S. v. Charles, 757 F.3d 1222 (11th Cir. 2014).
- U.S. v. Chychula, 757 F.3d 615 (7th Cir. 2014).
- U.S. v. Cisneros, 763 F.3d 1236 (9th Cir. 2014).
- U.S. v. Clark, 747 F.3d 890 (D.C. Cir. 2014).
- U.S. v. Clark, 780 F.3d 896 (8th Cir. 2015).
- U.S. v. Claxton, 766 F.3d 280 (3d Cir. 2014).
- U.S. v. Clay, 752 F.3d 1106 (7th Cir. 2014).
- U.S. v. Cobler, 748 F.3d 570 (4th Cir. 2014).
- U.S. v. Cole, 765 F.3d 884 (8th Cir. 2014).
- U.S. v. Collins, 773 F.3d 25 (4th Cir. 2014).
- U.S. v. Collins, 754 F.3d 626 (8th Cir. 2014).
- U.S. v. Collins, 774 F.3d 256 (5th Cir. 2014).
- U.S. v. Colon-Arreola, 753 F.3d 841 (9th Cir. 2014).
- U.S. v. Conde-Castaneda, 7523 F.3d 172 (5th Cir. 2014).
- U.S. v. Conley, 777 F.3d 910 (7th Cir. 2015).
- U.S. v. Cooper, 767 F.3d 721 (7th Cir. 2014).
- U.S. v. Coppage, 772 F.3d 557 (8th Cir. 2014).
- U.S. v. Coppenger, 775 F.3d 799 (6th Cir. 2015).
- U.S. v. Corrales-Portillo, 779 F.3d 823 (8th Cir. 2015).
- U.S. v. Cortez-Cortez, 770 F.3d 355 (5th Cir. 2014).
- U.S. v. Cramer, 777 F.3d 597 (2d Cir. 2015).
- U.S. v. Cubero, 754 F.3d 888 (11th Cir. 2014).
- U.S. v. Daniels, 760 F.3d 920 (9th Cir. 2014).
- U.S. v. Dantzler, 771 F.3d 137 (2d Cir. 2014).
- U.S. v. Dautovic, 763 F.3d 927 (8th Cir. 2014).
- U.S. v. Davenport, 775 F.3d 605 (3d Cir. 2015).
- U.S. v. Davila-Felix, 763 F.3d 105 (1st Cir. 2014).
- U.S. v. Davis, 751 F.3d 769 (6th Cir. 2014).
- U.S. v. Davis, 753 F.3d 1361 (8th Cir. 2014).
- U.S. v. Davis, 754 F.3d 278 (5th Cir. 2014).
- U.S. v. Davis, 761 F.3d 713 (7th Cir. 2014).
- U.S. v. Davis, 764 F.3d 690 (7th Cir. 2014).
- U.S. v. Davis, 773 F.3d 334 (1st Cir. 2014).
- U.S. v. Davis, 776 F.3d 1088 (9th Cir. 2015).
- U.S. v. Davison, 761 F.3d 683 (7th Cir. 2014).
- U.S. v. Del Valle-Rodriguez, 761 F.3d 171 (1st Cir. 2014).
- U.S. v. Delgado-Flores, 777 F.3d 529 (1st Cir. 2015).
- U.S. v. Deering, 762 F.3d 783 (8th Cir. 2014).
- U.S. v. Diaz-Bermudez, 778 F.3d 309 (1st Cir. 2015).
- U.S. v. Dibe, 776 F.3d 665 (9th Cir. 2015).
- U.S. v. Diehl, 775 F.3d 714 (5th Cir. 2015).
- U.S. v. Diggs, 768 F.3d 643 (7th Cir. 2014).
- U.S. v. Dimitrovski, 782 F.3d 622 (11th Cir. 2015).
- U.S. v. Dimora, 750 F.3d 619 (6th Cir. 2014).
- U.S. v. DiRosa, 761 F.3d 144 (1st Cir. 2014).
- U.S. v. Dodd, 770 F.3d 306 (4th Cir. 2014).
- U.S. v. Doering, 759 F.3d 862 (8th Cir. 2014).
- U.S. v. Dominguez-Maroyoqui, 748 F.3d 918 (9th Cir. 2014).
- U.S. v. Domnenko, 763 F.3d 768 (7th Cir. 2014).



*Federal Sentencing Guide Cumulative Index March 23, 2015*

---

- U.S. v. Donelli, 747 F.3d 936 (7th Cir. 2014).  
U.S. v. Dougherty, 754 F.3d 1353 (11th Cir. 2014).  
U.S. v. Dowell, 771 F.3d 162 (4th Cir. 2014).  
U.S. v. Dunn, 777 F.3d 1171 (10th Cir. 2015).  
U.S. v. Duperval, 777 F.3d 1324 (11th Cir. 2015).  
U.S. v. Duquette, 778 F.3d 314 (1st Cir. 2015).  
U.S. v. Durham, 766 F.3d 672 (7th Cir. 2014).  
U.S. v. Edison, 756 F.3d 638 (8th Cir. 2014).  
U.S. v. Elizondo-Hernandez, 755 F.3d 779 (5th Cir. 2014).  
U.S. v. Emmett, 749 F.3d 817 (9th Cir. 2014).  
U.S. v. Engles, 779 F.3d 1161 (10th Cir. 2015).  
U.S. v. Erwin, 765 F.3d 219 (3d Cir. 2014).  
U.S. v. Esquenazi, 752 F.3d 912 (11th Cir. 2014).  
U.S. v. Estrada, 777 F.3d 1318 (11th Cir. 2015).  
U.S. v. Etienne, 772 F.3d 907 (1st Cir. 2014).  
U.S. v. Estrella, 758 F.3d 1239 (11th Cir. 2014).  
U.S. v. Evans, 782 F.3d 1115 (10th Cir. 2015).  
U.S. v. Faherty, 749 F.3d 835 (9th Cir. 2014).  
U.S. v. Fallins, 777 F.3d 296 (6th Cir. 2015).  
U.S. v. Farano, 749 F.3d 658 (7th Cir. 2014).  
U.S. v. Farmer, 755 F.3d 849 (7th Cir. 2014).  
U.S. v. Ferdman, 779 F.3d 1129 (10th Cir. 2015).  
U.S. v. Ferguson, 752 F.3d 613 (4th Cir. 2014).  
U.S. v. Fermin, 771 F.3d 71 (1st Cir. 2014).  
U.S. v. Fernandez, 770 F.3d 340 (5th Cir. 2014).  
U.S. v. Fernandez, 776 F.3d 344 (5th Cir. 2015).  
U.S. v. Fields, 763 F.3d 443 (6th Cir. 2014).  
U.S. v. Fields, 777 F.3d 799 (5th Cir. 2015).  
U.S. v. Flanders, 752 F.3d 1317 (11th Cir. 2014).  
U.S. v. Fletcher, 763 F.3d 711 (7th Cir. 2014).  
U.S. v. Flores-Alvarado, 779 F.3d 250 (4th Cir. 2015).  
U.S. v. Flores-Granados, 783 F.3d 487 (4th Cir. 2015).  
U.S. v. Flores-Mejia, 759 F.3d 253 (3d Cir. 2014).  
U.S. v. Fofanah, 765 F.3d 141 (2d Cir. 2014).  
U.S. v. Ford, 761 F.3d 641 (6th Cir. 2014).  
U.S. v. Fowler, 749 F.3d 1010 (11th Cir. 2014).  
U.S. v. Freeman, 763 F.3d 322 (3d Cir. 2014).  
U.S. v. Fuentes, 775 F.3d 213 (5th Cir. 2014).  
U.S. v. Gaffney-Kessel, 772 F.3d 97 (1st Cir. 2014).  
U.S. v. Garcia, 754 F.3d 460 (7th Cir. 2014).  
U.S. v. Garcia, 758 F.3d 714 (6th Cir. 2014).  
U.S. v. Garcia, 772 F.3d 1124 (8th Cir. 2014).  
U.S. v. Garcia, 774 F.3d 472 (8th Cir. 2014).  
U.S. v. Garcia-Carrillo, 749 F.3d 376 (5th Cir. 2014).  
U.S. v. Garcia-Figueroa, 753 F.3d 179 (5th Cir. 2014).  
U.S. v. Garcia-Perez, 779 F.3d 278 (5th Cir. 2015).  
U.S. v. Garrett, 757 F.3d 560 (7th Cir. 2014).  
U.S. v. Garrett, 758 F.3d 749 (6th Cir. 2014).  
U.S. v. Garten, 777 F.3d 392 (7th Cir. 2015).  
U.S. v. Gatson, 776 F.3d 405 (6th Cir. 2015).  
U.S. v. Gavilanes-Ocaranza, 772 F.3d 624 (9th Cir. 2014).  
U.S. v. Gay, 771 F.3d 10 (10th Cir. 2014).  
U.S. v. George, 761 F.3d 42 (1st Cir. 2014).  
U.S. v. Georgiou, 777 F.3d 125 (3d Cir. 2015).  
U.S. v. Giovenco, 773 F.3d 866 (7th Cir. 2014).  
U.S. v. Gnirke, 775 F.3d 1155 (9th Cir. 2014).  
U.S. v. Gonyer, 761 F.3d 157 (1st Cir. 2014).  
U.S. v. Gonzalez, 781 F.3d 422 (8th Cir. 2015).  
U.S. v. Goodrich, 754 F.3d 569 (8th Cir. 2014).  
U.S. v. Gomez-Alvarez, 781 F.3d 787 (5th Cir. 2015).  
U.S. v. Gomez-Jimenez, 750 F.3d 370 (4th Cir. 2014).  
U.S. v. Gonzalez, 765 F.3d 732 (7th Cir. 2014).  
U.S. v. Grandison, 781 F.3d 987 (8th Cir. 2015).  
U.S. v. Grant, 753 F.3d 480 (4th Cir. 2014).  
U.S. v. Grigsby, 749 F.3d 908 (10th Cir. 2014).  
U.S. v. Grzybowicz, 747 F.3d 1296 (11th Cir. 2014).  
U.S. v. Guerrero, 768 F.3d 351 (5th Cir. 2014).  
U.S. v. Gutierrez, 757 F.3d 785 (8th Cir. 2014).  
U.S. v. Guerrero-Jasso, 752 F.3d 1186 (9th Cir. 2014).  
U.S. v. Gutierrez-Mendez, 752 F.3d 418 (5th Cir. 2014).  
U.S. v. Hackett, 762 F.3d 493 (6th Cir. 2014).  
U.S. v. Haipe, 769 F.3d 1189 (D.C. Cir. 2014).  
U.S. v. Hallahan, 744 F.3d 497 (7th Cir. 2014).  
U.S. v. Hargis, 747 F.3d 917 (7th Cir. 2014).  
U.S. v. Harper, 766 F.3d 741 (7th Cir. 2014).  
U.S. v. Harris, 751 F.3d 123 (3d Cir. 2014).  
U.S. v. Harris-Thompson, 751 F.3d 590 (8th Cir. 2014).  
U.S. v. Hayes, 762 F.3d 1300 (11th Cir. 2014).  
U.S. v. Haynes, 764 F.3d 1304 (11th Cir. 2014).  
U.S. v. Haywood, 777 F.3d 430 (7th Cir. 2015).  
U.S. v. Henley, 766 F.3d 893 (8th Cir. 2014).  
U.S. v. Henry, 758 F.3d 427 (D.C. Cir. 2014).  
U.S. v. Hentges, 779 F.3d 820 (8th Cir. 2015).  
U.S. v. Heredia, 768 F.3d 1220 (9th Cir. 2014).  
U.S. v. Hernandez, 769 F.3d 1059 (9th Cir. 2014).  
U.S. v. Herrera-Alvarez, 753 F.3d 132 (5th Cir. 2014).  
U.S. v. Hill, 783 F.3d 842 (11th Cir. 2015).  
U.S. v. Hinds, 770 F.3d 658 (7th Cir. 2014).  
U.S. v. Hinojosa, 749 F.3d 407 (5th Cir. 2014).  
U.S. v. Holm, 745 F.3d 938 (8th Cir. 2014).  
U.S. v. Holmes, 751 F.3d 846 (8th Cir. 2014).  
U.S. v. Holt, 777 F.3d 1234 (11th Cir. 2015).  
U.S. v. Hood, 774 F.3d 638 (10th Cir. 2014).

*Federal Sentencing Guide Cumulative Index March 23, 2015*

---

- U.S. v. Horton, 756 F.3d 569 (8th Cir. 2014).  
U.S. v. Horton, 770 F.3d 582 (7th Cir. 2014).  
U.S. v. Houston, 745 F.3d 863 (7th Cir. 2014).  
U.S. v. Howard, 754 F.3d 608 (8th Cir. 2014).  
U.S. v. Howard, 759 F.3d 886 (8th Cir. 2014).  
U.S. v. Howard, 773 F.3d 519 (4th Cir. 2014).  
U.S. v. Hoyle, 751 F.3d 1167 (10th Cir. 2014).  
U.S. v. Hui Hsiung, 758 F.3d 1074 (9th Cir. 2014).  
U.S. v. Huitron-Rocha, 771 F.3d 1183 (9th Cir. 2014).  
U.S. v. Hum, 766 F.3d 925 (8th Cir. 2014).  
U.S. v. Humphrey, 753 F.3d 813 (8th Cir. 2014).  
U.S. v. Hunter, 770 F.3d 740 (8th Cir. 2014).  
U.S. v. Hurtado, 760 F.3d 1065 (9th Cir. 2014).  
U.S. v. Hymas, 780 F.3d 1285 (9th Cir. 2015).  
U.S. v. Iovino, 777 F.3d 578 (2d Cir. 2015).  
U.S. v. Irlmeier, 750 F.3d 759 (8th Cir. 2014).  
U.S. v. Isaacson, 752 F.3d 1291 (11th Cir. 2014).  
U.S. v. Iyarpeya, 772 F.3d 832 (8th Cir. 2014).  
U.S. v. Jackson, 751 F.3d 707 (6th Cir. 2014).  
U.S. v. Jackson, 782 F.3d 1006 (8th Cir. 2015).  
U.S. v. JDT, 762 F.3d 984 (9th Cir. 2014).  
U.S. v. Jenkins, 758 F.3d 1046 (8th Cir. 2014).  
U.S. v. Jenkins, 772 F.3d 1092 (7th Cir. 2014).  
U.S. v. Jett, 782 F.3d 1050 (8th Cir. 2015).  
U.S. v. Jimenez-Arzate, 776 F.3d 662 (9th Cir. 2015).  
U.S. v. Johnson, 756 F.3d 532 (7th Cir. 2014).  
U.S. v. Johnson, 765 F.3d 702 (7th Cir. 2014).  
U.S. v. Jones, 744 F.3d 1362 (D.C. Cir. 2014).  
U.S. v. Jones, 752 F.3d 1039 (5th Cir. 2014).  
U.S. v. Jones, 756 F.3d 1121 (8th Cir. 2014).  
U.S. v. Jones, 763 F.3d 777 (7th Cir. 2014).  
U.S. v. Jones, 770 F.3d 710 (8th Cir. 2014).  
U.S. v. Jones, 778 F.3d 375 (1st Cir. 2015).  
U.S. v. Jones, 778 F.3d 1056 (8th Cir. 2015).  
U.S. v. Joubert, 778 F.3d 247 (1st Cir. 2015).  
U.S. v. Kamper, 748 F.3d 728 (6th Cir. 2014).  
U.S. v. Kappes, 782 F.3d 828 (7th Cir. 2015).  
U.S. v. Kenney, 756 F.3d 36 (1st Cir. 2014).  
U.S. v. Kerr, 752 F.3d 206 (2d Cir. 2014).  
U.S. v. James Howard King, 773 F.3d 48 (5th Cir. 2014).  
U.S. v. Khan, 771 F.3d 367 (7th Cir. 2014).  
U.S. v. Kiefer, 760 F.3d 926 (9th Cir. 2014).  
U.S. v. Kilgore, 749 F.3d 463 (6th Cir. 2014).  
U.S. v. Killen, 761 F.3d 945 (8th Cir. 2014).  
U.S. v. Kimber, 777 F.3d 553 (2d Cir. 2015).  
U.S. v. King, 751 F.3d 1268 (11th Cir. 2014).  
U.S. v. Kirk, 767 F.3d 1136 (11th Cir. 2014).  
U.S. v. Kleiner, 765 F.3d 155 (2d Cir. 2014).  
U.S. v. Kopp, 778 F.3d 986 (11th Cir. 2015).  
U.S. v. Koss, 769 F.3d 558 (8th Cir. 2014).  
U.S. v. Krul, 774 F.3d 371 (6th Cir. 2014).  
U.S. v. Kumar, 750 F.3d 563 (6th Cir. 2014).  
U.S. v. Lara-Ruiz, 781 F.3d 919 (8th Cir. 2015).  
U.S. v. Lawin, 779 F.3d 780 (8th Cir. 2015).  
U.S. v. Lawrence, 749 F.3d 1092 (8th Cir. 2014).  
U.S. v. Lemon, 777 F.3d 170 (4th Cir. 2015).  
U.S. v. Lente, 759 F.3d 1149 (10th Cir. 2014).  
U.S. v. Lewis, 766 F.3d 255 (3d Cir. 2014).  
U.S. v. Lizarraga-Carrizales, 757 F.3d 995 (9th Cir. 2014).  
U.S. v. Lockhart, 749 F.3d 148 (2d Cir. 2014).  
U.S. v. Long, 757 F.3d 762 (8th Cir. 2014).  
U.S. v. Louthian, 756 F.3d 295 (4th Cir. 2014).  
U.S. v. Lucas, 745 F.3d 626 (2d Cir. 2014).  
U.S. v. Lucena-Rivera, 750 F.3d 43 (1st Cir. 2014), opinion after remand, 758 F.3d 435 (1st Cir. 2014).  
U.S. v. Lucero, 747 F.3d 1242 (10th Cir. 2014).  
U.S. v. Luedtke, 771 F.3d 453 (8th Cir. 2014).  
U.S. v. Luis, 765 F.3d 1061 (9th Cir. 2014).  
U.S. v. Lymas, 781 F.3d 106 (4th Cir. 2015).  
U.S. v. Lynch, 757 F.3d 750 (8th Cir. 2014).  
U.S. v. Mabee, 765 F.3d 666 (6th Cir. 2014).  
U.S. v. Maguire, 752 F.3d 1 (1st Cir. 2014).  
U.S. v. Maid, 772 F.3d 1118 (8th Cir. 2014).  
U.S. v. Malagon-Soto, 764 F.3d 925 (8th Cir. 2014).  
U.S. v. Marcia-Acosta, 780 F.3d 1244 (9th Cir. 2015).  
U.S. v. Marr, 760 F.3d 733 (7th Cir. 2014).  
U.S. v. Martin, 749 F.3d 87 (1st Cir. 2014).  
U.S. v. Martin, 753 F.3d 485 (4th Cir. 2014).  
U.S. v. Martin, 757 F.3d 776 (8th Cir. 2014).  
U.S. v. Martin, 777 F.3d 984 (8th Cir. 2015).  
U.S. v. Martinez, 756 F.3d 1092 (8th Cir. 2014).  
U.S. v. Martinez, 762 F.3d 127 (1st Cir. 2014).  
U.S. v. Martinez, 771 F.3d 672 (9th Cir. 2014).  
U.S. v. Martinez-Lugo, 773 F.3d 678 (5th Cir. 2014), withdrawn and replaced by U.S. v. Martinez-Lugo, 782 F.3d 198 (5th Cir. 2015).  
U.S. v. Massam, 751 F.3d 1229 (11th Cir. 2014).  
U.S. v. Mathis, 767 F.3d 1264 (11th Cir. 2014).  
U.S. v. Matta, 777 F.3d 116 (2d Cir. 2015).  
U.S. v. Matthews, 749 F.3d 99 (1st Cir. 2014).  
U.S. v. Maxwell, 778 F.3d 719 (8th Cir. 2015).  
U.S. v. May, 748 F.3d 758 (7th Cir. 2014).  
U.S. v. Mayne, 783 F.3d 705 (8th Cir. 2015).  
U.S. v. McKay, 775 F.3d 1016 (8th Cir. 2015).  
U.S. v. McCormick, 773 F.3d 357 (1st Cir. 2014).  
U.S. v. McIntosh, 753 F.3d 388 (2d Cir. 2014).

*Federal Sentencing Guide Cumulative Index March 23, 2015*

---

- U.S. v. McLaughlin, 760 F.3d 699 (7th Cir. 2014).
- U.S. v. McLaurin, 764 F.3d 372 (4th Cir. 2014).
- U.S. v. McLauling, 753 F.3d 557 (5th Cir. 2014).
- U.S. v. McMahan, 782 F.3d 1015 (8th Cir. 2015).
- U.S. v. McMillian, 777 F.3d 444 (7th Cir. 2015).
- U.S. v. McVey, 752 F.3d 606 (4th Cir. 2014).
- U.S. v. Medina, 779 F.3d 55 (1st Cir. 2015).
- U.S. v. Melendez, 775 F.3d 50 (1st Cir. 2014).
- U.S. v. Melton, 782 F.3d 306 (6th Cir. 2015).
- U.S. v. Mendez, 765 F.3d 950 (9th Cir. 2014).
- U.S. v. Mendez-Sosa, 782 F.3d 1061 (9th Cir. 2015), superseded U.S. v. Mendez-Sosa, 778 F.3d 1117 (9th Cir. 2015) on denial of rehearing en banc.
- U.S. v. Mendoza, 783 F.3d 278 (5th Cir. 2015).
- U.S. v. Mercado, 777 F.3d 532 (1st Cir. 2015).
- U.S. v. Merritt, 755 F.3d 6 (1st Cir. 2014).
- U.S. v. Millan-Isaac, 749 F.3d 57 (1st Cir. 2014).
- U.S. v. Miller, 782 F.3d 793 (7th Cir. 2015).
- U.S. v. Misquadace, 778 F.3d 717 (8th Cir. 2015).
- U.S. v. Modjewski, 783 F.3d 645 (7th Cir. 2015).
- U.S. v. Moeser, 758 F.3d 793 (7th Cir. 2014).
- U.S. v. Mohamed, 757 F.3d 757 (8th Cir. 2014).
- U.S. v. Mohr, 772 F.3d 1143 (8th Cir. 2014).
- U.S. v. Montgomery, 747 F.3d 303 (5th Cir. 2014).
- U.S. v. Moody, 770 F.3d 577 (7th Cir. 2014).
- U.S. v. Moran, 778 F.3d 942 (11th Cir. 2015).
- U.S. v. Morawski, 754 F.3d 440 (7th Cir. 2014).
- U.S. v. Morris, 775 F.3d 882 (7th Cir. 2015).
- U.S. v. Morrison, 771 F.3d 687 (10th Cir. 2014).
- U.S. v. Morrison, 778 F.3d 396 (2d Cir. 2015).
- U.S. v. Moslavac, 779 F.3d 661 (7th Cir. 2015).
- U.S. v. Muckle, \_\_\_ F.3d \_\_\_ (8th Cir. May 27, 2014) No. 13-2744, superseded,
- U.S. v. Muckle, 755 F.3d 1024 (8th Cir. 2014).
- U.S. v. Mullins, 778 F.3d 37 (1st Cir. 2015).
- U.S. v. Mungro, 754 F.3d 267 (4th Cir. 2014).
- U.S. v. Munyenyeyez, 781 F.3d 532 (1st Cir. 2015).
- U.S. v. Munz, 780 F.3d 1199 (8th Cir. 2015).
- U.S. v. Murillo-Acosta, 751 F.3d 682 (5th Cir. 2014).
- U.S. v. Musgrave, 761 F.3d 602 (6th Cir. 2014).
- U.S. v. Muzio, 757 F.3d 1243 (11th Cir. 2014).
- U.S. v. Myers, 772 F.3d 213 (5th Cir. 2014).
- U.S. v. Nagy, 760 F.3d 485 (6th Cir. 2014).
- U.S. v. Napolitan, 762 F.3d 297 (3d Cir. 2014).
- U.S. v. Nava, 762 F.3d 451 (5th Cir. 2014).
- U.S. v. Neal, 776 F.3d 645 (9th Cir. 2015).
- U.S. v. Nelson, 774 F.3d 1104 (7th Cir. 2014).
- U.S. v. Noriega, 760 F.3d 908 (8th Cir. 2014).
- U.S. v. Norman, 776 F.3d 67 (2d Cir. 2015).
- U.S. v. Norwood, 774 F.3d 476 (8th Cir. 2014).
- U.S. v. Ochoa-Gomez, 777 F.3d 278 (5th Cir. 2015).
- U.S. v. Odachyan, 749 F.3d 798 (9th Cir. 2014).
- U.S. v. Oleiya, 754 F.3d 986 (D.C. Cir. 2014).
- U.S. v. Omoware, 761 F.3d 951 (8th Cir. 2014).
- U.S. v. Oquendo-Garcia, 783 F.3d 54 (1st Cir. 2015).
- U.S. v. Ortiz, 775 F.3d 964 (7th Cir. 2015).
- U.S. v. Ortiz, 779 F.3d 176 (2d Cir. 2015).
- U.S. v. Ortiz-Vega, 744 F.3d 869 (3d Cir. 2014).
- U.S. v. Osinger, 753 F.3d 939 (9th Cir. 2014).
- U.S. v. Pacheco-Alvarado, 782 F.3d 213 (5th Cir. 2015).
- U.S. v. Paladino, 769 F.3d 197 (3d Cir. 2014).
- U.S. v. Park, 758 F.3d 193 (2d Cir. 2014).
- U.S. v. Parker, 762 F.3d 801 (8th Cir. 2014).
- U.S. v. Pate, 754 F.3d 550 (8th Cir. 2014).
- U.S. v. Payton, 754 F.3d 375 (6th Cir. 2014).
- U.S. v. Pena, 751 F.3d 101 (2d Cir. 2014).
- U.S. v. Pennue, 770 F.3d 985 (1st Cir. 2014).
- U.S. v. Pepper, 747 F.3d 520 (8th Cir. 2014).
- U.S. v. Phea, 755 F.3d 255 (5th Cir. 2014).
- U.S. v. Pillault, 783 F.3d 282 (5th Cir. 2015).
- U.S. v. Pineda, 770 F.3d 313 (4th Cir. 2014).
- U.S. v. Poe, 764 F.3d 914 (8th Cir. 2014).
- U.S. v. Pollock, 757 F.3d 582 (7th Cir. 2014).
- U.S. v. Prange, 771 F.3d 17 (1st Cir. 2014).
- U.S. v. Prater, 766 F.3d 501 (6th Cir. 2014).
- U.S. v. Price, 777 F.3d 700 (4th Cir. 2015).
- U.S. v. Prince, 772 F.3d 1173 (9th Cir. 2014).
- U.S. v. Pringler, 765 F.3d 445 (5th Cir. 2014).
- U.S. v. Purham, 754 F.3d 411 (7th Cir. 2014).
- U.S. v. Quintero-Junco, 754 F.3d 746 (9th Cir. 2014).
- U.S. v. Ramirez, 783 F.3d 687 (7th Cir. 2015).
- U.S. v. Ramirez-Gonzalez, 755 F.3d 1267 (11th Cir. 2014).
- U.S. v. Ramirez-Negron, 751 F.3d 42 (1st Cir. 2014).
- U.S. v. Ramos, 763 F.3d 45 (1st Cir. 2014).
- U.S. v. Ramos-Delgado, 763 F.3d 398 (5th Cir. 2014).
- U.S. v. Ramos-Gonzalez, 775 F.3d 483 (1st Cir. 2015).
- U.S. v. Randall, 770 F.3d 359 (5th Cir. 2014).
- U.S. v. Rangel-Guzman, 752 F.3d 1222 (9th Cir. 2014).
- U.S. v. Ransom, 756 F.3d 770 (D.C. Cir. 2014).
- U.S. v. Ravensborg, 776 F.3d 587 (8th Cir. 2015).
- U.S. v. Ray, 772 F.3d 824 (8th Cir. 2014).
- U.S. v. Raya-Vaca, 771 F.3d 1195 (9th Cir. 2014).
- U.S. v. Razo, 782 F.3d 31 (1st Cir. 2015).
- U.S. v. Reichert, 747 F.3d 445 (6th Cir. 2014).
- U.S. v. Reid, 751 F.3d 763 (6th Cir. 2014).
- U.S. v. Reid, 769 F.3d 990 (8th Cir. 2014).
- U.S. v. Rendon, 752 F.3d 1130 (8th Cir. 2014).
- U.S. v. Renteria-Saldana, 755 F.3d 856 (8th Cir. 2014).

*Federal Sentencing Guide Cumulative Index March 23, 2015*

---

- U.S. v. Renzi, 769 F.3d 731 (9th Cir. 2014).
- U.S. v. Reverol-Rivera, 778 F.3d 363 (1st Cir. 2015).
- U.S. v. Reyes, 764 F.3d 1184 (9th Cir. 2014).
- U.S. v. Reyes, 772 F.3d 1152 (9th Cir. 2014).
- U.S. v. Reyes-Solosa, 761 F.3d 972 (9th Cir. 2014).
- U.S. v. Reyna-Esparza, 777 F.3d 291 (5th Cir. 2015).
- U.S. v. Richardson, 781 F.3d 237 (5th Cir. 2015).
- U.S. v. Richey, 758 F.3d 999 (8th Cir. 2014).
- U.S. v. Riehl, 779 F.3d 776 (8th Cir. 2015).
- U.S. v. Rios, 765 F.3d 133 (2d Cir. 2014).
- U.S. v. Rivera-Gonzalez, 776 F.3d 45 (1st Cir. 2015).
- U.S. v. Roberts, 747 F.3d 990 (8th Cir. 2014).
- U.S. v. Robinson, 778 F.3d 515 (6th Cir. 2015).
- U.S. v. Robison, 759 F.3d 947 (8th Cir. 2014).
- U.S. v. Rodriguez-Lopez, 756 F.3d 422 (5th Cir. 2014).
- U.S. v. Rodriguez-Negrete, 772 F.3d 221 (5th Cir. 2014).
- U.S. v. Rodriguez-Salazar, 768 F.3d 437 (5th Cir. 2014).
- U.S. v. Rogers, 769 F.3d 372 (6th Cir. 2014).
- U.S. v. Rogers, 777 F.3d 934 (7th Cir. 2015).
- U.S. v. Rosales-Miranda, 755 F.3d 1253 (10th Cir. 2014).
- U.S. v. Rucker, 766 F.3d 638 (7th Cir. 2014).
- U.S. v. Ruelas-Valdovinos, 747 F.3d 941 (7th Cir. 2014).
- U.S. v. Ruiz, 777 F.3d 315 (6th Cir. 2015).
- U.S. v. Sabillon-Umana, 772 F.3d 1328 (10th Cir. 2014).
- U.S. v. Sadler, 750 F.3d 585 (6th Cir. 2014).
- U.S. v. Sahagun-Gallegos, 782 F.3d 1094 (9th Cir. 2015).
- U.S. v. Salas, 756 F.3d 1196 (10th Cir. 2014).
- U.S. v. Salgado, 745 F.3d 1135 (11th Cir. 2014).
- U.S. v. Salinas, 763 F.3d 869 (7th Cir. 2014).
- U.S. v. Salutric, 775 F.3d 948 (7th Cir. 2015).
- U.S. v. Sanchez, 773 F.3d 389 (2d Cir. 2014).
- U.S. v. Sanchez-Espinal, 762 F.3d 425 (5th Cir. 2014).
- U.S. v. Sanchez-Leon, 764 F.3d 1248 (10th Cir. 2014).
- U.S. v. Sanchez-Sanchez, 779 F.3d 300 (5th Cir. 2015).
- U.S. v. Sandoval, 747 F.3d 464 (7th Cir. 2014).
- U.S. v. Santiago, 769 F.3d 1 (1st Cir. 2014).
- U.S. v. Santiago-Burgos, 750 F.3d 19 (1st Cir. 2014).
- U.S. v. Sarabia-Martinez, 779 F.3d 274 (5th Cir. 2015).
- U.S. v. Sayer, 748 F.3d 425 (1st Cir. 2014).
- U.S. v. Scalzo, 764 F.3d 739 (7th Cir. 2014).
- U.S. v. Schmitt, 765 F.3d 841 (8th Cir. 2014).
- U.S. v. Schmitt, 770 F.3d 524 (7th Cir. 2014).
- U.S. v. Segovia, 770 F.3d 351 (5th Cir. 2014).
- U.S. v. Segura, 747 F.3d 323 (5th Cir. 2014).
- U.S. v. Seignious, 757 F.3d 155 (4th Cir. 2014).
- U.S. v. Sepulveda-Hernandez, 752 F.3d 22 (1st Cir. 2014).
- U.S. v. Serunjogi, 767 F.3d 132 (1st Cir. 2014).
- U.S. v. Sewell, 780 F.3d 839 (7th Cir. 2015).
- U.S. v. Shelabarger, 770 F.3d 714 (8th Cir. 2014).
- U.S. v. Sherer, 770 F.3d 407 (6th Cir. 2014).
- U.S. v. Shouse, 755 F.3d 1104 (9th Cir. 2014).
- U.S. v. Sigillito, 759 F.3d 913 (8th Cir. 2014).
- U.S. v. Simmons, 782 F.3d 510 (9th Cir. 2015).
- U.S. v. Sinclair, 770 F.3d 1148 (7th Cir. 2014).
- U.S. v. Smith, 749 F.3d 465 (6th Cir. 2014).
- U.S. v. Smith, 751 F.3d 107 (3d Cir. 2014).
- U.S. v. Smith, 755 F.3d 645 (8th Cir. 2014).
- U.S. v. Smith, 756 F.3d 1179 (10th Cir. 2014).
- U.S. v. Smith, 759 F.3d 702 (7th Cir. 2014).
- U.S. v. Smith, 767 F.3d 187 (3d Cir. 2014).
- U.S. v. Snelling, 768 F.3d 509 (6th Cir. 2014).
- U.S. v. Solano-Rosales, 781 F.3d 345 (6th Cir. 2015).
- U.S. v. Solomon, 766 F.3d 360 (3d Cir. 2014).
- U.S. v. Soto, 779 F.3d 525 (8th Cir. 2015).
- U.S. v. Spinks, 770 F.3d 285 (4th Cir. 2014).
- U.S. v. Stein, 756 F.3d 1027 (7th Cir. 2014).
- U.S. v. St. Hill, 768 F.3d 33 (1st Cir. 2014).
- U.S. v. Solofa, 745 F.3d 1226 (D.C. Cir. 2014).
- U.S. v. Sosa, 777 F.3d 1279 (11th Cir. 2015).
- U.S. v. Souza, 749 F.3d 74 (1st Cir. 2014).
- U.S. v. Spann, 757 F.3d 674 (7th Cir. 2014).
- U.S. v. Spear, 753 F.3d 964 (9th Cir. 2014).
- U.S. v. Stacy, 769 F.3d 969 (7th Cir. 2014).
- U.S. v. Stafford, 782 F.3d 786 (6th Cir. 2015).
- U.S. v. Stein, 756 F.3d 1027 (7th Cir. 2014).
- U.S. v. Stevenson, 749 F.3d 667 (7th Cir. 2014).
- U.S. v. Stewart, 761 F.3d 993 (9th Cir. 2014).
- U.S. v. Stokes, 750 F.3d 767 (8th Cir. 2014).
- U.S. v. Stong, 773 F.3d 920 (8th Cir. 2014).
- U.S. v. Suarez-Gonzalez, 760 F.3d 96 (1st Cir. 2014).
- U.S. v. Sullivan, 755 F.3d 845 (9th Cir. 2014).
- U.S. v. Sullivan, 765 F.3d 712 (7th Cir. 2014).
- U.S. v. Sweet, 776 F.3d 447 (6th Cir. 2015).
- U.S. v. Swisher, 771 F.3d 514 (9th Cir. 2014).
- U.S. v. Symington, 781 F.3d 1308 (11th Cir. 2015).
- U.S. v. Tai, 750 F.3d 309 (3d Cir. 2014).
- U.S. v. Tamman, 782 F.3d 543 (9th Cir. 2015).
- U.S. v. Tatum, 760 F.3d 696 (7th Cir. 2014).
- U.S. v. Taylor, 747 F.3d 516 (8th Cir. 2014).
- U.S. v. Taylor, 749 F.3d 541 (6th Cir. 2014).
- U.S. v. Taylor, 749 F.3d 842 (9th Cir. 2014).
- U.S. v. Taylor, 778 F.3d 667 (7th Cir. 2015).
- U.S. v. Tellis, 748 F.3d 1305 (11th Cir. 2014).
- U.S. v. Teran-Salas, 767 F.3d 453 (5th Cir. 2014).
- U.S. v. Thomas, 749 F.3d 1302 (10th Cir. 2014).

- U.S. v. Thomas, 760 F.3d 879 (8th Cir. 2014).
- U.S. v. Thompson, 777 F.3d 368 (7th Cir. 2015).
- U.S. v. Thornhill, 759 F.3d 299 (3d Cir. 2014).
- U.S. v. Thum, 749 F.3d 1143 (9th Cir. 2014), rehearing en banc granted, U.S. v. Thum, 749 F.3d 1143 (9th Cir. 2014).
- U.S. v. Titley, 770 F.3d 1357 (10th Cir. 2014).
- U.S. v. Torre-Jimenez, 771 F.3d 1163 (9th Cir. 2014).
- U.S. v. Torres-Landrua, 783 F.3d 58 (1st Cir. 2015).
- U.S. v. Torres-Perez, 777 F.3d 764 (5th Cir. 2015).
- U.S. v. Townsend, 762 F.3d 641 (7th Cir. 2014).
- U.S. v. Travis, 747 F.3d 1312 (11th Cir. 2014).
- U.S. v. Trent, 767 F.3d 1046 (10th Cir. 2014).
- U.S. v. Trinidad-Acosta, 773 F.3d 298 (1st Cir. 2014).
- U.S. v. Turner, 781 F.3d 374 (8th Cir. 2015).
- U.S. v. Urrutia-Contreras, 782 F.3d 1110 (9th Cir. 2015).
- U.S. v. Valdovinos, 760 F.3d 322 (4th Cir. 2014).
- U.S. v. Valencia, 776 F.3d 1173 (10th Cir. 2015).
- U.S. v. Valley, 755 F.3d 581 (7th Cir. 2014).
- U.S. v. Vallone, 752 F.3d 690 (7th Cir. 2014).
- U.S. v. Vandergrift, 754 F.3d 1303 (11th Cir. 2014).
- U.S. v. Van Mead, 773 F.3d 429 (2d Cir. 2014).
- U.S. v. Vargem, 747 F.3d 724 (9th Cir. 2014).
- U.S. v. Vega-Salgado, 769 F.3d 100 (1st Cir. 2014).
- U.S. v. Velazquez, 772 F.3d 788 (7th Cir. 2014).
- U.S. v. Velazquez, 777 F.3d 91 (1st Cir. 2015).
- U.S. v. Vigil, 774 F.3d 331 (5th Cir. 2014).
- U.S. v. Volpendesto, 746 F.3d 273 (7th Cir. 2014).
- U.S. v. Walker, 746 F.3d 300 (7th Cir. 2014).
- U.S. v. Walker, 771 F.3d 449 (8th Cir. 2014).
- U.S. v. Ward, 770 F.3d 1090 (4th Cir. 2014).
- U.S. v. Washington, 759 F.3d 1175 (10th Cir. 2014).
- U.S. v. Waterman, 755 F.3d 171 (3d Cir. 2014).
- U.S. v. Waters, 771 F.3d 679 (9th Cir. 2014).
- U.S. v. Webb, 760 F.3d 513 (6th Cir. 2014).
- U.S. v. Weiss, 754 F.3d 207 (4th Cir. 2014).
- U.S. v. Wheeler, 753 F.3d 200 (D.C. Cir. 2014).
- U.S. v. Wheelock, 772 F.3d 825 (8th Cir. 2014).
- U.S. v. White, 765 F.3d 1240 (10th Cir. 2015).
- U.S. v. White, 771 F.3d 225 (4th Cir. 2014).
- U.S. v. White, 782 F.3d 1118 (10th Cir. 2015).
- U.S. v. Whiteagle, 759 F.3d 734 (7th Cir. 2014).
- U.S. v. Whiteside, 748 F.3d 541, rehearing en banc granted, \_\_ Fed.Appx., \_\_ (4th Cir. July 10, 2014) No. 13-7152.
- U.S. v. Wilbourn, 778 F.3d 682 (7th Cir. 2015).
- U.S. v. Willett, 751 F.3d 335 (5th Cir. 2014).
- U.S. v. Williams, 753 F.3d 626 (6th Cir. 2014).
- U.S. v. Williams, 773 F.3d 98 (D.C. Cir. 2014).
- U.S. v. Williams, 777 F.3d 909 (7th Cir. 2015).
- U.S. v. Williamson, 782 F.3d 397 (8th Cir. 2015).
- U.S. v. Williams-Ogletree, 752 F.3d 658 (7th Cir. 2014).
- U.S. v. Wilson, 776 F.3d 402 (6th Cir. 2015).
- U.S. v. Wiseman, 749 F.3d 1191 (10th Cir. 2014).
- U.S. v. Woodall, 782 F.3d 383 (8th Cir. 2015).
- U.S. v. Wray, 776 F.3d 1182 (10th Cir. 2015).
- U.S. v. Wright, 747 F.3d 399 (6th Cir. 2014).
- U.S. v. Wright, 777 F.3d 769 (5th Cir. 2015).
- U.S. v. Wright-Darrisaw, 781 F.3d 35 (2d Cir. 2015).
- U.S. v. Wyss, 744 F.3d 1214 (10th Cir. 2014).
- U.S. v. Xiao Yong Zheng, 762 F.3d 605 (7th Cir. 2014).
- U.S. v. Young, 766 F.3d 621 (6th Cir. 2014).
- U.S. v. Zapata-Vazquez, 778 F.3d 21 (1st Cir. 2015).
- U.S. v. Zayas, 758 F.3d 986 (8th Cir. 2014).
- U.S. v. Vazquez-Larrauri, 778 F.3d 276 (1st Cir. 2015).
- White v. U.S., 745 F.3d 834 (7th Cir. 2014).
- Whiteside v. U.S., 775 F.3d 180 (4th Cir. 2014).
- Williams v. Swarthout, 771 F.3d 501 (9th Cir. 2014).