

The **Federal Sentencing Guidelines** are rules that set out a uniform sentencing policy for convicted Federal defendants in the United States Federal Court system.

Originally, the Federal Sentencing Guidelines were styled as mandatory, the Supreme Court's 2005 decision in *United States v. Booker* 543 U.S. 220 (2005), found that the Guidelines, as originally constituted, violated the Sixth Amendment right to trial by jury, and the remedy chosen was excision of those provisions of the law establishing the Guidelines that made them mandatory standards. In the aftermath of *Booker*, the Guidelines are discretionary, meaning that judges may consider them but are not required to adhere to their standards in sentencing decisions. Although they are not mandatory, Federal Judges almost invariably use the Guidelines at least as a starting point when sentencing federal criminal defendants. Additionally, there is specific federal case law that indicates if the Judge is to increase or decrease that recommended sentence by more than a certain percentage, there must be written reasons why they are departing from that sentence.

It is imperative that the Federal Criminal Lawyer you hire for your Federal Criminal matter be familiar and possess intimate knowledge of the Federal Sentencing Guidelines. Without this knowledge, you could be relying on misinformation to base your decision of whether or not you should go to trial, plea, or co-operate with the government. Bradford has handled many Federal Criminal cases ranging from complex bank fraud, wire fraud, mail fraud, to mass conspiracy cases to extortion and money laundering.

Federal Sentencing Guidelines Basics

The Federal Guidelines determine sentences based primarily on two factors: (1) the conduct associated with the offense (the offense conduct, which produces the "offense level"), and (2) the defendant's criminal history (the "criminal history category"). The conduct associated with the offense is set by the US government and is found in the Federal Sentencing Guidelines Manual. The criminal history category is compiled by associating a number to a specific prior offense whether a misdemeanor or felony. If the prior crimes were committed beyond a certain period of time, they may not be eligible to score against you. The Sentencing Table found below, in the Guidelines Manual shows the relationship between these two factors; for each pairing of offense level and criminal history category, the Table specifies a sentencing range, in months, within which the court may sentence a defendant. For example, for a defendant convicted on an offense with a total offense level of 22 and a criminal history category of I, would score in the range of 41-51 months in Federal Prison. If you notice there is also Zones associated with the Guideline sentencing. In some cases, such as Zone B, it may allow the Judge to impose other sanctions such as home detention, rather than the min. amount of Federal Prison.

2006 Federal Sentencing Guidelines

CHAPTER FIVE - PART A - SENTENCING TABLE

The Sentencing Table used to determine the guideline range follows:

	Offense Level	Criminal History Category (Criminal History Points)					
		I (0 or 1)	II (2 or 3)	III (4, 5, 6)	IV (7, 8, 9)	V (10, 11, 12)	VI (13 or more)
Zone A	1	0-6	0-6	0-6	0-6	0-6	0-6
	2	0-6	0-6	0-6	0-6	0-6	1-7
	3	0-6	0-6	0-6	0-6	2-8	3-9
	4	0-6	0-6	0-6	2-8	4-10	6-12
	5	0-6	0-6	1-7	4-10	6-12	9-15
	6	0-6	1-7	2-8	6-12	9-15	12-18
	7	0-6	2-8	4-10	8-14	12-18	15-21
	8	0-6	4-10	6-12	10-16	15-21	18-24
Zone B	9	4-10	6-12	8-14	12-18	18-24	21-27
	10	6-12	8-14	10-16	15-21	21-27	24-30
Zone C	11	8-14	10-16	12-18	18-24	24-30	27-33
	12	10-16	12-18	15-21	21-27	27-33	30-37
Zone D	13	12-18	15-21	18-24	24-30	30-37	33-41
	14	15-21	18-24	21-27	27-33	33-41	37-46
	15	18-24	21-27	24-30	30-37	37-46	41-51
	16	21-27	24-30	27-33	33-41	41-51	46-57
	17	24-30	27-33	30-37	37-46	46-57	51-63
	18	27-33	30-37	33-41	41-51	51-63	57-71
	19	30-37	33-41	37-46	46-57	57-71	63-78
	20	33-41	37-46	41-51	51-63	63-78	70-87
	21	37-46	41-51	46-57	57-71	70-87	77-96

22	41-51	46-57	51-63	63-78	77-96	84-105
23	46-57	51-63	57-71	70-87	84-105	92-115
24	51-63	57-71	63-78	77-96	92-115	100-125
25	57-71	63-78	70-87	84-105	100-125	110-137
26	63-78	70-87	78-97	92-115	110-137	120-150
27	70-87	78-97	87-108	100-125	120-150	130-162
28	78-97	87-108	97-121	110-137	130-162	140-175
29	87-108	97-121	108-135	121-151	140-175	151-188
30	97-121	108-135	121-151	135-168	151-188	168-210
31	108-135	121-151	135-168	151-188	168-210	188-235
32	121-151	135-168	151-188	168-210	188-235	210-262
33	135-168	151-188	168-210	188-235	210-262	235-293
34	151-188	168-210	188-235	210-262	235-293	262-327
35	168-210	188-235	210-262	235-293	262-327	292-365
36	188-235	210-262	235-293	262-327	292-365	324-405
37	210-262	235-293	262-327	292-365	324-405	360-life
38	235-293	262-327	292-365	324-405	360-life	360-life
39	262-327	292-365	324-405	360-life	360-life	360-life
40	292-365	324-405	360-life	360-life	360-life	360-life
41	324-405	360-life	360-life	360-life	360-life	360-life
42	360-life	360-life	360-life	360-life	360-life	360-life
43	life	life	life	life	life	life

Commentary to Sentencing Table

Application Notes:

1. The Offense Level (1-43) forms the vertical axis of the Sentencing Table. The Criminal History Category (I-VI) forms the horizontal axis of the Table. The intersection of the Offense Level and Criminal History Category displays the Guideline Range in months of imprisonment. "Life" means life imprisonment. For example, the guideline range applicable to a defendant with an Offense Level of 15 and a Criminal History Category of III is 24-30 months of imprisonment.

2. *In rare cases, a total offense level of less than 1 or more than 43 may result from application of the guidelines. A total offense level of less than 1 is to be treated as an offense level of 1. An offense level of more than 43 is to be treated as an offense level of 43.*

3. *The Criminal History Category is determined by the total criminal history points from Chapter Four, Part A, except as provided in §§4B1.1 (Career Offender) and 4B1.4 (Armed Career Criminal). The total criminal history points associated with each Criminal History Category are shown under each Criminal History Category in the Sentencing Table.*

Historical Note: Effective November 1, 1987. Amended effective November 1, 1989 (see Appendix C, amendment 270); November 1, 1991 (see Appendix C, amendment 418); November 1, 1992 (see Appendix C, amendment 462).