

Sentencing Guidelines (April 2004)

The United States Sentencing Commission ("USSC") web site contains copies of sentencing manuals which are updated at least annually. A defendant should be sentenced using the manual in effect at the time of sentencing, unless the manual in use at the time of the crime would yield a smaller sentence. If the guideline manual in effect when the crime was committed yields a smaller sentence, that is the manual that should be used.

A comprehensive discussion of how the Guidelines are applied at sentencing is included in "Tab L," the discussion that can be used in a letter to the Probation Office.

The USSC web site is www.USSC.gov, and the Guidelines manuals are available by pointing your arrow at the publications tab at that site, and then selecting the first option, "Guidelines Manuals and Amendments." That takes you to [this page](#). It is easiest to view the Guidelines manuals by clicking through, NOT USING the .pdf links on the USSC web page. Avoiding the .pdf file leaves you with easier to use clickable links to particular guidelines. So, for example, in the 2003 version of the Guidelines, click on this: [CHAPTERS ONE - EIGHT of the Guidelines Manual](#), once you are at the page of the 2003 Manual.

The Guideline for odometer tampering, [2N3.1](#), directs use of the Fraud Guideline for cases involving more than one vehicle.

The Fraud Guideline is now [2B1.1](#). This is where you will find the "loss" table which provides for added offense levels based on the total consumer loss in a case (2B1.1(b)(1)), offenses levels based on the number of victims (2B1.1(b)(2)), and other factors such as violation of a prior order not to tamper with odometers (2B1.1(b)(7)(C)).

This Guideline, 2B1.1, provides for greater punishment than the Guideline in effect before November 1, 2001. Therefore, for offenses that were completed before November 1, 2001, the Guideline in effect at the time of the offense must be used. That Guideline was 2F1.1, which changed somewhat over time. The Guideline in effect after November 1, 1998, is [here](#).

The 2003 Guideline for Money Laundering is [2S1.1](#).

Other Guidelines that frequently affect odometer tampering sentencings include:

- Role in the offense
 - Aggravating role for leadership: [3B1.1](#).
 - Mitigating role for minor role: [3B1.2](#).
 - Abuse of position of trust or use of special skill (for example, a dealer who collects tax held in trust for the state, but then under-reports sale prices and pockets part of the tax collected): [3B1.3](#).
 - Use of minor to commit crime (for example, a defendant who uses a teenage (under 18) son or daughter to shag cars or run titles): [3B1.4](#).
- Obstructing justice (threatening witnesses or destroying evidence, for example) [3C1.1](#).
- Acceptance of responsibility (generally applicable to those who plead guilty): [3E1.1](#).

-The actual sentence is determined by calculating total offense levels and seeing the corresponding months of imprisonment on the [Sentencing Table](#).