

Determining the Sentence:

The *sentencing table* is used to help the judge determine the appropriate sentence that fits the offense committed by the defendant. The sentencing table takes into consideration the **offense level** (the seriousness of the crime – see vertical column below), as well as any **criminal history** (prior convictions – see horizontal row below), which can be reduced or raised based on enhancements or reductions set forth in the sentencing guideline manual.

Accepting responsibility for the crime is also a key component in determining the sentence. Those who do so are rewarded with a **two-level reduction in sentences**, and sometimes a three-level reduction. However, this reduction is not always guaranteed. Accepting responsibility often entails pleading guilty, and the judge can deny the defendant's reduction.

At the sentencing hearing, the judge finds the applicable *sentencing range* on the table below, which is listed by months. The guideline range is the starting point the judge must consider. For either legal or factual reasons, **the judge can sentence** the defendant **below or above the range**. If multiple counts are involved, **the court can order sentences either be served consecutively (one after the other) or served concurrently (all together)**.

Another important factor in determining the sentence is the presentence report. This allows the judge to determine a fair and appropriate sentence based on the defendant's background. Prior to the sentencing a U.S. probation officer is responsible for preparing the presentence report, which contains information on the defendant's family, education, employment, financial status, drug/alcohol use, and medical history. The attorney must ensure there are no mistakes in the presentence report.

The sentencing table is divided into four zones (A, B, C, & D). The zones determine the confinement options for each sentencing range.

Determining months of imprisonment: the intersection of:

Offense Level: Zones (A-D), and

Criminal History Category Points: I - VI

- Zone A** – confinement – which may consist of probation-only, confinement with probation, or complete imprisonment.

- Zone B** – confinement – which may be served with probation, prison, or home confinement.

- Zone C** – confinement – which requires that half of the sentence be imprisonment, but may allow the remainder of the sentence to be served with supervised release or home confinement.

- Zone D** – requires prison.

After the sentence is determined, the inmate will either be immediately taken into custody, or given the opportunity to “self-surrender.”

If taken into custody, they will have to remain in temporary detention for approximately eight to twelve weeks before being sent to the institution.

Should the inmate be allowed to self-surrender

they will be notified by the U.S. Marshals Service (USMS) with a date in which to report to prison. They will be told which prison to report to, which is where their sentence will be served. The defendant will be on their own for transportation costs and arrangements to the prison.

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)
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
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
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
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