

2015 AMENDMENTS

The following amendments to the 2014 manual were effective on June 29, 2015. Except for the new marijuana scoring rules contained in 2.2.9(b), the 2015 amendments are non-substantive. The revisions are intended to explain, clarify, and/or streamline the information presented in the Manual. In addition, several outdated or confusing examples have been removed. Because there are many revisions, this Appendix does not attempt to describe all of them. Only the most important revisions are discussed below.

Chapter One:

Section 1.2.9 - Exceptions

The subsection now provides that “Rule 11(e)(1)(C) pleas control the sentence or sentencing range regardless of the otherwise applicable grid options, prison range, or Guidelines rules.”

Section 1.3 - Applicability

The title of the subsection was changed from “Effective Date” to “Applicability” because the rule specifies that the “Sentencing Guidelines apply to all felony convictions” in addition to the applicability date.

Chapter Two:

Section 2.2.1 - What is a Prior Conviction or Adjudication?

A new Paragraph was added which states that “A sentence based solely on the revocation of a defendant’s supervision (e.g. revocation of probation, parole, or supervised release) in a prior case is not scored as a new conviction. The treatment of the original underlying conviction is governed by the rules set forth in Section 2.2.2.”

Section 2.2.6(a) - Scoring Out-of-District Convictions/Adjudications - General Rules

The Section now specifies that the subsection (a) out-of-District scoring rules control how an offense is “initially” scored by CSOSA. The first sentence of rule 2.2.6(a)(6) was also modified for consistency. It now states that “After the presentence report writer has calculated the initial score for an out-of-District offense, if a party contends that the criminal history score for the out-of-District conviction misrepresents the severity of the offense, then the party may seek a criminal history correction.”

Section 2.2.8 - Offense Severity Group and Scoring of Unranked and Amended Statutes

This Section was reorganized for clarity.

Section 2.2.9

Section 2.2.9 was relabeled as 2.2.9(a).

Section 2.2.9(b) was added to address the scoring of prior marijuana related convictions following decriminalization and legalization.

Chapter Three:

Section 3.8 - Revocation Sentences

A sentence was added to the first Paragraph to explicitly state that “At resentencing, the court should utilize the defendant’s original in-the-box sentencing range and options.”

Chapter Four:

A new Paragraph was added to Chapter Four stating that “Sentencing enhancements, such as those listed in Appendix H, do not modify how a prior conviction is scored. For example, a prior conviction for assault with significantly bodily injury is scored as a M8 conviction regardless of whether a sentencing enhancement applied to that conviction.”

Chapter Five:

Section 5.1 - Superior Court Rule of Criminal Procedure 11(e)(1)(C)

Similar to the modification made to Section 1.2.9, this Section was amended to clarify that all sentences following a Rule 11(e)(1)(C) plea agreement are compliant with the Guidelines.

Chapter Six:

Section 6.2 - Concurrent Sentences

For consistency, the term “non violent crimes” was replaced with “offenses that are not crimes of violence.”

Chapter Eight:

Section 8.5 - Do the Guidelines apply to sentences under the Youth Rehabilitation Act?

Section 8.5 was added to specify that “The Sentencing Guidelines apply to felony convictions under the Youth Rehabilitation Act, D.C. Code § 24-901, et seq., just as they would any other felony conviction. Similar to other factors, at sentencing the court may consider the Youth Rehabilitation Act when determining an appropriate sentence within the applicable box.”

Appendix A and B:

Appendix A and B were modified to state that a long split sentence is available in any box.