

§2A2.2

However, the cumulative adjustments from application of subdivisions (2) and (3) shall not exceed **10** levels.

- (4) If the offense involved strangling, suffocating, or attempting to strangle or suffocate a spouse, intimate partner, or dating partner, increase by **3** levels.

However, the cumulative adjustments from application of subdivisions (2), (3), and (4) shall not exceed **12** levels.

- (5) If the assault was motivated by a payment or offer of money or other thing of value, increase by **2** levels.
- (6) If the offense involved the violation of a court protection order, increase by **2** levels.
- (7) If the defendant was convicted under 18 U.S.C. § 111(b) or § 115, increase by **2** levels.

Commentary

Statutory Provisions: 18 U.S.C. §§ 111, 112, 113(a)(2), (3), (6), (8), 114, 115(a), (b)(1), 351(e), 1751(e), 1841(a)(2)(C), 1992(a)(7), 2199, 2291, 2332b(a)(1), 2340A. For additional statutory provision(s), see Appendix A (Statutory Index).

Application Notes:

1. **Definitions.**—For purposes of this guideline:

“**Aggravated assault**” means a felonious assault that involved (A) a dangerous weapon with intent to cause bodily injury (*i.e.*, not merely to frighten) with that weapon; (B) serious bodily injury; (C) strangling, suffocating, or attempting to strangle or suffocate; or (D) an intent to commit another felony.

“**Brandished**,” “**bodily injury**,” “**firearm**,” “**otherwise used**,” “**permanent or life-threatening bodily injury**,” and “**serious bodily injury**,” have the meaning given those terms in §1B1.1 (Application Instructions), Application Note 1.

“**Dangerous weapon**” has the meaning given that term in §1B1.1, Application Note 1, and includes any instrument that is not ordinarily used as a weapon (*e.g.*, a car, a chair, or an ice pick) if such an instrument is involved in the offense with the intent to commit bodily injury.

“**Strangling**” and “**suffocating**” have the meaning given those terms in 18 U.S.C. § 113.

“**Spouse**,” “**intimate partner**,” and “**dating partner**” have the meaning given those terms in 18 U.S.C. § 2266.

2. **Application of Subsection (b)(1).**—For purposes of subsection (b)(1), “**more than minimal planning**” means more planning than is typical for commission of the offense in a simple form. “More than minimal planning” also exists if significant affirmative steps were taken to conceal the offense, other than conduct to which §3C1.1 (Obstructing or Impeding the Administration of