

§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