

§1B1.5

in 1984 with an effective date of 1987 (99 Stat. 1728), makes it clear that Congress intended that no limitation would be placed on the information that a court may consider in imposing an appropriate sentence under the future guideline sentencing system. A court is not precluded from considering information that the guidelines do not take into account. For example, if the defendant committed two robberies, but as part of a plea negotiation entered a guilty plea to only one, the robbery that was not taken into account by the guidelines may provide a reason for sentencing at the top of, or above, the guideline range.

<i>Historical Note</i>	Effective November 1, 1987. Amended effective January 15, 1988 (amendment 4); November 1, 1989 (amendment 303); November 1, 2000 (amendment 604); November 1, 2004 (amendment 674); November 1, 2023 (amendment 824); November 1, 2025 (amendment 836).
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§1B1.5. Interpretation of References to Other Offense Guidelines

- (a) A cross reference (an instruction to apply another offense guideline) refers to the entire offense guideline (*i.e.*, the base offense level, specific offense characteristics, cross references, and special instructions).
- (b) (1) An instruction to use the offense level from another offense guideline refers to the offense level from the entire offense guideline (*i.e.*, the base offense level, specific offense characteristics, cross references, and special instructions), except as provided in subdivision (2) below.
 - (2) An instruction to use a particular subsection or table from another offense guideline refers only to the particular subsection or table referenced, and not to the entire offense guideline.
- (c) If the offense level is determined by a reference to another guideline under subsection (a) or (b)(1) above, the adjustments in Chapter Three (Adjustments) also are determined in respect to the referenced offense guideline, except as otherwise expressly provided.
- (d) A reference to another guideline under subsection (a) or (b)(1) above may direct that it be applied only if it results in the greater offense level. In such case, the greater offense level means the greater Chapter Two offense level, except as otherwise expressly provided.

Commentary

Application Notes:

1. References to other offense guidelines are most frequently designated “Cross References,” but may also appear in the portion of the guideline entitled “Base Offense Level” (*e.g.*, §2D1.2(a)(1) and (2)), or “Specific Offense Characteristics” (*e.g.*, §2A4.1(b)(7)). These references may be to a specific guideline, or may be more general (*e.g.*, to the guideline for the “underlying offense”). Such references incorporate the specific offense characteristics, cross references, and special instructions as well as the base offense level. For example, if the guideline reads “2 plus the offense level from §2A2.2 (Aggravated Assault),” the user would determine the offense level from §2A2.2,