MONEY LAUNDERING, FRAUD, AND THE THREE DIMENSIONS OF CHAPTER 3(D) OF THE FEDERAL SENTENCING GUIDELINES

by

Justin A. Thornton
&
Mark H. Allenbaugh

Law Offices of Justin Thornton
1615 L Street, N.W., Suite 1200
Washington, DC 20036
(202) 778-0559
JAT@ThorntonLaw.com
www.lawyers.com/ThorntonLaw

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INTRODUCTION

The United States Sentencing Commission (hereinafter the "Commission") currently is considering whether to resolve certain circuit conflicts regarding the application of the Federal Sentencing Guidelines (hereinafter the "Guidelines").[1] Interestingly, an important conflict not

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[*] Mr. Thornton is a white collar criminal defense attorney in Washington, D.C. with extensive experience in all phases of federal criminal litigation. As a Department of Justice trial attorney for ten years, Mr. Thornton successfully prosecuted throughout the United States more than 75 complex criminal fraud cases. He is a recipient of the U.S. Department of Justice Tax Division's Outstanding Attorney Award and the IRS Assistant Commissioner's Award for his successful prosecution of tax crimes. In private practice since 1987, Justin Thornton now represents individuals and businesses under investigation or prosecution for white collar criminal offenses, including tax fraud and related matters. Mr. Thornton co-chairs the Tax Enforcement Subcommittee of the ABA's White Collar Crime Committee, and also serves as an advisor to the U.S. Sentencing Commission. He is a graduate of the University of North Carolina at Chapel Hill (B.A. 1971) and the University of South Carolina School of Law (J.D. 1977).

[**] Mr. Allenbaugh is a staff attorney in the Office of General Counsel at the United States Sentencing Commission, where he serves on the Economic Crimes Policy Team. Mr. Allenbaugh also currently teaches Business and Professional Ethics at George Washington University. He is a recent graduate of American University's Washington College of Law where he served as the Associate Articles Editor for the *American University Law Review*. An alumnus of the University of Southern California in Los Angeles (B.A. 1993), he also holds an M.A. (1995) from Ohio University and is pursuing a Ph.D. in Philosophy from the University of Maryland.

The views and opinions expressed herein solely are the authors and do not necessarily reflect the official opinions or positions of the United States Sentencing Commission, any of its Commissioners, or any of its staff.

[1] *See* UNITED STATES SENTENCING COMMISSION, *Circuit Conflicts and the Sentencing Guidelines* (Nov. 1999). The Office of General Counsel for the Commission identifies several conflicts in need of resolution, and asks for each "Should the Commission address these issues in its amendment process? If so, how should the underlying policy questions be decided?" *Id.* at 1. The circuit conflicts identified are as follows: (1) what "aberrant behavior" means for purposes of mitigating the sentence, (2) how harvested marijuana plants are to be counted in applying the drug trafficking guidelines, (3) how the drug guideline applies to sentencing enhancements for drug sales in protected locations, (4) whether, in certain circumstances, sentencing enhancements apply for offenses involving the embezzlement of funds from charitable organizations, (5) how the fraud guideline sentencing enhancement applies to cases involving the falsification of bankruptcy schedules and forms, (6) whether sentencing courts may consider post-conviction rehabilitation as a basis for a downward departure, (7) whether sentencing

identified for present consideration by the Commission regards the "grouping"[2] of certain offenses for sentencing purposes.[3] Specifically, the circuit courts of appeal currently are split evenly on the issue of whether counts of conviction involving money laundering, and those involving fraud, properly may be grouped when determining a sentence.[4]

This circuit split is significant inasmuch as more offenders in non-drug related cases are sentenced under the fraud guideline than under any other,[5] and prosecutions for money laundering have expanded beyond drug cases to include "white collar" crimes.[6] Thus, a large proportion of guideline sentences may be affected by whether fraud and money laundering offenses properly group. Indeed, if, and when, offenses group can affect dramatically an

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courts may base an upward departure on dismissed or uncharged conduct, and finally, (8) whether the firearms guideline sentencing enhancement applies to those cases wherein the offender stole the handgun during the offense.

[2] Define grouping. *See* UNITED STATES SENTENCING COMMISSION, *Guidelines Manual*, §3D1.1 (Nov. 1998) [hereinafter USSG].

[3] To be sure, the Commission has identified the grouping of money laundering and fraud as a conflict among the circuits. *See* UNITED STATES SENTENCING COMMISSION, FEDERAL SENTENCING: GROUPING OF MONEY LAUNDERING AND FRAUD COUNTS OF CONVICTION (Feb. 2000); UNITED STATES SENTENCING COMMISSION, GROUPING OF MONEY LAUNDERING AND FRAUD COUNTS OF CONVICTION (Apr. 1998), *available at* <www.ussc.gov>.

[4] *See* United States v. Napoli, 179 F.3d 1 (2d Cir. 1999) (discussing the various circuits in conflict over whether money laundering counts of conviction may be grouped with fraud counts). As discussed below, five circuits allow grouping money laundering and fraud offenses, five circuits do not, and two circuits—the District of Columbia Circuit and the Sixth Circuit—have yet to rule on the issue.

[5] *See* UNITED STATES SENTENCING COMMISSION, 1998 SOURCEBOOK OF FEDERAL SENTENCING STATISTICS 39 (Table 17).

[6] *See* Robert G. Morvillo & Barry A. Bohrer, *Checking the Balance: Prosecutorial Power in an Age of Expansive Legislation*, 32 AM. CRIM. L. REV. 137, 144 (1995) (discussing expansive use of money laundering guidelines by prosecutors "in order to obtain a guilty plea or induce cooperation"); Report to Phyllis Newton, staff director, United States Sentencing Commission, from the Money Laundering Working Group, re: Report on Information Gathering and Initial Findings, Oct. 14, 1992, at 12 (finding that 40 percent of crimes for which money laundering sentences were imposed were not related to drug trafficking, but were white collar in nature).

offender's sentence inasmuch as grouping determines the scope of "relevant conduct"[7] which, in turn, can determine whether certain sentencing enhancements apply.[8]

This paper discusses the current circuit split with respect to grouping counts of money laundering and fraud, and identifies some issues for the Commission to consider should it wish to resolve this split.

I. THE THREE DIMENSIONS OF CHAPTER 3(D)

A. Grouping

The grouping of counts of conviction is thought to be favorable to the offender inasmuch as its purpose is "to limit the significance of the formal charging decision and to prevent multiple punishment for substantially identical offense conduct. . . . In essence, counts that are grouped together are treated as constituting a single offense for purposes of the guidelines."[9] To determine whether counts should be grouped together, courts are to consider (1) whether the counts of conviction involved substantially the same harm,[10] (2) whether the counts of conviction involved the same victim,[11] (3) whether one of the counts of conviction is subsumed by another count,[12] and (4) whether "the offense level is determined largely on the basis of the total amount of harm or loss. . ., or if the offense behavior is ongoing or continuous in nature. . . ."[13]

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[7] *See* USSG §1B1.3.

[8] *See* USSG §3B1.1 (providing sentencing enhancement if offender was an organizer, leader, manager, or supervisor of criminal activity involving specified number of criminally culpable participants).

[9] USSG Ch.3 Pt. D, intro. comment.

[10] *See* USSG §3D1.1(a).

[11] *See id.* at §3D1.2(b).

[12] *See id.* at §3D1.2(c).

[13] *See id.* at §3D1.2(d).

Recently, the circuit courts of appeal have clarified that "separate acts should not be grouped if each act caused a separate harm to a single victim, rather than contributing to one overall harm."[14] Indeed, the grouping provision of the guidelines "does not authorize the grouping of offenses that cannot be considered to represent essentially one composite harm (*e.g.*, robbery of the same victim on different occasions involves multiple, separate instances of fear and risk of harm, not one composite harm)."[15] The focus, of course, is not solely on the singular nature of the offense or scheme. "Counts are also considered to involve the same harm '[w]hen the offense level is determined. . . [by] the total amount of harm or loss, the quantity of a substance involved, or some other measure of aggregate harm.'"[16]

B. Relevant Conduct

1. <u>The Scope of Relevant Conduct</u>

When the guidelines first were enacted in November of 1987, "[o]ne of the most important questions for the Commission to decide was whether to base sentences upon the actual conduct in which the defendant engaged regardless of the charges for which he was indicted or convicted ('real offense' sentencing), or upon the conduct that constitutes the elements of the offense for which the defendant was charged and of which he was convicted ('charge offense' sentencing)."[17] Although, in the words of the Commission, it "moved closer to a charge offense

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[14] FEDERAL JUDICIAL CENTER, *Guideline Sentencing: An Outline of Appellate Case Law on Selected Issues* 122 (Sept. 1998) [hereinafter GUIDELINE SENTENCING], *citing* United States v. Bonner, 85 F.3d 522, 526 (11th Cir. 1996) (affirming decision not to group twenty separate threatening phone calls as each call caused separate harm to victim—harassment—while acknowledging that "threatening communications were arguably part of a common overall scheme of harassment"); United States v. Miller, 993 F.2d 16, 21 (2d Cir. 1993) (affirming decision not to group three mailings of threatening letters stating that while "these letters arguably part of a common scheme of harassment, we see no error in the court's finding that each letter inflicted separate psychological harm.").

[15] USSG §3D1.2, comment. (n.4).

[16] GUIDELINE SENTENCING, *supra* note 14 (quoting USSG §3D1.2(d)).

[17] USSG Ch.1 Pt.A(4)(a).

system"[18] when it promulgated the guidelines, it nevertheless recognized that "[t]he principles and limits of sentencing accountability under this guideline are not always the same as the principles and limits of criminal liability."[19] In other words, the Commission acknowledged that the process by which prosecutors decide what offenses to charge is not necessarily the same process by which the sentencing judge ought to determine sanctions for those offenses.

In order to gauge appropriately the seriousness of an offender's actual conduct, therefore, the Commission promulgated the guidelines to allow courts to consider conduct that "potentially [is] much broader than the minimum necessary to satisfy the elements of the convicted offense."[20] As a result, the guidelines require sentencing judges to consider

> all acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, or willfully cause by the defendant; and in the case of a jointly undertaken criminal activity. . ., all reasonably foreseeable acts and omissions of others in furtherance of the jointly undertaken criminal activity, that occurred during the commission of the offense of conviction, in preparation for that offense, or in the course of attempting to avoid detection or responsibility for that offense.[21]

Thus, relevant conduct explicitly may include conduct "undertaken by the defendant in concert with others, whether or not charged as a conspiracy."[22] To be sure, the consideration of

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[18] *Id.* Fourth Circuit Court of Appeals Judge (and former Commission Chairman) William W. Wilkins, Jr., and Commissioner John R. Steer characterized differently where the Commission eventually settled with regard to the real offense vs. charge offense debate: "The Commission ultimately settled on a system that blends the constraints of the offense of conviction with the reality of the defendant's actual offense conduct in order to gauge the seriousness of that conduct for sentencing purposes." William W. Wilkins, Jr. & John R. Steer, *Relevant Conduct: The Cornerstone of the Federal Sentencing Guidelines*, 41 S.C. L. REV. 495, 496 (1990). Arguably, the characterization that Judge Wilkins and Commissioner Steer give to the guidelines is more of a hybrid characterization of the guidelines than what the guidelines themselves purport, thereby giving relevant conduct a more important role in guidelines sentencing.

[19] USSG §1B.13, comment. (n.1).

[20] Wilkins & Steer, *supra* note 18, at 502.

[21] USSG §1B1.3(a)(1).

[22] *Id.* at §1B1.3, comment. (n.2).

relevant conduct by a sentencing judge is legally permissible; the United States Supreme Court has ruled explicitly that a trial court's consideration of relevant conduct does not violate due process.[23] According to the Commission,

> In determining the relevant facts, sentencing judges are not restricted to information that would be admissible at trial. Reliable hearsay evidence may be considered. Out-of-court declarations by an unidentified informant may be considered where there is good cause for the non-disclosure of the informant's identity and there is sufficient corroboration by other means. Unreliable allegations[, however,] shall not be considered. The Commission believes that use of a preponderance of the evidence standard is appropriate to meet due process requirements and policy concerns in resolving disputes regarding application of the guidelines to the facts of a case.[24]

2. How Grouping Affects the Scope of Relevant Conduct

Grouping opens the door wide to "relevant conduct." Obviously, if multiple counts of conviction pertain to "substantially the same harm" such that they may be grouped,[25] then it follows that the conduct under one count may count as relevant conduct as to another count, within that group.[26] To be sure, for purposes of determining what conduct is relevant, the actual grouping of multiple counts is not required; it is enough that the counts *may* be grouped, as opposed to actually having been grouped.[27]

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[23] *See* United States v. Watts, 519 U.S. 148, 117 S. Ct. 633, 635-38 (1997) ("[A] jury's verdict of acquittal does not prevent the sentencing court from considering conduct underlying the acquitted charge, so long as that conduct has been proved by a preponderance of the evidence.").

[24] USSG §6A1.3, comment. (citations omitted).

[25] *See* USSG §3D1.2.

[26] Indeed, USSG §1B1.3(a)(2) specifically provides that "with respect to offenses of a character for which §3D1.2(d) would require grouping of multiple counts, all acts and omissions [that are associated with those counts]. . . and that were part of the same course of conduct or common scheme or plan as the offense of conviction" shall be considered relevant conduct.

[27] *See* USSG §1B1.3, comment. (n.3) ("Application of this provision does not require the defendant, in fact, to have been convicted of multiple counts. For example, where the defendant engaged in three drug sales of 10, 15, and 20 grams of cocaine, as part of the same course of conduct or common scheme or plan, . . . the total quantity of

Conversely, grouping also may close the door to what may be considered relevant conduct. If the conduct is, in fact, tied to a separately grouped offense, then that conduct may not be considered relevant to the offense under consideration. For example, if an offender is convicted of one count of money laundering, and one count of fraud, and those counts of conviction are grouped separately, then the funds used exclusively in the money laundering offense likely may not be considered relevant conduct as to the fraud offense.[28]

C. Role in the Offense Sentencing Enhancements

Given the expansiveness of relevant conduct to include the conduct of others even where a conspiracy has not been charged, an offender also may be subject to a sentencing enhancement for his "role in the offense." Section 3B1.1 of the guidelines provides for an upward adjustment of four levels for an offender who "was an organizer or leader of a criminal activity that involved five or more participants or was otherwise extensive," three levels for a defendant who "was a manager or supervisor" involving five or more participants, and two levels otherwise if the defendant nevertheless was an organizer, leader, manager or supervisor. However, "[t]he determination of a defendant's role in the offense is to be made on the basis of all conduct within the scope of §1B1.3 (Relevant Conduct). . . ."[29] The only other limitation on applying this

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cocaine involved (45 grams) is to be used to determine the offense level *even if the defendant is convicted of a single count charging only one of the sales*." Emphasis added).

[28] *See* USSG §1B1.3, comment. (backg'd.) (providing that "when §3D1.2(d) does not apply, so that convictions on multiple counts are considered separately in determining the guidelines sentencing range, the guidelines prohibit aggregation of quantities from other counts in order to prevent 'double counting' of the conduct and harm from each count of conviction."). *But cf.* United States v. Hanley, 190 F.3d 1017, 1033 (9th Cir. 1999) (permitting "trial courts to treat fraudulently derived funds as ' relevant conduct' for sentencing purposes under §2S1.1 only when such funds are co-extensive with the sums involved in money laundering" even when grouping has not occurred); United States v. Nicolaou, 180 F.3d 565, 574 (4th Cir. 1999) (holding that gambling offenses are relevant conduct to money laundering offenses, even when grouping of such offenses was improper, provided that the gambling offenses occurred during commission of, and in preparation for, money laundering). *See also infra* Pt. II (discussing the current circuit split as to whether counts of conviction for money laundering and fraud properly may group).

[29] USSG §3B1.1, intro. comment.

sentencing enhancement is that the "participants" must also be criminally responsible for the commission of the offense of conviction, although they, themselves, need not have been convicted.[30]

Thus, whether offenses group can have massive ramifications for an offender's sentence inasmuch as grouping broadens the scope of relevant conduct which, in turn, can expose the offender to additional sentencing enhancements. It therefore is ironic that grouping is considered "offender-friendly," inasmuch as what the prosecutor was unable to do through the charging process (i.e., use multiple counts to ensure a lengthy sentence), a judge may be able to do through the sentencing process by considering relevant conduct.

II. THE CIRCUIT CONFLICT ON GROUPING MONEY LAUNDERING AND FRAUD

As noted previously, there exists a split among the United States Circuit Courts of Appeal regarding when, if ever, fraud and money laundering counts may be grouped for purposes of sentencing. The leading case discussing the circuit split is *United States v. Napoli*.[31] In *Napoli*, the defendant was convicted in the United States District Court for the Eastern District of New York of one count of conspiracy to commit wire fraud and money laundering in violation of 18 U.S.C. § 371, twenty-one counts of money laundering in violation of 18 U.S.C. § 1956(a)(1)(B), nine counts of wire fraud in violation of 18 U.S.C. § 1343, one count of conspiracy to commit bank fraud in violation of 18 U.S.C. § 371, and one count of bank fraud in violation of 18 U.S.C. § 1344.[32]

On appeal as to the sentence, the central issue presented in *Napoli* was whether the money laundering counts properly could be grouped with the fraud counts. In answering that

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[30] *Id.*, §3B1.1, comment. (n.1).

[31] 179 F.3d 1 (2d Cir.), *cert. denied*, 120 S. Ct. 1176 (1999).

question, the court in *Napoli* first canvassed the decisions in the other circuits courts of appeal, identifying the Fifth,[33] the Seventh,[34] and the Eleventh Circuits,[35] as jurisdictions that allow the grouping of counts of money laundering and fraud. Although not identified by the *Napoli* court, the Third[36] and Fourth Circuits[37] allow grouping of money laundering and fraud counts. Essentially, these five circuits allow grouping because they have found that money laundering and fraud offenses may constitute essential elements of a common criminal scheme.[38]

In contrast, the *Napoli* court identified subsequently the First,[39] the Eighth,[40] and the Tenth Circuits,[41] as jurisdictions that have disallowed the grouping of counts of money

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[32] *See id.* at 3.

[33] *See* United States v. Leonard, 61 F.3d 1181, 1186 (5th Cir. 1995) (grouping where fraud and money laundering "constituted part of the same continuing common criminal endeavor").

[34] *See* United States v. Wilson, 98 F.3d 281, 283 (7th Cir. 1996) (grouping where "the money laundering took place in an effort to conceal the fraud and keep the entire [Ponzi] scheme afloat").

[35] *See* United States v. Mullens, 65 F.3d 1560, 1564 (11th Cir. 1995) (grouping where fraud and money laundering were "integral cogs in [a] continuing ... scheme"). *But see* United States v. McClendon, 195 F.3d 598, 602 (11th Cir. 1999) (distinguishing *Mullens* and holding that fraud and money laundering counts may not be grouped where the laundered funds were not used to further the fraud, but were merely proceeds of fraud).

[36] *See* United States v. Cusumano, 943 F.2d 305, 312-13 (3d Cir. 1991) (permitting grouping because money laundering and fraud were "part of one overall scheme to obtain money from the Fund and convert it to" defendant's use and victim of both offenses was same individual).

[37] *See* United States v. Walker, 112 F.3d 163, 167 (4th Cir. 1997) (permitting grouping where fraud and money laundering offenses were closely related).

[38] *See supra* notes 33 - 37 (discussing cases wherein grouping of money laundering and fraud counts allowed).

[39] *See* United States v. Lombardi, 5 F.3d 568, 570 (1st Cir. 1993) (refusing to group because fraud and money laundering harm different classes of victims).

[40] *See* United States v. Hildebrand, 152 F.3d 756, 763 (8th Cir.), *cert. denied sub nom.* Webb v. United States, --- U.S. ---, 119 S. Ct. 575, 142 L. Ed. 2d 479 (1998) (refusing to group because fraud and money laundering "do not measure the same types of harm"); United States v. O'Kane, 155 F.3d 969, 972-73 (8th Cir. 1998) (refusing to group because fraud and money laundering guidelines measure harm differently).

[41] *See* United States v. Kunzman, 54 F.3d 1522, 1531 (10th Cir. 1995) (refusing to group because fraud and money laundering involve different classes of victims); United States v. Johnson, 971 F.2d 562, 576 (10th Cir. 1992) (refusing to group because fraud and money laundering measure harm differently).

laundering and fraud. Additionally, the Ninth Circuit also has disallowed the grouping of money laundering and fraud offenses.[42] These four circuits have disallowed grouping essentially because they have found money laundering and fraud offenses to harm different classes of victims.[43] Furthermore, these circuits also have noted that the respective guidelines for money laundering and fraud measure the harm caused by each differently, which also precludes grouping these two offenses.[44]

Ultimately, the Second Circuit in *Napoli* agreed with the First, Eighth, Ninth and Tenth Circuits that counts of money laundering and fraud may not group.[45] The Second Circuit held that the defendant's sentence was calculated properly on the basis of separate groups for the fraud and the money laundering counts, reasoning that "§3D1.2(b) only allows for grouping when counts involve the same victim."[46]

> The "victims" of fraud counts are those persons who have lost money or property as a direct result of the fraud. See, e.g., United States v. Kaye, 23 F.3d 50, 53-54 (2d Cir. 1994) (identifying victim of fraud as person who has lost assets because of the fraud). The "victim" of money laundering is, by contrast, ordinarily society at large. See, e.g., United States v. Harper, 972 F.2d 321, 322 (11th Cir. 1992) (per curiam) (remarking that money laundering invades societal, rather than individual, interests); United States v. Lopez, 104 F.3d 1149, 1150 (9th Cir. 1997) (per curiam) (remarking that money laundering is a "victimless crime" that harms society in general).[47]

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[42] *See* United States v. Taylor, 984 F.2d 298, 303 (9th Cir. 1993) (reversing grouping of wire fraud and money laundering counts as they measure harm differently).

[43] *See supra* notes 39 - 42.

[44] *See id.*

[45] *See Napoli*, 179 F.3d at 8 ("[money laundering and fraud may not group]").

[46] *Id.* at 7. Section 3D1.2 of the Federal Sentencing Guidelines requires that "[a]ll counts involving substantially the same harm shall be grouped together into a single Group."

[47] *Id.*

Thus, the Second Circuit concluded that as the victims of fraud and money laundering are of distinct types—only individuals are victimized by fraud, whereas society at large is the victim of money laundering—courts are precluded from grouping convictions for fraud and money laundering.[48] Logically, of course, the Second Circuit would reach the same conclusion for §3D1.2(a), which requires grouping "[w]hen counts involve the same victim and the same act or transaction."

The Second Circuit, however, also addressed the further issue of whether the manner in which the offense levels are determined for fraud and money laundering would allow grouping.[49] The Second Circuit noted that "[s]ome circuits have held that fraud and money laundering counts cannot be grouped under subsection (d) for precisely the same reasons that we reject grouping under subsection (b), namely, that the crimes involve different victims."[50] The Second Circuit, however, rejected this reasoning on the ground that § 3D1.2(d) has no "same victim" requirement.[51] Instead, the Second Circuit conceded that "grouping under subsection (d) essentially involves the aggregation of the various harms to all victims and a consequent determination of the 'total harm or loss' to be associated with the group. The best argument for grouping Napoli's fraud and money laundering counts under this subsection therefore derives from the fact that both [guidelines] measure harm in seemingly aggregable amounts of money."[52]

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[48] Section 3D.2(b) requires grouping for offenses involving the same victim.

[49] Section 3D1.2(d) requires grouping when offense level is determined largely on basis of total amount of harm or loss, quantity of substance involved, or some other measure of aggregate harm, or if offense is ongoing or continuous in nature and offense guideline is written to cover such behavior.

[50] *Napoli*, 179 F.3d at 8-9 (citing United States v. Johnson, 971 F.2d 562, 576 (10th Cir. 1992); United States v. McElroy, 910 F.2d 1016, 1026-27 (2d Cir. 1990) (declining to group receipt of bribes and acceptance of bribes under § 3D1.2(d) because different victims and property were involved in the two sets of crimes)).

[51] *Id.* at 9.

[52] *Id.* at 10.

Nevertheless, the Second Circuit pointed out that "the Introductory Commentary to Chapter 3, Part D directs that with regard to different guidelines that measure harm in monetary values, counts should be grouped, and their numerical quantities added, only when the 'offense guidelines [for the two counts] base the offense level primarily on the amount of money ... involved.'"[53] Therefore, because the Fraud Guideline sets the base offense level at 4, and the Money Laundering Guideline sets the base offense level at 20 or 23, "[t]he offense level for money laundering is not. . . based primarily on the amount of money involved."[54] Accordingly, fraud and money laundering offenses are not of the same "general type."[55] As a result, the Second Circuit concluded that fraud and money laundering offenses also cannot be grouped under § 3D1.2(d) inasmuch as their respective guidelines measure harm differently, albeit aggregately.

In sum, the Second Circuit has held that fraud and money laundering cannot be grouped for two reasons: (1) fraud and money laundering harm different "victims," and (2) the respective fraud and money laundering guidelines measure the harms differently. Four other circuits have agreed, at least in the result; five other circuits have disagreed, allowing grouping of money laundering and fraud at least where the counts pertain to the same scheme or pattern of conduct. The Circuit Courts for the District of Columbia and the Sixth Circuit have yet to weigh in on the matter. Thus, there is an even 5-5 split among the circuits—with two undecided—regarding whether counts of conviction for money laundering and fraud properly may group.

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[53] *Id.*

[54] *Id.*

[55] *See, e.g.*, United States v. Harper, 972 F.2d 321, 322 (11th Cir. 1992) (affirming decision not to group drug trafficking and money laundering offenses insofar as they are neither crimes "of the general same type," nor closely related).

III. CONCLUSION

Although historically rooted in drug crimes, money laundering increasingly has been associated with white collar offenses. According to a recent U.S. Justice Department publication, "'[m]oney laundering may look like a polite form of white collar crime, but it is the companion of brutality, deceit, and corruption.'"[56] Thus, as white collar offenses often involve some sort of fraud, cases involving both fraud and money laundering certainly will increase. Indeed, as the current case law reflects, nearly all of the United States Circuit Courts of Appeal have had the opportunity to consider such cases. Unfortunately, they have split on the important issue of whether money laundering and fraud offenses properly group for sentencing purposes. Until the Commission acts to resolve this split, sentencing in cases involving both money laundering and fraud largely remains uncertain.

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[56] *See* UNITED STATES DEP'T. OF JUSTICE, NATIONAL MONEY LAUNDERING STRATEGY FOR 2000, at 6 (Mar. 2000) (quoting Treasury Secretary Lawrence H. Summers).