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Defining “Different” –How Distinctive Methods of Textual Interpretation Led to the Abduction Enhancement Circuit Split

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Defining “Different”–How Distinctive Methods of Textual Interpretation Led to the Abduction Enhancement Circuit Split

Abstract

This note examines the federal circuit courts’ differing approaches to interpreting the robbery abduction enhancement in the United States Sentencing Guidelines. Specifically, this note sets forth how the Sixth Circuit’s strict method of textual interpretation in United States v. Hill led to the erroneous holding that the term “different location” refers to “a place different from the store that is being robbed.” This note argues the court should have taken a more holistic interpretative approach, taking the underlying purpose of the Guidelines into account.

TABLE OF CONTENTS

I.	INTRODUCTION	3
II.	HISTORICAL BACKGROUND OF THE ABDUCTION ENHANCEMENT	4
III.	FACTS	7
IV.	ANALYSIS OF THE OPINION	7
	<i>A. Judge Murphy’s Opinion</i>	7
	1. Method of Textual Interpretation	7
	2. Five Contextual Reasons for the Holding	9
	3. Rebutting the Government’s Arguments	11
	<i>B. Judge Siler’s Dissent</i>	12
V.	IMPACT AND CONCLUSION	12

I. INTRODUCTION

“[T]he purpose of written instruments is to express some intention or state of mind of those who write them, and it is desirable to make that purpose effectual”¹ Over recent decades, the federal circuit courts have adopted different approaches when applying United States Sentencing Guidelines (U.S.S.G.) section 2B3.1(b)(4)(A) to robbery cases.² This provision—which has come to be known as the abduction enhancement—lengthens sentences for robbery when “any person [is] abducted to facilitate commission of the offense or to facilitate escape”³ The U.S.S.G. commentary defines “abducted” to mean “that a victim was forced to accompany an offender to a different location.”⁴ Interpreting the phrase “different location” has become the focus of the circuit split, with some courts holding that different rooms within the same building will not qualify as a “different location,” and others holding that a different position within the same building satisfies their criteria.⁵ At the crux of this schism is a question that challenges courts to define a central tenet of their textual interpretation methods: should they give more legal weight to the literal meaning of a statute, or to the purpose it is designed to effectuate?⁶

In *United States v. Hill*, the Sixth Circuit applied a strict method of textual interpretation that emphasized the literal meaning of the Guidelines, stating, “[i]n the interpretation of a legal text . . . the way in which a drafter . . . uses an indeterminate word is critical for deciding the word’s meaning”⁷ Further noting that “[c]ontext is key to meaning,” the court went on to engage in a comprehensive contextual analysis of the Guidelines to reach the legal conclusion that “the phrase ‘different location’ is best read to refer to a place

1. Oliver Wendell Holmes, *The Theory of Legal Interpretation*, 12 HARV. L. REV. 417, 419 (1899).

2. Anthony Accurso, *Sixth Circuit Clarifies ‘Different Location’ In Robbery Guidelines Enhancement Commentary Requires More Than Herding Victims To Different Room*, CRIM. LEGAL NEWS (Oct. 15, 2020), <https://www.criminallegalnews.org/news/2020/oct/15/sixth-circuit-clarifies-different-location-robbery-guidelines-enhancement-commentary-requires-more-herding-victims-different-room/>.

3. U.S. SENT’G COMM’N, GUIDELINES MANUAL § 2B3.1(b)(4)(A) (2018).

4. *Id.* § 1B1.1 cmt. 1(A).

5. Accurso, *supra* note 2.

6. See *Statutory Interpretation: Theories, Tools, and Trends*, EVERYCRSREPORT.COM, <https://www.everycrsreport.com/reports/R45153.html> (updated Apr. 5, 2018) (addressing the different methods of statutory interpretation that judges use).

7. *United States v. Hill*, 963 F.3d 528, 529–30 (6th Cir. 2020).

different from the store that is being robbed.”⁸

This Note examines how the Sixth Circuit’s textual interpretation technique in *Hill* led to the erroneous holding that a “different location” should “refer to a place different from the store that is being robbed.”⁹ Part II provides a historical background of the abduction enhancement.¹⁰ Part III delineates the facts and procedural posture of the *Hill* case.¹¹ Part IV analyzes the majority and dissenting opinions, and reflects on how these opinions are informed by different approaches to textual interpretation.¹² Part V acknowledges how the *Hill* holding fits into the current circuit split and recognizes that when courts apply an analysis that takes the purpose of the Guidelines into consideration, the dangers of “double counting”¹³ can easily be avoided.¹⁴

II. HISTORICAL BACKGROUND OF THE ABDUCTION ENHANCEMENT

In 1984, Congress enacted the Sentencing Reform Act, which established the United States Sentencing Commission (the Commission).¹⁵ The Commission subsequently authored the Federal Sentencing Guidelines (the Guidelines), largely “[w]ith the goal of ‘minimiz[ing] the discretionary powers of the sentencing court’”¹⁶ The Guidelines established a system where courts would determine a base offense level and then apply modifications to this level based on “specific offense characteristics.”¹⁷ Among these characteristics is a four-level enhancement applied to robbery cases if “any person was abducted to facilitate commission of the offense or to facilitate escape . .

8. *Id.* at 530.

9. *Id.*

10. *See infra* Part II.

11. *See infra* Part III.

12. *See infra* Part IV.

13. “Double counting” is prohibited under the Sentencing Guidelines and occurs when a court “imposes two or more upward adjustments within the same Guideline range, when both are premised on the same conduct.” *See United States v. Reynos*, 680 F.3d 283, 291 (3d Cir. 2012).

14. *See infra* Part V.

15. David J. Sandefer, *To Move or Not to Move? That is the Metaphysical Question*, 85 U. CHI. L. REV. 1973, 1975 (2018). The Sentencing Reform Act was part of the broader Comprehensive Crime Control Act of 1984. *Id.*

16. *Id.* at 1976 (alteration in original) (citing United States Sentencing Commission, *Guidelines Manual* § 1A3 at 1.2–1.3 (1987)). The Guidelines were also established to bring greater uniformity to sentencing. *Id.* (noting that Congress was attempting to bring uniformity to sentencing).

17. *Id.*

. . .¹⁸ The interpretation of this provision resulted in a “true ‘split of authority,’” stemming from courts’ “dissimilar interpretations of the phrase ‘different location.’”¹⁹

In *United States v. Hawkins*, the Fifth Circuit established a flexible, case by case approach to interpreting the phrase “different location” as it appears in the U.S.S.G.²⁰ There, the court acknowledged that while movement across a threshold from the inside to the outside of a building may support a “conclusion of ‘different locations,’ the absence of such facts does not bar such a conclusion.”²¹ In addition, the majority expressly advised against overanalyzing the Guidelines’ language, stating, “it would be unduly legalistic, even punctilious, of us to say . . . that something as coincidental and insignificant as a lot line or doorway could make or break the determination of ‘different location.’”²²

In *United States v. Osborne*, the Fourth Circuit built on *Hawkins*’ flexible approach by considering the purpose for the abduction enhancement.²³ The court noted “the abduction enhancement is intended . . . to protect victims against the additional harm that may result from being forced to accompany an offender”²⁴ With this in mind, the court found the abduction enhancement *did* apply, in part because “Osborne engaged in conduct plainly targeted by the abduction enhancement: keeping victims close by as readily accessible hostages.”²⁵

In *United States v. Eubanks*, the Seventh Circuit overruled a district court opinion that relied on the *Osborne* court’s examination of the purpose for the

18. See U.S. SENT’G GUIDELINES MANUAL § 2B3.1(b)(4)(A) (U.S. SENT’G COMM’N 2018). The Guidelines also established a two-level sentencing enhancement that courts apply “if any person was physically restrained to facilitate commission of the offense or to facilitate escape.” See Sandefer, *supra* note 15, at 1977 (quoting U.S. SENT’G GUIDELINES MANUAL § 2B3.1(b)(4)(A) (U.S. SENT’G COMM’N 2018)).

19. See Sandefer, *supra* note 15, at 1979.

20. Rebekah Nickerson, *Examining the Need for a Unified Theory Among the U.S. Federal Circuits in the Application of the Sentencing Enhancement of Abduction in Crimes of Robbery*, 49 UNIV. BALT. L. REV. 417, 427 (2020).

21. *United States v. Hawkins*, 87 F.3d 722, 727 (5th Cir. 1996).

22. *Id.* at 728. The Fifth Circuit later reaffirmed both its flexible approach to interpretation and its view that the abduction enhancement is “applicable when a victim is forced from one part of a building to another.” See *United States v. Buck*, 847 F.3d 267, 276–77 (5th Cir. 2017).

23. *United States v. Osborne*, 514 F.3d 377, 387 (4th Cir. 2008).

24. *Id.*

25. *Id.* at 390.

Guidelines.²⁶ While noting that “there may well be situations in which an abduction enhancement is proper even though the victim remained within a single building,” the *Eubanks* court found the enhancement did not apply as it did in *Osborne* because, in its view, “the distance and nature of the confinements in this case were materially different than in *Osborne*.”²⁷

In *United States v. Reynos*, the Third Circuit established a unique approach that delineated “three predicates that must be met before the abduction enhancement can be applied.”²⁸ The court stipulated: (1) “the robbery victims must be forced to move from their original position;” (2) “the victims must accompany the offender to that new location;” and (3) “the relocation of the robbery victims must have been to further either the commission of the crime or the offender’s escape.”²⁹ The primary issue in *Reynos* revolved around the third predicate, specifically, whether a distance of thirty-four feet could constitute a “different location.”³⁰ The court was persuaded by the reasoning in *Hawkins* and *Osborne*, and ultimately concluded that such a distance did constitute a “different location” based on the facts of the case.³¹

By contrast, the Eleventh Circuit in *United States v. Whatley* focused more on the “ordinary meaning” of the term “different location.”³² The court found the enhancement did not apply and further contended that interpreting the abduction enhancement to apply to conduct within the same building would “blur the distinction between physical restraint and abduction.”³³

26. *United States v. Eubanks*, 593 F.3d 645, 653 (7th Cir. 2010). The district court had found that moving victims between rooms was sufficient because it increased “the likelihood that the [victim] would resist and thus increas[ed] the chance of injury.” *Id.*

27. *Id.* at 653–54. In so doing, the court acknowledged the importance of examining the offender’s conduct and the level of danger it posed to the victims. *Id.*

28. *United States v. Reynos*, 680 F.3d 283, 286 (3d Cir. 2012).

29. *Id.* at 286–87. The Tenth Circuit later adopted the same three-part test. *See United States v. Archuleta*, 865 F.3d 1280, 1288–89 (10th Cir. 2017).

30. *Reynos*, 680 F.3d at 289–90. The court provided an example where a desk in a judge’s private office could constitute a different location from a conference table in the same office. *Id.* at 290.

31. *Id.* at 291. The court found the presence of a locked door, separate walls, and the distance between the two areas at issue were sufficient to consider them “different location[s].” *Id.*

32. *United States v. Whatley*, 719 F.3d 1206, 1222 (11th Cir. 2013). The court stated that, in its view, the ordinary meaning of the term “different location” would not apply to “each individual office or room” in the bank, but rather, that the bank “would be treated as a single location.” *Id.*

33. *Id.* at 1223.

III. FACTS

On August 27, 2016, Tramain Hill and an accomplice robbed a Universal Wireless cell phone store in Coldwater, Michigan.³⁴ During the course of the robbery, the culprits led three employees and a customer from the sales floor to a back breakroom at gunpoint.³⁵ Inside the breakroom, the robbers bound the victims’ wrists and ankles with zip ties.³⁶ Hill and his accomplice then robbed the store of cell phones and cash totaling more than \$42,000 and ran out the back door to an awaiting getaway car driven by a third accomplice.³⁷

At trial, Hill pleaded guilty to Hobbs Act robbery and aiding and abetting Hobbs Act robbery.³⁸ Pursuant to U.S.S.G. section 2B3.1(b)(4)(A), the presentence report recommended increasing Hill’s base offense level by four under the enhancement that applies “[i]f any person was abducted to facilitate commission of the offense or to facilitate escape”³⁹ The district court, persuaded by the Fifth Circuit’s opinion in *Buck*, applied this four-level enhancement at sentencing.⁴⁰ Hill subsequently appealed the district court’s application of the four-level abduction enhancement to the Sixth Circuit.⁴¹

IV. ANALYSIS OF THE OPINION

A. *Judge Murphy’s Opinion*

The Sixth Circuit reached an erroneous holding in *Hill*, as its conclusion was derived from excessive emphasis on the linguistic context of the Guidelines without giving proper attention to their intended purpose.⁴²

1. Method of Textual Interpretation

Immediately recognizing the holding of the case would turn on how the

34. *United States v. Hill*, 963 F.3d 528, 530 (6th Cir. 2020).

35. *Id.*

36. *Id.*

37. *Id.*

38. *Id.*

39. *Id.*; see also U.S. SENT’G GUIDELINES MANUAL § 2B3.1(b)(4)(A) (U.S. SENT’G COMM’N 2018).

40. *Hill*, 963 F.3d at 530–31.

41. *Id.* at 531.

42. See *infra* Section IV.A.1.

court would define the phrase “different location,” and the impact its chosen method of textual interpretation would have on defining this phrase, Judge Murphy began his opinion by indicating that the phrase’s context within the Guidelines would be “key” to establishing its meaning.⁴³ He then further illustrated his view that context is “critical” to deciding a word’s meaning by contrasting two examples of how, depending on the surrounding context, the phrase “different location” could be used to refer to objects in two different stores, or to objects in different areas of the same store.⁴⁴

In establishing its standard of review, the court importantly suggested that the case “turn[ed] *mostly* on ‘the meaning of the words’ in [the] guideline”⁴⁵ The court then went on to provide a summary of other circuit opinions that had defined the phrase “different location” as it appears in the Guidelines and endorsed the position taken by the Seventh, Tenth, and Eleventh Circuits by concluding that “one area in a robbed store or bank generally will not qualify as a ‘different location’ from another area of that same store or bank.”⁴⁶

Judge Murphy then delved further into the basis for the court’s chosen approach to textual interpretation.⁴⁷ Noting “we must start with the text,” the court began its examination of the text by looking to how dictionaries defined the words “location” and “different” at the time the Sentencing Commission initially used them in 1987.⁴⁸ The court cited three different dictionaries published from 1987 to 1990 and concluded that a “different location” was best

43. *Hill*, 963 F.3d at 529–30.

44. *Id.* While textual context is certainly worthy of examination in establishing a legal phrase’s meaning, it should not be a court’s sole consideration. See *Statutory Interpretation: Theories, Tools, and Trends*, *supra* note 6 (examining the positive and negatives of examining context when interpreting a statute). The court provided no indication it would examine the intended purpose of the abduction enhancement, overlooking an important public policy consideration that focuses on how the safety of robbery victims can best be ensured. See Carter Ostrowski, *What Constitutes “Abduction” During a Robbery? The Circuit Split Over the Definition of “Different Location”*, UNIV. OF CINCINNATI L. REV. (Dec. 28, 2020), <https://uclawreview.org/2020/12/28/what-constitutes-abduction-during-a-robbery-the-circuit-split-over-the-definition-of-different-location/> (discussing the public policy concerns of protecting robbery victims).

45. *Id.* at 531 (emphasis added) (citation omitted). Based on the court’s opinion, it is clear they believed the case turned *exclusively* on the “meaning of the words,” with no attention given to the intent behind those words. See *supra* note 44 and accompanying text.

46. *Id.* at 532.

47. *Id.*

48. *Id.* The fact that the court recognized the importance of adopting the Commission’s point of view regarding the *meaning* of the words it used in the Guidelines makes its decision not to discuss the Commission’s point of view regarding the *intent* of the Guidelines all the more unsatisfactory. *Id.*

defined as “a separate or distinct place or site.”⁴⁹ However, the court quickly acknowledged “the choice among meanings must have a footing more solid than a dictionary” because the phrase “different location” could be interpreted at different levels of generality.⁵⁰

The court then determined that because of the range of meanings for the phrase “different location,” context should “play the crucial role.”⁵¹ The court went on to say, “we must examine the whole text and structure to decide how a ‘normal speaker of English’ would understand the words ‘different location’ in the ‘circumstances in which they were used.’”⁵²

2. Five Contextual Reasons for the Holding

First, the court looked to place the Guidelines’ general definition of “abducted” within the context of the abduction enhancement.⁵³ Citing a definition of “location” as “the place . . . of [an] activity,” the court reasoned that because the activity in this case was a robbery, and individuals would typically describe a store as being robbed as opposed to a specific room of the store being robbed, the appropriate level of generality for the term “different location” must be the entire store itself.⁵⁴

Next, the court sought to interpret the phrase “different location” in a manner that “best comports with the rest of the commentary’s ‘abducted’ definition.”⁵⁵ The *Hill* court relied on a comparison to *Whitfield v. United States*, where the Supreme Court held that while the word “accompany,” as used in

49. *Id.*

50. *Id.* at 533 (citation omitted). The court demonstrated this multiplicity of meanings by contrasting several hypothetical examples where “different location” would refer to a different building with counterexamples where the same phrase would refer to a different room within the same building. *Id.*

51. *Id.* at 533 (citing a suggestion from Justice Scalia that context is “a primary determinant of meaning”).

52. *Id.* (quoting Holmes, *supra* note 1, at 417–18). The use of the word “must” implies the court took this position to conform to binding precedent. *See, e.g.,* Benjamin N. Cardozo, *The Nature of the Judicial Process* 24, 28 (“[T]he problem which confronts the judge is in reality a twofold one; he must first extract from the precedents the underlying principle . . . he must then determine the path or direction along which the principle is to move and develop, if it is not to wither and die.”). In actuality, the court borrowed this view from a law review article, indicating it chose this method of textual interpretation by its own volition. *Hill*, 963 F.3d at 533 (citing Oliver Wendell Holmes, *The Theory of Legal Interpretation*, 12 HARV. L. REV. 417, 417–18 (1899)).

53. *Hill*, 963 F.3d at 533.

54. *Id.* at 533–34.

55. *Id.* at 534.

18 U.S.C. § 2113(e), “[did] not ‘connote movement over a substantial distance,’ it [did] require more than ‘minimal movement’”⁵⁶ Although the Supreme Court further stipulated that movement within a room would satisfy the definition of “accompany” under the statute, the Sixth Circuit concluded in *Hill* that under this definition, “[i]f the Sentencing Commission meant for that short movement to count, it had no reason to add the phrase ‘different location.’”⁵⁷ The *Hill* court’s reasoning here is flawed because the Supreme Court’s interpretation of the term “accompany” as held in *Whitfield* was not available to the Sentencing Commission in 1987.⁵⁸ Thus, the suggestion that the Commission would have had no reason to add the phrase “different location” based on this modern interpretation of “accompany” does not follow.⁵⁹

Thirdly, the court acknowledged this interpretation agreed “with the example that the commentary’s definition identifies” as an abduction.⁶⁰ The court notes that the commentary states, “For example, a bank robber’s forcing a bank teller from the bank into a getaway car would constitute an abduction,” adhering to the court’s view that “the place to which a robber accompanies a victim must be different from the robbed store itself.”⁶¹

Fourth, the court provided that the words “different location” must be construed as part of the larger process of determining the meaning of the term “abducted.”⁶² After it admitted that “most people today would not associate [“abducted”] with the extended movement required for a common-law kidnapping . . .” the court reasserted, “‘abduct’ still conveys more movement than from a sales floor to a back room.”⁶³ The court also noted that while some states require “only ‘trivial’ movement ‘from one room to another’ within a

56. *Id.* (citing *Whitfield v. United States*, 574 U.S. 265, 267–68 (2015)).

57. *Id.*

58. *Whitfield*, 574 U.S. at 265 (2015) (highlighting that this case was decided in 2015 and the Sentencing Commission wrote the Guidelines in 1987).

59. *Hill*, 963 F.3d at 534. It would have been more appropriate for the court to investigate how the term “accompany” was interpreted at the time the Commission created the Guidelines, just as the court found it necessary to define “different location” based on the definitions that were available to the Commission in 1987. *Id.* at 533 (defining “different location” based on the definitions that were accessible in 1987).

60. *Hill*, 963 F.3d at 534.

61. *Id.* *But cf.* *United States v. Whatley*, 719 F.3d 1206, 1223 (11th Cir. 2013) (noting that the commentary’s “illustrations . . . are listed by way of example rather than limitation”). Under *Whatley*, the mere fact that the court’s reasoning agrees with the commentary’s example does not limit the validity of other interpretations. *Id.*

62. *Hill*, 963 F.3d at 535.

63. *Id.*

‘place of business,’” this reading of the term was criticized as an “absurdity” by the drafters of the Model Penal Code.⁶⁴

Finally, the court looked to the overall structure of the robbery guideline.⁶⁵ In so doing, the court compared the abduction enhancement to the lesser, two-level enhancement for “physically restraining” a victim.⁶⁶ The court determined that because “movements within a store typically will occur whenever a robber ‘physically restrains’ a victim,” it would “blur the distinction between physical restraint and abduction” to treat the movement “typically associated” with physical restraint as satisfying the criteria for abduction.⁶⁷

3. Rebutting the Government’s Arguments

The court then refuted two arguments the government presented.⁶⁸ First, the court addressed the government’s argument that the word “location” can only mean “the specific spot where a person stands.”⁶⁹ The court rejected this reasoning, holding that while “location” can have this definition, it can be understood at a different level of generality based on the context.⁷⁰ The court went on to discredit the government’s argument, with its critique primarily centered around the government’s choice to ignore the “contextual clues on which we have relied,” including the ordinary meaning of the word “abducted” and the overall structure of the robbery guideline.⁷¹ The court then responded to the government’s arguments focused on precedent and distinguished *Hill* from the cases provided by the government based on the fact that none of the cited opinions involved “victims being moved within the location

64. *Id.* Curiously, the court then immediately dismissed state kidnapping laws as irrelevant to determining whether trivial movement would fall within the meaning of the word “abducted.” *Id.* This quick introduction and dismissal of state kidnapping law appears merely to be a vehicle for the court to tie in the Model Penal Code’s commentary criticizing how those laws have been interpreted. *Id.*

65. *Id.*

66. *Id.*

67. *Id.* (citation omitted). *But cf.* *Whitfield v. United States*, 574 U.S. 265, 269 (2015) (rebutting the argument that two lesser provisions of section 2113 would be rendered pointless under the court’s interpretation of movement because conduct that may typically occur does not *always* occur, and thus is distinguishable).

68. *Hill*, 963 F.3d at 536.

69. *Id.*

70. *Id.* at 536–37.

71. *Id.* at 537.

being robbed.”⁷²

B. Judge Siler’s Dissent

Judge Siler’s brief dissenting opinion praised the “engaging and intellectual analysis” the majority opinion presented but reached a different conclusion primarily based on precedent.⁷³ The opinion noted that the interpretation of “different location” as referring to a different area within the same building “is most common in the federal courts.”⁷⁴ The dissent also disagreed with the majority’s distinction of the present case from *Kavo* because although *Kavo* involved a different crime, it similarly involved an offender moving a victim to a different location within the same building.⁷⁵

V. IMPACT AND CONCLUSION

Hill joins the decisions of *Whatley* and *Eubanks* in interpreting the phrase “different location” as not including positions within the same building.⁷⁶ The stark divide between the federal circuit courts in their interpretation of the phrase “different location” is a direct affront to the stated goals of the Sentencing Reform Act and requires a binding resolution.⁷⁷ While some have argued the danger of “double counting” necessitates a clearer distinction between the abduction enhancement and the physical restraint enhancement in line with the holdings of *Hill*, *Whatley*, and *Eubanks*, this danger is overstated and can easily be avoided with precise judicial analysis that takes the Guidelines’ underlying purpose into consideration.⁷⁸

“[D]ouble counting” occurs when a court “imposes two or more upward adjustments within the same Guideline range, when both are premised on the same conduct.”⁷⁹ In *Reynos*, the defendant argued the district court’s sentence amounted to “double counting” because the court “enhanced his offense level

72. *Id.* at 537–38. The court reasoned that its holding in *United States v. Kavo*, 128 F.App’x 447 (6th Cir. 2005) was not analogous because under a “case-by-case approach,” the context clues of that case may or may not have called for a different understanding of “location.” *Id.* at 538.

73. *Id.* (Siler, J., dissenting).

74. *Id.*

75. *Id.* at 538–39.

76. *See supra* Part II.

77. *See Sandefer, supra* note 15.

78. *See Nickerson, supra* note 20, at 434.

79. *United States v. Reynos*, 680 F.3d 283, 291 (3d Cir. 2012).

for abduction premised on the fact that he used a handgun.”⁸⁰ However, the Third Circuit determined that the district court’s application of the enhancement addressed a separate harm, namely, “the endangerment of the pizza shop workers by moving them to a different location in order to facilitate the commission of Reynos’ offense.”⁸¹

The Sixth Circuit’s opinion in *Hill*, while commendable for its attention to linguistic details, fell short due to its disregard of an essential public policy consideration—the safety of robbery victims.⁸² With the circuit courts deeply divided in their interpretations of the phrase “different location,” the opportunity to provide clarification to this phrase now rests at the feet of the Supreme Court.⁸³ When the Court takes up this issue, it should apply a balanced analysis that considers both the literal meaning of the Guidelines *and* the purpose they were designed to effectuate.⁸⁴

Adam Manaa*

80. *Id.* at 292.

81. *Id.* The court was able to provide a clear resolution precisely because it accounted for the Guidelines’ underlying purpose. *Id.*

82. *See supra* note 44 and accompanying text (discussing the court’s failure to take into consideration important public policy concerns).

83. *See Ostrowski, supra* note 44 (highlighting the impact of the circuit split on the definition of “abduction” during a robbery”).

84. *See supra* Part V.

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